

**Albemarle County Planning Commission
January 13, 2009**

The Albemarle County Planning Commission held a public hearing, meeting and work session on Tuesday, January 13, 2009, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Marcia Joseph, Calvin Morris, Bill Edgerton, Linda Porterfield, Thomas Loach and Eric Strucko, Chairman. Jon Cannon, Vice Chairman was absent. Julia Monteith, AICP, non-voting representative for the University of Virginia was present.

Other officials present were Wayne Cilimberg, Director of Planning; David Benish, Chief of Planning; Mark Graham, Director of Community Development; Bill Letteri, Director of Facilities Development; Bill Fritz, Director of Current Development; Eryn Brennan, Senior Planner and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

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

Other Matters Not Listed on the Agenda from the Public:

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

Review of Board of Supervisors Meeting – January 7, 2009

Mr. Cilimberg reviewed the actions taken by the Board of Supervisors on January 7, 2009.

Item Requesting Deferral:

SP-2008-00057 Charlottesville Kingdom Hall

PROPOSED: Re-approval of expired S.U.P. – SP-2004-002 currently in site development process. Request for S.U.P. to allow a Church.

ZONING CATEGORY/GENERAL USAGE: R-2 Residential - 2 units/acre and R-4 Residential - 4 units/acre.

SECTION: Sections 14.2.2.12 and 15.2.2.12 of the Zoning Ordinance which allow for Churches.

COMPREHENSIVE PLAN LAND USE/DENSITY: Neighborhood Density Residential - residential (3-6 units/acre) and supporting uses such as religious institutions and schools and other small-scale non-residential uses in Neighborhood 5.

ENTRANCE CORRIDOR: Yes

LOCATION: 665 Old Lynchburg Road (Route 631), at the intersection of Old Lynchburg Road and Sunset Avenue Extended.

TAX MAP/PARCEL: 76/51

MAGISTERIAL DISTRICT: Scottsville

(Claudette Grant)

APPLICANT REQUESTS DEFERRAL – DATE TO BE DETERMINED

Mr. Strucko noted that the applicant has requested deferral to February 3, 2009. He opened the public hearing and asked for comment from the applicant or public. There being none, he closed the public hearing to bring the matter before the Commission.

Motion: Mr. Morris moved and Ms. Porterfield seconded to approve the applicant's request for deferral of SP-2008-00057, Charlottesville Kingdom Hall to February 3, 2009.

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

Mr. Strucko noted this item is being deferred and will be brought back on February 3, 2009.

Work Sessions:

Capital Improvements Plan (CIP) (Bill Letteri)

Bill Letteri, Director of Facilities Development, presented a Power-Point presentation to explain the Oversight Committee recommendation for this year's Capital Improvements Program. (**Attachment A** – County of Albemarle FY 10 Amendment to CIP dated January 2009.)

- This year was anything but business as usual. There has been a very dramatic reduction in revenues to the County which has had an impact on the CIP. The resources made available have been dramatically reduced. Additionally, this year would have normally been what they call a regular cycle in the CIP where new projects are entertained. The Board has directed staff to treat this year instead as an amendment year given the economic situation. Reductions to resources have affected the CIP dramatically. They have reduced the normal transfers into the CIP by the equivalent of three cents on the tax rate, two cents of which was directed to be in the form of transportation projects, urban infrastructure and the ACE Program. There were other revenue reductions as well.
- In current revenues, they have line items like surpluses from prior years. Clearly in the next few years they are not anticipating any surpluses. Interest would be down given the reduction in cash reserves. Proffers and grants are down. So in short they have had to make a number of pretty dramatic reductions in the CIP Program. He would outline tonight over 100 million dollars in reductions that are proposed over the next five year period. Clearly this is not an ideal recommendation, but this is one that responds to the need to balance our budget in the Capital Plan. By that they mean, of course, that they maintain adequate reserves. This plan does that by creating at least two million dollars in reserve for each of the next five years. It also responds to the need in the operational budget to reduce as much as possible operational impacts to the operational fund.
- He provided an overview of the proposed Capital Improvements Program, as follows. He noted that dramatic reductions have been incorporated into the plan to occur over the next five-year period. This work session is to provide the Commission an opportunity to review, discuss and comment on the proposed CIP.
 - CIP Funding and Debt Policies – There are 100 million dollars in reductions. Really everything that they are doing to the CIP is about either deferring projects or, in some cases, eliminating projects. In an amendment year, they would only entertain critical projects that are either of an emergency nature or related to health and safety issues. Only one project, the Regional Jail Expansion, was added based on what they are hearing at the state and federal level and there is perhaps some risk that project could be delayed as well.
 - Overview of CIP Adjustments - It has been reduced from the 239 million to the 138 million dollars program.
 - Summary of Proposed Plan - In order to make this program work, they are going to have to increase the level of borrowing. They have recognized in the Oversight Committee that with these times they have to try to leverage their resources as much as possible. They are modifying their policies to include a statement that says projects that leverage outside funds, whether it is grants, partnerships or federal and state monies would be very much desirable and be given priority. This is a quick summary of the adopted plan, proposed plan and the difference for general government projects. He reviewed each of the functional areas and highlighted what the reductions have been. There was a reduction in every category. They have reduced the general government project volume about 56 percent. The Schools have seen a significant adjustment from 85 million to 71 million for a total of about a 17 percent reduction. All told the 239 million dollar program is now 138 million or a 42 percent reduction over a five-year period.

