Albemarle County Planning Commission
September 25, 2012

The Albemarle County Planning Commission held a regular meeting on Tuesday, September 25, 2012, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Richard Randolph, Bruce Dotson, Ed Smith, Thomas Loach, Don Franco, Calvin Morris, Chair; and Russell (Mac) Lafferty, Vice Chair. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was absent.

Other officials present were Brent Nelson, Planner; Wayne Cilimberg, Director of Planning; Sharon Taylor, Clerk to Planning Commission & Planning Boards; Elaine Echols, Principal Planner; Andy Sorrels, Senior Planner; and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish

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

Other Matters Not Listed on the Agenda from the Public:

Mr. Morris invited comment from the public on other matters not listed on the agenda. There being no comments, the meeting moved to the next item.

Review of Board of Supervisors Meeting – September 12, 2012

Mr. Cilimberg reviewed the action of the Board of Supervisors Meeting on September 12, 2012.

- The Commission received an update on the wireless policy in a memo from Bill Fritz.

Consent Agenda

Approval of Minutes: July 31, 2012

Mr. Morris asked if any Commissioner would like to pull an item from the consent agenda for further review.

Motion: Mr. Franco moved and Mr. Loach seconded for acceptance of the consent agenda.

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

Mr. Morris noted the consent agenda item was approved.

Public Hearing Items:

SP-2012-00017 Ntelos Wireless - Llandaff Property - Tier III PWSF (Sign # 90)
PROPOSAL: Tier III personal wireless service facility on 19.8 acres. No dwellings proposed. ZONING CATEGORY/GENERAL USAGE: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots). SECTION: Chapter 18 Section 10.2.2(48) of the Albemarle County Code, which allows for Tier III personal wireless service facilities (reference 5.1.40).
ENTRANCE CORRIDOR OVERLAY DISTRICT to protect properties of historic, architectural, or cultural significance from visual impacts of development along routes of tourist access: Yes.
COMPREHENSIVE PLAN: Rural Areas – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/ acre in development lots).
LOCATION: 4319 Scottsville Rd (Route 20).
TAX MAP/PARCEL: 11200-00-00-00900.
MAGISTERIAL DISTRICT: Scottsville (Brent Nelson)
DEFERRED FROM THE JULY 17, 2012 PLANNING COMMISSION MEETING.

Brent Nelson presented a Power-Point presentation and summarized the staff report.

The applicant, NTELOS, is proposing to install a 103.3 foot tall Tier III Personal Wireless Service Treetop Facility, along with associated ground equipment at 4319 Scottsville Road. The top of the proposed monopole will be 10 feet above the 89.7 foot tall reference tree, indentified as a 28" caliper Hickory.

The proposed facility is to be located on a 19.8 acre parcel located on the northeast side of Route 20, just north of Carter's Bridge. The facility is to be situated approximately 800 feet north of Route 20 in a wooded section of the parcel. The general character of the parcel is rural consisting of open field, wooded areas and several rental cottages.

This site plan drawing shows the location of the facility on the parcel and the existing access drive used to reach it. This site plan drawing shows the location of the:

- Proposed monopole
- Reference tree
- Lease area
- Gate and fence enclosure

A photo in the slide shows the existing wooded condition of the lease area and the reference tree. A drawing in the slide shows the proposed tower location with the following conditions:

- The proposed 103.3 foot tall monopole.
- The top of the reference tree and the 10 foot distance to the top of the proposed monopole.

- A balloon test was conducted on June 19, 2012. The balloon was floated at the approximate height of the proposed facility. Staff traveled nearby roads to determine the visual impact on other properties in the area.
- The balloon was minimally visible from only one off-site location, which was a point along Route 20 just south of Carter's Bridge. When the balloon was seen, it was only visible right at the treetop level.

In a slide it shows the applicant's photo of a balloon test conducted prior to the submission. It shows the balloon just south of Carter's Bridge.

Staff identified the following factors favorable to this proposal:

- The proposed monopole is located so that only the top section of the monopole containing the antennas is expected to be visible. As a result, it will not have any negative visual impact to adjacent properties, roadways, Entrance Corridors, Byways Historic or Ag/Forrestal Districts.
- The Architectural Review Board staff has recommended approval based on the minimal visibility from Route 20, an Entrance Corridor.

Staff did not identify any factors that were unfavorable.

