Albemarle County Planning Commission
October 30, 2012

The Albemarle County Planning Commission held a regular meeting on Tuesday, October 30, 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 present.

Other officials present were Scott Clark, Senior Planner; Matt Weaver, Intern; Elaine Echols, Principal Planner; Andy Sorrell, Senior Planner; Wayne Cilimberg, Director of Planning, Ron Higgins, Chief of Zoning; 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.

- The Planning Commission welcomed members of Boy Scout Troop #1028 to the meeting.
- Jeff Werner, Piedmont Environmental Council, suggested the Comp Plan needs to speak about Rivanna Station Facility on 29 North and talk about their long term needs. Staff should reach out to and collaborate with the federal government in planning for the facility's future needs and perimeter encroachment concerns.

There being no further public comment, the meeting moved to the next item.

Presentation:

Rivanna Snapshot & Rivanna Watershed Planning
(Leslie Middleton)

Ms. Echols pointed out that the Rivanna River Basin Commission has done a lot of work on water quality to get a handle on how they measure and keep track of changes to our water resources and other resources in the Rivanna River Basin. They have been working on performance measures that would be useful in measuring natural resource changes. The Rivanna River Basin Commission has done a snapshot of the river basin. Ms. Middleton is going to make a presentation to the Board of Supervisors. She has asked to make a presentation about what they are doing before the Planning Commission gets into the natural resources section discussion for the Comp Plan Update.

Leslie Middleton, Executive Director of Rivanna River Basin Commission, presented a PowerPoint presentation entitled "Rivanna Snapshot and the Rivanna Watershed Action Plan – Albemarle County Planning Commission October 22, 2012 and Albemarle County Board of Supervisors November 7, 2012" and Stream Health Follows Land Use – Key findings from StreamWatch's study of the Rivanna basin." (Attachment 1 available in the clerk's office with the written minutes) The document will provide a baseline for the discussions, as well as articulate and encourage the current commitment to watershed protection.

Presentation

- The Rivanna Snapshot
- The Rivanna Watershed Planning Process and Action Plan
- Project timeline
- Relationship to planning activities in the Rivanna watershed, including Albemarle County Comp Plan Update
- Albemarle County has 64 percent of the entire watershed, but only 68 percent of the County is actually in the watershed.
- The County was a partner in the development of a Land Use Map that is quite detailed. They have it for the watershed and the rest of Albemarle County as well. They are looking at public access both for water trails,

river access, and other kinds of trails. They believe in the importance of having access for enjoyment and for people to understand what it is that they are trying to protect.

- There are a number of different ways of looking at watershed health. From a regulatory standpoint they have water quality standards in the State of Virginia. They have not such a great picture in the Rivanna. Of the stream miles that have assessed, which is about one-half of them in the Rivanna watershed, about one-half of them have been found to not meet water quality standards either for the aquatic standard (which means that section of the stream does not support aquatic life) or for the recreational contact standard (which means there are high levels of either Fecal coli form when that was the standard or E Coli as an indicator of the presence of bacterial pathogens. So it is not entirely safe to fish or swim in those sections. It is important to note that they don't know about half of the other 400 stream miles in our watershed. So there are some unknown factors there as well.
- They are going to be looking at a metric that has been developed by the Department of Conservation and Recreation. Water quality is only one way of looking at watershed health. There are many other ways of looking at a composite kind an index. One that has been used in the Commonwealth is called Watershed Integrity, which speaks to the importance of interconnection between natural landscapes for promoting biodiversity. There is even a human component to it as well. So this is one way of describing that.
- There is going to be quite a bit of emphasis from an educational point of view and also from a quantity point of view in terms of talking about riparian buffers. Riparian buffers are so incredibly important whether in the urban or the exurban or the rural setting for protecting our streams.
- They will also talk about conservation lands protected in one way or the other. In the plan it says that Albemarle County has about 18 percent of its rural land protected by easements. It is about the same throughout the whole watershed.
- They will talk a little bit about land use planning in terms of the kinds of watershed protection planning tools that are available with a nod to some of the things that are being done in various communities. As they said it is a snapshot.
- They will highlight the most recent report that came out of our community water monitoring program called Stream Watch. The Commission has a four page outline of that report. This report is extremely significant and the findings are extremely local. It talks about how a modest amount of disturbance in the rural areas very noticeably impacts stream health.
- In looking at rural versus the growth areas she would encourage the Commission to be very careful about how they define rural and think about what some of the impacts are if they are drawing the line in that definition. The Stream Watch Report is a very useful tool. It is another way of saying that our streams are not in good condition. So whatever they do in land use planning they really have an obligation to see if they can turn that around.
- This snapshot will have a public launch on December 7, 2012. Then they will go into a real watershed planning process in 2013. One of the reasons they are doing that is they see a lot of different plans and regulatory activities that have really forced localities to grapple with certain components of watershed protection like the Chesapeake Bay TMDL with its real focus on nutrient and sediment reductions not necessarily in a strategic fashion. It is not necessarily looking at the landscapes that they wish to really highlight and protect. The planning effort will bring it altogether in one document with all of the different parties that are involved.
- They have a mechanism with the River Basin Commission to vet the process and the report through the Commission itself. There are two Supervisors from Albemarle and an appointed citizen who sit on the Commission. They have representatives from the two Southern Water Conservation Districts. They have a Technical Advisory Committee that includes County staff as well.
- This plan will identify the players and who is doing what and where they want to go. It is also intended to be a kind of tool kit for localities to use. They will continue to work with staff. They are beginning to identify priority landscapes. They feel very strongly that critical slopes are important to protect because almost by and large they are defining where the headwater streams are. Even if it is not in the Shenandoah Park it is the beginning of drainage, which is the first point of impact in terms of protection. Across the Commonwealth and also in Albemarle they lack good information of our ground water, which is one part of their hydrologic system. They all want to know more about it.