- Summary of Committee Concerns regarding Delays or Deletions - Mr. Letteri highlighted the delays or deletions of various projects as listed in Attachment A. There has been a reduction in Neighborhood Planning Implementation by 3 million dollars, which is close to about one half of what was included. The other major category was transportation. This proposal eliminates funding into the transportation category for the next five years completely. They are acknowledging that they have amassed some funding in the transportation category that could be utilized for transportation projects in the near future. But this certainly decreases the amount of funds that are going into that category by quite a significant amount. See Attachment A for the complete summary of delays or deletions, which includes libraries, park projects, infrastructure, schools, etc.
- Community Development Categories - There is still very healthy funding for Neighborhood Plans. They think that this would be adequate to address the Crozet and the Pantops projects, but not some of the other master plans that may get implemented in this period. There have been some reductions in the sidewalk programs. The focus is on maintenance.
- ACE Program – Acquisition of Conservation Easements – The county portion for new acquisitions has been reduced by about 50 percent.

Mr. Strucko asked if there were any questions for Mr. Letteri.

Ms. Joseph asked why everything was delayed for five years.

Mr. Letteri replied that the five-year period was the cycle for the CIP amendment year. The county has gone beyond that to look at what they call the assessment period, which looks at a ten-year program. In an amendment year they only focus on that five-year period.

Ms. Joseph asked what the climate protection program was and if it was something that was slashed.

Mr. Letteri replied that the climate protection program was a new proposal offered to public works this year that was a series of efforts looking at energy conservation. Once again because it did not meet the criteria of an emergency or safety project it was not entertained. It clearly represents a Board priority.

Ms. Joseph noted concern in taking the funding away for the Jail Facility and the Levy Building Renovation. She would hate for the county to be accused of demolition by neglect. She hoped that if something happens to those buildings requiring maintenance or repair that there will be some funding available.

Mr. Letteri replied that there is some funding that remains from prior years for the old jail. They have organized a task force that is looking at issuing an RFP and trying to invite architects and developers and perhaps the opportunity to leverage federal dollars to help with that project. That is underway.

Ms. Joseph said that they have not given up on those buildings, and Mr. Letteri replied not at all.

Ms. Joseph asked about the Storm Water Maintenance Program and if it included some of the County-owned basins.

Mr. Letteri replied that as they become more urban, take on projects like Crozet and increase impervious surfaces and build sidewalks and the like, they have to manage the runoff. That is one of the projects that are identified. It is about a 1.5 million dollar effort to put in the necessary facilities to manage that water runoff. It also includes collection facilities as well at a regional site for a pond.

Mr. Edgerton said that he had a couple questions on the Community Neighborhood Development Project description. His questions focused on things that the Commission was going to have to deal with. The neighborhood plan implementation involves the fiscal year 2011 – 2014 funding with a reduction of 350 million dollars. He asked does that mean there won't be any money for future master plans until after that. They have been playing catch up with a lot of frustration from the public on developing master plans. He wondered if that is going to affect their ongoing efforts to continue to master plan.

Mr. Cilimberg said that the funds are actually for capital projects to be done under the master plans. The plans themselves really are on a separate funding tract. As reviewed at the retreat by Lori Allshouse, the Board has scheduled work on the Crozet Master Plan Five-Year Update. The Southern Areas Plan is still to be done. They will have to go back to the five-year updates on each plan as they are completed. But these monies are really for implementation of capital projects that might be called for under those plans.

Mr. Edgerton said that if they come up with all sorts of visionary aspects on the Places29 Master Plan, that all might be put on hold.

Mr. Cilimberg said that might be impacted by the money available. This plan is where those things happen.

Mr. Edgerton asked if the Sidewalk Program Implementation Plan could be affected because they have fewer dollars to build sidewalks.

Mr. Benish replied that is correct for a number of sidewalks, pedestrian improvements and multi-use trails.

Mr. Edgerton asked if these sidewalks would be tied to any specific project.

Mr. Benish replied that for the most part these are County initiated projects which may connect sidewalks built through development proposals. But these are public projects.

Mr. Edgerton said that regarding the ACE Program, he was unhappy to see the funding cut. Last year, the committee had seven projects and was only able to fund two. At a meeting last night, they had eleven projects under consideration for next year. Due to the increased cost of land, the cost of buying development rights has increased. He asked when the Board would take action on the proposal.

Mr. Letteri replied that the Board would review and adopt the budget in the March - April time frame.

Mr. Edgerton noted that from a planning perspective, the ACE Program is one hope the Planning Commission shared concern with the Board. One of the priorities of the Comp Plan is the preservation of rural area, and this is the only vehicle made available to county to preserve rural area. They all have been counting on ACE, and this is not a good time to be cutting back on that. He asked if as things turn around will of this be revised next year.

Mr. Letteri replied that they hope to entertain new projects next year. He noted that they work the CIP and budget together with this five-year financial model which is why this five-year cycle is looked at very carefully.

Mr. Strucko suggested adding a clarifying statement that none of the dollars looked at includes proffer monies.

Mr. Letteri noted that they included proffer monies as part of the resources that fund the capital projects, but have projected the timing in the amounts of those proffers.

