**Albemarle County Planning Commission**
**November 10, 2015**

The Albemarle County Planning Commission held a regular meeting and public hearing on Tuesday, November 10, 2015, at 6:00 p.m., at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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

Staff present was Scott Clark, Senior Planner; Claudette Grant, Senior Planner; Trevor Henry, Director of Office of Facilities Development (OFD) and Lindsay Harris, Office of Management and Budget Analyst (OMB), Sharon Taylor, Clerk to Planning Commission; David Benish, Acting Director of Planning; Wayne Cilimberg, Deputy Director of Community Development and Greg Kamptner, Deputy 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.

Mr. Morris recognized the fact that this is the 240th anniversary of the founding of the United States Marine Corps.

**Other Matters Not Listed for on the Agenda from the Public**

Mr. Morris invited comment from the public on other matters not listed on the agenda.

Neil Williamson, with the Free Enterprise Forum, said he would first give a hoorah for 240th anniversary of the Marine Corps. Second, he congratulates Mr. Randolph on the election. Third, at the end of the last Commission meeting the Commissioners discussed briefly and provided direction to have staff meet with the Commission prior to issuing their inventory of light industrial land. He took some issue with that concept since the idea of having a professional staff is to have that professional staff utilize their skills and present information. He has plenty of times suggested staff have opportunities to change reports; however, he did not think the Planning Commission's role is to dictate what staff puts into a report but to comment on the report that is being done. He is hopeful the Commission will reconsider their direction to provide input prior to the report being issued and instead provide comment to go with the report to the Board of Supervisors when issued.

There being no further comments, the meeting moved to the next agenda item.

**Committee Reports**

Mr. Morris invited committee reports.

The following committee reports were given:

Mr. Morris and Mr. Dotson reported the (3) Places29 Committees met and broke down into the three groups with the next meeting to be held on November 16th.

Mr. Randolph reported an initial orientation meeting for all new committee members was held with members of the 5th Street and Avon Street Committee attending whose first meeting will be in January.

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

**Review of Board of Supervisors Meeting** – November 4, 2015

Mr. Benish reviewed the actions taken on November 4, 2015.

Mr. Benish pointed out Mark Graham presented, for the second time, a follow up on a discussion of the Community Development Work Program with the Board of Supervisors and received some consensus on how to proceed forward. Without going into the details of it now, staff is planning on coming to the Commission to go over that work program and answer questions. Hopefully, in January Mr. Graham will come to answer questions about that work program.

Mr. Dotson asked if there was a contingency in the work program for topics that will come up during the course of the year or is the staff time fully allocated in what the Board eventually approves.

Mr. Benish replied that the staff time is pretty much fully allocated. So when we bring up new initiatives we have to weigh that with what the depth of that discussion will be. He thinks there is some assumption that there is some ongoing dialogue about certain projects that Mr. Graham kind of assumes within this work program. However, new initiatives would have to be assessed against what is in the current plan and short term things may be able to be addressed.

**Public Hearing Items**

a. **SP-2015-00003 North Pointe Middle Entrance**
MAGISTERIAL DISTRICT: Rivanna
TAX MAP/PARCEL: 03200000002000 and 03200000002300
LOCATION: North of Proffit Road, east of Route 29 North, across from Northside Drive and south of the Rivanna River
PROPOSAL: Amend conditions of approval for SP2007-00003 to modify conditions requiring an arched span crossing of Flat Branch.
PETITION: Amend conditions for Fill-in the floodplain SP2007-0003 under Section 30.3 of Zoning Ordinance. No dwelling units proposed.
ZONING: PD-MC Planned Development Mixed Commercial - large-scale commercial uses; residential by special use permit (15 units/acre).
Flood Hazard Overlay District (30.3)
ENTRANCE CORRIDOR: Yes
AIRPORT IMPACT AREA: Yes
COMPREHENSIVE PLAN: Urban Mixed Use (in Destination and Community Centers) – retail, residential, commercial, employment, office, institutional, and open space; Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses; Privately Owned Open Space; Environmental Features – privately owned recreational amenities and open space; floodplains, steep slopes, wetlands, and other environmental features; and Institutional – civic uses, parks, recreational facilities, and similar uses on County-owned property in Hollymead - Places 29. (Claudette Grant)
***TO BE REHEARD BY PLANNING COMMISSION DUE TO AN ADVERTISING ERROR***

Mr. Morris said the first item on the agenda is to revisit an item that the Commission took up at a prior meeting. However, it was not advertised properly; and, thus we are going back to review it. This is SP-2015-3 North Pointe Middle Entrance. Rather than having Ms. Grant go through the entire staff report again does any Commissioner have anything that they would like to ask staff before he opens it up for public comment?

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

Mr. Keller asked Ms. Grant if the applicant is going to come back to the Commission for the third entrance and if the Commission had looked at two entries.

Ms. Grant replied yes, that is correct. She would imagine in the future at some point they may need to come back in to do a rezoning amendment, but not anything having to do with this particular special use permit.

There being no further questions, Mr. Morris asked if there was a motion.

**Motion**: Mr. Randolph moved and Mr. Lafferty seconded to recommend approval of SP-2015-3 North Pointe Middle Entrance Amendment with the conditions outlined in the staff report.

Mr. Morris invited further discussion. There being none, he asked for a roll call.

The motion passed by a vote of 4:2. (Firehock, Keller nay) (Lafferty absent)

Mr. Morris noted that SP-2015-3 North Pointe Middle Entrance Amendment would be forwarded to the Board of Supervisors with a recommendation for approval on a date to be determined.

Mr. Benish noted SP-2015-3 North Pointe Middle Entrance Amendment would be heard tomorrow by the Board of Supervisors.

Mr. Benish announced that Claudette Grant is leaving to go to the Piedmont Housing Alliance. It has been 11 years and he had enjoyed working with Claudette so much.

