Albemarle County Planning Commission
October 14, 2014

The Albemarle County Planning Commission held a regular meeting and public hearing on Tuesday, October 14, 2014, at 6:00 p.m., at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Cal Morris, Chair; Karen Firehock, Richard Randolph, Mac Lafferty, Vice Chair; Thomas Loach, Bruce Dotson, and Tim Keller. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was present.

Staff present was Scott Clark, Senior Planner; Elaine Echols, Principal Planner; Wayne Cilimberg, Director of Planning; Sharon Taylor, Clerk to Planning Commission; Mark Graham, Director of Community Development and Andy Herrick, Senior Assistant County Attorney.

Call to Order and Establish Quorum:

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

From the Public: Matters Not Listed for Public Hearing on the Agenda.

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

Consent Agenda:

a. **Approval of minutes**: June 24, 2014 and July 29, 2014

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

Motion: Mr. Randolph moved and Mr. Lafferty seconded for approval of the consent agenda.

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

Mr. Morris said the consent agenda was approved.

Committee Reports:

Mr. Morris invited committee reports.

The following committee reports were given:

Tim Keller:
- Announced the Fiscal Impact Committee will meet on September 29.

Rick Randolph:
- Noted work of the solid waste committee was a topic on tonight's agenda.
- Reported that the Historic Preservation Committee is continuing to work on a handbook to be available on the County website.
- Reported the Village of Rivanna Community Advisory Committee had a meeting and discussed residential density with staff.

- Briefed the Commission on the LEUP Workshop he attended in Short Pump.

Karen Firehock:
- Reported that the National Heritage Committee met and is working on an annual report to present to the Board of Supervisors.
- Reported that the Water Resources Funding Advisory Committee has met twice to work to develop funding recommendations for mandated regulatory changes to storm water management. Noted they will have meetings open to the public the second Thursday of every month for at least the next six months.
- Reported that the University of Virginia Master Planning Council met and reported the University has an excellent bike share program coming on line soon (U Bike).

Mac Lafferty:
- Reported that the Citizens Transportation Advisory Committee has called a special meeting for this Thursday, 10/16 regarding House Bill #2.
- Reported PACC Tech will not be meeting.
- Reported on the 29 Solutions public meeting held by VDOT tonight and expressed an interest in having the Commission receive a presentation of information provided at that meeting.

Cal Morris:
- Reported that The Free Bridge Area Congestion Relief Committee met in September to discuss the final seven possibilities as to ways to relieve congestion at Free Bridge. Findings will be displayed at a public open house to be held on October 23 from 6 p.m. to 8 p.m. at Thomas Jefferson Planning District Commission Office on Water Street. A wrap up meeting will be held in November.
- Attended the initial meeting of the City-County Rivanna River Planning Committee on behalf of the Planning Commission. The next meeting will be October 28 at 10 a.m. The Commission will designate its representative under new business tonight.

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

Review of Board of Supervisors Meeting – October 1, 2014, October 7, 2014 and October 8, 2014.

Mr. Cilimberg reviewed actions from the Board of Supervisors meetings on October 1, 2014, October 7, 2014 and October 8, 2014.

Deferred Items

CPA-2014-00001 Route 29 – Hydraulic Road Official Map
Ordinance Re-Adopting and Modifying U.S. Route 29 and Hydraulic Road Official Map – Ordinance to re-adopt and modify an official map originally adopted December 2, 2009 under Virginia Code § 15.2-2233 et seq., depicting, within the vicinity of the northwest quadrant of the U.S. Route 29 and Hydraulic Road intersection, the location, centerlines, and existing and future right-of-way widths of the legally established segments of U.S. Route 29 and Hydraulic Road abutting and on County Tax Map and Parcel Numbers 61W-03-19A and 61W-03-25. The ordinance and map would be amended to identify the current tax map and parcel numbers, but the location, centerlines, and existing and future right-of-way widths would be the same as adopted on December 2, 2009, except as modified to remove rights-of-way dedicated to public use and improvements constructed since December 2, 2009. A copy of the full text of the proposed ordinance and the official map are on file in the office of the clerk of the Board of Supervisors, and in the Department of Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia. (Andy Herrick/Jack Kelsey) ***DEFERRED FROM THE SEPTEMBER 16, 2014 PLANNING COMMISSION MEETING.***

Mr. Morris noted CPA-2014-00001 Route 29 – Hydraulic Road Official Map was deferred from the September 16, 2014 Planning Commission Meeting.

Staff Presentation:

Mr. Andy Herrick, Senior Assistant County Attorney said he was filling in for Greg Kamptner. He has been asked to speak about this official map for the Stonefield intersection. As they have seen from looking through the executive summary, this case derives from the proffers for the Stonefield Development. The purpose of the official map is basically to reserve proposed rights-of-way or future rights-of-way for localities. In this case, the official map was part of the proffers for Stonefield originally made in December, 2009. There have been a number of improvements made to the Route 29-Hydraulic intersection and additional revisions made to the official map since this Commission and the Board of Supervisors last reviewed it in December, 2009. It is a statutory requirement that the official map be reviewed, revised and readopted once every five years. We are now reaching the end of that five year window. Some revisions have been made to the map to reflect the right-of-way that has already been dedicated, as well as some changed lot lines. Otherwise, the official map here is largely the same as when it was last reviewed and approved in December of 2009. The process from this point is that the Commission would review and make recommendations to the Board of Supervisors who would then have the final ability to adopt it by ordinance. Therefore, staff suggests readoption of the official map as amended, and that the Planning Commission recommends it for approval by the Board of Supervisors.

Mr. Morris invited questions for staff.

Mr. Lafferty asked if it would be prudent now to show the property's new name, instead of Albemarle Place, which is on the map.

Mr. Herrick replied that label reflects the owner of that parcel, Albemarle Place, EAAP LLC. This plat is just reflecting legal ownership, rather than the name of the development.

Mr. Randolph asked how the change on the map would affect pedestrian safety in crossing over Route 29.

Mr. Herrick replied that he was not sure that issue is really addressed in the official map. He is told that the design shown on this map does have the capacity for the proposed interchange at Hydraulic or any sort of interchange that could be proposed at Hydraulic. This map was made with those designs in mind. He was not sure he could really address pedestrian impacts specifically.

Mr. Randolph asked whether with these changes, there was any impact in terms of storm water management on site.

Mr. Herrick replied that he thinks this is more dealing with public rights-of-way than storm water management.

