Albemarle County Planning Commission
September 14, 2010

The Albemarle County Planning Commission held a meeting on Tuesday, September 14, 2010, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Don Franco, Calvin Morris, Linda Porterfield, Ed Smith, Mac Lafferty, Duane Zobrist, Vice Chair, and Thomas Loach, Chairman. Julia Monteith, AICP, non-voting representative for the University of Virginia was present.

Other officials present were Bill Fritz, Director of Current Development, Megan Yaniglos, Senior Planner; Lee Catlin, Assistant to the County Executive for Community and Business Partnerships; Phil Custer, Civil Engineer; Susan Stimart, Business Development Facilitator; Wayne Cilimberg, Director of Planning; and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Mr. Loach called the regular meeting to order at 6:00 p.m. and established a quorum.

Committee Reports:

Mr. Loach invited committee reports.

- Mr. Morris reported that the missions have been altered quite a bit for the advisory committees for Crozet, Pantops, and the Village of Rivanna when it comes on line. Mr. Loach noted that staff would cover that issue in the review of the Board actions.

- Mr. Lafferty reported that CHART met and received an interesting presentation on ITE, which is the Intelligent Transportation Systems. He announced the following: Governor McDonnell proclaimed September 12 – 18 an official Virginia Cycling and Pedestrian Awareness Week. He noted the following:
  - Last Thursday a press conference was held to announce the results of Bike Charlottesville's Bicycling Survey. A majority of the 600 participants (UVA students on summer break) want better, safer connectivity between destinations. In Virginia, 9.6% of all trips are by bike or foot.
  - These forms of transit make up an important part of the way we move about. Why do we share the road so poorly and not include more design for human powered transit in our planning?
  - Have you ever tried to cross 29 N as a pedestrian or on a bicycle? Our roads divide our county into isolated sections for the cyclist and pedestrian.
  - Where is the concept of Complete Streets and connectivity?
  - . . . What happened at Old Trail? There are no bike lanes. The explanation given was that the sidewalks were made extra wide to accommodate both pedestrians and bicycles. We need, as a Planning Commission, the opportunity to catch these types of errors.
  - We should make it our responsibility to make sure that our neighborhoods are safe, connected and all new construction complies with the concept of complete streets (multi-modal transportation).

There being no further committee reports, the meeting moved to the next item.

Other Matters Not Listed on the Agenda from the Public:

Mr. Loach invited comment from the public on other matters not listed on the agenda or an item on the consent agenda. There being none, the meeting moved to the next item.

Review of Board of Supervisors Meeting – September 1, 2010 & September 8, 2010

Mr. Cilimberg summarized the actions taken by the Board of Supervisors on September 1, 2010 & September 8, 2010.

- At the September 1, 2010 meeting, the Board received a report on the restructuring of the community advisory councils most specifically as pertains to the Crozet and Pantops Advisory Councils at this point. It ultimately would apply to other councils as they are created, which would scale back their meetings based on the staffing available to support the councils. Each of the councils would meet three times in a year. There would also be an annual meeting of all the councils together. There would be some redefinition of the charge for the councils. The Board did support the recommendations as they were provided. He offered to answer any questions. Lee Catlin is also present and can answer specific questions.

Several Commissioners expressed concerns regarding the restructuring and scale back of the community advisory councils most specifically as pertains to the Crozet and Pantops Councils as noted in the following discussion.

Mr. Loach did not think it was a very good idea what is occurring with the advisory councils. The Planning Commission Advisory Council has been indispensible in making decisions in his district since he gets a broad spectrum of community and public feedback and input. What unnerves him was when voting on the fees some of the Commissioners wanted to make sure the fees were adequate to ensure Planning staff had enough staff to do their job. It went to the Board and they lowered the fee structure again. Now they were hearing there was not enough staff for the advisory committees and they were going to cut down on the meetings. He felt that was backwards, particularly on the same night the Commission was hearing about a new Economic Vitality Plan. All of this economic vitality is going to occur in the growth areas. On one hand, they are saying they want more growth and development with a much higher intensity of industrial, and at the same time were saying they don't have enough staff for the advisory boards. As far as he knows in Crozet, they are going to continue to meet with the Supervisors on a regular basis. He did not think that there is a need for the amount of staff that they have at meetings now since the master plan is coming to an end and will be going to public hearing. He was disappointed to hear that the Board has taken this position.

Lee Catlin said it was really important to realize that this was a resource decision that staff brought to the Board for their discussion. It was pretty clearly stated during the budget process last year, which was the budget that was being considered by the Board, that if it was adopted there were two very clear statements made. One of them was that support to master planning advisory councils would be reduced. Another statement was that support to other appointed boards and commissions that were not considered core services would also be reduced. That would just be one of many of the service reductions that would have to result from that budget. There was no one from the public who came out and said that was an issue or a concern for them. Therefore, she would imagine from the Board's perspective that they did not hear enough that lead them to believe that was something the community was not willing or interested in accepting. They have now gotten to the place where the budget or staff reductions have happened as the budget said. A position in her office and at least three positions in Planning were eliminated. She wanted to make sure that people realize that this is not something that staff wished to do or desired to do.

Mr. Loach pointed out at the Crozet Community Advisory Committee meeting the committee made it very clear that they wanted to continue to meet even if it was with less staff. They felt that it was important to meet. The other point was that it was counter intuitive when the Planning Commission says they would recommend this level of fee structure to make sure that there is adequate staffing from Planning, have it reduced and then have the Board say that they will have less meetings and then bring before them an Economic Vitality Plan. At the same time, it is going cost the need for more staff and they want to put it in the growth area where the master plans are.

Ms. Catlin said she understood his concern. They have considered the community advisory councils to be a very valuable resource for staff as well. To address his issue about continuing to meet when staff may not be available, they are working right now and as a matter of fact have worked today on putting together how they think that could happen best. The problem they get into with a Board appointed committee, as they discussed with the Board, is they are a publicly appointed body. There are FOIA

requirements and many of the same things that the Planning Commission has to deal with that unfortunately they are tangled up in. They have to have meetings posted, minutes, and agendas. Some of those things the advisory councils can do pretty easily by themselves. However, some of the things get a little bit complex and they get into some potential legal issues or trouble if they are not attended to carefully. Therefore, they recognize that groups may want to meet more frequently than staff currently is able to support. They want to give the best guidance and procedures for how that can happen. However, they also want to make sure that people don't get into a position where they are compromised because something has not happened the way it needs to according to legal requirements of a public body.

Mr. Loach noted on the positive side he would like to see the advisory committees meet as a group on a quarterly or semiannually basis so that the groups could come up with an action agenda for all of the development areas.

Ms. Catlin pointed out in the executive summary that went to the Board they did say this issue could be revisited. If there were a desire to get back to that higher level of support, staffing resources would need to be dedicated back to it, and that is something that again would come up at a budget discussion. If it were an important community value and important value for the Planning Commission, then that would be the time when it really does need to be discussed and brought to the attention of the Board.

Ms. Porterfield asked when is the Council for the Village of Rivanna going to be appointed.

Ms. Catlin replied her understanding was the Rivanna Master Plan acknowledged since it is such a small area, there are virtually no implementation issues related to that, and much of the area is to remain the way it is that they would invite the Rivanna Stakeholder Group plus anybody else that was interested to the annual meeting. That would provide an opportunity to have them be part of the development area at that time, which would be their advisory council moment.

Ms. Porterfield asked if they were not going to staff even a semiannual meeting for the Stakeholder group, and Ms. Catlin replied that was correct.

Ms. Porterfield said they were taking one development area that has an adopted master plan and dealing with it differently than they are with the other two areas that have adopted master plans.

Ms. Catlin replied that her understanding was the need is driven by the level of activity and the level of master plan. It was really about master plan implementation advising if the master plan for this moment in time does not have significant implementation activity, that the need is not as great. If there were considered to be a level of master plan implementation that would require more frequent interaction with the Village of Rivanna at some point in time, they could do something on a more regular basis.