Mr. Cilimberg noted that there is a proffer report and the county has quite a theoretical banking of proffers that occurred in 2007. Most of the proffers approved that year have not hit the ground yet. They will not see those revenues until those projects are started.

Mr. Strucko opened the hearing and asked for public comment on the proposed Capital Improvement Plan.

Sean Haggerty, a county resident, asked what would be the net savings over the next five years by going ahead with the Climate Protection Program. He questioned if the program would be for all county or administrative buildings or was it a limited plan. The main question is what kind of reduction it would be.

He suggested that it could end up being a net return at some point and worth looking into. It would also be good for tourism and marketing for the county.

Mr. Letteri said that he could not answer the details. He could say had this been a normal cycle year they would have considered carefully each and every proposed new capital plan. This was a new plan. But because it did not meet the criteria of being safety related or threatening or an emergency, it was just simply not evaluated. With that said, it would be evaluated next year. They certainly support those efforts and hope to include it in next year's proposal.

Mr. Haggerty said that he hoped it would be considered next year.

Ms. Joseph supported Mr. Edgerton's comments about ACE. If there is any way that the funding can be increased for that, she would appreciate the Board looking at that. To decrease the amount of funding would decrease their protection of the rural areas. She agreed with Mr. Haggerty that it would be useful if the Board can acknowledge or make sure that the Climate Protection Plan is not off the plate. She suggested that they might benefit in future years from implementing some of these things now. She would like to send that message to the Board.

Mr. Letteri stated that staff would summarize all of these comments and make sure they are forwarded accordingly.

Mr. Strucko thanked Mr. Letteri for his presentation

Work Session:

SP-2008-00054 Rivanna to Preddy Creek Transmission Line

PROPOSED: Upgrade an existing 3-mile transmission line in NE Albemarle Co. along Rt. 29

ZONING CATEGORY/GENERAL USAGE: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)

SECTION: 10.2.2.6

COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/ acre in development lots)

ENTRANCE CORRIDOR: Yes

LOCATION: Rt. 29 North on west side, approx. half a mile south of intersection with Burnley Station Rd. and Fray's Mill Rd.

TAX MAP/PARCEL: 02100-00-00-01900; 021-00-00-012D0; 02100-00-00-01500; 02100-00-00-015G0; 02100-00-00-015B0; 02100-00-00-016C0; 02100-00-00-01600; 02100-00-00-01700; 02100-00-00-017A0; 02100-00-00-007A0; 02100-00-00-007C0; 02100-00-00-00700; 02100-00-00-006B0; 02100-00-00-006E2; 02100-00-00-006D0; 02100-00-00-00611; 02100-00-00-006H0; 02100-00-00-017C0

MAGISTERIAL DISTRICT: Whitehall and Rivanna

(Eryn Brennan)

In a Power-Point presentation, Ms. Brennan reviewed the proposed upgrade to an existing three-mile transmission line in northeast Albemarle County along the west side of Route 29 North. (Note: Two miles of the transmission line are located in Albemarle County and one mile in Greene County) (See Power-Point Presentation and Staff Report)

- Purpose of the work session: Given that this application cannot be scheduled for a public hearing and the Planning Commission has not reviewed an application concerning a new transmission line or transmission line upgrade since 1990, staff felt a work session would provide an opportunity to review the proposed transmission line expansion and to explore some of the issues which have surfaced during the initial review of the Special Use Permit. Staff asked the Planning Commission to respond to several questions listed in the staff report.
- The application is for a Special Use Permit to upgrade an existing transmission line in northern Albemarle County. The applicant is proposing an existing double circuit transmission line to a

triple circuit transmission line, which would require replacing the existing 40' wooden poles with 75' galvanized steel poles and increasing the existing 40' easement to 75' though only 17.5' would impact adjacent property lines as the remaining 17.5' would be shared with existing VDOT right-of-way. The line begins in the development area for the first parcel and then traverses the rural area until it reaches the county line.

There are a couple of issues to note:

- The applicant has not yet acquired the necessary signatures of all of the property owners affected by the proposed transmission line upgrade.
- This application would require approval by the Architectural Review Board since Route 29 is an Entrance Corridor.
- Issue one is a concern with the service area. The applicant has suggested that the upgraded power line would serve anticipated residential and commercial growth in northern Albemarle County. However, future growth will be far more limited in the rural areas than in the development areas. So understanding where the applicant anticipates this growth will occur will help determine the need for the upgrade.
- The applicant submitted a map showing the distribution of their customer base in Albemarle after the Planning Commission received their packets. Staff took that map and superimposed it on a map of the development areas in order to understand a little more about the area served by the applicant's power line. The majority of the area served appears to lie in the rural areas where future growth is less likely to occur than in the designated growth development areas.
- Issue two concerns the possibility of placing the upgraded line underground which would completely eliminate the negative impact of the height of the poles and increased right-of-way on the surrounding rural character of the area. It would also reduce maintenance costs.
- Issue three regards how the applicant intends to maintain the increased easement. The applicant had indicated that they would prefer to clear vegetation in the increased right-of-way and use herbicides to assist with maintenance as they do for the existing 40' right-of-way currently.
- Issue four concerns the three stream buffers. Specific issues are whether the vegetation would be cleared in the increased right-of-way crossing the three stream buffers and if the applicant would use herbicides in the stream buffers which could potentially have a detrimental impact on the streams. The map shows where the proposed line upgrade would cross the three stream buffers.
- Staff's recommendations are outlined in the last portion of the staff report. The applicant has a presentation. If there are any questions, she would be happy to answer them.