Mr. Cilimberg said that when the official map was originally adopted, there was a conceptual plan that County staff agreed with VDOT staff could be built in the location covered by the official map as an interchange. The interchange itself is not part of the official map, but making sure the right-of-way existed for any improvements including an interchange was the subject of the official map. Of course, now they know that with the 29 Solutions, there will be a re-study of this intersection for the potential of an interchange that may be like that proposed for Rio Road or something else. The official map is providing for the land area necessary for the improvements that might follow in many years. They don't

expect that to be imminent at this point because there is no funding for the actual construction. However, there is funding for planning a work study of that for an interchange. Of course, with that study will be the discussion and consideration of things like pedestrian crossing.

Mr. Dotson said he had no problem with the proposal, but it is its novelty. In the time he has been on the Commission, he did not remember seeing an official map before. He was wondering if this is a new procedure.

Mr. Herrick said it is not one that comes up very often. However, he found the minutes and the agenda item from when the Commission considered the last map in 2009. He was not sure of any consideration that has occurred subsequently to that.

Mr. Dotson said it was not necessary to have an official map, which he assumes has a certain amount of engineering study that goes into it before these fairly precise lines are drawn. It is not necessary to have an official map in order to receive dedications of right-of-way.

Mr. Herrick replied that is correct, it is not necessary. The main purpose of the official map is essentially for a locality to reserve certain areas as public rights-of-way. For example, if a building permit were to come up that proposed a new building within an area marked on the official map as a proposed right-of-way, the locality would have basically the first opportunity to acquire the land. The main purpose behind the official map is to set up the current and future proposed rights-of-way and to give a locality essentially a first claim on those areas.

Mr. Dotson said that the example of the question that occurred to him is in Crozet, on what he would call the Eastern Avenue that connects 240 and 250. Do they have an official map there and do they need one? Again, he was just trying to understand how official maps work.

Mr. Cilimberg replied that they have the comprehensive plan designation of the general area. There would need to be an actual completion of alignment studies to determine exact locations. They also have had some reservations in a couple of projects for part of that road to be built. Upon demand of the County, they can get the land to build, but they have not actually had through our Office of Facilities Development an actual plan for the alignment of that road or some of the other roads that could become an official map if they went through an alignment study. The comparison here is that they did have an interchange study at this location to determine the land needed.

Mr. Dotson said that in the Crozet example, they obviously don't need to have an official map in order to reserve lands as part of a rezoning.

Mr. Cilimberg pointed out that even in plats; they have gotten some land that has been set aside for the County.

Mr. Keller asked as part of the bigger picture for the future, if in the wisdom of a prior Planning Commission, there had been interest in having a parallel road to Route 29 North from the Route 250 By Pass to the Rivanna River, and if that had been put in the comprehensive plan, could there have been a reservation of a right-of-way for those parallel access roads to businesses on either side before they were developed?

Mr. Herrick replied that there could be an official map along those lines. However, that map would not automatically guarantee the locality the right to acquire those properties. It would affect the processing of building permits for any building that would come up within the space designated as proposed rights-of-way. That would pretty much be the extent of the legal effect on development. It would not take

away from the property rights of the owners there because the County would have to compensate the owners for any property acquired.

Mr. Keller said that it could have been an encouragement for a further setback of the buildings that were built.

Mr. Herrick replied that an official map would be one way for the county to acquire property, again, fairly compensating the owners for their property.

Ms. Monteith asked who prepared this map and whether it was the county.

Mr. Herrick replied that he did not believe so. Again, this map was in conjunction with the proffers for Stonefield. He assumed that the Stonefield surveyor prepared the map.

Mr. Keller asked whether when they talk about these various connectors, such as the area anticipated on the south side of town, there is an official map that is comparable to this.

Mr. Cilimberg replied no, not necessarily. The first step in determining where any potential roads or road improvements would be located would be through the land use element of the Comprehensive Plan, which for most of the County's development areas are master planned areas. Those plans would have general alignments or locations identified where new roads or improvements to existing roads would occur. The next step towards those roads being more precisely identified is to do alignment studies. The county has not done too many of those, but has identified them in master plans or in the land use part of the comprehensive plan. However, that has not typically occurred in terms of actually going through the engineering work to determine road alignments. That work would be the next step towards potentially doing an official map.

Mr. Keller asked if the Fifth Street Connector that is spoken about quite often in planning discussions is just a dream.

Mr. Cilimberg replied that the Avon/Fifth Street Connection that will occur with the development of Fifth Street Station was actually part of a rezoning approval. That road, which is actually going to be built completely by a developer, was located as part of the zoning, and ultimately will be shown on the site plans for the development. The Fifth Street to Avon Connector that would utilize part of what is the Southern Parkway has not gone through that same kind of alignment study that would determine a location. The Commission's recommendation, and ultimately with what the Board has been seeing, is that project is not anticipated in the 20 years of the comp plan. So it is only being identified as a general reservation of an area that initially might be developed in some form as pedestrian/bicycle access.

Mr. Morris noted an example of what he thinks he is referring to, on the Pantops Master plan, there was a parallel road identified on the north side of Route 250. Really it was a line drawn on a map. However, as development started taking place, that map was kind of a warning sign to take it easy on this area since they might like to have a road. That road will be going in, near Chick-Fil-A. Eventually it will happen, but actually as Mr. Cilimberg said; it is a long, long process. Up until very recently, it was nothing more than a line on a map.

Mr. Cilimberg noted that more typically, they will get the lines on the comp plan map accomplished through development with rezoning. The lines will be in locations that are determined during those processes for the eventual extension of that particular road through other development that might occur.

Mr. Keller asked whether they will all ultimately end up with an official map.

Mr. Cilimberg replied not necessarily. Once it is committed to as part of the rezoning by the developer, they don't need the official map for that particular road section, as an example.

Mr. Keller noted the point he was trying to get at was when they need or don't need the official map.

There being no further questions, Mr. Morris opened the public hearing and invited public comment. There being no public comment, the public hearing was closed and the matter before the Planning Commission.

Motion: Mr. Dotson moved and Mr. Lafferty seconded to recommend approval of CPA-2014-00001, Route 29 – Hydraulic Road Official Map.

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

Mr. Morris noted the request will be forwarded to the Board of Supervisors with a recommendation for approval at a date to be determined.

Mr. Cilimberg pointed out there is a tentative plan for the request to be heard on the Board of Supervisors' November 5th agenda.