Ms. Porterfield said they have had some significant problems in the area. In fact, one of the issues came up within the last ten days that involved staff. They need communication. If they lose communication, they are in real trouble. She could say that for this particular development area. She would suggest that it could happen in the other master-planned areas too if they lose communication.

Ms. Catlin noted that was a good point. Part of what they talked to the Board about the councils was that they paired the need to reduce meetings because of staff support with the concept that new kind of electronic communication and other things can sometimes take the place of meetings. It does not have to be a meeting. There are more sophisticated tools now that make that available. If the communication is an issue, that is something they can look at. Whether that requires more regular meetings would be hard to say. When they talked to the Board, there was the need to reduce meetings due to staff shortage.

Ms. Porterfield noted that the situation that came up was a lack of communication between staff, herself, and other people. She was questioning that the Stakeholders were going to exist, but they would not be an appointed body.

Ms. Catlin replied that is the way it stands right now in the Village of Rivanna Master Plan.

Ms. Porterfield said they could elect to meet. If they come up with problems or things to be addressed, then could they bring those to Mr. Cilimberg.

Mr. Cilimberg replied that they would provide the concerns to them to decide where they would best be addressed. Staff would be glad to be the conduit.

Mr. Loach asked if Ms. Porterfield had a problem with their advisory board not being recognized as an official advisory council.

Ms. Porterfield said she had a huge problem with it. She did not like it when they were doing the master plan, but that seemed to be the way staff was pushing and what they ended up with. She did not like it and felt it was inconsistent in this county to treat two areas differently than the third. She felt that was wrong. It would seem that the easiest way to solve it is to not do that, go ahead, and appoint. However, if they were not going to appoint she certainly wants the people out in the Village of Rivanna to have the ability to meet as regularly as the other two areas. It would be good for the Village of Rivanna to be included in the big meeting. However, she did not think it was a great solution. Personally, this is one she wished staff had brought into the Commission before they took it to the Board so the Commission could have at least gone on record as to whether or not they supported what staff was recommending. To think that the community at large is going to come in and discuss these things is incorrect because they don't know what they are gaining or losing to many extents because they have not used it the most. The Crozet Advisory Council has been the most active and moving forward, but the Village of Rivanna would not even get the opportunity.

Ms. Catlin said when staff talked to the Board they refocused on the fact that the advisory councils were never intended to substitute for or take the place of every kind of community organization and advocacy group that was out there. They were supposed to perform a pretty narrowly defined function along with and in tandem with groups like the CCAC, business associations, and homeowner's associations. She did not want people to think that it is either an advisory council or nothing in terms of engagement with the community with the community's ability to come together to talk about important things, and to bring those important things to the Board and Planning Commission. They would always engage with community groups at the level that they always have whether it is Glenmore, a homeowner's association, the CCAC, or the Pantops Business Council. Advisory councils were never meant to be the only vehicle for that. Advisory councils were intended to be the master plan implementation liaison with the community. She hoped that people would still intend to engage actively in all those other ways that a community should organize, come together, and advocate for themselves with the County.

Mr. Lafferty said one of the things in having these community associations, particularly the CCAC, was to generate trust between the public and the County. He thought that they were going to lose that by backing away. He understands it is a staffing problem. He could certainly see an amount of irony that they were saying they have to pull back from the public because of staffing problem and then they are going to be looking at a plan that requires more staff time. It is just inconsistent to have those two thoughts in his head at the same time.

Mr. Morris said this might be the catalyst that they can create their own Pantops Community Association and ensure that no more than two members of the Pantops Community Advisory Council are on that so that there is no conflict with three people who are on the Advisory Council being at a meeting. It would not meet all the bells and whistles this does. Really, Crozet has that. The Crozet Community Association has been in existence for almost 50 years.

Mr. Loach replied yes, but the difference is that the CCAC is a recognized body appointed by the Board. He felt that was very important. Two, they were defined to deal with the master plan. The fault in the logic was that the master plan was a once in five year type of thing. Once the master plan gets past the public hearing, there is no need for further public input until the next five year review, which was done on a regular ongoing basis. What he was saying is he did not think annually is enough. They just learned and had the communication problem with the Restore N' Station. Ms. Porterfield just mentioned another communication problem. The advisory boards are intelligent enough to set up their schedule to meet the needs for the development load of the growth area. In Rivanna, the need might not be as great as

Crozet, which is certainly booming. It also would be different from Pantops where they have to deal with where the Eastern Bypass is going. They should meet the needs of the community within the context of the master plan. As long as they are doing that within the context of the master plan, he was not sure what he sees what the problem is.

Ms. Catlin noted the only problem she sees is they have had to make some really tough staffing decisions. She agreed that they did not come to the Board and say can we please reduce these limits.

Mr. Loach said it goes back to his original point of what the Planning Commission recommended was not approved and the result of it is. He asked who is paying for it? It is the very people in the growth area who are not targeted by the economic stimulus.

Mr. Franco said he did not agree with what he was saying. They have to look at it as an opportunity. Being a citizen means they have certain responsibilities. If they continue to meet not as Crozet Community Association but to be engaged under a different name, they can still be engaged. They don't have the requirements of FOIA and many other requirements. However, they can continue to be engaged as a community. They are simply not going to get the staffing from the County to do that. He did not know that was going to make a big difference. He thought it was actually giving them the flexibility to meet quickly on issues that are coming up and other things.

Mr. Loach noted that was exactly what he had said. First, he did not think they need as much staff as they have now that the master plan has gone before the public hearing and approved. Therefore, they don't need three or four staff members there at a meeting. He was not sure they need one staff member there unless there is something germane on the agenda that they think they need an answer from staff. One of the problems they have come up in Crozet is that in the original master plan it said they would have a community planner. They did have that for the longest time with Rebecca Ragsdale. Now all of a sudden Ms. Ragsdale has gone to zoning and they don't have that. Mr. Lafferty brings up a good point. One of the things that the CCAC did was to bring back the trust that there was between staff and the community after the first master plan.

Mr. Franco said they don't have to lose that trust because they are losing the staffing.

Mr. Loach pointed out that he was arguing they should not lose the Advisory Council as appointed bodies from the Board. Secondly, who would be short changed when they reduced the amount of dollars for staffing. If a development plan is submitted to the County, they are mandated by law a certain amount of days to do certain things. It is not that way with the community. The community does not have that luxury because the law mandates it. He was saying they could continue on a reasonable basis within the confines of the master plan needs. In other words, if there is a lot of development activity as a result of either the master plan or the economic stimulus plan then these advisory committees may have to meet more regularly than not.

Mr. Franco said losing the staff creates that flexibility for them. What he was hearing was the big difference is they may no longer be an appointed body with that role.

Ms. Catlin pointed out the Board and staff certainly did not support that there would not be appointed advisory councils. She wanted to make that very clear. She thought the discussion was the amount of workload and staffing that staff could devote to these. That translated into the schedule mentioned by Mr. Cilimberg for an annual meeting for everybody and a quarterly meeting for the appointed groups as well.

Ms. Porterfield noted except they supported not giving the Village of Rivanna the same opportunity.

Ms. Catlin said the Planning Commission and the Board supported that possibility.

Ms. Porterfield noted when staff most recently went in they did not try to change that.

Ms. Catlin said there had not been anything brought to their attention to make them aware of it.

Ms. Porterfield said that they did not ask.

Mr. Cilimberg noted the master plan made reference to that fact. Again, part of this is in the view of what has been provided to the Board that the community councils were anticipated to be involved in implementation activities. They have a capital program with essentially no money for initiatives. That is one area where the community councils were expected to play a real role where there were projects from the plan that were going to be implemented with capital projects. They don't have any money anymore. Staff did not ask the Board to do this. They are responding to a budget situation that exists in the County. The decisions the Board makes staff has to carry out. Staff is the messenger in this situation. Each Commission is appointed by a Board member and certainly has the opportunity to talk to them. The Board members were the ones who decided what they would be doing in budget decisions through the decisions that they have as a result in the staffing. They did not ask for Ms. Ragsdale to be moved out of master planning. It was not a request staff made. That was a result of the budget. If they have concerns, that is a place that they can go. Maybe it will make a difference in the next budget cycle. The Board is bombarded with a multitude of budget considerations, demands, and balancing that with a constituency that don't want to see an increase in their taxes. At some point the reality strikes. That is their reality now and staff is trying to deal with it the best they can.