Staff recommends approval of this facility at ten (10) feet above the tallest tree with the conditions outlined in the next slide and in the staff report. The Planning Commission's role in this case is to make a recommendation to the Board of Supervisors. Since the staff report was written Mr. Kamptner's office amended the conditions by adding the word "general" so that it now reads: "To be in "**general"** accord with the conceptual plan …"

Mr. Morris invited questions for staff.

Mr. Dotson asked if there is anything in Mr. Fritz's memo that would put a new lens on this proposal. He had only briefly looked at the memo.

Mr. Cilimberg noted he was not familiar enough with the proposals that Mr. Fritz had been working on to answer that right away. He would have to take a look at the memo.

Mr. Kamptner replied that in Mr. Fritz's memo there are things that won't be addressed until phase 2 of the amendments to the Wireless Regulations. They will be looking at avoidance areas and whether or not, for example, rural historic districts should be considered avoidance areas because they can now cover such a large portion of the county. They are also looking at other regulations related to the monopoles themselves, the attached equipment and the standards that apply.

Mr. Morris opened the public hearing for the applicant and public and asked the applicant to come forward to address the Commission.

Preston Lloyd, with the law firm of Williams Mullins represented the applicant. He presented a PowerPoint presentation, as follows.

- He presented an aerial view noting as described by staff this property is just on the north side of Route 20. It represents an expansion of wireless coverage heading south along the Route 20 Corridor. The applicant has been working diligently to enhance wireless coverage within this area. The site will continue the southward march in doing so.
- As Mr. Dotson raised the question of how this particular application would be reviewed under some of the new concepts presented in the proposed changes to the Wireless Ordinance, there is a picture in the slide that shows the entire Southern Albemarle Historic District. That presently is an avoidance area that kicks an application from Tier II into Tier III scrutiny. This is a Tier III application with one of the reasons being that it is within this Historic District. That is one concept that is being explored in connection with the new proposal.
- In the same slide Mr. Nelson provided he noted it shows the heavily wooded nature of the tax map/parcel where this facility has been proposed. While this does not show topography it is actually located on the side of a bit of a rise which they will be able to see from one of their elevation shots. Therefore, this is a particularly well suited parcel for mitigating any visual impacts and provides adequate screening from the heavily forested nature of the site.
- Again, access is going to use an existing path on the property. Therefore, this won't result in any adverse impacts due to the creation of any new access points. Again, it is 10' above the reference pole so it again meets in every way the Tier II regulatory requirements of the ordinance with the exception of the avoidance area.
- In a slide showing Carter's Bridge, which is the site of the photographic simulation of the photograph taken looking north along Route 20; it shows a bit of a topographic rise. While the tiniest little bit of the facility is visible at the top of the trees, it is only visible for a brief moment as you head north on Route 20 and from no other locations that they could discern.
- Finally, they show the current coverage available along Route 20. They will see a number of other proposed facilities that lie in this vicinity. The one that they are currently discussing is shown with a label and following its propagation it will provide coverage accordingly as shown. The in-building coverage is depicted, as well as the area for adequate service while in a vehicle and coverage that would not be sufficient in a vehicle but would be sufficient outside a building or a car. He welcomed any questions that the Commission may have and reserve any response to any additional public comment.

There being no questions for the applicant, Mr. Morris invited public comment. There being none, the public hearing was closed and the matter before the Planning Commission for discussion and action.

Motion on SP-2012-00017:

Motion: Mr. Randolph moved and Mr. Lafferty seconded to recommend approval of

SP-2012-00017 NTELOS Wireless – Llandaff Property – Tier III PWSF with the conditions outlined in the staff report.

Mr. Kamptner noted the conditions were as amended as shown on the screen with the one word change to the condition that staff recommends adding in “general” accord.

Mr. Randolph noted the motion was inclusive of the one word change as recommended by staff, and Mr. Lafferty agreed.

The motion passed by a vote of 7:0.

Mr. Morris noted that SP-2012-00017 NTELOS Wireless – Llandaff Property would be forwarded to the Board of Supervisors on October 3 with a recommendation for approval of this facility at ten (10) feet above the tallest tree subject to the conditions in the presentation, as amended, and outlined below.