Public Hearing Items

a. **AFD-2014-00004 Keswick Review**
Periodic (10-year) review of the Keswick 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 48, parcels 30, 30 A, 30B, 30C, 30D, 30E; tax map 63, parcels 39, 39A, 40, 42A; tax map 64, parcels 5, 7, 7A, 8A, 9, 10 10A, 10B, 10C, 10D, 11 12, 13, 13A, 14; tax map 65, parcels 13 , 14A, 14A1, 31C1, 31C3, 31D, 32 ; tax map 79, parcel 46; tax map 80, parcels 1, 2, 2A, 2C, 3A, 3A1, 3G, 3H, 3I, 4, 61D, 88, 114A, 115, 164, 169, 169A , 169C, 169C1 , 174, 176, 176A, 182, 182A, 183, 183A, 190, 192, 194; tax map 81, parcels 1, 8A, 15A6, 15B, 63 , 69, 72, 73, 74, 79. The district includes a total of 6,923 acres. The area is designated as Rural Area in the Comprehensive Plan and the included properties are zoned RA Rural Areas. (Scott Clark)

AND

b. **AFD-2014-00005 Kinloch Review**
Periodic (10-year) review of the Kinloch 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 49, parcels 5C, 6A1; tax map 50, parcels 13, 19; tax map 65, parcels 7, 7A, 8, 84A, 86, 89, 90, 91, 91A, 92, 93A, 93A1, 94, 94A, 94B, 94C, 95, 95A, 100, 121, 121A1; tax map 66, parcels 2, 3C, 3G, 10G1, 32, 32D, 32E, 34 (Albemarle part only), 34B.. The district includes a total of 1,722 acres. The area is designated as Rural Area in the Comprehensive Plan and the included properties are zoned RA Rural Areas. (Scott Clark)

AND

c. **AFD-2014-00006 Moorman's River Review**
Periodic (10-year) review of the Ivy Creek 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 27, parcels 32, 34, 34A, 40, 40A, 40A1, 42, 42A; tax map 28, parcels 2, 2A, 3, 4, 5, 6, 6A, 6B, 7, 7A, 7A1, 7B, 8, 12, 12A, 12B, 13, 13A, 17A, 17C, 18, 23B, 23B1, 30, 30A, 30A1, 30B 32B, 32D, 34B, 35, 35B, 37, 37A, 37B, 37C, 38; tax map 29, parcels 2C, 4E, 8, 8B, 8E, 8E1, 8H, 8J, 8K, 9, 10, 15C,

40B, 40C, 40D, 45, 4 5H1, 45H2, 49C, 50, 54A, 61, 62, 63, 63A, 63D, 67C, 69D, 69F, 70A, 70B, 70C, 70F, 70F1, 70H1, 70K, 70L, 70M, 71, 71A, 73B, 74A, 76, 78, 78A1, 79C, 79E, 79F, 80, 84 , 85 ; tax map 30, parcels 10, 10A, 10C, 12, 12C, 12C1, 12D, 17A, 18E , 23 ; tax map 41, parcels 8, 8B, 8C, 8D, 9E, 15, 15A, 17C, 18, 19, 41C, 41H, 44, 50, 50C, 65A1, 67B, 68, 70, 72, 72B, 72C, 72D, 89; tax map 42, parcels 5, 6, 6B, 7, 8, 8A, 8B, 8C, 10, 10A, 10D, 37F, 37J, 38, 40, 40C, 40D, 40D1, 40G, 40H2, 41, 42B, 42B1, 43, 43A, 44; tax map 43, parcels 1, 1F, 2A1, 2B, 3A, 4D, 5, 5A, 9, 10, 16B2, 16B3, 18E4, 18G, 18J, 19I, 19N, 19P, 20A, 20B, 20C, 2I, 21A, 24, 25A, 25B, 30, 30A, 30B, 30B1, 30B2, 30B3, 30B4, 30D, 30G, 30H, 30M, 30N, 32H, 33, 33E, 34D1, 41, 42, 43, 44, 45, 45C, 45D; tax map 44, parcels 1, 2, 24, 26, 26A, 26B, 26C, 27B, 27C, 28, 29, 29A, 29D, 30, 30A, 30B, 31, 31A, 31A1, 31D, 31F, 31G , 31H ; tax map 57, parcel 69; tax map 59, parcels 32, 32A, 34, 35, 82A ; tax map 60E3, parcel 1. The district includes a total of 10,994 acres. The area is designated as Rural Area in the Comprehensive Plan and the included properties are zoned RA Rural Areas. (Scott Clark)

AND

d. <u>AFD-2014-00007 Hardware River Addition – Keeling</u>

Notice is hereby given that the Albemarle County Planning Commission will hold a public hearing to receive public comments regarding the addition of the following parcel to the Hardware Agricultural and Forestal District (Albemarle County Code § 3-214) on October 14, 2014, at 6 p.m., in the Auditorium of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia. The parcel proposed for addition (Tax map 88, parcels 3R) is approximately 21 acres in size and is located at 1745 Chopin Drive. The Albemarle County Agricultural and Forestal Advisory Committee have recommended approval of this addition. (Scott Clark)

Mr. Morris noted the next items for review are three AFD renewals with withdrawals (AFD-2014-4, 5 and 6) and one AFD addition (AFD-2014-7). The Hardware addition is a little bit different. However, they have asked Mr. Clark if he would brief them all, they would ask questions, and open it up for public comment. Then the first three items can be handled in one motion, but the fourth item will have to be handled separately.

Mr. Herrick pointed out the Commission can consider the four requests as a group or individually as it sees fit.

Scott Clark presented a PowerPoint presentation and summarized the staff reports for all four requests individually. He noted there are three district reviews this fall. The first one is the Keswick District.

<u>AFD-2014-04 KESWICK DISTRICT REVIEW</u>

The Keswick District is located in the vicinity of Keswick along Route 22 to 31 north of I-64. It was created in 1986 with a total of 41 parcels and 5,412 acres. In October, 1994, two parcels totaling 87 acres were removed during a periodic review. It currently includes 71 parcels and 6,923 acres. Over 5,000 of those acres are also under conservation easement.

The ten year review for a district is the only time that landowners can withdraw by right. All they need to do is submit a letter and state that they wish to withdraw and they will be withdrawn. It is not really a judgment call, but something they can do simply by requesting it.

There is a slight change to the request for withdrawals for the Keswick District from what was in the staff report. It turns out that although these landowners requested all of these parcels to be withdrawn the bottom two were not actually in the district to begin with, they just are owned by the same people. In fact, there are two parcels totally 46 acres that would be withdrawn as part of this review.

Owners	Parcel	Acres
Anne & Carlton Vanderwarker	80-182A	23.71
	80-183	22.64
	80-193	14.9
	81-3A	14.62
Total	**4 Parcels**	**75.87 acres**

Committee Recommendation: At their meeting on September 18, 2014, the Agricultural-Forestal Districts Advisory Committee unanimously recommended renewal of the Keswick District, minus the requested withdrawals, for another 10-year period.

Mr. Clark moved to the next request.

AFD 2014-00005 KINLOCH DISTRICT REVIEW

The Kinlock District is located just north of the Keswick District, also east of the Southwest Mountains along Gordonsville Road. There is one small parcel requesting withdrawal. This district was also created in 1986 at 1,467 acres. It has also been reviewed twice and is now up to 33 parcels totaling 1,722 acres. Again, there is just the one request for withdrawal this time.