Mr. Lafferty said that they understand staff's position. They just need some way to vocalize this among ourselves to whoever is listening. The difference they saw in Crozet was that there was a CCAC, which has been around for a number of years. A lot of the prevailing attitude before the CCAC was formed they won't say anything because it does not make any difference. Once the advisory council was formed and started having some input from the County, staff was there almost every month. That created a trust and people thought the County was hearing what they were saying. There was a chance for an association to form for years, and still there was frustration in the community. There was some respect once something was somewhat officially appointed by the Board, which is where he sees the main difference.

Ms. Porterfield said that they need better communication. When something comes up in someone's district that could potentially be a problem, whoever is handling that should make a phone call to one of the Commissioners. Staff should tell them this request just came over their desk and ask if there is any information they can give them on this particular issue. If they lose the Commission in the loop, they lose their ability to communicate. They lose the ability to maybe get to the person they really need to talk to. That is what happened. She would go on the record and say she thinks it is wrong for this County to treat development areas differently. Once the master plan has been adopted, whatever is provided in the other adopted master plan development areas should be provided in that one. They should not have one treated differently because staff does not think anything else is going on. She suggested that possibly they have not asked. However, on top of that if it is not going to happen, she personally as the Planning Commissioner for the area needs to figure out how to develop a group. They have a Homeowner's Association in Glenmore, which is very proactive. However, that should not disenfranchise the people who are not living in Glenmore but are living in the Village of Rivanna. She would appreciate a call to figure out what they can do.

Ms. Catlin replied that makes perfect sense and they could do that. She would make a closing comment because they will be moving to the Economic Vitality Action Plan in a few moments to address Mr. Loach's comments. Four or five months ago, the Board did a strategic action plan for the next couple of years. They spent a Saturday and talked about those things they wanted staff to focus their directions. That is what they have to take as guidance as where the priorities were. They came up with five items, one of which was Economic Vitality. The community engagement piece or community advisory councils did not make that list. Staff has to follow where the Board says their priorities and it causes them to need to make the shift to accomplish what they put in front of them. That does not mean that staff does not consider that important and they are not going to do everything they can to continue that best connection. However, it means a very clear direction was set in front of them that they need to make sure they are pursuing.

Mr. Loach said he understood completely. If all things were equal in the County, that would be fine. However, unfortunately in this County things are not all equal. They have two separate classes – rural areas and development areas. The development areas are charged with undertaking all the growth and

development as much as it can. That is the way it has been and the path the County has taken. That is fine. It seems when they take paths that don't go through but around the development areas is when those in the development areas start to have their problems. It would have been nice to first start with the people who are going to be committed to absorbing that development.

Ms. Catlin said this is really good conversation. Staff appreciates that they are compassionate about the councils because staff are too. The important thing going forward, if it just does not work this way, is there needs to be a revisiting and budget time discussion might be a venue where some of that revisiting has to happen.

- In summary, concerns were expressed by several Commissioners about the changes to meeting frequency and the charge of community advisory councils necessitated by reduced staff resources.

Consent Agenda

a. **Review of the High Mowing Agricultural and Forestal District – Referral to Agricultural and Forestal Advisory Committee**: Periodic (10-year) review of the High Mowing Agricultural and Forestal District, as required in Section 15.2-4311 of the Code of Virginia. The district includes the properties described as Tax map 84, parcel 69A; tax map 85, parcels 33B, 39, 39A1, 39H, 41A, 41A1. This district, created on January 16, 1991 for not more than 10 years and last reviewed on June 20, 2001, shall next be reviewed prior to January 16, 2011. The district includes a total of 661.141 acres. The area is designated as Rural Area in the Comprehensive Plan and the included properties are zoned RA Rural Areas. (Eryn Brennan)

b. **SDP-2010-00054 Ourada, Norman – Waiver**
PROJECT: SDP2010-54-Norman Ourada- Critical Slopes Waiver
PROPOSED: The request is to approve a building site for a single-family home and associated septic system within critical slopes; a total of 9,000 +/- square feet of critical slope disturbance is proposed.
ZONING CATEGORY/GENERAL USAGE: Single-family home by-right in the Rural Areas (RA).
SECTION: 4.2; 4.2.1, 4.2.4
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Area 4 in Rural Areas
ENTRANCE CORRIDOR: No
LOCATION: Northwest side of Red Hill Heights Road [Private]; approximately 400' north of its intersection with Red Hill Depot Road [State Route 642].
TAX MAP/PARCEL: 88-14A
MAGISTERIAL DISTRICT: Samuel Miller
(Elizabeth Marotta)

Mr. Loach asked if any Commissioner would like to pull an item from the consent agenda.

Ms. Porterfield asked to pull the waiver request for a regular type of review.

Mr. Loach noted that item b. would be taken separately.

Motion: Mr. Franco moved and Mr. Morris seconded for approval of the consent agenda item a. as recommended by staff for referral to the Agricultural and Forestal Advisory Committee.

The motion passed by a vote of 7:0.

Mr. Loach noted that the consent agenda item a. was approved.

Ms. Porterfield asked that the Commission review the waiver like a regular item. Her concern was whether every lot is buildable. She questioned whether this lot was buildable. She asked if they should give a waiver for something that is not buildable or say not every lot in the County can be built on. Morgan Butler sent the Commissioners an email on this item and she would like to hear from him.

Mr. Loach invited the applicant, Mr. Ourada, to come forward and address the Commission.

Norman Ourada, applicant, offered to answer questions regarding her thought that this was not a buildable lot.

Ms. Porterfield questioned if this lot was buildable since they have a choice of putting a house in a drainage area or a drain field on a critical slope. It appears there are not any other options. She asked if there are no other portions of the land that they could build on and find a different drain field.

Mr. Ourada replied no, the drain field has to go on critical slopes. If it is placed in the area outside the critical slope, it has been ruled out by the Department of Health who won't permit it there.

Ms. Porterfield asked if he had seen Mr. Butler's comments.

Mr. Ourada replied no, he did not realize that anyone had submitted comments.

Ms. Porterfield noted that Mr. Butler makes a point that there should be a full erosion and sediment control plan if he is given the waiver. She asked if he would accept that.

Mr. Ourada replied that if that were what they have to do to receive the waiver, then they would have to accept that. They don't have another option to go look for another building lot. They bought the property in 2002 in good faith understanding it was a buildable lot. The County approved it as buildable lot. The spot the County approved will not be acceptable from the standpoint of the Department of Health regulations. If they are to use the property for the purpose they had in mind when they purchased it, then they need some accommodation. They are very much aware of the erosion issues that come into play in this question. They are committed to doing their best to make sure that erosion is minimized. The County Engineer has offered an opinion about erosion if building occurred in the area outside of the critical slopes. Because of the topography of the lot, they have some substantial concern that erosion would actually be more there than the County Engineer thinks will occur. The problem with building out of critical slopes is the issue of erosion. They have a concern about the issue of flooding in the event of an extreme weather event such as a hurricane or a tropical storm. That is a considerable concern. His wife is severely disabled and does not have good mobility and would need to be able to get out. That is a concern if something like that happened. They have made their investment and need to salvage the situation in a way they can afford to do it. If a full blown plan were required, he would have to find out how much that costs and do the best that they can.

Ms. Porterfield asked if he would accept a condition such as that to get this waiver.

Mr. Ourada replied that they would do the best that they can. If they give them a condition they cannot afford to carry out, then they will have to punt. He did not know what that means. They bought this lot in 2002 hoping to be able to build a small affordable house in the range of $100,000. It turns out that is a very difficult thing to do at least in Albemarle County. After a number of years, they finally have found a builder who is willing to help them out by doing something in that ball park. However, they don't have a lot of extra money. If they have to add on a $50,000 engineering bill, he did not know how they would do it. They are committed to the public objectives of the critical slope ordinance. They would not be asking for this if there was a reasonable way to build on the site without a waiver.