The Commission held a discussion on the importance of protecting our water quality.

Mr. Randolph asked if Albemarle County currently has the organizational staff capacity in place to support the work that needs to be done in terms of preserving stream quality in the county.

Ms. Middleton replied that they have capacity in staff in understanding what the issues are. Interest, understanding and commitment are very high in what she has observed. In terms of implementation she would suggest that is really a dance between staff and the elected board and what the Planning Commission brings to the elected board. These are questions of priority in terms of devoting staff resources and also devoting general funds and others to these kinds of protection, restoration and conservation efforts. So she did not think it was just about staff. Technically, they have top notch staff. As in any kind of budgeting process one might have to be taking some from one pile to go to another pile. She would submit that these environmental questions and issues really need to be addressed holistically. They can't talk about water shed health without talking about transportation or talk about transportation without talking about housing. They can't talk about housing without talking about tax base and jobs. As they know the trick is to make all of that work together.

Mr. Randolph pointed out the reason he asked the question is because if one gets into nutrient trading it is a question really of who is going to be responsible to be involved in this process of figuring what are the tradable resources; what are the levels of trades; and who do you trade with. That is not going to be done at the Board of Supervisors level or the Planning Commission level. It is going to be done at the implementation level of staff and administration. That is why he posed the question. He was not disputing the vision here, but quite contrary he was concurred with her vision. However, what just came to mind was do they have the staff in place currently to meet these kinds of objectives.

Ms. Middleton replied that what is lacking is a framework in which evaluations can be made. She believed that a lot of the work they are doing in the Comp Plan update is going to help support that. What she is trying to convey is that they hope through their water planning process they will give them even more information that will empower the County to make those kinds of decisions. As a particular proposal comes forth that is tied to nutrient trading right now there is no mechanism to evaluate that from a standpoint of wanting to protect certain landscapes. That is true across the Commonwealth. She thinks every locality is trying to address this in one way or another.

Mr. Lafferty congratulates them on their efforts to come up with baselines. That is great. He understands that the cleanup of the streams in the Rivanna is not projected to happen for another ten years. He asked if that is true.

Ms. Middleton replied she was not exactly sure what he might be referring to. They have a couple of regulatory implementation plans for total maximum daily loads for local streams that are on a timeline of about ten years to complete those activities, which almost exactly coincides with the activity that needs to be in place for the Chesapeake Bay TMDL. When those plans are written there are levels of pollution reduction that are expected two years out, four years out or six years out with the result being clean waters. She thinks that is the answer to his question.

Ms. Randolph noted they received a communication about a corridor plan. What is her feeling from the basin perspective on this and the value of a corridor plan that would affect the City of Charlottesville along with the County? Is this a forward step and part of what they will be recommending within the details of their snapshot?

Ms. Middleton replied yes, absolutely they do recommend that planning effort go on and there is a understandable tension between the kind of development that is appropriate in a river corridor that will enhance the water quality while at the same time building the kind of destination that is being talked about. She believes almost without exception anything they do to bring some focus on the river helps them understand their relationship to it. It also helps them understand the relationship to the folks in Greene County who are doing the best they can and the folks in Fluvanna who have made some pretty great strides in that regard, not formally but in the terms of their land protection.