Mr. Strucko opened the public hearing and invited the applicant to address the Planning Commission.

Bob Yeaman, counsel for Rappahannock Electric Cooperative (REC), requested to make an addition to Attachment A of Ms. Brennan's presentation, which was prepared by REC. REC did not know at the time it was going into the packet. He distributed copies of a more professional drawing (Attachment B) to the Planning Commission. Others present to help answer questions were Ron Harris, engineer with Rappahannock, Lee Brock, engineer and Sam Wilson, who is in charge of this project. He thanked the Commission for the opportunity for the work session to identify the issues.

Mr. Yeaman pointed out that REC is owned by its members or the people that it serves. He made a Power-Point presentation to explain the proposal.

- The proposal is to rebuild an existing transmission line that runs from the Rivanna substation, which is adjacent to the GE Fanuc Plant, up Route 29. It has two circuits on it now: a 12.5 kilovolt circuit and a 34.5 kilovolt circuit. He pointed out the service area is assigned to Rappahannock by the State Corporation Commission, and therefore it is their duty to provide electric service in those areas. The present line is on a 40' wide right-of-way. In order to accommodate service needs, Rappahannock is seeking to put a 115 KV line on the top side of that. In other words,

right now there are two circuits, the 12.5 kilovolt and 34.5 kilovolt, and they would like to build a third circuit on the top, which would be 115 kilovolt. To do that it requires increasing the size of the poles, which currently are roughly 40' in height. The new poles would be on average approximately 75' in height, which would be about an increase of 35' in order to accommodate all three of the circuits.

- The issue before the Commission is what is the need for this or why do they need to build this line. He would present an overview and then would be happy to discuss it. According to the plans they got from the County, the Albemarle County population is growing about 2.6 percent a year. REC has to plan for or anticipate the future electrical needs and put infrastructure in place. They know that population in this area is going to grow. Albemarle County grew 2.6 percent last year. It their understanding that the area served by the Rivanna substation grew 19 percent over the last three years. That is a huge number. The load on that area right now, which is being served by the Rivanna substation, is roughly 52 percent of the total capacity of the substation. The load stated in the document is 60 percent because another load was projected to come on in December, but now is expected to come on in March 2009.

Ms. Joseph asked what is coming on that will make the load 60 percent.

Mr. Yeaman replied that it was an office building for NGIC. In the area south of the Rivanna substation there is a lot of development going on right now in big buildings. They don't know anything about them except that they have been asked to serve them with electricity. They have elected to call them the Rivanna station area. He noted that the Commission probably knows more about it than he does. If they look at the projected loads and add those numbers up, that is the demand at the end of 2010. The transformer at the Rivanna substation is going to be overloaded by 110 percent. It can't operate that way. Most of the load coming on will be coming from the Rivanna station area, which will end up overloading the Rivanna substation. The Rivanna substation has a 115 kilovolt line coming in to it. Then that transformer converts it down to the 34.5 and the 12.5 from which it is served in the areas.

Mr. Yeaman continued noting what they are proposing here is to run the new 115 kilovolt up the existing corridor to the Preddy Creek Substation, which will do a couple of things for them. First they will be able to take the load off of the Rivanna Substation and move it up to the Preddy Creek with the 115 kilovolt line. Then the Rivanna Substation will serve and have more capacity to properly serve the other business areas that are there specifically including the Rivanna station where this new development is. There has to be some way to get more electric power to that area. With the existing substation, they cannot do that. There are a couple of other proposals. One is just to run a separate new 115 kilovolt virgin line from Profit going to Preddy Creek across country. That is not desirable. About the only other thing they could do is instead of putting a 115 kilovolt line up is to put another 34.5 line up on the same thing. They would still end up with three circuits instead of two. That is not efficient and it is not cost advantageous. It is not the best thing for the customers of Albemarle County. If they put another 34.5 line on top of the existing instead of the 115 line, within a few years it is not going to be adequate either. They are going to have to come back and put the 115 line there at one time or the other. Good planning and common sense says go ahead and put the 115 line in right now. The advantages to this are:

1. By putting the 115 line in, it unloads the Rivanna station so it can be more efficient and properly serve Albemarle County and specifically the business areas and development that are coming. By being able to run power up to the Preddy Creek Substation with the 115 line it accomplishes that.
2. It gives significantly more reliability. Right now if there is a problem, there is no way to get electricity to Rivanna. If they have the 115 kilovolt line there and if the substation fails, then with the 115 kilovolt line out of Preddy Creek they could back-feed to Rivanna and keep it on line almost immediately. That is an option that they don't have right now.
3. Finally, what Rappahannock is trying to do in this planning is also work towards bringing a 115 Kilovolt line from another direction further to the north into Preddy Creek. It is not part of what they are discussing here except he just wanted the Commission to understand that if they get another 115 kilovolt line at Preddy Creek from Allegany Power then that really gives them much better reliability. Even if they lose the 115 kilovolt coming in through the Profit Substation, which would knock all out, then they could back-feed from that 115 coming in to the Preddy Creek

Substation. That would give them a dual capability. The reason Rappahannock is trying to do this is to provide reliable service in the area and to offload the load going north off of the Rivanna Substation so electricity will be available for the immediate area.