The Planning Commission congratulated Claudette for her new venture.

The meeting moved to the next agenda item.

**Public Hearings**

b. **AFD-2015-00004 Green Mountain District Creation** Notice is hereby given that the Albemarle County **Planning** Commission will hold a hold a public hearing to receive public comments regarding the creation of the Green Mountain Agricultural and Forestal District The parcels that would compose the proposed District are Tax Map 120, Parcels, 15A, 15B, 16C, 18A, 18A1; and Tax Map 121 Parcel 2. The proposed District would be approximately 1,248 acres in size and located near Keene and Alberene. The Albemarle County Agricultural and Forestal Advisory Committee has recommended approval of this district. (Scott Clark)

***AND***

c. **AFD-2015-00005 Eastham Addition – Henry** 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 Eastham Agricultural and Forestal District (Albemarle County Code § 3-212) The parcel proposed for addition (Tax map 47, parcel 17B) totals approximately 27.8 acres in size and is located at 2989 Stony Point Road. The Albemarle County Agricultural and Forestal Districts Advisory Committee has recommended approval of this addition. (Scott Clark)

***AND***

d. **AFD-2015-00006 Carter's Bridge Addition – Frank** 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 Carter's Bridge Agricultural and Forestal District (Albemarle County Code § 3-210) The parcel proposed for addition (Tax map 122, parcel 18D) totals approximately 28.8 acres in size and is located at 6200 Blenheim Road. The Albemarle County Agricultural and Forestal Districts Advisory Committee has recommended approval of this addition. (Scott Clark)

***AND***

e. **AFD-2015-00007 Hardware Addition – Keeling** 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) The parcel proposed for addition (Tax map 88, parcel 3M) totals approximately 21 acres in size and is located approximately 980 feet northeast of the end of Waldemar Drive. The Albemarle County Agricultural and Forestal Districts Advisory Committee has recommended approval of this addition. (Scott Clark)

***AND***

f. **AFD-2015-00008 Lanark Addition – Vernon** 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 Lanark Agricultural and Forestal District (Albemarle County Code § 3-221) The parcel proposed for addition (Tax map 103, parcel 2E) totals approximately 20.7 acres in size and is located at 3856 Presidents Road. The Albemarle County Agricultural and Forestal Districts Advisory Committee has

recommended approval of this addition. (Scott Clark)

***AND***

g. **AFD-2015-00009 Keswick Addition – Aiello** 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 Keswick Agricultural and Forestal District (Albemarle County Code § 3-219) The parcel proposed for addition (Tax map 81, parcel 11H) totals approximately 48.41 acres in size and is located at 4775 Woodbound Road. The Albemarle County Agricultural and Forestal Districts Advisory Committee has recommended approval of this addition. (Scott Clark)

***AND***

h. **AFD-2015-00010 Jacobs Run Addition – Collins** 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 parcels to the Jacob's Run Agricultural and Forestal District (Albemarle County Code § 3-218) The parcel proposed for addition (Tax map 20, parcel 6S) totals approximately 21.01 acres in size and is located at 675 Frays Ridge Road. The Albemarle County Agricultural and Forestal Districts Advisory Committee has recommended approval of this addition. (Scott Clark)

***AND***

i. **AFD-2015-00011 Keswick Addition – Traylor** 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 parcels to the Keswick Agricultural and Forestal District (Albemarle County Code § 3-219) The parcels proposed for addition (Tax map 48, parcels 45 and 46) total approximately 40.03 acres in size and are located at 2153 Hawkshill Lane. The Albemarle County Agricultural and Forestal Districts Advisory Committee has recommended approval of this addition. (Scott Clark)

***AND***

j. **AFD-2015-00012 Moorman's River Addition – McMurdo** 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 parcels to the Moorman's River Agricultural and Forestal District (Albemarle County Code § 3-222) The parcel proposed for addition (Tax map 30, parcel 12) totals approximately 254.24 acres in size and is located at 1113 Locust Grove Lane. The Albemarle County Agricultural and Forestal Districts Advisory Committee has recommended approval of this addition. (Scott Clark)

Mr. Morris noted that item b. is a proposal for the creation of a new agricultural forestal district and the remaining 8 are additions. The briefing will cover all 9 items at the same time. He would then open it up for comments on one or all 9 items if they so desire during the public hearing on those items just so they are aware of what we are doing.

Mr. Clark presented a PowerPoint presentation and summarized the staff reports individually for all nine requests. There was one request for a district creation, which he would do first, and then the remainder are all additions.to existing districts.

After our discussion at the last Commission hearing about agricultural forestal additions he added to the staff report and tonight's presentation some information on the development potential for the parcels that are being added.

**b. AFD 15-04 Green Mountain District Creation**

For this district creation there are six parcels requesting to be added to this new district including almost 1,250 acres. Almost 85 percent of the district has important soils as designated in the Comprehensive Plan. In September the Agricultural Forestal District Committee voted to recommend approval of the creation of this new district.

| Parcel | Owners | Acres | Development Potential |
|---|---|---|---|
| 120-18A | Alan S. or Cyndra H. van Clief | 366.6 | Five development-right lots and 16 21-acre lots |
| 120-16C | Tallwood Forest LLC | 437.32 | Five development-right lots and 20 21-acres lots |
| 120-15A | Coleswood LLC | 101.44 | Theoretical potential for five |

| | | | |
|---|---|---|---|
| | | | development-right lots and four 21-acre lots. Conservation easement limits this and the following parcel to 3 lots. |
| 121-2 | Coleswood LLC | 247.28 | Theoretical potential for five development-right lots and 11 21-acre lots. Conservation easement limits this and the previous parcel to 3 lots. |
| 120-15B | J. Paula Pierce Beazley | 26.02 | Five development-right lots |
| 120-18A1 | Thomas van Clief | 69.81 | One development-right lot and three 21-acre lots |
| | | | |
| Total: | | 1,248.47 | |

Agricultural and Forestal District Significance: The proposed district has the following important soils, as designated in the Comprehensive Plan:

| | | |
|---|---|---|
| **Prime** | 417.1 acres | 33.4% |
| **Locally Important** | 641.5 acres | 51.4% |

Recommendation: On September 28, 2015, the Agricultural/Forestal Districts Committee voted to recommend approval of the creation of the Green Mountain Agricultural and Forestal District.