Mr. Loach invited Mr. Butler to address the Commission.

Morgan Butler, with the Southern Environmental Law Center, noted he did not have a lot to add beyond his email. He thought that Ms. Porterfield pretty much hit the nail on the head, which is that they bend over backward to make every lot buildable. Perhaps in the development area there is an argument that they go the extra mile to try to make a lot buildable. However, in the Rural Area it is an entirely different calculation. Essentially, what they have is a lot where the choice is between building on critical slopes or putting a house and septic field in a drainage way neither of which are ideal building locations. He thought that the applicant pointed out that there was an interesting debate between the County Engineer and the applicant about whether it was more environmentally damaging to put these items in the critical

slopes or to put them in the drainage way. He thought that the point lost was that it was the least environmentally damaging not to make this a buildable parcel. He realized that all of these applications have a face behind them. He was glad the Commission heard from the applicant and got the human side of this. He did not envy the Commission's position as the decision makers having to decide between the individual applicant and on the other hand their duty and responsibilities to uphold the Comprehensive Plan and to enforce the County's ordinances as they are written. With that balance in mind, he suggested that perhaps it was appropriate at least to do a full blown erosion and sediment control plan on this very fragile ecologically sensitive site. He did not want to speak for the applicant, but did not think it was a $50,000 review. He thought that the applicant has submitted documents along with their obligation for the critical slopes waiver request that shows that they have an engineer that is willing to look at these issues and details. He did not think they would be going that much further to put an erosion and sediment control plan together and the additional protections they would get for that investment that he thought that the County deserves. He thanked the Commission for the opportunity to speak.

Mr. Loach invited further discussion.

Mr. Lafferty said the concept that there are unbuildable lots is a valid one. However, there was a reason they came up with the critical slopes waiver in the first place.

Mr. Franco said there were reasons to take the critical slopes into consideration and keep from creating lots. However, he was sympathetic to lots that exist on which owners have been paying taxes. He was not willing as a Commissioner to say they can't build on them now. The lots have been created for years. He thought they were forced to pick the lesser of two evils that they have before them. His big question would be the agreement in lieu of a plan does not alleviate the responsibility to execute strong erosion and sedimentation control. He was not sure they would gain much in having a full blown plan versus the agreement in place other than the amount of inspections taking place. That was what he was hearing earlier.

Mr. Fritz noted that even without a plan or just an agreement the County still could inspect the site to ensure that it adheres to the requirements. The agreement simply states he was aware of the erosion and sediment requirements and will install and maintain them in accord with the erosion and sediment control requirements of the County and Commonwealth. They would just not have the plan.

Mr. Franco asked if they could require staff to look at this more or make this a higher priority.

Mr. Fritz replied that any site that staff thinks is sensitive they can have increased inspections. They can certainly talk with the inspectors and put it on a more intense inspection schedule.

Mr. Franco said he knew they were not talking about a $50,000 plan, but they were probably talking about adding $2,500 to $3,500 plus some application fees, which was about a total of $4,000 added to it that would not change the requirements of what they have to do. They are going to have to do controls that work and manage that anyway. He did not know they would have additional controls because they have a plan. They are going to pay for some engineering in there and some approvals. He was not sure if they add value in this particular case. He would rather see staff recognize that this is a sensitive area and increase their inspection accordingly.

Ms. Porterfield asked if the waiver was granted without a full erosion and sediment plan being required and this applicant decides not to build it, does this waiver go with this land.

Mr. Kamptner replied that the waiver goes with the specific request.

Mr. Fritz noted that the waiver would expire one year after the approval, and is treated like a final subdivision plat. It is tied to the proposal before the Commission. If he were to sell the property to someone who wanted to build exactly as shown, that would be fine. It is not tied to the person, it is tied to the application. Staff did not think this would set a precedent. Staff felt the slope concern during construction, which is largely where the issue is going to be, is adequately protected by the existing erosion sediment control laws and the agreement does not alleviate in lieu of a plan having to install any

of the erosion control measures. It is just a different way to getting to that. Staff felt this was a suitable waiver and a more appropriate area.

Ms. Monteith noted that in the past it seemed that the discussions were more about properties where there were more options. There were very few options with this property.

Mr. Smith favored the request if the applicant can follow the County erosion plan.

Mr. Fritz noted that staff would talk with the erosion and sediment control officer and put this on a heightened regular inspection schedule.

Motion: Mr. Franco moved and Mr. Morris seconded for approval of the consent agenda item b) SDP-2010-00054 Ourada, Norman – Waiver based on Section C of the unusual circumstances of this lot with the understanding that staff will get a sketch plan from the RLD with the building permit subject to the conditions recommended in the staff report.

The motion passed by a vote of 5:2. (Ms. Porterfield and Mr. Lafferty voted nay)

1. Limits of disturbance shall be in general conformance with the exhibit provided by the applicant (exhibit dated August 16, 2010 attached at end of minutes- Attachment 1).
2. If, in the future, additional clearing for the reserve drainfield is required (location as shown on exhibit mentioned above) an amendment to this waiver is not needed.

Mr. Loach noted that the consent agenda item b. was approved.

Presentation:

Economic Vitality Action Plan.
(Lee Catlin)

Lee Catlin, Assistant to the County Executive for Community and Business Partnerships; and Susan Stimart, Economic Development Facilitator; presented a PowerPoint presentation on the Board's adopted Economic Vitality Action Plan. .

Ms. Catlin noted that one of the first actions of the plan was to increase the visibility of the business development staff by moving Susan Stimart's position to the County Executive's Office. That has been done and Ms. Stimart is now working in her office, which has been expanded to encompass community and business partnerships. There was a sense because a lot of the collaborative communication and marketing outreach activities of the plan that was a nice fit with what they were already doing in other areas of the County. She was pleased to have Ms. Stimart on her staff and they are looking forward to moving forward with this effort.

It was emphasized that this was not a hugely dramatic shift in the direction of the County, but it is really more a slow and steady progress towards a more focused action oriented approach to economic vitality. The milestones over the past number of years that have indicated that gradual movement includes the following:

Evolution not Revolution

- County Strategic Plan Objective - 2005 The Strategic Plan was revised to include an objective regarding Economic Vitality. The Board felt it was important to get that language into the Strategic Plan as an objective.
- Joined Chamber and TJPED - 2006
- Resource Utilization Study - 2008 - initiated in June, 2008 by Commonwealth Educational Policy Institute in the Center for Public Policy at Virginia Commonwealth University. *Approve a strategic plan, which could make economic development a priority and identify the area as a major potential generator of revenue.*

- Comp Plan Economic Development Policy - 2009 - which lays the ground work for many of the concepts in the Action Plan
- Board of Supervisors Action Plan -2010 – Adopted six point action plan for the things they wanted staff to focus on very intermediately. One of the items of that plan stated that Increasing Revenues through Economic Development – We need to increase the commercial tax base, restore fading sales taxes, and provide taxpayers relief from constant increases in the personal property and real estate taxes. Increasing economic development is now the top fiscal priority for Albemarle County. The Board directed staff to go out and work with the business community and bring back the draft of a plan for them within the first several months of 2010.

Development Review Task Force – During this time, although it was not specifically focused on economic development, there was a Development Review Task Force that set out a number of recommendations regarding process improvement and streamlining. A lot of those have found their way into the Economic Vitality Plan also.

A Variety of Perspectives . . .

- **Economic Vitality Action Plan**

- **Business Group** – after January Board of Supervisors meeting, Ken Boyd and representatives from the business community met and prepared draft plan for the BOS's consideration at May 5 meeting
- **Public Input** – on June 2, BOS received public input and directed staff to hold 2 roundtables (85 attendees) and schedule public hearing for July 14 - The July 14 meeting was very well attended hearing with 37 speakers.
- **Board input** – after July 14, BOS members provided written comments that were summarized and presented in a final draft for vote in August – The plan was adopted by a 6 – 0 vote by the Board of Supervisors, which resulted in the Economic Vitality Action Plan.