Mr. Strucko invited questions for the applicant.

Mr. Edgerton asked if the primary beneficiary of the additional 115 KV line would be to serve the three substations out of Greene County.

Mr. Yeaman replied that is not correct. They are being adequately served now. They don't have the demand that they have in Albemarle County. The primary beneficiary is going to be Rivanna because Rivanna is already serving our area as well. It is serving the whole area. If they don't get power up there from another source, then they are not going to have enough power at Rivanna.

Mr. Edgerton noted that the Comp Plan calls for rural area in that area northward. The growth should not come if the Comp Plan is followed in Albemarle. There will not be this big growth that seems to be a part of his calculation. So if that does not happen, then the question is what benefit will come. He heard a lot of security issues regarding being able to back-feed in emergencies. He was struggling with that. He asked for an explanation regarding the need for 75' versus the 40'. That is almost doubling the height of the poles, which is pretty extreme

Mr. Yeaman asked to go back to the issue of who gets the benefit here. He heard what was said about the Comprehensive Plan, but their understanding is that they are not projecting this based on the 2.6 percent per year. This is on requests that they already have received.

Mr. Edgerton noted that this was all because of that one office project.

Ms. Joseph questioned what area was covered within the red lines shown on the slide.

Mr. Cilimberg added that based on what they are showing here, North Pines, GE Fanuc and Briarwood on the west side of 29 are served along with a very small portion of the North Fork Research Park. He was not sure if any buildings are proposed in North Fork within those lines, but it is a small portion on that west side. The east side encompasses the Rivanna Station, NGIC and a small part of North Pointe development. It would include the very northern end of the North Pointe development within their service area. That is to give the Commission a perspective of what in our development area is included. There is some very minimal additional residential development that could occur within the development area. There is more of Briarwood that could build out. Then there is a portion of North Pointe that could be within their service area for residential. Probably more of the development would be within that eastern side of 29 that is north of the North Fork Rivanna River where NGIC currently is and other buildings are proposed. There is still more area designated in the plan but nothing is proposed at this time to develop there.

Mr. Yeaman said that he thought they have an electrical problem here because the 34.5 and the 15 KV lines indicate the strength of the power and not the volume of electricity that is delivered.

Sam Wilson, project engineer for this proposal, said that 115 voltage is used to serve substations and does not feed any customers. In the substation, they drop it down to a 34.5 or a 12.5. The 12.5 voltage is more of their distribution which serves most houses. It goes to the transformer on the pole and then goes into the house at 12.5. The 34.5 is used more by their larger customers, which could be stores, factories, or whatever.

Mr. Loach asked what is serving the current substation.

Mr. Wilson replied that right now the substation is being fed from Profit Substation (230,000 volts) and it drops it down to 115,000 volts. From Profit to Rivanna it is 115,000 KV. From there they drop it from 115,000 to 35 and 115,000 to 12.5. They have two transformers in that station. It drops down to 12.5

which serves the individual homeowner customers. Then 35 KV is used for the other stations up-stream, which they call a sub-transmission. It is almost considered distribution at 35 KV. The beginning slides said that it was transmission lines running up and down 29. Right now that is truly not a transmission but a distribution 35 KV which feeds substations up line. They will serve large power customers off of that.

Mr. Loach asked if there were any special requirements because of NGIC in this.

Mr. Wilson replied that what they were doing is that they have been requested loads. He could not give exact loads that they had been requested. There would have to be a request for confidentiality. But he could say that they have been requested loads, and they have to be able to serve those loads. They are going to be serving those loads at 35KV. So what they would have to do is off-load their 35 KV transformer at Rivanna. The best way to do that is to go ahead right now at the Rivanna Substation, which is actually feeding those other stations in Greene County. They would like to take the 115 KV and use it to feed the rest of Greene County and take care of their own stations. This approach off-loads Rivanna to be able to serve the local area even more. Right now Rivanna feeds parts of Greene County and all of the other substations with the 35 and 12.5 distributions and also vice versa.

Mr. Edgerton said that the new 115 KV line being proposed will serve the substations in Greene County and will not serve Albemarle County.

Mr. Wilson said that it will serve the one substation in Greene County, which will drop it down to feed the others.

Mr. Edgerton said that the need for this new line will not serve any of the development in Albemarle. It will just free it up.

Mr. Wilson noted that it would free up so that they could develop. Then again it provides the back-feed capabilities which they never had before for liability. They always like to be able to back-feed if they can.

Mr. Edgerton asked how realistic it would be to put the line underground. He noted that the applicant had been building towers in Greene County and he was a little worried about whether the cart is in front of the horse here.

Mr. Wilson asked to respond to the question about why they need to put the poles higher. Because the 115 is a higher voltage, the spacing has to be more. The higher the voltage, the more spacing they have to put between the conductors due to the voltage difference. That is where the pole height comes in. It is about 34', which is 24.5' plus 8' that is being added on to the top of it in a sense. It is just added on to the top part of the pole. That is to accommodate the 115 KV. They add some additional height for clearances.

Mr. Edgerton asked if there were three things sticking out on the pole for one line.

Mr. Wilson noted at the top of the pole they run a static wire, which is used for lightning protection. It is a steel wire that runs across the top. The next three, in a delta configuration, would be the wires connected to those three phase wire. The three phase wire creates one circuit. Then the other two arms carry the distribution or the 35 and 12.5. There are three wires on each one of those, which exist today.