Owners	Parcel	Acres
Jennifer E. Sargent	66-10G1	10.96

Withdrawal: Landowners may withdraw their parcels from districts by right during a renewal at any time before the Board of Supervisors takes final action to continue, modify, or terminate the district. So there may in fact be other withdrawals that come in later.

Committee Recommendation: At their meeting on September 18, 2014, the Agricultural-Forestal Districts Advisory Committee unanimously recommended renewal of the Kinloch District, minus the requested withdrawal, for another 10-year period.

Mr. Clark noted the last of the reviews is the Moorman's River District, which is by far our largest district.

AFD 2014-06 MOORMAN'S RIVER DISTRICT REVIEW

The district is located in the vicinity of White Hall, Millington, Free Union, and Owensville. The district was created in December, 1986 with a total of 151 parcels and 7,200 acres. It now includes 230 parcels and 10,994 acres. This has been a very successful district over the years.

Withdrawal: Landowners may withdraw their parcels from districts by right during a renewal at any time before the Board of Supervisors takes final action to continue, modify, or terminate the district. As of the date of this report, five withdrawal requests have been received.

Requested Withdrawals		
Owners	**Parcel**	**Acres**
Michael & Charlotte Zinsser Booth	28-7	59.92
Guy & Lisa Brown	29-70F1	6
Christopher H. or Margaret W.	29-8K	32.85

Holden		
Robert & Barbara Llewellyn	30-17A	14.11
	30-18E	10.54
Neil & Winifred MacDougall	29-73B	5.09
	29-80	11.28
Audrianne & John Welborn	43-30D	5.83
Total	**8 Parcels**	**145.62 Acres**

Committee Recommendation: At their meeting on September 18, 2014, the Agricultural-Forestal Districts Advisory Committee unanimously recommended that the Moorman's River District be renewed, minus the requested withdrawals, for another 10-year period.

Staff recommendation: Staff recommends approval of all three renewals.

Mr. Clark noted the next request is one request to join the Hardware District.

AFD-2014-00007 Hardware River Addition – Keeling

The Hardware Agricultural and Forestal District is located to either side of US 29 South, in the vicinity of Crossroads and Red Hill. The District originally included 5,947 acres. The District now includes 3,341 acres.

Proposal:
AFD-2014-00007 Keeling: This proposal would add one parcel (Tax Map 88 Parcel 3R) of 21 acres to the District. The property includes 14.75 acres of soils that are considered important for agriculture in the Comprehensive Plan. The parcel includes approximately 11 acres of open land, 1.5 acres of pond, and 8.5 acres of woods. There is one dwelling.

Committee Recommendation:
At their meeting on September 18, 2014, the Agricultural and Forestal District Advisory Committee unanimously recommended approval of this proposed addition to the Hardware Agricultural and Forestal District.

Staff recommendation: Staff recommends approval of the addition.

Mr. Morris invited questions for staff.

There being no questions for staff, Mr. Morris opened the public hearing and invited applicants or members of the public to come forward and address the Planning Commission on any of the four items.

Marie Larobardier, one of the adjacent properties for the Kinloch District, asked what are they officially requesting; what is the definition of a parcel withdrawal from a district; and what does a district involve.

Mr. Clark replied that Agricultural and Forestal Districts are voluntary. Therefore, people join them by applying and requesting to be added in. While they are in the district their ability to subdivide is limited. The County Code allows them to withdraw themselves back out of the district during these ten year reviews. What that means is they go back to the same zoning limitations on subdivision or other activities that apply to everybody else in the Rural Areas zoning district. It does not increase anything. They have had their potential reduced while they have been in the district. They just go back to being like everybody else in the Rural Areas if they withdraw.

Ms. Larobardier asked why someone would join the district in the first place and is there any benefit to it.

Mr. Morris replied that was their individual right to do it. There are benefits involved.

Mr. Clark pointed out there can be tax benefits. They have also heard from a lot of people that they tend to join in groups and they sort of reassure each other that they are not going to develop. So it is sort of a community effort in some cases.

Ms. Larobardier asked if your parcel is preserved can it be withdrawn from the district.

Mr. Clark asked what she means by preserved.

Ms. Larobardier replied there are conservation easements through the PEC or land trusts.

Mr. Clark replied that this is entirely separate from conservation easements. Being in and out of the district does not change the restrictions of your conservation easement. There are people who are under conservation easement and are in the district. In a case the district does not really do very much because usually the easements are much more restrictive and they are permanent.

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

Mr. Dotson asked if his belief that being in an Agricultural and Forestal District automatically conveys use value taxation benefits.

Mr. Clark replied that it was not automatic. That is a common misperception. Except if the County were to withdraw its own use value program, then people who were in the districts would be able to be taxed at those lower rates. As they are right now since that is not the case being in a district can qualify you for the open space tax category if you have 21 acres or more. However, that still has to be acted on separately and approved by the Real Estate Department. So there is nothing automatic in the current situation between joining the district and then having your tax change.

Mr. Lafferty said anticipating that Donald Trump may want to get rid of the conservation easement on some of his land what are the mechanics of doing that.

Mr. Clark replied that the State Code standard for removing land from a conservation easement is that the holder of the easement has to find that removal to be essential to the orderly growth and development of a locality. It is extremely high bar. He thinks it would be difficult to make an argument that was essential out in the middle of the rural areas to remove it.

Mr. Lafferty pointed out the neighbors certainly don't want it.

Mr. Morris said he would entertain a motion for the first three requests.

Motion: Mr. Randolph moved and Mr. Keller seconded to recommend renewal of the Keswick, Kinloch, and Moorman's River Districts for another 10-year period, with the requested withdrawals.

The motion passed unanimously by a vote of 7:0.

Mr. Morris noted a recommendation for approval for all three requests will be forwarded to the Board of Supervisors to a time to be determined.

Mr. Morris asked if there is any discussion on AFD-2014-00007 Hardware River Addition – Keeling. There being none, he asked for a motion.

Motion: Ms. Firehock moved and Mr. Keller seconded to recommend approval of AFD-2014-00007 Hardware River Addition – Keeling.

The motion passed unanimously by a vote of 7:0.

Mr. Morris noted the following recommendations would be forwarded to the Board of Supervisors to be heard at a time to be determined.

- **RECOMMEND RENEWAL** of the Keswick, Kinloch, and Moorman's River districts for another 10-year period, with the requested withdrawals.
- **RECOMMEND APPROVAL** of an addition to AFD-2014-00007 Hardware River Addition – Keeling.