Mr. Loach said the title itself snapshot seems to imply that this is a onetime action plan coming across. What is the long term plans and do they have any prior data they can draw into the snapshot and make some corollaries between where they have been and where they are going.

Ms. Middleton said that is a very important question. They intentionally chose to have this be a snapshot because of their time and resource limitation. Almost across the board there doesn't exist good data from say ten years ago for most of the things that they really want to look at. Where it is possible to speak about change in both the snapshot and the accompanying technical document they will do so. Where they know they need more data in order to replicate at some period down line they are going to highlight that. Usually that involves resources to get more data, whether it is water monitoring or that kind of thing. They do see it replicable to a certain degree. One of the things

that are going to fall out of this process is a community endorsed set of metrics that are the things they want to track towards progress beyond what the state is tracking in terms of water quality.

Mr. Dotson said he was curious in the handout about current and 20 year out conditions and just scanning the map there are areas where clearly the water quality, health, and so forth declines over the 20 years.

Ms. Middleton agreed that it was predicted to be.

Mr. Dotson said he was speculating given some of her comments that those are in the areas where urbanization increases and where there is loss of tree cover. His question would be since there are designated development areas where urbanization will take place are there a couple of things she could call attention to that they ought to keep their eye on for how to have healthy water and urbanization.

Ms. Middleton replied yes, that it is an easy place to go to say they have already given up these waters in our urbanized areas. However, she did not think that is what they should read from that report. It is appropriate to have growth areas as Albemarle County has chosen to do. What they need to be doing is really paying attention to the best management practices for urban stormwater treating as much on site. The new Crozet wetlands are a great example of a way to do that in a compact place where it is going to be hard for redevelopment to take place. There is kind of a regional plan, which is an interesting evolution because it has gone from regional to on-site. Sometimes it makes sense to have it be regional. So those kinds of measures are extremely important. She did not think they should give those streams up for lost since there are still things that they can do.

Mr. Randolph noted that he was going back into what they are going to be discussing after the presentation and wanted to take advantage of her presence now to pose these questions. One of the strategies on page 16 in strategy b that they will be looking at in their discussion on natural resources says encourage the voluntary protection of wetlands. In her judgment for the kinds of goals for natural resource protection on a basin wide level is voluntary protection of wetlands over the next 20 years going to be really effective or do they need a more effective ordinance for wetland protection within the County. Secondly, on the bottom of page 18 under strategies d) it says undertake ecosystem and stream bed restoration projects. He did not see how the County can do that effectively without private owner buy in because most of the property they are going to be talking about is not publicly owned. It is privately owned land. They certainly know that the recent results of the One-Community survey that shows in the average the highest response was to protect private property rights. He asked that she answer that question based on his perspective of any ideas or suggestions she might have for a private property owner buy in to get the kind of ecosystem streambed restoration project they are going to need to really be effective in enhancing stream water quality over the next 20 years. In other words do they need voluntary protection of wetlands or do they need an ordinance.

Ms. Middleton encouraged them to look at stronger measures like headwater streams and wetlands, which are extremely important to the hydraulic system. They provide incredible benefit in terms of cleaning the water. In general, they are not going to be building on wetlands anyway. They don't provide other uses. So that along with the second question she thought they need to look at ways to really incentivize private landowners. They hope the culture will change over time because of the kinds of landscapes that result from restored stream corridors. If they can make it through the ugly construction process, like what is going on at Meadow Creek, they end up with something really nice. Just like there is value living next to a conservation easement it would not surprise her that at some point in the future they start to see these kinds of conservation measures done on private property as value added to the property value itself and an amenity. The third thing is that she thought it was very appropriate to look at ways of monetizing some of these practices on public lands or providing the funding through some kind of storm water utility, which is what Charlottesville is looking at right now. Albemarle has a whole different set of issues related to that since it is a different kind of development. It is not totally urbanized. However, those are all different kinds of mechanisms that sort of get at the same thing.

Mr. Morris thanked Ms. Middleton for her presentation and information.

There was no public comment and no formal action was taken. The Commission agreed the information presented should be considered as part of the Albemarle County Comp Plan Update.