Mr. Morris asked if there is a requirement from their potential customer for the probability for uninterrupted services to those facilities.

Mr. Wilson replied that they like to provide unlimited service to any of their customers if possible.

Mr. Morris asked regarding that one specifically.

Mr. Wilson replied that he could not answer whether that was asked or not.

Mr. Morris noted that could be a security requirement.

Mr. Wilson replied that he did not know.

Mr. Strucko assumed that the right-of-way expansion is a function of the height of the pole.

Mr. Wilson replied yes, that the minimum they would go for a 115 right-of-way is 75'. There are issues about that which they call blow out. When the wind blows they have to keep their distances, clearance distance, etc. So 75' is the minimum they could go with regard to danger including trees that can fall on to the line.

Mr. Strucko asked what is precluding them from going underground.

Mr. Wilson replied that they have a whole list of reasons, but he would let Mr. Yeaman cover that.

Mr. Loach asked if they could co-locate cell towers on these poles.

Mr. Wilson replied that the poles were not designed for that. But if they wanted to talk about it, then they could look at it. Right now they make them at the bare minimum because of the cost of steel.

Mr. Yeaman presented photographs of the line as it currently exists and explained several options. There was an issue raised about the streams that they cross. Their normal procedure is that they bush-hog the stream. They don't dig up the vegetation. For maintenance they use an herbicide, but they do not apply herbicide closer than 10' to the stream. That is an EPA directive obviously that they have to follow. Also the herbicide only affects certain plants. It does not affect animals, people and so forth. As far as the 10' is concerned, in the same area if they were instructed they would be glad to cut vegetation down by hand instead of bush-hogging it. They would need to have the area cleared except for tall grasses and low bushes. They can't have trees in the right-of-way.

Ms. Joseph noted that the Cooperative has trimmed some of her trees in lieu of cutting them down. Also Dominion Power will allow shorter trees within their easements. She wondered if it was possible for them to allow some trees that that don't grow as tall to be allowed to live within that easement or to be planted.

Mr. Yeaman replied that it would be more like bushes and would not be tall trees.

Ms. Joseph said that there were some short trees out there that will not grow up and bother the lines. She asked if that was something that they would consider.

Mr. Yeaman said that in these right-of-ways there were lots of things that one could do. They have people who grow gardens and that type thing. But no structures are allowed. There could be no trees that were tall enough to impact the line.

Mr. Strucko asked about the possibility of underground lines.

Mr. Yeaman replied that Rappahannock has no 115 KV lines underground. It is something that is generally not done in this state. The legislature in 2006 authorized the JALOGH Study regarding underground transmission lines. He would be glad to provide that if necessary. The net result of the study was that because of the increased cost and poor reliability underground lines at this time are not used. The study goes on to say underground lines may be allowed at some future date when technology is different. There are huge maintenance problems with an underground line. Is it subject to snow storms and wind? No it is not. But being underground all of the time, the lines are subject to being weakened at a quicker pace. As a result when something happens, maintenance is a big problem. For instance, if the overhead transmission line stops working they have automatic reclosures that kick out. Then in a short instance they cut back in. On the transmission lines overhead there is a similar type thing the reclosure will put it back in. On underground lines that can't be done. If there is a fault and there is a reclosure, it kicks it back in and could cause huge damage to the whole line. So there are no automatic reclosures.

In underground lines, if there is a fault they have to go and locate it. That is very difficult requiring special equipment. These lines are a minimum of 42" underground covered with a special type of non-conductive material. There are a huge number of problems associated with underground lines. With an overhead line, you can locate the fault and then you can back-feed in both directions to it. You can't do that in underground lines unless you have a double source. Here you would not have a double source. There could be a lot of potential problems with underground lines in driveway requests. The cost per mile was four to ten times more in the Jaloch Study between an overhead and underground line. To construct the overhead lines as they propose using the steel poles and putting the 115 KV on the top would cost between \$700,000 and \$800,000. To put that same line underground would cost about 8 times the amount or somewhere between 5.6 and 6.4 million dollars. It is not a reasonable practical thing to do with the situation at the current time.

Mr. Edgerton noted that the staff report mentions that they had not identified all of the private-property owners along this line from whom they will need to get right-of-way permission. He asked what happens if someone says no.

Mr. Yeaman replied that they have identified all of the property owners, but they have not all agreed. They are working with legal staff to attempt to work that issue out. That has not been resolved.

Mr. Edgerton noted that earlier in the presentation it was said that if this option was not available, they could go from the Profit substation overland to the Preddy Creek substation since they had 220 coming in there. He asked if they had done an analysis on that.

Mr. Yeaman replied that typically constructing new virgin transmission lines is extremely frowned upon by everybody. That line will be running through Albemarle County. There is already a line in the other option. They would give it serious consideration if the Commission directed them to do so. In terms of the advantages and disadvantages, they feel that it more advantageous to the county to use an existing right-of-way.

Mr. Strucko invited public comment. There being none, the request was brought back to the Commission for discussion. He suggested that they proceed by following the staff report since the questions were well outlined. The discussion started with the questions on page 3 of the staff report. (Note: See summary below for the Commission's response to the questions.)

Mr. Cilimberg reiterated that the Planning Commission generally agreed with staff in terms of the information that the applicant should provide as the bullets are listed in the staff report and would like the ARB to review what they would be coming forward to the Commission for in a public hearing. They would also like to see the alternative of the cross-country line at least to know its location.