Work Session

a. CPA-2013-00001 Comp Plan Update – Solid Waste

Mr. Morris noted the next item was CPA-2013-00001 Comp Plan Update on Solid Waste. Ms. Echols will be walking them through this. The Commission will be looking at recommending this for a public hearing in the future.

Ms. Firehock asked if at this time they are not getting into the specifics but just discussing the merit of having a public hearing on it.

Mr. Morris replied that is absolutely correct that it is a work session.

Mr. Cilimberg noted they will need to take the language to public hearing. Therefore, if there is anything the Commission sees in this they feel should be changed for the purpose of the public hearing, staff would want to know that.

Ms. Echols presented a PowerPoint presentation regarding Comp Plan Update – Solid Waste.

This is a potential Comprehensive Plan recommendation that staff wants to get input from the Commission on tonight. The Board of Supervisors sent this back to the Commission. She asked the Commission to review the Board endorsed objective on the screen.

Ms. Echols said that the new objective is broader than what the Planning Commission recommends and what is in the existing Comp Plan. The proposed objective has to do with efficient and cost effective disposal sustainable materials management to reduce waste, conserve resources, and protect human and environmental health and decrease green house gas emissions. It is considerably different than what is in the plan now, "Provide solid waste management services in an efficient and cost effective manner." The first strategy you recommended, "Continue to abide by the Planning District Commission Solid Waste Plan" is not in here as a strategy. Instead the first strategy is to use the waste hierarchy to guide the policy, which is very similar to the last of the strategies about continuing to support, reduce and reuse for recycling and resource recovery. The second new strategy has to do

with education. The third strategy is in the current plan; continue to support the use of private haulers. That concept is not removed from the proposal of the committee. It just is not listed as a strategy. The next strategy has to do with analyzing possible economic benefits of partnering with the city, the region and emphasizes sustainability. The next strategy has to do with offering a comprehensive household hazardous waste program.

A new strategy would be to develop programs for recycling in electronic waste and pharmaceuticals and then setting benchmarks for measuring progress. The plan recommended by the Planning Commission emphasized the importance of progress by looking at increases or decreases in outcomes. For example, is the amount of recycling increasing or decreasing. The Solid Waste Committee wants to set goals, such as 10% reduction in waste. The last strategy says the Solid Waste Committee may bring some other recommendations forward when they complete their work. Staff has looked at the proposal and consistency of language was important. The policy language is up to the Planning Commission.

Ms. Echols then directed the Commission to the recommended wording in Attachment A. She asked the Commission to discuss how they want to deal with this. Rick Randolph sits on the committee. Supervisor Palmer is here as well as other committee members who can answer questions they might have. Mark Graham is also here. She asked if there were any questions for staff.

Mr. Morris asked if there were any questions for staff. There being none, he opened the meeting for public comment prior to the Commission's discussion. He invited public comment on this item.

Liz Palmer, member of Albemarle County Board of Supervisors, thanked the Commission for taking a look at this. The committee has worked quite hard in going through and trying to parse through and make sure there were not any inconsistencies in the document and to also make sure that the county's vision really matches the document. When the committee first read the document, it said that the status quo is okay. That was one of the committee's biggest problems why they ended up redlining so much of Comp Plan draft for solid waste. She appreciates the Commission's time.

There being no further public comment, Mr. Morris closed the public comments and bring it back to the Commission for discussion. He would like to ask a question of Mr. Randolph on this. It is obvious that a lot of work has been put into this. He asked Mr. Randolph if there were any specific comments that he would like to share with the Commission.

Mr. Randolph said he thought that Liz Palmer summarized it very well. When the Planning Commission worked on solid waste we obviously had a lot of other aspects of the Comp Plan to look at. The Planning Commission's recommended plan for the solid waste is very much a statement of what is. He thinks this committee wants to make a statement about where solid waste needs to be for the county in the future. As a committee they have talked about the need at length to ensure that solid waste is managed properly. There is a strong feeling that County residents are not aware of the degree by which solid waste is not necessarily handled in a sustainable and environmentally beneficial manner. In other words, it is going to a dump in Chester. There are resources in the waste stream that are recoverable or recyclable that can be utilized. There is an opportunity for the county to help steer that process or investigate ways in which through voluntary participation that can happen. Something that Leo Mallek, Chair of the committee, has emphasized repeatedly is a need to look at regional solutions. Rather than just looking at capacity building within Albemarle County we should be looking at the potential of linking different geographic regions of the county together with a solid waste transfer/convenience center. It might be in another county that is close enough to achieve a synergy by cooperating with that county regionally. Also we should be looking at ways in which we can work more effectively with UVA and also with the City of Charlottesville. The City of Charlottesville has gone its own way, and the University has gone its own way. There may be an opportunity to bring all of us together around commonality. This

may result in a reduced cost for taxpayers and it may increase the benefit of materials that get recycled. That was a very important part. The waste hierarchy and commonality of waste terminology has been very important for us because it varies as we look at materials. So there has been an effort to get to that. Hazardous waste disposal is very, very important and something emphasized by one of the participants from UVA and we on the committee want to look closely at that.

Mr. Randolph noted that discussion about electronic waste, pharmaceuticals is new. Currently electronic waste is recycled voluntarily by private industry. Two major corporations in Albemarle County do that. Right now there is a market incentive for them in terms of customer relations to do that. That incentive may not be there in the future. So where will it leave Albemarle County if that occurs? Currently there is no policy on pharmaceuticals. Pharmaceuticals are often times disposed of just into the toilet and especially with some pharmaceuticals that has huge implications in terms of downstream benthic organisms and water supply outtakes from rivers. Fluvanna is increasingly going to use the James River as its water supply looking north to Zion Crossroads. All of these issues are ones in which they felt that the existing comp plan language did not go far enough and there was a need to update it and to make it much more proactive. So they are looking much more for the future rather than looking in the past. He thinks that is consistent with what a comp plan should be doing, and thereby he enthusiastically supports the work to date and looks forward to the public hearing.

Mr. Morris invited questions relating to this. He thought that they had done a very good job of doing it. He thanked them for putting in the electronics and the pharmaceuticals. He was embarrassed that the Planning Commission missed them.

Mr. Lafferty noted there is a collection day every now and then that the police do pharmaceuticals collections. Commenting on attachment B in blue he suggested the website address they condense if we want people to use it.

Ms. Firehock suggested footnoting it.

Mr. Lafferty noted there are ways of transforming URL's to smaller.

Ms. Echols noted that there will be a hyperlink.

Mr. Lafferty said a hyperlink is okay.

Mr. Loach said he would add pharmaceutical drop off locations and partnerships to the electronic section. He drops off his stuff off at Best Buy where they have a bin where you can recycle. He thinks they can develop more public/private partnerships in and around town and that manufacturers have an obligation.