Important Considerations

- Not a radical departure from current practices, but a more proactive and focused effort
- Works within the guidance of existing policies and the Comp Plan – Staff will talk a little more about that in a minute.
- Positions the County more in the mainstream of peer localities in our approach to economic development, but still in a "modest place"
- Defines a role for county government as a convener, facilitator, and catalyst – does not put us on the extreme edge of recruiting and attracting outside businesses to relocate.
- Realistic expectations and a long term commitment are critical
- Important reality check regarding realistic expectations, not going to overcome national economic trends but do want to be strategic about positioning ourselves to take advantage of opportunities that fit our county's standards and character

Creating a Sustainable Pathway

This would be very much guided by existing policies and documents in the Comprehensive Plan, the Neighborhood Model and other things that lay some specific direction out there. The Comprehensive Plan is really seen as the guiding document. The Plan acknowledges the goals and objectives of that document. For example, environmental protection, natural resources, cultural assets, land use plan, and rural areas plan. Those are all still the superseding documents that this action plan lives beneath. It is really intended to take some of the goals and objectives to a more specific level of action, but not in any way to supersede those documents. The plan is intended to create that sustainable pathway for the long term health of our community. It does depend very much on broad base community input.

They discussed earlier the challenges of the advisory councils. Chairman Loach made a good observation about is there a trade off here. The best way she can respond is to point to the many places in the plan where it talks about broad base task forces, groups, and committees coming together. It is

really intended to keep a very lively community conversation going about economic vitality. It is not meant in any way to close the door on the community being involved in this. In fact, the very opposite is true. A lot of emphasis is on partnership, collaboration, and real focus on existing local businesses, local job seekers, etc. The discussion was very much about the need to support home grown and the organic businesses that are trying to get a start in the community and how do they do that. There is a huge focus on the importance of a local economy, not to the exclusion of new business, but that is certainly not the primary intent of what the plan is intended to foster and support.

Susan Stimart, Economic Development Facilitator, discussed the key elements, objectives of the plan and some of the first steps. This plan is underway without impacting staffing levels and other budgetary considerations. She made the following Powerpoint presentation.

Goal: Increase economic vitality and future revenues,
With a two-fold purpose of expanding the commercial tax base, and creating quality jobs for local residents They are working in recognition of the importance of other metrics that may be significant and then outcomes such as improved partnerships. This is a key element of this plan. There are five objectives to the plan.

- **Improve business climate and image (includes among state partners who provide grant resources to local business owners)**
    - Expand outreach
    - Increase visibility
- **Simplify and create certainty**
    - Reduce plan review uncertainty
    - Assist small enterprises
- **Support quality job opportunities**
    - Promote small businesses and startups
    - Identify target enterprises
    - Connecting residents with career opportunities
- **Expand industrial land options**
    - Ordinance changes
    - Consider LI land options
- **Promote Rural Economy/Tourism**
    - Evaluate existing programs
    - Establish strategies to support

1= enhance website
2= CDD process improvements, education programs between and community
3= we are working a multi-channel approach, with partners to both support existing business expansion and also encourage those businesses that a) support our existing businesses and b) provide career ladder opportunity. This driver of the part is the target industry study, a community-based project to a) ID resident work force talents, b) ID current industry cluster, c) understand the global environment
4) Phase II of industrial zoning improvements, consider how to expand the industrial inventory within the context of the Comp Plan
5) Better support Agri-business and its connections to tourism

A) Action Plan –
B) Most immediate tasks – reaching out to potential partners, finishing development review process improvements (some done), finishing the Phase II ZTA, website enhancements
C) Quarterly Reporting – a “Tool” for transparency and accountability to the public and the Board.
D) Outcomes include stronger partnerships, new activities and projects to support local business (e.g.,
    a) Artisan trail
    b) Enhance website
    c) Community-based approach to the target industry study

Ms. Catlin noted that concluded the presentation. She invited questions or comments.

Ms. Porterfield noted on page 3, in the second bullet from the top that staff was going to track doing surveys of applicants as they are trying to work through the process. Staff is going to share the results with the County Executive and the Board of Supervisors, but does not mention the Planning Commission. If staff by-passes the Commission she thought they were by-passing the one place where they might get feedback and be introduced to someone that could give them some information.

Ms. Catlin replied that was an excellent suggestion.

Ms. Porterfield said that it bothers her when this body is not primary in the loop because they are primary in the loop for applications. On that same page about the staffing under the Action section, she knew personally from working with the Village of Rivanna Master Plan that if they could keep the same staff person in the loop when scheduling who gets a specific application it would be beneficial. That person has a lot of history. The County has people who have worked here a long time. If they could be assigned a follow-up project that is in the same area or has the some connection, she thought it would be great in not having to recreate the wheel.

Mr. Loach noted that he was not afraid if the economic policy failed, but almost afraid if it succeeds. He is going to wait and see about the work plan for implementation work, which is going to tell him if this is a serious effort or not. He thought they have to direct this to growth area residents who are going to be the people who are going to absorb the majority of the output of this plan. He was disappointed to see only one paragraph in this that referenced the master plan process, which to him was the key to success. They talk about master plans and they had two goals - the expansion of the tax base and to create quality jobs. It seems that if they look at the Crozet Master Plan what they would have seen in the last five years is the conversion of Con Agra with Music Today, Star Hill, and Curtis Heating moving in. The Joiner Company came into town. There have been three new commercial centers come in a time when real estate housing starts were down 27% last month. They have Mr. Craig who is selling his townhouses before they are even built. He thought that one of the things they should do is look where they have had some successes in creating an expandable tax base and creating quality jobs within the context of the master plan. In addition is the new plan for Barnes Lumber, which is going to add another 600,000 square feet. He was saying if they are going to define economic vitality, they should look where economic vitality is occurring. Crozet is one of those places in the County in an economy that people have called the worse since the great depression is doing pretty good. Multiple businesses have started Downtown. He did not want to mischaracterize this by frowning on this, but would wait for the implementation plan.

Mr. Lafferty pointed out that it would be interesting to see what they have done to help the businesses that are here instead of looking out and trying to attract new businesses here. He asked what they have done to help the vitality of the ones that are here.

Mr. Catlin said that was a good point. She wanted to make sure that she stressed that the whole idea of business retention and paying attention to the people that they already have is the major priority of the plan. Bringing in new business in is not the focus. Business retention efforts were looking at what they are doing now, are they effective, and what other things could they do. She agreed he was right that they want to pay attention to the people they already have first.

Mr. Lafferty said it was mentioned in this plan that most of those would be cottage industries or they were trying to encourage those. He asked how they are trying to reach out to those people and how do they get them involved.

Ms. Catlin replied that is what they were looking at right now in working with community development to see what are those entry or touch points that they have with those people and how are they most effectively communicating with them and making sure that they are keeping track of that.

Mr. Lafferty said asked if the modest pace of economic development measured with other communities that were in the top 10 or 100 of the national poll.

Ms. Catlin noted that when they looked at other counties they found that many have offices for business recruitment with bigger budgets that prepare industrial sites to bring businesses in.

Ms. Porterfield noted that many of our abutting counties are profiting from vitality. She asked if they are looking at why some of those businesses went across Albemarle County lines.

Mr. Catlin replied that one of the actions in the plan is to look at peer jurisdictions to do some research to see what their target enterprises are and how they compare to our target enterprises. If they have been successful in getting them, then find out how and why. They certainly would be learning from other communities that are getting the kinds of enterprises that they would feel appropriate for Albemarle County.

Mr. Lafferty agreed with Ms. Porterfield's point about looking at contiguous counties. There have been some businesses that have moved to Zion Crossroads from Charlottesville. Finding out why might be educational.

Mr. Morris asked how strongly are community colleges on board.