Ms. Porterfield asked to see what the detriment is if they are not allowed to put in this line. She asked what would happen to the customers in Albemarle County that depend on this cooperative for electricity.

Mr. Morris noted that he had one other question as far as the stream buffers. He heard the applicant mention that they do not use herbicides within 10' of the stream. He asked if that was all. He asked if 10' was a normal setback since he remembered a 100' or 200' buffer.

Mr. Kemptner noted that electric utilities are exempt from the stream buffer regulations. The Board has already decided the regulations in the Water Protection Ordinance that stream buffers don't apply. That does not mean that as part of a special use permit condition one cannot put some reasonable restrictions like no herbicides in the stream buffer.

Ms. Monteith noted that the recommendation from the staff was to not use herbicides in any of the stream buffers. So if they are supporting staff's recommendations, then that is the right thing to do.

Mr. Morris asked what the stream buffer would be and if it was 10'.

Ms. Monteith replied no, it was generally 100' feet on either side of the center line.

Mr. Cilimberg noted that the county stream buffer was 100'. The applicant's treatment is not within 10'.

Ms. Porterfield suggested that the applicant come back and give us some more options for maintaining the buffers.

Mr. Cilimberg said ultimately it will mean that there needs to be a condition as to how the stream buffers are to be treated. The Commission's desire is to not have those stream buffers impacted negatively through herbicide treatment. They will have to see what the applicant might offer as an alternative.

Ms. Monteith noted that applies to maintenance and construction.

Mr. Strucko asked if there were any other comments or questions.

Ms. Brennan asked for a clarification if the Planning Commission wants a cost-benefit analysis of placing the lines underground, and Mr. Morris replied yes.

Ms. Porterfield asked that they also include the users of the systems so they know what happens to them if this goes underground.

In summary, the Planning Commission held a work session on SP-2008-00054 regarding the proposed transmission line upgrade from Rivanna to Preddy Creek. The Planning Commission generally agreed with staff in terms of further information the applicant should provide with their next application and would like the ARB to hold their review of the application before returning to the Commission for a public hearing. They would also like to see a proposal for a cross-country transmission line as a possible alternative to upgrading the existing transmission line along Route 29 North.

The Planning Commission provided guidance for the applicant's next submittal and responded to the questions posed in the staff report, as follows.

Issue 1: Service Area

Question: Which area(s), particularly in Albemarle County, would benefit from the transmission upgrade? Can Albemarle and neighboring counties still be served without a transmission line upgrade?

The Planning Commission agreed with staff's recommendation that the applicant provide more information regarding the area and customers that would be served by an upgraded transmission line in order to demonstrate a sufficient need and benefit to Albemarle County residents.

Issue 2: Placing Upgraded Transmission Line Underground

Question: Could the upgraded transmission line be placed underground in order to mitigate the negative impact of the taller poles and wider easement on the surrounding rural area?

The Planning Commission agreed with staff's recommendation that the applicant submit a long-term cost-benefit analysis of placing the proposed upgraded transmission line underground, in order to mitigate the detrimental impacts the taller poles and wider easement would have on the rural character of the surrounding area. Consideration should be given to other alternatives and providing cost-benefit analysis. The Commission would like to know where an alternative cross-country alignment for the line would be and the area involved.

The Planning Commission suggested that the ARB review the proposal before its coming forward to a public hearing. The Commission would like to see the intrusiveness of doubling the width of the ROW and the height of the poles. The applicant should explain the need for the 75' pole versus the 40' pole.

Issue 3: Increased Easement

Question: Does the applicant intend to clear existing vegetation in the increased ROW? How does the applicant intend to maintain the easement?

The Planning Commission agreed with staff's recommendation that the applicant submit a more detailed landscape plan along the proposed transmission line upgrade to determine the extent to which additional vegetation may need to be removed in the widened easement and the subsequent impact on the rural character of the area. The applicant should consider allowing the placement of some type of vegetation, such as short trees, in the easement.

Issue 4: Stream Buffers

Question: Does the applicant intend to clear existing vegetation in the increased ROW crossing the three stream buffers during and after construction of this line? Does the applicant intend to use herbicides in the three stream buffers?

The Planning Commission agreed with staff's recommendation that the applicant be advised to protect the vegetation in the stream buffers and to not use herbicides in the stream buffers. The applicant should come back with other options for maintenance and construction of the buffers. Ultimately there may need to be a special use permit condition on how stream buffers will be treated. It was noted that generally the stream buffer should be 100' on each side of the stream and apply to maintenance and construction.

The Planning Commission took a ten minute break at 7:59 p.m.

The meeting reconvened at 8:10 p.m.