Mr. Loach also said that for Strategy 7g, on page 5 the committee talks about the benchmarks in measuring the waste reduction. Has the committee extrapolated for future residential units to figure out our future needs?

Ms. Firehock said that is something for the committee to consider as they deliberate, and Mr. Loach agreed.

Mr. Randolph thanked him since that was something worth looking at and investigating more thoroughly.

Mr. Loach said he thought it was good they were developing metrics for waste reduction and suggested they should develop the same metrics for waste increases to see how they meet those needs over an

extrapolated period of time. Other than that he thought the draft it was real good.

Mr. Randolph said they had a lot of discussion about metrics. There is a lot of controversy about metrics out there in the trash and recycling field in what you count, how it is counted, and who counts it. So know that they are looking as they go through this very closely at ways in which they can try to find verification in measurement as they go along to see what the results of the program are, and thereby what the benefits are to demonstrate to the public that it is worth looking at this in a different way.

Mr. Lafferty asked if shipping our stuff to Richmond cheaper than using the facility that separates the materials at Zion Crossroad.

Mr. Randolph said they were familiar with these issues and they plan at some point to visit the site. The committee has already tried to set up a visit. There was new machinery being installed on the site and they were not able to be there. However, that is part of the spectrum of things that they are looking at. There is a fair amount of controversy about the degree of recycling and the rate that is asserted by the owner and operator of that facility versus the actual recycling rate that is suspected at other similar facilities nationwide with that kind of machinery and what they are actually getting as a recycling or recovery rate. They plan to go out there and take a look at it. It is one of several sites. They have already had a site visit out to Ivy and the other sites that are forthcoming. So yes, the committee is well aware of that.

Ms. Firehock said she had a minor comment. But, before she made that she just wanted to state that she was very much in favor of this move to do a better job. She thinks what they really are about is they are providing more options for people. Where she lives in Albemarle County there is no option for recycling. There is no single stream recycling trash hauling available where she lives. So she has to haul everything north to Charlottesville once a month in her truck. She is very sympathetic to this and also the pharmaceutical issue is a very serious one. They cannot clean the pharmaceuticals out of our waste water stream when they treat it for drinking water. It is something that is causing a lot of problems for fish pollution. She noted a minor point language point since staff said they were going to advertise this for the public. On page 2 of 4 in Attachment B the top paragraph begins, "Solid waste management traditionally relates to..." In addition in the fourth line from the bottom on the right hand side it says, "The County Comprehensive Plan must recognize the wide range and evolving nature of our solid waste stream and changing regulatory environment." She thought it was odd to say the County Comprehensive Plan must recognize this since it would be in the County Comprehensive Plan. So it should simply say, "The County recognizes..." That is a minor word smiting point.

Ms. Elaine pointed out there were a few of these wording issues. Staff just wants to get the form similar and not change the substance. So staff will be providing some minor edits.

Mr. Morris agreed that was a good catch.

Mr. Keller said it has been wordsmithed down to the essence "need" in a comprehensive plan. In his mind this is the way they want our comprehensive plan section to read in the future so that the public can look at it and can understand exactly what the points are. He applauds our Supervisors and the committee for working with this. There are two new members of this Planning Commission who did not work on the plan. But, it is an evolving body. He personally is very pleased with seeing what the supervisors are doing on this comprehensive plan.

Mr. Dotson said in listening to the recording of the Board of Supervisors meeting one of the things that he took away was the new committee would be looking at all alternatives. There are a couple of places where the specific language here seems to presume a conclusion. So he would like to be reassured that they are looking at all alternatives and will be presenting those.

Mr. Randolph replied that they have not looked into putting trash into space as one of our options. He wanted to assure him that they are being very thorough.

Mr. Dotson asked whether the Planning Commission will have any future involvement in solid waste policies once the Board of Supervisors receives recommendations.

Mr. Cilimberg replied if there are new strategies that are identified out of the work of the committee, then it would come through a Comprehensive Plan Amendment process that they would see and the Board would ultimately see for those new strategies.

Ms. Firehock said it would seem that if recommendations come from the committee for physical infrastructure to be constructed in various locations about the county the Planning Commission should be involved.

Mr. Cilimberg said that would be an example of a strategy that would come to you in terms of locations.

Mr. Dotson noted he had other questions that he will ask in private.

Mr. Cilimberg said after Comp Plan adoption there will likely be comprehensive plan amendments coming to you. That has been the case in the past even going back to the 1989 plan, which identified several strategies for initiatives that then came back to the Planning Commission and the Board for comprehensive plan amendment in subsequent years. So that is not unusual for our comprehensive plan to have that kind of dynamic process.

Mr. Morris invited further comments.

Ms. Echols asked if one of the committee members could answer what is intended in 7e where the Ivy MUC is described. She said she didn't understand the strategy.

Mr. Morris invited the committee members to address that.

Leo Mallek, Chairman of the Solid Waste Committee, said that more wordsmithing will need to be done to clarify what is intended. Strategy 7e should read something like "to continue certain services that are currently being provided by Ivy MUC." It does not specify exactly what those services are, but it leaves open the option that if the current transfer station loses it permit or its permit is allowed to lapse, that there are a lot of other services, which are currently provided at the material's utilization center and at the landfill site that should be encouraged to be continued. These include the mulching operation that is going on, the grinding of pallets, the deposing of inner waste, which is certain building materials, and keeping a site open for the reception of organic waste. This is like tree branches that were the result of the derecho. Future Ivy uses may be what is actually happening at the Ivy MUC, which is separate from the transfer station and the convenience center operation.

Ms. Firehock suggested it may be easier to understand if it said something like the Ivy MUC should continue to provide these important programs such as or something.

Mr. Dotson suggested that it was a policy.

Ms. Firehock noted it was not really a strategy but just a statement of what is happening.

Mr. Mallek agreed that it really is a statement of what is happening.

Ms. Firehock suggested if it was a strategy, then it could be fixed simply by adding a verb, like "continue to". It is an easy fix.

Mr. Randolph said to be fair about it the committee is not at a point where they can put a verb here to say what the actions are that should occur in this facility in the future because they are in the process in looking at all the variables and options. There is pretty much a consensus that Ivy needs to be used somehow for some purpose or some way. They are not at a point yet to say precisely what that use is. The only thing they can say is that it plays a role here within the confines.

Mr. Morris asked Ms. Echols if she is getting all of this.

Ms. Echols replied yes and what she would like to do is to work with members of the committee to get it in the form that says what they have asked for.

Mr. Mallek said he thinks they can continue to wordsmith this. In actual fact the written part of strategy 7e if they get away from the digestive strategies and if they were just to remove words Ivy MUC and say to provide continuing programs for mulching wood and vegetation.