Ms. Stimart replied that they were participants in the Round Table activities and provided comments on work force development. Staff has been working with them on the past year on the studio school program.

Ms. Catlin pointed out they would be a strong partner along with the local school system and others in looking at what are the demand occupations for the future and how well are we giving local people the opportunity to get prepared.

Mr. Morris asked do they have the resources to provide that now and are they going to get it.

Ms. Catlin replied that she could not answer that. They would be working with them in partnership to talk about mutual ways that they could benefit each other.

Mr. Loach noted that was something else they would look for in the implementation plan since it was important.

Ms. Stimart said there are several initiatives under way, but she could not speak to what their resource shortages are.

Ms. Monteith said she thought this would be clear in the working plan, but one of her concerns would be discerning what is appropriate development. If they talk to one person, they were going to answer differently than another. It seemed tricky to address that particular issue. She read an article today, which she would share with staff, about the top 20 communities that have done the best economically in the past five years. What was interesting was they had the five main equivalencies between these communities about things that they had all done. The thing that was really interesting in reading the list is they were not glamour places.

Ms. Catlin noted that they recognize this group as being an important player in how a lot of this comes about. Therefore, they came here this evening to share with the Commission what the adopted plan looks like and their first initial steps. The Commission will certainly be very engaged in these efforts as they move forward. She thanked the Commission for the opportunity to come this evening. Staff will proceed in the process and take the Commission's comments into consideration.

The Planning Commission took a break at 7:38 p.m.

The meeting reconvened at 7:48 p.m.

Work Session:

SUB/Site Plan Process Improvements.
Staff's recommendations for improving the Site Plan and Subdivision processes in response to the Board's Direction.
(Bill Fritz)

Mr. Fritz presented a PowerPoint presentation regarding the proposed site plan and subdivision review process changes.

- On June 2, staff took this to the Board of Supervisors. In January, the Board of Supervisors instructed staff to come back to them within six months with some potential changes to the development review process. In June, staff went back to the Board of Supervisors and made this presentation to them. The Board instructed staff to move forward. Staff held a public Round Table in July. This presentation was given to the Architectural Review Board last week.
- This is more of a Round Table discussion than a work session. Staff is looking for as many ideas as they can possibly get because staff will be coming back to the Commission in the future.

DEVELOPMENT REVIEW
June 2, 2010

"…reducing unnecessary and burdensome regulations and shortening approval times".

"…streamline the process…"

PRESENTATION OUTLINE

- GOAL / WORK SESSION OBJECTIVES
- BEST PRACTICES / CURRENT STATUS
- COUNTY REGULATIONS
- STAFF PROPOSAL

Clarifying the Goal

- Shorten Approval Times and Cost of Development Review
- Avoid Unnecessary and Burdensome Regulations
- Maintain Opportunities for Public Info / Input
- Maintain Community Quality

Work Session Objectives

1. Inform Board as to opportunities for achieving goal with site plans and subdivisions (rezonings and special use permits at later date)
2. Determine if the Board is interested in proceeding with staff's recommendation
3. Determine if the Board has any additional regulations or policies they would like staff to evaluate with respect to site plans and subdivisions

ALREADY IMPLEMENTED

- Specify time frame for inspection of constructed improvements and release of performance bonds or guarantees ✓
- Combine inspections ✓
- Allow sufficient time frame between approvals with the possibility of extensions ✓
- Self certification of inspections ✓

ATTEMPTED, may revisit

- Self-certification of plans

CURRENT STATUS
BEST PRACTICES for STREAMLINING

ALREADY IMPLEMENTED
- Initial Assessment ✓
- Central permit information / One-stop permitting ✓
- Cross-training of staff ✓
- Define key terms and use simple, direct language ✓
- Ordinance approval process checklists and flow charts ✓
- Concurrent, not sequential, reviews where possible ✓
- Pre-application conferences ✓
- Interdepartmental review coordinator ✓
- Permit expediting/tracking ✓

ALREADY IMPLEMENTED
- Specify time frame for inspection of constructed improvements and release of performance bonds or guarantees ✓
- Combine inspections ✓
- Allow sufficient time frame between approvals with the possibility of extensions ✓
- Self certification of inspections ✓

ATTEMPTED, may revisit
- Self-certification of plans

ADDITIONAL OPPORTUNITIES
- **Clearly state submittal requirements and require appropriate level of detail**
- Specify time frames/limits for reviews and approvals to ensure timely decisions
- **Allow more decisions to be handled administratively**
- Eliminate multiple public hearings
- **Presumption of Approval (approve to minimum standards)**

Staff compares ourselves with other organizations. One of the things they have done is set a goal that any project submitted to Current Development Division (90 percent) will be commented on within 21 days. In the chart it shows they are getting close and sometimes meet the target. However, other jurisdictions are trying to simply meet a 50 day deadline. While people are asking staff to do faster reviews they are still way ahead of some other counties that staff has compared ourselves with.

Approval Time Delays
- Multiple Resubmissions; failure to provide necessary corrections
- Certificate of Appropriateness (ARB)
- Planning Commission Approval of Waivers or Modifications
- Planning Commission Review of Plans
- Outside Agencies (e.g. VDOT, ACSA, Health)

Shortening Approval Times /
Streamlining Approvals
- Allow more decisions to be handled administratively
- Simplify process and provide more applicant guidance at start
- Clearly state submittal requirements and review to appropriate level of detail

COUNTY REGULATIONS

Policy and regulations consider both technical and political issues:

- **Addressing Constituent Concerns** (e.g. drainage issues, traffic, neighborhood safety)
- **Assuring Adequate Future Infrastructure** (e.g. Proffer Policy, sidewalks, water and sewer)
- **Protecting Community Assets** (e.g. stream buffers, critical slopes, property values)
- **Improving Community Quality** (e.g. Entrance Corridors, sign regulations)

Roles of Staff, PC, ARB, and Board (See Graph)

Staff has little subjectivity in that the submittal meets the ordinance or it does not meet the ordinance. Those decisions can be made very rapidly. The Planning Commission has more discretion and more subjectivity. It takes longer to do that. The Board even has more subjectivity in their analysis, which increases time. Staff breaks it down to establishing regulations and implementing those regulations.

Development Quality
Examples

- Driveways
- Streets and Sidewalks
- Stream Buffers
- Entrance Corridors / Signs

Regulation Changes Currently Being Considered

- Entrance Corridors – Process amendment approved in May, Guidelines to Follow
- Home Occupations, Rural Churches – Reduce / eliminate need for Special Use Permits
- Critical Slopes – Revise regulations to better protect important resources and exclude slopes that are not important resources
- Industrial Uses – Broaden uses allowed in Light Industrial Zoning Category
- Signs – Resolution of Intent in May, Engaging public on common ground for sign regulation.

Site Plan and Subdivision Process Improvements – The Development of the Proposal

Key Concepts of Process
- Predictable for applicants and citizens
- Maintains opportunity for public input
- Maintains quality development
- Reduces approval time

Key Features of Process
- Project treated as one plan instead of as a preliminary and a final.
- Staff assists applicant by clarifying submittal requirements, review process and design criteria.
- Establishes clear standards for submittal and design requirements.
- Makes use of self-certification of compliance with certain well-defined design requirements.

The Process
- Pre-submittal (staff determines what waivers are required and what design issues need special attention)
- Submittal and review of project
- Meeting with applicant and public to discuss and explain project details and requirements.
- Action (approval, denial or approval with conditions)
- Early Grading (allows creation of “pad ready” sites)
- Final approval and issuance of building permit

Pre-submittal
- An application meeting minimal standards is submitted.
- Within 10 days staff verifies use is permitted. Determines what waivers are required and what additional information must be submitted.
- Applicant receives packet outlining what must be included in formal submittal.
- Applicant is offered opportunity for informal meeting to discuss submittal requirements and any issues identified during pre-submittal review.