Mr. Clark noted the remainder of the items are additions, which he would briefly review.

**c. AFD 15-05 Eastham Addition – Henry**

**Eastham District:**

- 21 parcels
- 1,002 acres

*AFD201500005 Eastham Addition – Henry:* This proposal would add one parcel to the District.

- The parcel is largely open land with about 9 acres of wooded cover.

| **Requested Additions** | | | |
|---|---|---|---|
| **Parcel** | **Acres** | **Acres of Important Soils** | **Development Potent** |
| 47-17B | 27.818 | 27.32 | Has one dwelling—no further development possible |

The parcel is largely open land with about 9 acres of wooded cover.

Recommendation: On September 28, 2015, the Agricultural/Forestal Districts Committee voted to recommend approval of this addition to the Eastham District.

**d. AFD 15-06 Carter's Bridge Addition – Frank**

**Carter's Bridge District:**

- 87 parcels

- 8,895 acres

*AFD201500006 Carter's Bridge Addition - Frank:* This proposal would add one parcel to the District. The parcel is largely wooded, with some open area on Blenheim Road located just east of the Keene Post Office.

| Requested Additions | | | |
|---|---|---|---|
| **Parcel** | **Acres** | **Acres of Important Soils** | **Development Potentia** |
| 122-18D | 28.78 | 28.78 | One existing dwelling; has potential for two development-right lots and one 21-acre lot. |

The parcel is largely wooded, with some open area on Blenheim Road.

Recommendation: On September 28, 2015, the Agricultural/Forestal Districts Committee voted to recommend approval of this addition to the Carter's Bridge District.

**e. AFD 15-07 Hardware Addition – Keeling**

**Hardware District:**
- 56 parcels
- 3,362 acres

*AFD201500007 Hardware Addition – Keeling:* This proposal would add one parcel to the District. This parcel is adjacent to another parcel under the same ownership that was added to the District last year. The parcel is largely open and includes several acres of pond.

| Requested Additions | | | |
|---|---|---|---|
| **Parcel** | **Acres** | **Acres of Important Soils** | **Development Potential** |
| 88-3M | 21 | 20.67 (some under water) | No dwellings; Can have one dwelling, but no further development potential |

Recommendation: On September 28, 2015, the Agricultural/Forestal Districts Committee voted to recommend approval of this addition to the Hardware District.

**f. AFD 15-08 Lanark Addition – Vernon**

**Lanark District:**
- 52 parcels
- 5,957 acres

*AFD201500008 Lanark Addition - Vernon: This proposal would add one parcel to the District. The parcel is almost entirely wooded, except for the area around the dwelling.*

| Requested Additions | | | |
|---|---|---|---|
| **Parcel** | **Acres** | **Acres of Important Soils** | **Development Potential** |
| 103-2E | 20.7 | 15.05 | Has one dwelling; parcel has five development rights. |

The parcel is almost entirely wooded, except for the area around the dwelling.

Recommendation: On September 28, 2015, the Agricultural/Forestal Districts Committee voted to recommend approval of this addition to the Lanark District.

**g. AFD 15-09 Keswick Addition – Aiello and**
**i. AFD 15-11 Keswick Addition – Traylor**

There are two separate additions proposed for the Keswick District.

**Keswick District:**

- 70 parcels
  6,913 acres

*AFD201500009 Keswick Addition - Aiello:* This proposal would add one parcel to the District:

| Requested Additions | | | |
|---|---|---|---|
| **Parcel** | **Acres** | **Acres of Important Soils** | **Development Potential** |
| 81-11H | 48.41 | 44.32 | Has one dwelling; property can only be developed as two 21-acre lots. |

The parcel is wooded except for the dwelling.

*AFD201500011 Keswick Addition - Traylor:* This proposal would add two parcels to the District:

| Requested Additions | | | |
|---|---|---|---|
| **Parcel** | **Acres** | **Acres of Important Soils** | **Development Potential** |
| 48-45 | 14.57 | 32.11 | Has one dwelling. Two parcels have a total of ten development rights. |
| 48-46 | 25.46 | | |
| | | | |
| Total | 40.03 | | |

The parcels are wooded except for the dwelling.

Recommendation: On September 28, 2015, the Agricultural/Forestal Districts Committee voted to recommend approval of these additions to the Keswick District.

**h. AFD 15-10 Jacob's Run Addition – Collins**

**Jacob's Run District:**

- 17 parcels
- 973 acres (This is somewhat a scattered district.)

*AFD201500010 Jacob's Run Addition - Collins:* This proposal would add one parcel to the District:

| Requested Additions | | | |
|---|---|---|---|
| **Parcel** | **Acres** | **Acres of Important Soils** | **Development Potential** |
| 20-6S | 21.01 | 20.95 | One dwelling; no further development potential |

The parcel is partly wooded and partly open land. The proposed addition towards the northeast side of the map.

Recommendation: On September 28, 2015, the Agricultural/Forestal Districts Committee voted to recommend approval of this addition to the Jacob's Run District. The Committee noted that this recommendation was made to be consistent with the County's past practice of recommending approval of all proposed additions that meet the basic distance requirements for joining to a District. However, the Committee asked staff to note that they had concerns over the lack of development potential on this property. Discussions with the Committee

have indicated a growing concern that properties without development potential can use the District program to qualify for the open space land-use tax rate without providing any significant conservation benefit.