- Development and use shall be in general accord with the conceptual plan titled “Carter’s Bridge (Llandaff, LC Property) CV828” prepared by Brian Crutchfield latest revision date 8/7/12 (hereafter “Conceptual Plan”), as determined by the Director of Planning and the Zoning Administrator. To be in **general** accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan.:
  - Height
  - Mounting type
  - Antenna type
  - Number of antenna
  - Distance above reference tree
  - Color
  - Location of ground equipment and monopole

- Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

Work Session

CPA-2013-00001 Comprehensive Plan Draft – Review of first section of draft plan (continued discussion from the September 11, 2012 Planning Commission meeting)

Ms. Echols noted this work session is a continuation of the Commission’s work on the Comprehensive Plan draft, CPA-2013-00001.

Mr. Morris asked the Commission if they want to go forward with the rural areas this evening or have that separate when they have all of the changes.

Ms. Echols pointed out it would be staff's preference that they would wait. However, if the Commission feels comfortable with what they have right now she was fine with that. However, she would leave it up to the Commission.

Mr. Morris asked for a straw poll on whether the Commission should wait or go forward with the rural areas discussion tonight.

The majority of Commissioners wanted to wait on the discussion of Rural Areas.

Ms. Echols presented a PowerPoint presentation, as follows.

Information on the status of the Livability Project was presented as well as upcoming meetings about the Commission's joint goals and strategies. Last week the Planning Commission met with the City Planning Commission and gave some input on the goals and strategies. The PDCC staff is taking that information and modifying it to take out to the public. There are going to be four public meetings in October on the Livability Project where the public is going to have an opportunity to review what the Commission has reviewed with some of the changes. One of those meetings will be held in the city and the other three will be held in the county.

There was some discussion at the meeting last week about the possibility of having small subcommittees to refine the goals and the strategies to recommend to the joint Commissions meeting. If they are amendable to that staff would like to bring a proposal to them at a later date. Staff will talk to the Chairman about that to see if that might work to speed up the process.

Staff then began review of the Comprehensive Plan draft that was distributed on August 28, 2012 in a PowerPoint presentation, on the written goals and the text. There are still wording and grammar changes, which should be given to staff.

Sustainability, Growth Management and Facilities Planning & Financing

The first section to be reviewed was the Sustainability, Growth Management and Facilities Planning & Financing section. Staff indicated that the fifteen Sustainability Accords that were developed in 1998 and appended to the County's Comprehensive Plan were present in the document. Staff explained that Sustainability is the larger regional umbrella for the region and especially the City and County's Comprehensive Plans. For that reason, it was put first in the Plan.

On September 11th the Commission's preference was to put the goals after an introduction saying why things are important. That has not been done in the document they are looking at. However, got that information and will be doing that.

The following questions and answers were provided as well as recommended changes.

- Where is "biodiversity" in the document? Staff answered that it is in the Natural Resources section that has not yet been provided.

- Can we find a way to indicate that the County is not trying to deprive individuals of their "by-right" residential development ability? Several suggestions were

made on how that issue might be addressed including changing the word, "discourage" to the phrase, "discourage but not prevent" development in the Rural Areas or having a separate section related to property rights. This section would indicate that recommendations for the Rural Areas would not diminish any existing legal ability to subdivide land. Regulations would have to change to reduce development potential in the Rural Areas.

- Should the discussion reach back further than the 1998 sustainability accords? The County needs to indicate that it has a long-standing tradition of growth management that predates Agenda 21. Agenda 21 is a document of concern for the Tea Party from 1992. It was from the United Nations Department of Economic and Social Affairs Committee's Division of Sustainable Development which is a concern of the Tea Party.

- Eliminate "wishy-washy" language and suggest ways to help achieve goals.

- Since the sustainability portion doesn't have goals, objectives and strategies, can it be reworded and addressed as part of the preamble?

- Please include trails and bike lanes in the list of improvements the County has not kept up with.

Public Comment:

Tom Olivier: representing the Piedmont Group of the Sierra Club said he had served on the Sustainability Council in the 1990s. He said it consisted of a wide range of community leaders from builders/developers to environmentalists. He said it is still valid today and the Comprehensive Plan needs indicators or measures to see how we are doing in achieving our goals.

John Chavan: said there needs to be a clearer distinction between what is Rural Area (RA) and what is not. Some areas may be designated RA but are not rural anymore (such as the Shadwell interchange on I-64). He said the Plan seems to always have "no" language and it needs to be more people friendly and the County needs to find more consensuses.

Historic Preservation

Staff provided an overview of the Historic Preservation section. The Commission provided the following questions, comments and recommendations:

- The definition of "historic" should be at the beginning and not the end.