Work Session

CPA-2013-00001 Comprehensive Plan Draft – Review of Natural Resources and Rural Areas Sections of the

Plan: Existing Conditions, Recommended Plan, and Measures of Success (Elaine Echols, Scott Clark, Andy Sorrell)

Natural Resources Section

Scott Clark presented a PowerPoint presentation on the draft natural resources section which includes three main parts – the existing conditions, the Plan, and the Performance Measures. Staff noted the guide which shows the locations where proposed information in the draft Plan came from in the existing plan.

Planning Commission Questions and Comments:

- There was a question on what the time frame was for the performance measures. **Staff stated it was for five years, or 2018.**
- The wording in the presentation regarding "well-enforced" storm water management did not appear to be in the draft. Also, what does well-enforced mean? **Staff noted this wording was inadvertently left out and it will be added to future drafts. Better-enforced means better utilizing staff resources to enforce storm water regulations.**
- Several agreed that there needs to be incentives to encourage private property owners to buy-in to protect biodiversity through BMPs on their property. Use positive reinforcement rather than heavy-handed approach.
- Voluntary mountain protection measures may not work in the long-term.
- Doe the Water Protection Ordinance prioritize the protection of wetlands? Do we have wetland buffers? **Staff replied yes, in the sense that wetlands are often in floodplain or the 100 foot stream protection buffer.**
- Could wetlands text be incorporated into the floodplain section? Wetlands play a vital role to reducing flooding.
- The Commission liked the strategies for the objective "Protect the availability and quality of surface drinking water supplies."
- What about addressing nutrient loading or protecting waterway from nutrients flowing directly into the water from storm drains in communities like Glenmore Golf Course? They should consider a strategy for this.
- It was felt that a storm water tax may be problematic (i.e. strategy relating to investigating creation of a storm water utility) and may be a lightening rod taking away from other parts of the Plan.
- Concerning the objective about rock formations and providing a reliable water supply, the question was asked what the tipping point was – when would there be too many users. **Staff replied that it was hard to know until you had passed that point.**
- It was suggested that groundwater limitations should also be tied back to why the county desires to keep residential development in the Rural Areas (RA) to a minimum.
- Performance Measures could be broken out into two types: 1) outcome measures and 2) work program measures. The two types do not intermix but an annual report may be helpful to understand where we are on the measures on an annual basis. **Staff mentioned that such a report had been prepared in the past, but not recently.** It was generally felt that such a report should begin being prepared again. Work program measures could be addressed when the department's work program is updated yearly. **Staff noted that an implementation plan for the Comprehensive Plan should be prepared that prioritizes the work program measures.** Examples of additional performance measures to consider include:
    - Keep the amount of tree cover (land cover) stable and increase it where possible (outcome measure).
    - Work with the City of Charlottesville on the Rivanna River Corridor (outcome measure).
    - For drinking water wells, provide wellhead protection (outcome measures).
- It was suggested that performance measures be moved closer to goals, objectives and strategies in the Plan. This would make it easier to see the relationship between a goal and outcome measure. It was also stated that performance measures concerning particular objectives and strategies should be grouped together.
- It would be helpful to talk about past efforts to give an understanding of why things may be done differently today (example of how storm water used to be managed differently in the past).
- It would be helpful to note which performance measures are new.
- A table of contents for each section would be helpful – could also be where the goals, objectives and strategies are listed without all the explanatory text.
- It was suggested when the Commission reviews legislative requests, like rezonings and special use permits, part of the discussion should show the relevant performance measures and how far the county is ahead or behind to ensure the Commission recommendations are in-line with the Comprehensive Plan.

- Strategies and/or performance measures should not be removed merely because there is no funding in the near term for some activities.

Public Comment on Natural Resources

Tom Olivier, representing the Piedmont Group of the Sierra Club, spoke on Natural Resources only. He presented a handout. (Attachment 2 available in the clerk's office with the written minutes) - There is a lot more data available on biodiversity than the draft plan speaks to. There was a 2007 Biodiversity Report and the Natural Heritage Committee's Report. The draft Plan should be amended to better address the recommendations of these previous works. He felt that the public needed more time to review the drafts than was provided this evening.

Morgan Butler, representing the Southern Environmental Law Center noted the public needs a minimum of two weeks to review drafts in order to provide adequate comment. There needs to be a mention of impaired waterways and/or a map of the same in the Plan [use Rivanna River Basin Commission (RRBC) Snapshot]. He liked when upcoming Planning Commission activities were listed on Planning Commission agendas.

Jeff Werner, with Piedmont Environmental Council, asked do we know the rate of fragmentation in the Rural Areas (RA). This could be a measure and also needs to be provided to the public on a regular basis. It needs to be put back in the Development Activity Reports.