**j. AFD 15-12 Moorman's River Addition - McMurdo**

**Moorman's River District:**

- 219 parcels
- 10,601 acres

*AFD201500012 Moorman's River Addition - McMurdo:* This proposal would add one parcel to the District:

| Requested Additions | | | |
|---|---|---|---|
| **Parcel** | **Acres** | **Acres of Important Soils** | **Notes** |
| 30-12 | 254.24 | 155.55 | Property has four dwellings. Has potential for one development-right lot and seven 21-acre lots. |

The parcel is primarily open land with some wooded areas and hedgerows. It is adjacent to some parcels already in the district and to the South Fork Rivanna River.

Recommendation: On September 28, 2015, the Agricultural/Forestal Districts Committee voted to recommend approval of this addition to the Moorman's River District.

There two actions for the Commission to take. The first motion is for the Green Mountain District Creation and the second motion is for all of the proposed additions. If there are any questions, he would be happy to answer any questions.

Mr. Morris invited questions for staff.

Ms. Firehock asked the minimum distance the parcel has to be in order to be considered close enough to be in the district.

Mr. Clark replied, under the current code, the parcel that wants to join the district has to be within one mile of the core of the district, and that core is the set of original parcels that first formed it. So later additions do not really count. The exception that was recently added to the State Code is that if a parcel outside of that mile requests to join and the committee feels that it is agriculturally significant, whatever that means, they can still recommend approval of it. That is a recent exception to that one about the limits on the minimum distance, and it has only come up once.

Ms. Firehock asked if in that case there is any guidance on how far away it is from the edge.

Mr. Clark replied no, if it is more than one mile the committee needs to find that it is agriculturally significant, and then it does define what that means.

Mr. Dotson said his question was on the effects of an AFD District. In looking at the ordinance it says that once in an AFD District there is a prohibition of development to a more intensive use.

Mr. Clark agreed.

Mr. Dotson said it then goes on to say a parcel shall not be deemed to be developed to a more intensive use if the proposed development is permitted by right in a Rural Area zoning district. He asked if there are one, two or three additional development rights associated with the parcel if it is put under the AFD District are those useable at any point or only after the withdrawal from the district perhaps as long as ten years from now.

Mr. Clark replied if you continue down in that same section where the first five or six items are not considered more intensive use it talks in more detail about what kind of subdivision specifically is not considered a more

intensive use. That would be family subdivision and 21-acre subdivisions. The first bullet sounds like anything goes as long as it is by right; but, that is not really the case. As far as subdivision goes it is just the family divisions and 21-acre subdivisions.

Mr. Dotson said if there is a 30 acre parcel and it has an additional development right beyond the existing home that is there putting it in an AFD District would mean that additional home could or could not be developed in the period of it being in the district.

Mr. Clark replied you could build the house, but not subdivide; or, you could subdivide a lot as a family division to build a house on.

Mr. Kamptner pointed out the house is limited to family members or people who are working on the site.

Mr. Benish agreed with what Mr. Kamptner was saying for farm use, farm manager or something like that.

Mr. Randolph asked staff in looking at the Jacobs Run addition, the Collins property, if they had a rough ballpark idea of what the forfeited taxes to the county would be if this is put into the agricultural forestal district. He asked what would be the percentage reduction approximately in taxes.

Mr. Clark replied that he did not know unfortunately. However, he could say the property is currently in use value taxation partly through agriculture and forestry. So, in this particular case, the land owner's motivation is not to go from being taxed at a regular rate to the open space rate, but actually change from agriculture and forestry to the open space rate. The main reason the owners gave was they feel under the forestry tax category that they are sort of being pushed along to do a harvest plan and eventually a harvest that they don't want to do. They actually want to keep this band of trees as it is. So in this particular case they are trying to change the use value categories rather than go from a full tax rate to a use value.

Mr. Randolph said this is where they don't know whether the criteria needs to be tightened and refined to mitigate against this kind of applicant so that we don't see more of this in the future.

Ms. Clark pointed out that has been a topic of conversation on the committee for quite some time. The plan that we have been discussing, staff hopes to update the committee on in the next couple of days and ask them to have a meeting early next year probably in January. At that meeting, staff will provide the committee some potential guidelines for what parcels to recommend or not recommend for an addition, and then get that recommendation on to the Board for their consideration. Hopefully, this can be done before the next round of addition proposals come in so that we can have a standard in place for what should or should not be recommended for additions rather than the approach for the past 25 years which has been basically to accept everybody who meets those distance qualifications.

Mr. Keller said he would just weigh into Mr. Randolph's point and make the point that our Department of Forestry in Virginia is rather archaic in a lot of its standards and is pushing a monocrop kind of forestry without knowing the specifics of these individual sites but having encountered it in other cases. If one wants to support a long growth eastern hardwood forest reforestation, there might actually be some benefits in individuals wanting to do that under the open space category. Then the question becomes the next piece about ACE and easements and whether that is a better way in our overall philosophies in the county comprehensive plan to attack it that way, or through the agricultural and forestal district. But, there are so many issues that are rolling around in this. It is not just a simple answer even though we would all like to find simple answers.

Mr. Morris opened the public hearing for applicant and public comment. He asked if there was anyone present who would like to address any or all of these requests.

Neil Williamson, with the Free Enterprise Forum, said in my 13 years of sitting in the isles here I have never seen the committee recommend denial of any parcel. It has never come forward and the examination is overdue. That being said we need to remember that the difference between agricultural districts and easements are like the difference between renting and owning effectively. Easements are perpetual and

forever. This does provide protection for the land, but it also provides landowner benefit in so much that it postpones any development. Some have suggested that is speculative for developers. However, he tends to disagree. The benefit of ten years in an agricultural forestal district is significant, while the property owner retains the full value of the land. Some of these districts have been in since 1980. He thinks that the benefits to the county are significant. He would encourage the Planning Commission to help inform Mr. Clark in his discussion with the Agricultural Forestal Committee Board as to how you would like to see it change. Part of the concern came out of the Citizens Resource Advisory Committee (CRAC) with regards to looking at land use in who gets it and why. He thinks that the Commission needs to weigh carefully the comprehensive plan goals, the tools you have, and remembering that easements are not for everyone. Agricultural forestall districts provide a very significant positive impact that protects the property owner's value and gives up for a period of time those property rights.