Submittal and review of project

- Staff reviews project to insure minimum submittal requirements have been met. Applications not meeting minimum requirements are rejected.
- Abutting owners are notified of project submittal.
- Staff reviews project to insure established design requirements have been met.
- Staff reviews any waiver requests against criteria of ordinance.

Meeting with applicant and public

- The site review committee meets and presents the findings of the project review to the applicant and public.
- The committee responds to all questions from the public and applicant.
- The committee advises the applicant of changes that must be made to the project and changes that are requested to be made to the project.
- The project is either approved, denied or approved with conditions.

Early Grading

- The Site Review Committee grants approval of the project.
- A grading permit may be issued once one of the following happens.
- The Site Review Committee grants conditional approval and the necessary conditions are met

This would require a change in the ARB process. Changes could include administrative approvals, County wide permits and changes in scope of review

The scope of conditions that must be met for early grading has not yet been established. The broader the scope of the conditions the longer the review period will be.

Final approval and issuance of building permit

- The applicant has up to 5 years to meet all conditions of approval.
- The applicant is in control of when to address conditions of approval.
- Once all conditions have been addressed, the project receives complete approval and building permits may be issued or in the case of a plat it may be recorded.

Changes from Current Process

- All administrative. No Planning Commission or Board review except if waiver or project is denied.
- Involves pre-submittal review.
- Allows for grading prior to approval of all aspects of project.
- Contemplates changes in ARB processes and standards including administrative review, County wide permits and possible changes in scope of review.
- Establishes clearer submittal standards.
- Establishes clearer design criterion.
- Establishes clearer waiver standards.

Next steps

- Ordinance amendments to create administrative process.
- Ordinance amendments to insure design standards result in the style of development desired.
- Ordinance amendments to improve criteria considered when waivers are requested.

Process for Implementing

1. Public Roundtable of Concept
2. PC / ARB review of concepts and public input, guidance to staff
3. Draft recommended changes (Staff will take all recommendations into consideration.)
4. Public Roundtable of draft
5. ARB / PC review of draft
6. PC Public Hearing
7. Board Public Hearing
8. Implement

12-18 months, with above
8-12 months without roundtables (Staff's clock started in June, 2010 and predicts or expects steps 6, 7 and 8 being done next fall.)

Questions:

- Does the Board believe staff should proceed based on this recommendation? The answer to that question was yes.
- Does the Board believe the outlined process and public participation are appropriate? (Balancing public input with expediting changes) The answer to that question was yes.
- Does the Board have any additional regulation changes they wish staff to include in the considerations? (opportunities to include additional changes following roundtables and PC / ARB review) There were no additional regulations the Board wanted staff to look at other than go to the Round Tables, Planning Commission and Architectural Review Board for comments.

Mr. Fritz noted has been following the Board's direction, which includes the work session tonight with the Planning Commission.

Ms. Porterfield asked staff to explain exactly how the public is going to have input into this process. Will staff notify the public of the Site Review Committee meeting at which the project is to be discussed.

Mr. Fritz replied that staff envisions providing notice to the abutting property owners that an application had been received for a project X, it was available for review, who the project coordinator/lead reviewer was, and notifying them of the technical review meeting that would occur on date X. At that meeting, staff would accurately try to listen to anything they had to say. What they are trying to do is turn the site plan/subdivision process into an administrative process whereas it meets the ordinance or it does not meet the ordinance. If the request does not meet the ordinance, it will be denied. If the request does meet the ordinance, it will be approved. Staff will have to communicate that with the abutting property owners. Staff has been successful in the past where abutting property owners have said they really wish the applicant would do X. The ordinance may not allow the County to require X, but staff has had pretty good success with the developers voluntarily doing X or attempting to do X. Staff would try to be facilitators in having that conversation occur.

Ms. Porterfield asked if that complete conversation would happen at the Site Review Committee Meeting.

Mr. Fritz replied yes, unless they communicated with the planner ahead of time and expressed what their concerns are. Staff would also express those concerns to the applicant. However, he was not sure that would be what the meeting would be called.

Ms. Porterfield asked if there would be no actual public hearing on record of what comments were made.

Mr. Fritz replied there would be no Planning Commission meeting.

Ms. Porterfield asked if staff was going to try to involve the individual Planning Commissioner in that meeting also.

Mr. Fritz replied that he did not know, but the comments would be provided. If that is something she would like, staff can certainly take that into consideration and try to figure out how to incorporate that.

Ms. Porterfield said personally she would like to be involved. In some controversial cases, she feared they would lose the ability for the public to make comments that really needed to be heard.

Mr. Fritz replied that the guidance in working with the Board of Supervisors was they wanted staff to develop a purely administrative process. Staff will communicate that concern to the Board.

Mr. Lafferty asked what would be the timeframe in the initial approach.

Mr. Fritz replied that the current timeframe is 21 days and they know it is not enough. Staff is working on that issue.

Mr. Lafferty asked how much notice time staff was going to give the public.

Mr. Fritz replied that staff has not figured out that at this point, but knew that it had to be enough time.

Mr. Lafferty asked if proffers would be administratively handled.

Mr. Fritz replied that this does not deal with proffers, rezonings or special use permits at all. This is purely site plans and subdivisions since legislative actions are very different. They are talking about administrative projects here.

Mr. Lafferty asked what amount of projects did staff see being approved administratively.

Mr. Fritz replied if they simply made the process administrative right now with the ordinance they have in place with design standards and waivers, it would be a relatively small percentage of the applications. He did not know what the exact number would be. It would not be the majority. Many projects propose a waiver of some sort of another. The day they roll this out may result in a decrease in the Planning Commission work load items that they see of X percentage. Potentially that percentage would increase over the years as more waivers become administrative.

Mr. Lafferty asked if staff currently has a flow chart to give the public showing the procedure and timeframe.

Mr. Fritz replied yes, staff has a flow chart. However, it is a complicated process. Staff does not have a chart for the final process that is easy. There is not an integration of the engineering component, planning component and architectural review. These three paths are happening independently. There is also outside agencies such as the Service Authority and VDOT. Staff can go up through the preliminary approval with the flow chart.

Ms. Monteith asked staff to comment on what they call benchmarking at the University. Other people call it peer review or industry standards. What are other counties in Virginia and the United States doing in regard to this.

Mr. Fritz replied that most do their projects administratively or by benchmarking in Virginia with the State Code they have.

Ms. Monteith asked is this kind of a band guard approach or is it something specific to Albemarle and our Board of Supervisors in terms of what is being asked for here.

Mr. Fritz replied no, it is more in the main stream of what happens in Virginia.

Ms. Monteith noted that she was just trying to get beyond Virginia.

Mr. Fritz said that every state out of 50 has such unique enabling legislation. Therefore, he could not begin to answer for other states.

Mr. Fritz pointed out staff felt it would be helpful for the Planning Commission not to review the administrative items.

The Planning Commission held a discussion with staff, asked questions, and provided comments and suggestions, as follows.

- How is the public going to know about this? How will staff notify the public and what type of timeframe will be used.