Ms. Firehock said however that should occur since she thought that would be the easiest way to do it. Then they are saying they support mulching.

Mr. Mallek agreed since he thinks that is a very strong program that they need to continue somewhere. If they can remove the location, that works.

Ms. Firehock said then the committee can continue to figure out how best to do that.

Mr. Morris thanked Mr. Mallek for his input.

Ms. Monteith said she had a question for Mr. Randolph. She wondered if he was talking about some of the facilities that they have visited. She was wondering if they have bench marked against kind of industry standards of excellence either in Virginia or elsewhere. She knows a lot of times it is hard to do bench marking outside of the state because they have certain policies and procedures that they have to format to within a certain state. However, she just wondered if they have looked at any communities who have. This is not going to be relative because of the difference in size and the nature of the place. However, the city of San Francisco has like an 84 percent recycling rate of all materials in the community. It is the highest in the country. So she is not saying that they could necessarily take best practice standards from them, but was wondering if they have been looking at any best practice standards that are relevant to us.

Mr. Randolph suggested that Peggy Gillgen come up and speak to that.

Peggy Gillgen, committee member, said she lived in Marin County just north of San Francisco and Marin County has about a 70% diversion rate right now. She is very familiar with the practice in San Francisco and has been talking about that a lot during the committee meetings. She is glad that Ms. Monteith is aware of it because that standard really is quite remarkable.

Mr. Randolph noted one of the municipalities they are looking at very closely is in the Richmond area and Henrico County and Goochland area. They have looked at that full solid waste management plan, which are about 85 pages.

Mr. Morris asked if the Commission is ready to recommend that they have planning prepare for a future public hearing on this matter. He asked if staff wants a motion.

Mr. Cilimberg replied that he did not think a motion is necessary. If the Commission is in a position that they feel with the minor modifications that they have discussed tonight it is ready for a hearing and staff will get it prepared and get the necessary notifications out.

Mr. Morris agreed noting that was outstanding. He thanked everyone for their participation because it was very helpful.

After review of the recommendations from the Solid Waste Long Term Solutions Advisory Committee the Planning Commission was in general agreement and asked staff to prepare a draft of this section for the public hearing consistent with the form being used in the rest of the Comp Plan incorporating all recommended changes/minor modifications, as noted below, and to schedule a public hearing.

Commissioners were asked to continue forwarding ideas to Mr. Randolph who would pass them on to the Committee.

Old Business

Mr. Morris invited old business.

- **Update on meeting with Board of Supervisors leadership**

Mr. Morris provided an update on the meeting held on September 24th with the Board of Supervisors and Planning Commission leadership that included the Chair and Vice Chair as well as Mr. Cilimberg and Mr. Kamptner. It was a good meeting with a number of items being discussed. The take away items included looking at providing the Commission and Board an overview of the status of recommendations and going back and taking a good hard look at where they are right now. In other words, taking a look at what happened with the Development Review Process Task Force. One Commissioner, Mr. Dotson, was a member of that Task Force. As far as the Board of Supervisors Anne Mallek and Ken Boyd were members of that Task Force. He would suggest they get a handle on what that Task Force actually recommended, what has been implemented so far, and then shift and look at what are the results as far as what the Planning Commission is bound legally to do based upon the Sinclair decision. He thinks their primary concern is how does the Planning Commission actually present information on recommendations to the Board of Supervisors. In an email that came out today the Chair of the Board stated they were looking at four different things.

1. If the Planning Commission just says flat out we reject this, or
2. If it says we reject it but it could be doable if this, this and this happened, or
3. They approve it but with these conditions, or
4. They approve it and love it just exactly the way it is.

They chose not to even discuss items #1 and #4, but really would like the Commission to take a look at the process when we do #2 or #3. He suggested the Commission revisit the Development Review Process Task Force recommendations since they did establish some stream lined systems which they have been using. He suggested the Commission needs to look at that.

Mr. Cilimberg noted the idea of getting an overview on the Development Review Task Force recommendations and the status of those, and how the Sinclair decision might affect in any way our review of projects came out of the leadership meeting. The Board did not themselves decide that they needed to take up those matters for those particular items in their own work sessions. However, this Planning Commission may want to get a refresher on those decisions. Tonight the Commission does not have enough background to really do that. Mr. Kamptner has discussed with him establishing some guidelines that tell the Commission when they would ask that an applicant come back before they

forward the recommendation to the Board versus those things that can move on to the Board without a need for the Planning Commission to review it again. He wants to work on getting input from staff to come back to the Planning Commission with a work session that discusses the Development Review Process Task Force in what has been recommended, what has been done, any effects of the Sinclair decision and where staff can focus on some suggestions for guidelines in making recommendations to the Board. That would include anything that came out of either the Sinclair decision or the Development Review Process Task Force recommendations that might affect how the Commission recommends things to the Board. He did not think there was anything the Planning Commission needed to do differently except in the case where they have made a recommendation for approval with certain conditions and staff does not think the applicant has addressed the condition. In that case he thinks he was hearing a majority of the Board members when the applicant has not addressed those conditions and is proposing something alternatively that the Commission should see it first before they see it.

Mr. Morris agreed that was a good point.

Ms. Monteith asked if there had been such a case where the applicant did not address a condition before going to the Board.

Mr. Cilimberg replied that there was with the Hollymead application.

Ms. Monteith noted that there was nothing the Commission could do if the applicant does not address the conditions.

Mr. Cilimberg replied that was very true. In addition, it was also nothing the Commission could do about it if the applicant says they don't want to go back to the Planning Commission.

Ms. Firehock suggested a tweak in the cases where they send the application on to the Board and the applicant needs to do something that they can indicate in the minutes that it was a minor fix and here is why they feel very comfortable versus they absolutely must do something. She suggested the Commission could put more emphasis on it. She sometimes gets asked that by her Supervisor about that if the Commission asks the applicant to do some more in how big a deal was that, how strong were the opinions on that, etc.

Mr. Loach noted that it was usually done by staff in saying yes they can get that done by the next meeting. He thinks the Hollymead Town Center was different because the Planning Commission cannot be responsible for changes that the developer makes in between the two meetings. It was not like the Commission did not address it.

Mr. Morris noted what he thinks Ms. Monteith was saying is that it is very often there are conditions that the staff has identified and put on the staff report that have not been met when the applicant comes before the Commission. However, they can work it out and they have forwarded that on. He asked if that was what he was hearing Ms. Monteith saying.

Ms. Monteith replied yes. If the conditions are not met it is not the Commission's fault and not that they are not doing their job. It is that somebody else is not doing their job.

Mr. Lafferty said if they put conditions on things it would be good to specify our intent.