There being further public comment, Mr. Morris closed the public hearing to bring the matter before the Planning Commission for discussion and action on the two recommendations. He asked if there was a motion.

**Motion**: Ms. Firehock moved and Mr. Randolph seconded to recommend approval of AFD-2015-00004 Green Mountain District Creation.

Mr. Morris invited discussion.

Ms. Firehock commented that agricultural forestal districts are not just, of course, about preventing development. They are about providing a certain amount of certitude for landowners who are trying to engage in agricultural and forestal activities, reduce landowner conflicts and protect our rural economy, which is a huge contributor to our tax base. So we are trying to protect agriculture and forestry as part of this, and that was not really discussed for the record.

Ms. Monteith said agricultural forestal districts also provide habitat.

Mr. Morris asked for a roll call.

The motion passed by a vote of 6:0. (Lafferty absent)

Mr. Morris noted AFD-2015-00004 Green Mountain District Creation would go before the Board of Supervisors recommending the addition into our agricultural forestal districts.

Mr. Morris noted the next 8 addition requests could all be taken together in one motion.

Mr. Kamptner agreed assuming that there is consensus on all of them.

Mr. Morris asked is there anyone not in favor of any one of the eight addition requests.

Mr. Dotson said there are two requests, being the Henry and Collins requests, neither of which have any additional development potential that he had questions about. The requests are consistent with what the actions of the county have been in the past. He knows that the Citizens Resource Advisory Committee has recommended looking at the question of parcels with no additional development rights. Therefore, if he would be allowed to make a motion to reinforce that the Board of Supervisors consider the recommendation of that committee, then he is willing to support all eight requests as proposed.

Mr. Morris said he would think that would be appropriate.

Mr. Randolph said he would echo what Mr. Dotson has recommended; but, would love to know if members of the Henry or the Collins family are in the audience and whether they would be willing to fill us in on the

rationale for this application. If they are not in the audience, then he would definitely intermediately echo Mr. Dotson's recommendation.

Ms. Firehock said just to understand he was talking about the comment that was raised by the committee concerning the fact that they don't necessarily support adding agricultural forestal districts if they are not preventing development rights.

Mr. Dotson agreed that was correct.

Ms. Firehock said she was not sure she would actually agree with Mr. Dotson on that.

Mr. Keller said he was not sure he agreed with Mr. Dotson on that either.

Ms. Firehock said she thinks they have a larger purpose. As she was just trying to elaborate, it is very difficult to undertake those activities when you are surrounded by subdivisions, and it is getting increasingly difficult to do a lot of activities in the countryside. She understands Mr. Dotson's point, but she does not agree.

Mr. Keller agreed with Ms. Firehock, but would just like to add to her point. When they start to look at these districts and it is the combination of that mosaic of small and large parcels together that gives that continuity of agricultural and forestal lands, that not accepting a smaller parcel could be a pivotal piece in not continuing that mosaic fabric that is important to us in the rural areas of the county.

Mr. Randolph clarified that he did not think that either Commissioner Dotson or he was suggesting not including them because they are small pieces. It is not the size of the piece per say that they are concerned about.

Ms. Firehock pointed out the size of the piece has to do with whether they have development potential so they directly relate.

Mr. Morris asked Mr. Dotson to try to frame this into a motion.

Mr. Dotson said if they would like to act on the eight requests they can do that, and then he would follow that with a motion.

Mr. Morris said that would really help. He asked if any owners of those parcels are here and would like to address that.

Phyllis Gibson came forward with a friend to speak. Ms. Gibson said she lived on the other side of President's Road and was wondering what they plan on doing and why she received a letter to come to this meeting. She was talking about the Lenark parcel that comes down off of Blenheim Road just past President's Road and wondered if her parcel was included.

Mr. Kamptner explained the letter is just notice that is required to adjoining owners that land is being considered to come into what is called an agricultural forestal district. It is not affecting your land if you are not voluntarily applying to bring it into the district.

Ms. Gibson asked what they are going to do there.

Ms. Firehock replied that they want to continue agriculture and forestal uses as they have been doing and are enrolling into a program.

Mr. Morris explained to Ms. Gibson that her property was in close proximity and that is why the county wants to alert you that this is coming up.

Ms. Gibson said okay and thank you, sir.

Mr. Randolph thanked Ms. Gibson for being here.

Mr. Morris asked for a motion on the eight requests and then they would follow up with another motion.

**Motion**: Ms. Firehock moved and Mr. Morris seconded to recommend approval of the proposed Agricultural Forestal District additions for AFD-2015-5 Eastham Addition – Henry, AFD-2015-6 Carter's Bridge Addition – Frank, AFD-2015-7 Hardware Addition – Keeling, AFD-2015-8 Lanark Addition – Vernon, AFD-2015-9 Keswick Addition – Aiello, AFD-2015-10 Jacobs Run Addition – Collins, AFD-2015-11 Keswick Addition – Traylor and AFD-2015-12 Moorman's River Addition – McMurdo..

Mr. Morris invited further comments.

Mr. Keller encouraged the Commission to not do this and to vote for the whole set and to have another motion that goes forward to the Supervisors reiterating the concerns that came from the Citizens Advisory Committee. If they had this information at the Agricultural and Forestal District Committee meeting he believed we would have had a different vote. He thinks that the rules of the game have not changed at this point and it is really unfair to these other parcels to be taking a vote to not include them without really having a policy change at the county level.

Mr. Dotson said he believes that is what is being proposed.