- There was concern that there would be no public hearing on record without a Planning Commission meeting being held.
- There was concern that Planning Commissioners would not be involved. Request made that they be part of the notification process. Concern raised that controversial issues need to be heard by the representatives and there needs to be a way to get it there.
- The SRC meeting was held in the morning, which could eliminate the public's ability to attend the meeting. Public interaction could be lost.
- Need to resolve the matter of defining what conditions are for early grading.
- Obtaining community input as early as possible in the process is helpful.
- The design criteria needs to be reviewed to ensure appropriate so that bike lanes, etc. are provided in the SRC review.
- Concern expressed in the staff time needed to implement and run the SRC process due to the current staff shortage. This should not become a rubber stamp process.
- Staff needs to make sure they have the ability in this process to make changes if they see the need for improvements.
- Regarding notification, too often they view the impact of development only on the abutting neighbors. The web should be better utilized as the medium of information sharing with the community. It would be better if the sign numbers were broken down by magisterial district so that someone could look and see what is going on in their neighborhood. The user interface on the web should be made more user friendly so the general public, not only abutting landowners, can see what these things are through hyperlinks and magisterial district. Public might have an interest in these matters even if not abutting landowners. The public needs more information provided on the web.
- Suggestion made that the applicant should be required to attend the SRC meeting. Question asked if request controversial if it could just fly through the SRC meeting without the community being specific about the plan.
- Supported better guidance and getting input from the public sooner. It would be helpful to get the community input sooner possibly after the pre-app. A suggestion was made to find a way to educate the community as to what the proposal is after the first step. The community input would be requests versus requirements. Therefore, as an owner, one Commissioner would rather hear the community input sooner than at the end of the process. There needs to be a comment period so as a designer he could have a timeframe such as two weeks to hear what the community may come back and say.
- Define what the conditions are for early grading. With respect to the early grading, which the E & S would be a part of, it was suggested that a preliminary landscape plan be a part of that. There has been a lot of debate in the past about some of the mass grading taking place. As a benefit of pre-grading someone might be willing to put some of the buffer or landscaping up at the edge to keep it from looking barren. There may be a component with the landscape plan. What is the appropriate time in the review process.
- One concern heard in the past has been the accessibility to staff. Having specific days that engineering is available would be helpful. Especially on site review after receipt of comment there is only 11 days to respond back. Sometimes it can take two weeks to get an appointment, which makes it problematic. That issue needs to be considered on how they are going to resolve that in the future as part of this.
- The effort was applauded since the Planning Commission needs to get back to some of the discussions on policies specific to development standards and not specific to a site.
- Having a mechanism where there is some debate between the applicant and staff on what the ordinance says with a quicker mechanism to get to the Planning Commission and resolve that would be helpful. Being able to separate the issue would be helpful so that the whole site plan does not have to come forward in order that a specific question could be answered so not to waste time and money.

There was no public comment. The Planning Commission took no formal action.

Old Business

Mr. Loach asked if there was any old business.

- As a follow up to the considerations for the development review process, staff will be bringing back to the Commission information on possible changes to the SP/ZMA process.
- Staff asked Commissioners to contact staff by the Monday morning before its meeting if they want to pull a consent agenda item so that the applicant can be contacted and staff prepared to answer questions.

There being no further old business, the meeting moved to the next item.

New Business:

Mr. Loach asked if there was any new business.

- Request made for staff to continue trying to consolidate meetings when there are a few items on the agenda.
- Next Meeting – September 21, 2010

There being no further new business, the meeting moved to the next item.

Adjournment:

With no further items, the meeting adjourned at 9:02 p.m. to the Tuesday, September 21, 2010 meeting at 6:00 p.m. at the County Office Building, Second Floor, Auditorium, 401 McIntire Road, Charlottesville, Virginia.

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V. Wayne Cilimberg, Secretary

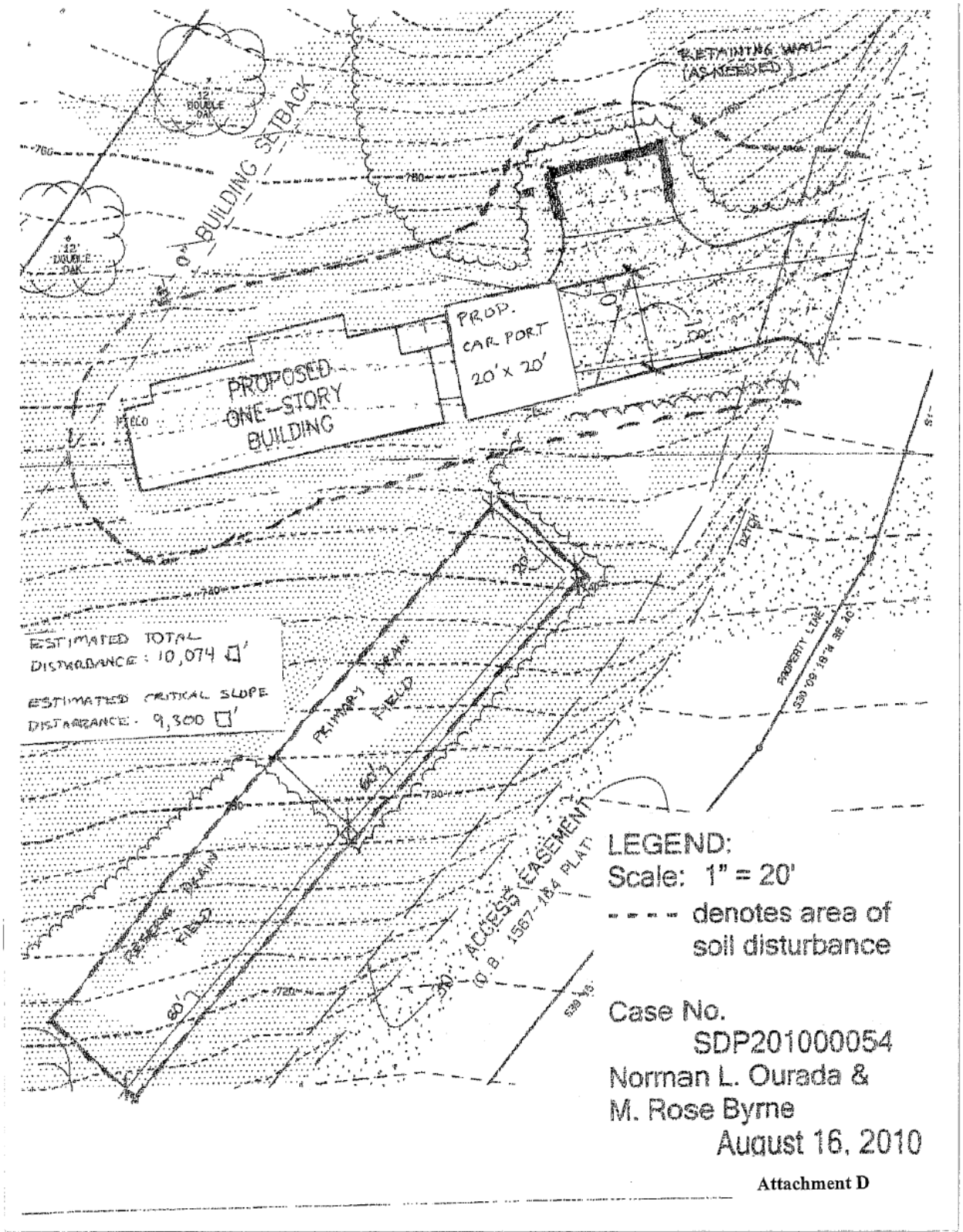
(Recorded and transcribed by Sharon C. Taylor, Clerk to Planning Commission & Planning Boards)

Attachment 1 –

Consent Agenda Information – Conditions of Approval for SDP-2010-00054 Norman Ourada Critical Slopes Waiver

The Planning Commission removed SDP-2010-00054 from the consent agenda and approved, by a vote of 5:2 (Porterfield and Lafferty nay), subject to the conditions recommended in the staff report and based on the unusual circumstances of this lot with the understanding that staff will get a sketch plan with the building permit subject to the following conditions recommended in the staff report.

1. Limits of disturbance shall be in general conformance with the exhibit provided by the applicant (exhibit dated August 16, 2010 attached).
2. If, in the future, additional clearing for the reserve drainfield is required (location as shown on exhibit mentioned above) an amendment to this waiver is not needed.


RETAINING WALL (AS NEEDED)
BUILDING SETBACK
PROPOSED ONE-STORY BUILDING
PROP. CAR PORT 20' x 20'
ESTIMATED TOTAL DISTURBANCE: 10,074 SF
ESTIMATED CRITICAL SLOPE DISTURBANCE: 9,300 SF
PRIMARY AREA
RESERVE AREA
FIELD
ACCESS EASEMENT (D.B. 1567-184 PLAT)
PROPERTY LINE
LEGEND:
Scale: 1" = 20'
- - - - denotes area of soil disturbance
Case No. SDP201000054
Norman L. Ourada &
M. Rose Byrne
August 16, 2010
Attachment D