- A connection between the Entrance Corridor and Historic Preservation should be made in this section.

- How can the goals, objectives and strategies be tracked? One member suggested that the word, "strategies" be used for actions that can be tracked.

- The Monticello/Thomas Jefferson Foundation Viewshed Map seems to take in a very broad area. Staff suggested that Natasha Sienitsky, Associate Director for Planning and Facilities for Monticello and City Planning Commissioner, come to a meeting and explain the map and their recommendations to the Commission. Staff noted this was being set up for the County's Historic Preservation Committee already.

Public Comment:

Jeff Werner: Piedmont Environmental Council stated that PEC helped develop the Monticello Viewshed map the Commission saw tonight. He reminded the Commission that keeping Monticello's viewshed protected was an economic engine for the area.

John Chavan: said if the Thomas Jefferson Foundation continues buying surrounding land will everything they purchase then be in a protected viewshed? What about the property rights of the people who own that land? Mr. Chavan said he agreed that it is important to preserve what we have now, but not at the cost of landowner's prosperity.

The Planning Commission took a ten minute break at 7:08 p.m. and the meeting reconvened at 7:14 p.m.

Rural Albemarle

Staff provided an overview of the Rural Albemarle section. The Commission provided the following questions, comments, and recommendations.

- Try to avoid repetition in goals.

- Will the new rural economic uses turn the RA into something it is not? Staff indicated that the Commission needs to discuss this issue before completing the Comprehensive Plan.

- Is there a way to do a build-out analysis for the non-residential and non-agricultural uses, such as wineries and bed and breakfasts? When is enough enough? How do we measure if we have too many such uses in an area?

- Where are the metrics to measure progress? Staff said the Livability Project had suggested some performance measurements that will be brought back with their work. Several commissioners affirmed the need to have these systems in place for the future.

- When the document is adopted and put on-line, use hyperlinks to data that support the goals, etc. A data dictionary may be needed to explain everything.

- An on-line comment section at the website would be useful for the public to submit comments about the text on-line.

- In setting the metrics for preservation of the Rural Areas, could we set a threshold of how many residential units should be built annually in the Rural Areas? Ten percent was a suggested threshold. It was said that 10% may not

be the right number, but a number would allow for something to measure against. Another Commissioner said that more information is needed from residents who build in or move to the Rural Areas to find out why they make this choice.

- Recommendations are needed for dedicated funding for ACE. This funding can be leveraged against state and federal dollars for the purchase of easements.

Public Comment:
Jeff Werner: representing the PEC, said if the intent is to fund ACE, just directly say it. He also said that the Commission should not forget about the federal facilities we have in the area and how we plan with the federal government. He said there are grant monies available to help with this kind of planning.
Tom Olivier: representing the Piedmont Group of the Sierra Club, said the RA section was last updated in 2005 and it is tightly tied to the natural resources section – don't change that.

John Chavan: said just because land is zoned RA doesn't mean it is rural (i.e. his land at Shadwell). He said things have changed over time and certain areas of the county have changed that are no longer rural. He asked the Commission to continue to keep this in mind.

Comments on How to Review the Draft Plan

Staff noted to the Commission some of the difficulties that exist with reviewing the plan in sections. They suggested that rather than bringing the Commission individual sections by topic, that staff provide a complete draft of the Plan to the Commission in December.

The Commission discussed this recommendation and said they liked the idea of receiving a complete draft but it was going to be harder to digest a larger document than smaller pieces. Members said that it would likely be overwhelming to discuss at the December meeting. Some members said it would be helpful to have complete sections that would include the policy, the implementation and the metrics on how to achieve the goals for those sections. A member asked how the public would be able to comment on a complete draft – would they have to save it all for the one meeting where the complete draft was presented. Right now, section by section they get an opportunity to provide comment on each section. Staff and the Commission discussed the pros and cons and it was agreed by both that staff bring a complete section for Natural Resources and the Rural Areas to a November meeting.

Old Business

Mr. Morris asked if there was any old business.

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

New Business:

Mr. Morris asked if there was any new business.

- No Meeting on October 2, 2012
- Next Meeting – October 9, 2012.

There being none, the meeting moved to the next item.

Adjournment:

With no further items, the meeting adjourned at 7:45 p.m. to the Tuesday, October 9, 2012 meeting at 6:00 p.m. at the County Office Building, Second Floor, Room #241, 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)