Mr. Kamptner noted they have a motion to recommend approval of all eight.

Mr. Keller agreed with the motion for approval since it was for the whole set.

Mr. Morris said Mr. Keller's point was taken and asked for a roll call.

The motion passed by a vote of 6:0. (Lafferty absent)

Mr. Morris noted that AFD-2015-5 Eastham Addition – Henry, AFD-2015-6 Carter's Bridge Addition – Frank, AFD-2015-7 Hardware Addition – Keeling, AFD-2015-8 Lanark Addition – Vernon, AFD-2015-9 Keswick Addition – Aiello, AFD-2015-10 Jacobs Run Addition – Collins, AFD-2015-11 Keswick Addition – Traylor and AFD-2015-12 Moorman's River Addition – McMurdo would forwarded to the Board of Supervisors with a recommendation for approval at a time to be determined. He asked if there was another motion.

**Motion**: Mr. Dotson moved and Mr. Keller seconded that the Planning Commission request that the Board of Supervisors consider and provide direction based on the Citizens Resources Advisory Committee recommendations regarding agricultural forestal districts and use value taxation.

The motion passed by a vote of 5:1. (Firehock no) (Lafferty absent)

Mr. Morris noted the recommendation would be forwarded to the Board of Supervisors, by a vote of 5:1, to consider and provide direction based on the Citizens Resources Advisory Committee recommendations regarding agricultural forestal districts and use value taxation on a date to be determined.

The meeting moved to the next item on the agenda.

**Work Session**

a. **FY 17-21 Capital Improvements Project (CIP)**
Review the FY 17 Capital Improvement Plan (CIP) process currently in progress including the project requests, the project rankings, and the initial capital financial modeling.

Trevor Henry, Director of Office of Facilities Development (OFD) and Lindsay Harris, Office of Management and Budget Analyst (OMB) reviewed the FY2017 CIP process in a PowerPoint presentation that goes along with information sent out in advance of the meeting. (PowerPoint Presentation and Attachment Addendum B – revised November 9, 2015 summary of ranked FY 17 projects by TRC scoring classification on file with written minutes in Clerk's Office)

FY 17-FY21 Capital Improvement Program - Desired Outcome: Planning Commission Members to understand, at a high level, the FY17 CIP requests, receive the Technical Review Committee ranking of projects and challenges ahead as the Oversight Committee Process commences

Mr. Henry discussed the following issues with the Planning Commission:

**FY17-FY21 Capital Improvement Program Agenda**:
- Review flowchart of the CIP process (This is the first look at the program at the Planning Commission level and to be reviewed the two boards tomorrow.)
- Review of Requests (summary level/highlights)
- Initial Modeling/Challenges ahead
- Questions/Discussion
- Obtain feedback

**Capital Improvement Program**

The Capital Program serves as a planning and implementation tool for the acquisition, development, construction, maintenance, and renovation of public facilities, infrastructure and capital equipment.

The Capital Improvement Plan (CIP) and the Capital Needs Assessment (CNA) – collectively referred to as the **Capital Improvement Program** - represent a statement of the County of Albemarle's policy regarding long-range physical development for the next five-year and ten-year periods respectively.

**FY 17-FY 26 Capital Improvement Program Summary of Project Requests**

**FY 17-FY26 Capital Improvement Program Projects and TRC Ranking**

- **Reference Ranked Projects (hand out): grouped by category and priority of funding**
    - **New Requests:**
        - [Fire Rescue] Defribulators Replacement (Maintenance Replacement)
        - [Fire Rescue] Earlysville Volunteer Fire Company Renovation
        - [Police] Body Worn Cameras
        - [Police] Interim Police Training Academy Phase I
        - [Police] Tactical Robot
        - Bus Stop Enhancements
        - Hillsdale Drive Extension-Pond Amenities
        - Northtown Trail
        - Places 29 Small Area Implementation
        - Community Recreation Needs Assessment Study
        - William S. D. Woods Natural Heritage Preserve
    - **New Requests:**
        - [Records Management System*
        - Administration Space
        - CATEC Facility

- Crozet Elementary School Addition
- Monticello High School Addition
- Stony Point Elementary School Addition
- Western Albemarle High School Addition
- Yancey Elementary School Addition/Renovations

**Summary of Ranked Projects –**

Mr. Henry reviewed the summary of ranked projects as handed out. (Attachment Addendum B – revised November 9, 2015 summary of ranked FY 17 projects by TRC scoring classification on file with written minutes in Clerk's Office) This tracking document shows all of the projects that were requested by name and classification starting with those projects mandated or first priority funding projects. Next in the priority funding are our obligation projects. The next order of priority of funding and projects of maintenance replacement projects are in keeping our current infrastructure sound. Finally, are the non-maintenance replacement projects. There are 89 total projects across all of the requests.

The tracking document will be used throughout the rest of the process. As they complete the Oversight Committee they will add a column that says OC and what their recommendation is. That will then go to the County Executive, and if there are any changes in Mr. Foley's budget recommendation they will indicate it. Ultimately, we will have a completed document in the March/April timeframe that has multiple columns for any adjustments that occur. It is a way to kind of track the requests all the way through to what is actually in the recommendation and whether it is funded. The document is categorized by both the request and the priority of funding.

Mr. Henry invited questions from the Commission.

The Planning Commission discussed the issues as an informational session only with no formal action taken, and provided comments and suggestions:

- Questioned from a public safety standpoint if the location of the Hollymead Dam Spillway Improvement project is where a special district would be more appropriate because the primary beneficiaries of this dam improvement are those property owners that are downstream from the dam. Could a special district be established downstream from this to help cover the cost and would DEQ be against it?
- Why the giant line item was in the project funding list for the dam when the Stormwater Committee never discussed it when they were looking at future budgeting?
- Is there a level of funding where you could draw the line and say at this point it looks like we will be able to get this far down the priority list?