Neil Williamson, with the Free Enterprise Forum, agreed that additional public input is needed on the drafts. He did not feel biodiversity should be in the Plan or things that limit landowner property rights. He felt that the Natural Heritage Committee had too much power to limit property rights. He submitted a handout. (Attachment 3 available in the clerk's office with the written minutes)

The Planning Commission took a break at 7:55 p.m. and the meeting reconvened at 8:03 p.m.

Rural Areas Section

Andy Sorrell and Elaine Echols presented a PowerPoint presentation on the draft rural areas section which includes three main parts – the existing conditions, the Plan, and the Performance Measures. Staff made reference to the guide that shows the locations where proposed information in the draft Plan came from in the existing plan.

Planning Commission Comments

- Most Commissioners felt that using the figure of 105 building permits per year on the average was too low. If using a specific number rather than a percentage of single family units, then that number needs to be the average of more than just the last three years (should be five or more). A Commissioner indicated the County needs to use a statistically significant technique to determine a measure for the number of Rural Area (RA) dwelling units.
- In areas where acreages of a certain use or type are listed (such as acres in farm or agricultural /forestal districts) list the percentage that may be of the county's acreage for comparison.
- There is a need to ensure education occurs on why making the Development Areas (DAs) more livable help protect the Rural Areas (RAs). Specific methods of outreach and education need to be spelled out.
- The text seems to indicate a value judgment about suburbanization and fragmentation on page 8.
- Incentives are needed to have property owners agree to a maximum lot size for the development right lots in an RPD.
- The diagrams used on the PowerPoint presentation relating to the examples of maximum by right and RPD lot size would be good to have in the Plan.
- Realtors need to be educated on the growth management policy. Tools need to be developed to help real estate seekers find the County website so they may learn about Development Areas (DA's) and Rural Areas (RA).
- It was suggested that wineries have conservation zones (fixed radius buffer) around the use that helps limit noise and other secondary impacts on adjacent property owners.
- There seems to be different standards for wineries and breweries. Why do all grains for a brewery need to be grown on-site since it seems to be impractical to do so. It was questioned that maybe it could be just growing their hops.
- There is a need to consider urban markets other than just Richmond. An example was given of the orchid growers on Route 20 whose primary market is Washington, DC.

- The concern was expressed that permitting more special events at farms on the same-scale as wineries will cause more nuisance issues. It was suggested perhaps they should be considered as special exemptions (exceptions) which can also benefit from public input.
- The performance measure on page 27 relating to noise from farm wineries and events would be better worded as follows: There will be minimal, sporadic and non-site specific noise complaints from events in the Rural Areas."
- To better reflect the ups and downs of the market it would be better to use Single Family Detached (SFD) in the Rural Area (RA) as a measurement and not all dwellings – maybe no more than 10% Single Family Detached (SFDs) in the Rural Area (RA)?
- Using building permits is a good idea. Also consider just looking at buildings permits for subdivision outside of named subdivisions (named subdivisions being older ones that are already platted and are likely to be developed sometime in the future).
- Track building permit data for areas around crossroads communities like in a 3 mile radius.
- Refer strategies relating to conservation to the county committees that review that type of data, such as the Natural Heritage Committee, the PRFA and ACE committees.
- An outcome measure should be to monitor 50% of all county conservation easements every year so that they are all reviewed every 2 years.
- One measure of success might be to see how well we can keep the number of parcels in the Rural Areas (RA) over 100 acres a stable number.
- Monitor the number of acres withdrawn from land use taxation.
- Monitor the investments made in historic structures in the crossroads communities – could set a goal of such investments should exceed $XXX dollars.
- Track the number of historic buildings converted to non-residential uses.
- The wording on page 2 about discouraging residential development is too black and white. Some rural housing is okay like the kind for rural workers (farm worker housing) which supports rural enterprise.
- Of the key elements on page 2, bullets 2 (strong agricultural and forestal economy) and 7 (Rural Protection through Rural Enterprise) seem similar and could they be combined?
- The Rural Protection through Rural Enterprise element may be better if it encourages such activities at crossroads.
- The goal on page one should be shorter. Look at the paragraph following the bulleted vision elements on page 7 since it has a better, shorter wording for the goal: "Ensure Rural Areas Remain Rural and empathize these elements:" [then list the bulleted elements].
- The bulleted list on page 1 (rural resources) needs to better match up with the elements bulleted on page 7.
- Could protecting property rights be mentioned in the elements on page 7?
- It seems like residential development is a "use" as is agriculture and forestry. Consider grouping uses together.
- They need to know what farmland becomes when it was no longer farmland. Can we get this data?
- In the summary of farm acreages, the percentage needs to be given in addition to the raw numbers. It would helpful to know if we have more farms that are large in acreage or smaller farms.
- There are locations in the draft where the text mentions goals and objectives, but then they are not listed below the text
- They should consider having Rural Area citizen committees like we have for the Development Areas (Das).
- For ACE funding take out the exact dollar amount and just leave a percentage. It should increase that way so the exact amount isn't affected by inflation.
- Commissioners liked the idea of edge conditions being laid out in Master Plans.
- Add back in (accidentally left out) events for up to 100 people in RA by-right.
- Comment made that on small lots even 100 people could be more than it could handle for a by right Rural Areas (RA) event. They should consider an acreage requirement so that the property can accommodate the people and their vehicles.
- Commissioners liked the plan to treat working farms the same as wineries since it helps to supplement their income and keep rural lands rural.
- The language of the objectives is too fancy and can be simplified.
- The existing conditions sections need to be more consistent between the Rural Areas (RA) and natural resources. It appears different in the section heading, etc.
- An element should address expected cost of infrastructure if it was to be provided in the Rural Areas (RA) as the reasoning why it is not desired there.