Mr. Loach said there are two different types of conditions, which includes the ones that are explicit in the motion when they approve something with conditions as set forth by staff versus those things that are external where there are agreements between the developer, staff and the Commission that they can be cleared up by the Board meeting. That is to expedite the project along over a minor issue.

Mr. Cilimberg noted he did not think this is an issue that happens very often. This particular Board has not seen a lot of rezoning and special use permits and are not used to how those kinds of recommendations come to them. In the higher volume times there were many projects the Commission recommended with conditions of what needed to be satisfied that applicants addressed. In those cases where there was some substance the Commission wanted the applicant to address and the Board felt they needed to see it first, then the Board has asked them to bring it back. Therefore, he did not think this was a big problem, which is he thinks with some tweaks of the guidance of how to deal with it everybody will understand it. He did not think there was anything in the Development Review Process Task Force or Sinclair decision that has changed how the Commission would need to do that business.

Mr. Randolph said he could not look at this as anything other than a vote of confidence in the Planning Commission from the Board of Supervisors. In a statement of respect for the work done here at this level and trust and confidence they would in fact be able to do a better job than the Board of Supervisors acting as a quasi Planning Commission. He thinks that is important. It was perhaps precedential that they have not had a case like that before. They hope they don't see it again. However, hopefully it sent a message in the development community that will prevent a repeat of this occurring again.

Mr. Morris said he did not think they are going to have a great deal of problem with meeting the Board's expectations and so on. He did feel that listening to Mr. Dotson and Mr. Graham in getting a handle on what that process task force came up with because he did not think they ought to throw that out. They need to streamline the process at the same time knowing what the legal restrictions are they are now looking at. Then they can take a look at our process.

Mr. Morris asked Mr. Dotson when he could give the Commission a background view on that.

Mr. Dotson replied that he would not take the time to do it right now. He could do that whenever. That is not an issue. He thinks the idea of having some guidelines where maybe the staff looks back over the last year and what are the situations where the Commission has sent things forward to the Board when there are still questions to be addressed. Maybe those would fall into some kind of categories and they could say well those are kind of fatal flaws as opposed to almost bureaucratic flaws such as something was not signed or the map did not have the right legend on it. A fatal flaw could be they have not really resolved the question of use, the density or the location on the site. If the staff could bring the Commission a candidate list that would really help to focus the discussion. In a sense one of the things the Development Review Taskforce did is address the question of what information do they need from an applicant in order to have a complete application. Well in a sense they are asking the same kind of question here. What is a complete Planning Commission action so that when it goes to the Board they can say okay they have all the information and feel confident to take an action. He supports the idea of balloon guidelines. The other advantage of that is it lets the development community know what they need to do or how to make the system work for what they are trying to accomplish.

Mr. Dotson suggested that Mr. Graham could provide guidance since he had already written him a brief memo summarizing what happened since the 2007 Development Review Task Force Committee. However, it is complicated. The question the Commission has been asked by the Board is fairly specific and complicated. To get into everything that the Development Review Task Force did is sort of reinventing the world. They need to know that as part of their legacy, but he would caution generating two dozen more projects for the work program. He thinks it is good to do, but the question asked is actually fairly narrow and can be addressed as well as they can ever pin things down. They can try to do that as much as possible. What they are looking for is what his friend calls "flexible exactness". They want to be flexible when they can, but when they want to be exact they can. As long as they are

happy with it, then they have achieved flexible exactness.

Mr. Keller agreed with everything he had been hearing and supported staff taking a shot at that because it would be helpful. He questioned why the Board's staff report was in a different format than the staff reports to the Commission. He suggested taking a look at that since he thought that might add to some of the confusion as well.

Mr. Cilimberg noted there is not a different report that the Board gets. What they will do is cover what the Commission receives with an executive summary that notes the things they ask for to be addressed and whether or not they were addressed and how they were addressed. That is the only addition to the staff report the Commission receives that the Board gets. The Board also received the minutes, which are many times in draft form and the action memo of the Commission's decision. But, the staff report is the same report with all the attachments the Commission gets. The executive summary is for the purpose of closing the loop of the Commission's decision and what the applicant has done since your decision. There would be potentially an attachment to the executive summary that visualizes something the Commission asked for, which the Commission would not have seen unless it came back to them.

Mr. Morris noted Mr. Keeler's comment brings up another item that was high on the list of the Chair and Vice Chair of the Board. They really felt there should be regular interaction between the Planning Commissioner and the Board of Supervisor. Who initiates that is up to those two or three individuals. He thinks by and large they do have that good interaction. It takes different forms. Another item he would like everyone to be thinking about, which was one of the items in the email, was at what point does a Planning Commissioner and/or Board of Supervisors start interacting with the individual who is requesting a change. The reason he is asking this is because he knows there are some pretty strong feelings on the part of members of this Commission and it comes out of a lot of things that they picked up in our training that they really should not have interaction. He heard that stated a couple of times. He has always chosen to have interaction if an applicant wants to get together. His only condition is he wants to see the staff report first before interacting. However, others may say that is not the way they do it. He is just throwing that out as an item for future discussion. He thought that was something the Board encourages.

The Planning Commission discussed the issue of meeting with applicants and whether they have a policy.

Mr. Cilimberg pointed out that for legislative items staff sets up community meetings where the Supervisor and Board member are invited. He would plan for a work session that gives the Commission a bit of an overview of the Development Review Task Force and the legal aspects. Staff will provide what they think is at least a first shot at some guidelines on what was mentioned tonight.

Mr. Morris thanked staff. He said it was a very productive meeting and he thinks they will see more of it, but is just

New Business

Mr. Morris asked if there was any new business.

Election for the City-County Rivanna River Planning Committee

Mr. Dotson nominated Mr. Morris to serve on the City-County Rivanna River Planning Committee.

Mr. Dotson moved and Mr. Randolph seconded that Mr. Morris serve on the City-County Rivanna River

Planning Committee.

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

It was the consensus of the Commission that Cal Morris will serve on the City-County Rivanna River Planning Committee.

- No Planning Commission Meeting on October 21, 2014, October 28, 2014 and November 4, 2014
- November 18th joint City/County Planning Commission meeting to be held in room 241.
- Ms. Firehock will be absent on November 18, 2014
- Discussed the issue of meeting with applicants and whether they need a policy.
- Mr. Morris asked staff to schedule the work sessions they have been talking about.
- Next Planning Commission meeting on November 11, 2014

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

Adjournment

With no further items, the meeting adjourned at 8:08 p.m. to the Tuesday, November 11, 2014 meeting at 6:00 p.m. at the County Office Building, Second Floor, Auditorium, 401 McIntire Road, Charlottesville, Virginia.

V. Wayne Cilimberg, Secretary

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