After the discussion with the Commission, Mr. Henry continued the PowerPoint presentation.

**FY 16 Adopted Capital Improvement Program**

**FY 17-FY26 Capital Improvement Program CIP Modeling – FY 16 Adopted Plan (Starting Point for modeling)**

| **Debt & CIP Financial Summary** | **FY 16** | *FY 16-20 Recommendation for Adoption:* | | | | |
|---|---|---|---|---|---|---|
| *Net of Transfers* | **ADOPTED** | **FY 16** | **FY 17** | **FY 18** | **FY 19** | **FY 20** |
| *Additional Pennies Required for Debt Service* | | | *0.50* | | | |
| *Additional Pennies Required for CIP* | | | *0.40* | | *2.10* | |
| CIP Fund Balance | 6,657,497 | 6,676,374 | 2,385,023 | 1,669,556 | 980,520 | 1,810,385 |

**FY 16 Adopted Plan Highlights:**

- ✓ Future dedicated penny's to CIP to meet CIP Financial Policy Goals
- ✓ Continue priority of funding on Mandates, Obligations and Maintenance/Replacement program
- ✓ Courts Funded (prior to completion of steering committee work)
- ✓ Pantops Station 16 Design
- ✓ School Security

- ✓ Learning Space Modernization/Red Hill Design (1 Mil)
- ✓ Telecommunications Network
- ✓ ACE (250K + future FY16 appropriation)

**FY 17-FY26 Capital Improvement Program CIP Modeling – Adopted Plan as Revised**

- First Step of FY 17 modeling is to update the FY16 Adopted revised plan with Revenue adjustments with actuals from FY15 + tie to 5 year plan assumptions + reduction of Fund Balance
- Project Expenditure Changes in adopted program: ~ $10 Million increase in Projects in Adopted Program
  - Maintenance/Replacement program
    - Schools
    - Parks
  - School Security
  - Pantops Construction
  - Courts (net decrease to program with City contribution)
  - Initial model indicates revenues won't support adopted plan as adjusted in the request by departments (timing, cost, scope). This model does not include any new requests
- Challenge to balance/fund ahead for OC

**Summary**

- **Major Issues/Decision Points**
  - ✓ **Current CIP model does not meet BOS financial goals with FY16 adopted plan as revised in this year's request**
- **Actions/Direction Required by the Boards (if any)**
  - ✓ **Input to Staff and members of Oversight Committee**

**FY 17-FY26 Capital Improvement Program CIP Modeling – Adopted Plan as Revised**

| Debt & CIP Financial Summary | FY 17 | FY 18 | FY 19 | FY 20 | FY 21 |
|---|---|---|---|---|---|
| *Additional Pennies Required for Debt Service* | | | | | |
| *Additional Pennies Required for CIP* | 0.9 | | 2.1 | | |
| CIP Fund Balance | 933,000 | 510,713 | -261,692 | 1,022,071 | -364,344 |

- **Updated Adopted Plan Revenue adjustments with actuals from FY15 + tie to 5 year plan assumptions**
- **Project Expenditure Changes: ~ $10 Million increase in Projects in Adopted Program**
  - **Maintenance/Replacement program**
    - **Schools**
    - **Parks**
  - **School Security**
  - **Courts (net decrease to program with City contribution)**
  - **Pantops Construction**
  - **This model does not include any new requests**

Mr. Henry said that is kind of where they are now starting into the oversight process. Back on our flowchart that is really the next step. They will have an Oversight Committee that includes Mr. Randolph, two members from the Board, two members from the School Board, a citizen representative, and staff that will look at a deeper details of the projects, the requests and probably will spend a lot more time looking at some of the changes in those requests, the prioritization and then the revenue side. They are hoping to get some direction from the Board tomorrow as to whether there is a willingness to look at additional funding as well beyond what is in our adopted plan.

Mr. Morris asked if there were any additional questions.

Mr. Dotson asked if what was said under current visions of funding was that without increased revenues all of the priorities could be funded, including all of the maintenance and replacement projects, but nothing beyond that.

Mr. Henry replied yes, that is what we are looking at right now.

Mr. Dotson said he had a couple of other quick questions. At the end of the chart there are some CNA items listed there and there are no cost estimates for those. It seems like it would be useful to insert those.

Mr. Henry said that is actually great feedback, and we can certainly make that change for adding it into the Oversight Committee.

Mr. Dotson said the other question is about linking the CIP to proffers. He did not know to what degree Mr. Henry was involved in that; but, state law says that proffers can be used to fund capacity expansion.

Mr. Henry replied that was correct.

Mr. Dotson said if you build a new school that is clearly capacity expansion. Are there any capacity expansions in the replacement projects? For instance, if you replace the defibrillators, is that a one for one or are we buying more than we had before.

Mr. Henry replied it is a replacement of existing. So in that case, proffers in my understanding would not be eligible. We have a process in that Lindsay Harris meets with Rebecca Ragsdale from Community Development and reviews all of the requests. As part of the documentation in the project details you can see if it is proffer eligible. So that is kind of the first pass in does it meet the rules for that expansion or enhancement, and the answer is yes. So as it moves through the budgeting process if a project is going to be funded, then part of what Lindsay does is she models what eligible proffers are out there and what we can apply to that project. At the end of the review process it only includes those that are meeting the definition.

Mr. Kamptner pointed out staff looks at that issue very carefully and for the close calls they bring him in. It has probably been a year or so since he was asked to look at a particular project.

Mr. Dotson said there are several ways to think about that. When you build a new school you are adding space, and that is pretty clear. However, what about expanding capability? If you put in a new communication system there are parts of the county that maybe you had spotty reception before and now you have expanded capacity to cover the whole county.

Mr. Kamptner said if it was expanding the capacity of the existing facility, then it may be considered and it may be eligible.

Mr. Dotson said so there is not a clear state definition.

Mr. Kamptner replied no, it is not just more people and things like that.