- Strategies that suggest specific numbers (like number of rooms permitted for tourist lodging or the number of people permitted for special events) could be changed to wording that says "investigate" rather than trying to resolve the particular zoning details at the Comprehensive Plan level.

Public Comment on Rural Areas

Jeff Werner, with the Piedmont Environmental Council, provided a rough map that showed locations for structural deficiencies of bridges on county roads. (Attachment 4 available in the clerk's office with the written minutes) He noted this information came from some of VDOT's numbers earlier in the year. He said their information showed there are 41 structurally deficient bridges and culverts in the county and 88 functionally obsolete bridges and culverts in the county. Most of them are in the Rural Area. He started to map the 54 bridges and culverts in the county that were built prior to 1940 and have not been reconstructed. However, he ran out of time. The point is they can see there is a lot of infrastructure in the rural area that is in bad shape.

If the county is going to be talking about economic development in the Rural Area, it will certainly be increasing development and traffic in the rural area and this is information that needs to be included in the comp plan. In fact, he suggests that VDOT information, either in a text or in a map, be in the comprehensive plan so the Commission can understand the infrastructure limitations. He asked the Commission to consider adding the rural transportation component back in. Mr. Werner asked if, under the performance measures for conservation, the recommendation to track increasing amounts of acreage in conservation easements only accounts for ACE land or is it for all conserved land. He said there needs to be a more aggressive goal. He said the county needs to prioritize rural activities in crossroads communities. He liked the data that is in the current plan on Rural Preservation Developments (RPDs) better. He also suggested the section on fiscal tools be added back in to the text.

Morgan Butler, with the Southern Environmental Law Center, said from a formatting standpoint he was not comfortable in the breakdown in just referencing some of the key elements elsewhere, such as the mountains, hills, and streams in the Natural Recourse (NR) section. He feels that by just redirecting people to other locations without a paragraph or other text on why the element is important deemphasizes them. There needs to be information on sustainable forestry practices and a stronger recognition of the many valuable ecological benefits that healthy forests provide. Increasing the amount of timber harvested is one of the measurement goals. It is not particularly helpful economically or environmentally if they are not replenishing those forested acres. Scenic resources are not included in the draft, which definitely seems to be a key component of rural area preservation goals.

The draft plan needs to better empathize those in the Rural Area (RA) should not expect the same level of services as those in the Development Area (DA). He suggested that it be included in the land use pattern discussion. He did not like the possibility of new by-right lodging that could produce things like motels along Route 250. Expanding bed and breakfast to allow rooms to be in a structure other than a house is one thing. However, when they start talking about being able to build motels along Route 250 or Route 20 they are talking about a purely commercial use that would have a negative impact on the rural areas in the county.

Neil Williamson, with the Free Enterprise Forum, submitted a handout noting they need to incorporate property rights into the draft such as in the elements on page 7. He suggested the words inserting after protect "land owner rights and" the key elements that give the area its character. The chart on page 2 is misleading. It should just be Single Family Detached (SFDs) not all. More farms could be included in the listing based on the State's definition of agriculture to include wineries. It says 26 wineries and there are 2 more that are about to come on line. He thinks those numbers need to be adjusted so that they have proper metrics for measuring. On page 12 he was confused which is the nuisance the agricultural use or the residential use.