Mr. Henry pointed out school modernization may be a good example since that is a big request. However, as it is defined, as they talked about in oversight last year, it does not extend the capacity of the school. He thinks it just makes it more efficient and there are a lot of good reasons to do it as indicated in the picture he showed. So that particular project does not have proffers applied to it. We don't think that meets the definition of proffer so it does get scrubbed at a pretty detailed level.

Mr. Dotson said if a school had 50 computers before and now it is going to have 100 computers, would that be an expansion of capacity.

Mr. Henry replied that he did not think so by his understanding of the definition.

Mr. Morris pointed out they were not looking at capability, but strictly capacity.

Mr. Kamptner said in looking at road capacity the issue is not whether or not the funds could be used only to add lanes, but whether or not the funds could be used to replace existing signalization where the new signals could actually improve the flow of traffic. In that case we concluded that it did, in fact, increase the capacity of the road because it could handle more vehicles in a different way.

Mr. Dotson thanked Mr. Kamptner because he was trying to understand how we addressed that question.

Mr. Henry said he did think, like they did in oversight last year, that there are some projects specifically on the park side that they could look at available proffer funding and see if we couldn't cherry pick a project or two just to keep something on our park side rolling.

Mr. Morris said it is going to be interesting looking at distance learning as capacity. In looking at more and more of your modern educational theory, even at the high school level, it is distance learning and how can we improve that, which he would think is improving capacity.

Mr. Keller asked if could he think of a way that a planning project could fit under a mandate or an obligation.

Mr. Henry replied that he thinks if the Board of Supervisors identified it as such, it would meet that qualification. In fact, last year there was a request for Places29 that was not in the recommendation coming out of Oversight that made it to the Board, and the Board pulled that and said that was important and we need that to be funded. The area of studies and plans is an area that he had interest in at the conference he attended because there is lots of discussion and always a technical review as to whether it is appropriate for the CIP or should it be in operations. We are still collecting some benchmark data. It seems like throughout the state there are some jurisdictions that would put those kind of plans in their operating funds, but probably more so put it on the capital side. It really is a gray area.

Mr. Keeler said he would guess where he is coming from is one of the recommendations of the Fiscal Advisory Committee that you were quite involved with early on was to consider the proffer monies allocated in an area where development that was providing the proffers comes from. He did not know if this body would be interested in that or the Board of Supervisors. However, if there was a movement in that direction he thinks there is a feeling on the part of staff that there is great correlation between those areas of development and where the proffers are expended right now. So I don't mean to say that is not the case currently. But, if it became a more official policy, then it would seem to me that there would be cases of where there would almost be an obligation then for certain kinds of planning to happen in an area to focus on connectivity and those sorts of things between developments within certain zones within the growth area for instance. So I guess that is really the basis of my question. Over the couple of years that he had been involved he has seen how the planning studies often fall down lower than the rankings. He wondered whether there could be other ways to think about this almost institutionally that would help raise their status, if you will, and obviously things that fall into the mandates and obligation categories have more likelihood to be funded. So it is a more hypothetical question for the future.

Mr. Henry pointed out this is an opportunity for the Planning Commission to provide input to their member on the Oversight Committee as well as to the process. So any formal input is appreciated.

There being no further questions, Mr. Morris opened for public comment and invited anyone from the public who would like to address this to speak.

Neil Williamson, with the Free Enterprise Forum, said the State Code dictates that the Planning Commission review this information, which he did not know why. The discussion of proffers really gets to heart of the issue that he has been banging his gavel about for some time. You are very happy to find $656,000 for parks and greens ways and he was certain that staff found a nexus that the development that paid those proffers caused the need for that park to exist. There was not a need ahead of time because he thinks that is a very, very limited plan. In addition, some of the school repairs are in the Red Hill District. He would like to know if Mr. Randolph would like to have a special service district because that area is going to be benefiting from that district expenditure. The county wanted that road really bad for those that were there and remember. Many of the neighbors were up in arms about it because people were going to be cutting through for 29. The county wanted that road and the interconnectivity. No, the county did not build the dam. However, the county did

inspect the dam and the dam did meet the criteria at the time it was built. The county wanted the road; so the county had to take the dam and take the responsibilities that go along with it. The entire county did that. The entire county should pay. This is why the Free Enterprise Forum continually believes that the storm water fee should be in the general fund because when you look at this as a storm water project that is improving the storm water for the entire county. It is justified as a public safety issue, which it clearly is, and a transportation issue, which sounds like what the government of the county does. He thinks that all of these things need to be focused on as the county and that is why this big CIP comes forward and we can't do everything we want to do. However, the cash proffer of $656,000 helped out the parks and it is just another piggy bank. He did not know if we can find the nexus and the capacity that is being caused by the development to spend the money where you guys want to spend those funds.

There being no further public comment, Mr. Morris closed the public comment to bring it back to the Commission for any final comments or recommendations. There being none, he thanked Mr. Henry for the presentation. It has been very informative.

No formal action was taken by the Planning Commission.

**Old Business**

Mr. Morris asked if there was any old business.

Mr. Kamptner noted the Commission has two versions of the proposed sign ordinance in their package for next week. It is a clean version that just shows the strike through and underlining and then another version that has all the comments. He asked if the Commission is interested in receiving a third version that just shows the changes to the ordinance since the version you saw at the October 20th work session.

There being no comments from the Commission, Mr. Morris noted personally he did not think he needed it.

There being no further old business, the meeting proceeded.

**New Business**

Mr. Morris asked if there was any new business.

- The next Planning Commission meeting will be on November 17, 2014.

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

**Adjournment**

With no further items, the meeting adjourned at 7:20 p.m. to Tuesday, November 17, 2015 meeting at 6:00 p.m. at the County Office Building, Second Floor, Auditorium, 401 McIntire Road, Charlottesville, Virginia.

David Benish, Secretary

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