Under Conservation easements the Comp Plan notes 18.6 percent of the County is now under conservation easement. He asked what the overall goal is and if Albemarle County is spending on such easements a proper metric for success? They need to start looking at the long haul. They have spoken to staff about the objectives on page 19 as being too broad.

Any new use beyond a hayfield would generate more demand on police and fire and change the character of the area. Based on their understanding of the factored aquifers and the Virginia Water Law the concept of drawing down groundwater from others should also be removed. Considering the fastest form of agriculture is the farm wineries they are surprised to see the assertion on page 20, this situation is complicated by the tendency of winery events which often include weddings to be not promoting agricultural production." They have heard testimony opposite to that. He would let the other comments stand.

He wanted to correct one misstatement that was probably a misunderstanding with regard to whether there have been complaints from rural area residents for farming operations. There certainly have been. There have been complaints that have gone as far as the Board of Supervisors for a winery operation out in the Keswick area using a refrigeration truck. There are these necessary conflicts and the question of who is the primary user of the rural areas and how to manage it is really the goal of this chapter. (Attachment 5 available in the clerk's office with written minutes)

Sally Thomas stated that 20 years ago they had to say no to every possible development because there was no distinction between development areas and rural areas. They worked for years to develop a Neighborhood Plan to make the development areas attractive. Why – partially to make the area more attractive, for everyone to be happy that lived here and also partially to preserve the rural areas. Rural areas that develop have unceasing demands on public services. So the roads and bridges that they have heard about, which are soon going to become supported by property taxes because the state is dumping them into our lap, are going to be stressed by numbers of people. They increase the numbers of people every time they make certain kinds of decisions for the rural areas. Those are the ones that will be creating the problems in the future. If they can realize that it is not black and white, then it is not nasty to say that they don't encourage residential development in the rural area. So discouraging residential development in the Rural Areas (RAs) due to the public cost for infrastructure is a legally defensible goal. That ought to guide a lot of what seems to be some of the limits they are bringing up in this discussion.

Water and septic storm septic runoff are things impacted by numbers of people whether they are tourists at events or living there. The elephant in the room that no one has mentioned is the fact that the rural area in Albemarle County and a lot of other counties have been preserved because of the fact that there are some lands that don't perk and some lands in which one can't get water. They are going to be encouraging people to do rain water harvesting and it is going to become more and more possible to simply live off the water that falls from the sky and a moderately producing well. Also, the state is requiring the county to allow people to have alternative septic systems. The land that does not perk and does not create much water that in our plan generally has been assumed to be undevelopable and preserved is no longer going to be preserved. Now is the time to look ahead to that situation in the Rural Area Plan.

There being no further public comment, Mr. Morris closed the public hearing to bring the matter back before the Planning Commission for further discussion.

Ms. Echols noted there were some things she was not sure there was consensus on or things that needed more discussion in order for the Commission to come down on what they want to say in comprehensive plan. She noted the following items that need further discussion. The list might not be complete. She asked if the Commission wanted to try to tackle any of that tonight or if they wanted to postpone that to the next work session to try to get it down to what will go into the plan.

1. Winery events = farm events
2. New lots versus old lot distinctions
3. Beer production
4. TDR's
5. ACE money (she was not sure if there was total agreement)
6. 100 people as by right use
7. Lodging by right or by special use
8. Request for more study of land use data – Staff will have to work on what they can and can't get to the Commission as far as additional information that would help describe what has happened to our land in terms of subdivisions and larger farms being divided up. That is some of the information the Commission was looking for.

Ms. Echols asked are there other items that were either new and had not been discussed before or needed further discussion?

Mr. Morris suggested one item that needs further discussion, which he agreed with what was in staff's document, is the 100 people by right because a neighborhood association can have 100 people at a drop of a hat. Rather than getting a special use permit that ought to be by right.

Mr. Loach said he did not think they could physically fit the cars and people on two acres. It seems they could take an objective standard in what they can reasonably put on two acres as far as for 100 people. There is another

element that should be put into it, which Jeff Werner brought up, for the infrastructure. He asked what the projected cost of the infrastructure is that they are going to need. Ms. Thomas brought up the same subject in a round-about way – the more people added the more services and the more infrastructures. If they now have inadequate infrastructure, then they are going to be compounding the problem.

Mr. Smith said if 100 people come to the meeting and they can't all get in then the next time not that many people will come.

Mr. Franco felt being a comp plan maybe they just ought to figure out what that number is as one of their goals as opposed to trying to define it for this particular comp plan. He actually went a different way. He was thinking the farm next door, which was a 600 acre farm, had a funeral and there was probably a lot more than 100 people at it– that if it can accommodate it that number is really small. He did not want to define it at this point.

Mr. Kamptner suggested one thing that staff could do was clarify whether they were talking about uses that might be considered to be accessory to a residential use, such as weddings and receptions of family members or funerals of family members versus making their residences available to third parties.

Ms. Echols noted that is a distinction staff has been thinking of. If it is the incidental residential use it does not matter. However, if what they are doing is marketing your house for wedding events every weekend that is different.

Mr. Dotson said to come back to the list Ms. Echols read he felt a lot of those were what he was calling work program items. The thing that makes him uncomfortable about them is that each of them is like a ZTA. A lot of study would go into it and they would bring it and they would not know what they thought until they read it and heard from the public. So should they be that specific in the plan. He asked if in a strategy they should say these are potential strategies and things to investigate and then they set each year a work program to say they are going to take this one, this one and this one because they seem like the high priorities right now. So he was wondering if they can identify what the issues are in that second section in strategies, but not try to resolve it as part of the comp plan. He was not trying to put a waffle on it, but just to say they put a lot of study into a ZTA and a lot of work. It almost seems like this is asking them to make an on the fly decision.

Ms. Echols asked if the Commission wants staff to bring these questions back at a future date so they can go through them as a group and answer them without having to go back through the whole document. They could just iron out what it is they want to say about this.

Mr. Morris replied that it would be very helpful.

The Commission asked staff to work with the Chairman to schedule another work session on the Natural Resources and Rural Areas Sections on November 20th or 27th to follow up on tonight's discussion and get additional public comment on both items. The following issues need to be further discussed and resolved due to timing issues.

1. What do we want to use as a barometer of success for not increasing residential development in the Rural Areas.
2. How do we want to treat breweries in the RA?
3. Should regular events at farms be regulated as they are at farm wineries?
4. Should events such as weddings, retreats, etc. be by-right in homes at no >100 guests?
5. Should the plan recommend that community centers and churches be by-right in Crossroads Communities only or in other places in the Rural Areas?
6. Should the plan continue to have recommendations on Transfer of Development Rights (TDRs)?
7. Are there distinctions between "new" lots and "old" lots (in terms of performance measurement in the RA)?
8. Should the plan recommend appointment of community advisory councils for identified crossroads communities?
9. What specifically should be recommended regarding lodging? What is the high end of the threshold? 17 rooms, 50 rooms?

Other Planning Commission comments:

- There has been concern the County is moving too fast on too many approved and proposed uses in the Rural Areas and that they should slow down and see what the results are. One Commissioner felt that waiting five years is too long to assess whether the special events numbers and regulations are appropriate. This one should be looked at on an annual basis and the county should be prepared to correct things if they need to be corrected.
- Staff should clarify whether they are talking about uses that might be considered to be accessory to residential uses.
- The Commission agreed (Ms. Monteith and Mr. Smith unsure) they would be available for a meeting on November 20th.

Mr. Cilimberg addressed the Commission and said that some of the points Ms. Echols identified may have some alternative ways to be addressed. Coming back to the Commission staff could take the points and identify what the alternatives are to do that and where staff feels like the plan does need to provide some pretty strong guidance versus where the plan could defer work program kinds of activities. They are facing the need to have some standards for how they evaluate activities in the rural area. That is not something they need to put in a work program. They need to decide that in the comp plan. However, there are other aspects of the work they could be doing through zoning text amendments that really, as Mr. Dotson described, do need that extra level of analysis and reasoning in bringing them to the Commission. They can go through the list and try to give them some suggested approaches where the comp plan can be more definitive versus a strategy.

Staff to schedule November 20th and 27th work sessions as noted above. No formal action taken.

Old Business

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

New Business

Mr. Morris asked if there was any new business.

- No Meeting on November 6, 2012
- Next Meeting – November 13, 2012.

There being no further business, the meeting proceeded.

Adjournment

With no further items, the meeting adjourned at 9:39 p.m. to Tuesday, November 13, 2012 at 6:00 p.m. at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

V. Wayne Cilimberg, Secretary

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