STA-2008-00002 Subdivision Fees

Amend Sec. 14-203, Fees, of Chapter 14, Subdivision of Land, of the Albemarle County Code. This ordinance would amend Sec. 14-203 to impose new fees and to increase existing fees charged for almost all listed applications, permits, reviews, approvals, inspections and other services provided by the County in the administration of Chapter 14. The following fees would be increased: (1) preliminary plats reviewed by commission: (a) 1-9 lots: from \$720 to \$4100; (b) 10-19 lots: from \$1100 to \$4350; (c) 20 or more lots: from \$1330 to \$4650; (2) preliminary plats reviewed by agent: (a) 1-9 lots: from \$360 to \$2100; (b) 10-19 lots: from \$550 to \$2100; (c) 20 or more lots: \$670 to \$2100; (d) 2 lots under section 14-232(B)(2) or lots fronting on existing public street: from \$95 to \$490; (3) final plats reviewed by commission: (a) 1-9 lots: from \$720 to \$4200; (b) 10-19 lots: from \$1100 to \$4430; (c) 20 or more lots: \$1330 to \$4650; (4) final plats reviewed by agent: (a) 1-9 lots: from \$360 to \$1950; (b) 10-19 lots: from \$550 to \$2200; (c) 20 or more lots: \$670 to \$2450; (d) 2 lots under section 14-232(B)(2) or lots fronting on existing public street: from \$95 to \$1050; (5) reinstatement of preliminary or final plat review: from \$65 to \$1000; (6) plat for rural subdivision, family subdivision; resubdivision, or boundary line adjustment: from \$95 to \$1350; (7) easement plats: from \$95 to \$950 if no deed, to \$1500 with a deed; (8) bonding inspection for a plat: from \$50 to \$500; (9) groundwater assessment Tier 4: from \$1000 to \$1500; (10) waiver after preliminary plat approved, before final plat approved: from \$180 to \$1650; (11) waiver after final plat approved: from \$830 to \$1650; (12) relief from conditions imposed by commission prior to adoption of chapter 14: from \$180 to \$770; (13) appeal of plat to board of supervisors: from \$240 to \$540; and (14) extension of plat approval: from \$45 to \$240. The following fees would be added: (1) each review of public road plans, including revisions after approval: \$250; (2) each review of private road plans, including revisions after approval: \$400; (3) authorization for one or more private streets within subdivision: \$1350; (4) waiver of one or more street standards before preliminary plat approved: \$1050; (5) waiver of curb and/or gutter requirements before preliminary plat approved: \$1050; (6) waiver of street interconnection requirements before preliminary plat approved: \$1050; (7) final plat for subdivision without approved preliminary plat: applicable preliminary plat fee plus applicable final plat fee; (8) bond estimate request for subdivision improvements: \$500; (9) bonding inspection for bond reduction: \$500; groundwater assessment Tier 1:

\$50; and (10) notices required by section 14-216 and 14-221: \$200 for first 50; \$1 for each notice beyond 50. The following fees would be changed but not necessarily increased: (1) groundwater assessment Tier 2: from \$250 plus \$25 per lot to \$330; (2) groundwater assessment Tier 3: from \$400 plus \$25 per lot to \$1300. The proposed fees and fee increases are necessary to assure that the fees cover the cost to the County to provide those services. The proposed fee increases are authorized by Virginia Code § 15.2-2241(9). The full text of the ordinance is available for examination by the public in the offices of the Clerk of the Board of Supervisors and in the Department of Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia. (Mark Graham)

Mark Graham presented a Power-Point presentation and reviewed the executive summary. (Attachment – Executive Summary for Community Development Fees – Subdivision Ordinance dated January 13, 2009)

This is a follow-up work session to one held in October 2008 which followed the September 2008 Board of Supervisors' work session. He reviewed the background, as follows:

- Community Development Fee Study completed in 2007
- December 2007 - Board work session on Fee Study
 - Compare fee recommendations to neighboring localities in addition to the study's comparable localities
- April 2008 – Board work session to review proposed fees for Building Regulations and Water Protection Ordinances
- August 2008 – Board adopts new fees for Building Regulations and Water Protection Ordinances
- September 2008 - Board work session to review proposed fees for Subdivision Ordinance
- October 2008 – Planning Commission work session to review proposed fees for Subdivision Ordinance

As part of the Board's direction on the Subdivision Ordinance to the staff they adopted a resolution of intent and directed staff to work with the Planning Commission to get this to a public hearing.

- The public hearing needs to be advertised with the maximum fees to be considered.
- The resolution of intent only considers changes to fees in 14-203. If additional ordinance changes are proposed with the fee changes, it may be necessary to revise the resolution of intent and hold a second public hearing based on that.

From the October 2008 work session, the Planning Commission's direction was to do the following:

- Consider Fees for 100% cost recovery and 75% cost recovery;
- Consider applicant processed notices or fees for notices that recover the cost; and
- Consider outsourcing of plan reviews.

As noted in the staff report, staff interviewed a number of localities on the notice issue. They found a couple localities that do require the applicants to prepare and submit the notices to the adjoining property owners. However, both of those localities have found it to be somewhat an inefficient process for them. It has not provided the benefits that they had hoped. What they have found is that they get into a lot of questions from neighbors who say they never received notices and the applicant is saying that they did send the notices. Also, they found that there were questions from applicants who think all the notices have been sent to the proper property owners but a search is needed to confirm that the applicant actually sent notices to the right people. By the time staff finished, they might as well have done the notices themselves.

With respect to the outsourcing, staff talked to a couple localities that do that. As noted in the staff report, there are some issues. Outsourcing should wait to be considered until additional ordinance changes regarding its use are discussed. If they go that direction, they ought to craft those changes at the time they are ready to move forward on outsourcing.

The fees in the attached ordinance were based on 100% cost recovery using the consultant's study. An attachment has been provided at the back of the staff report that compares fees for typical applications. It looks at the current fees, the staff recommended fees and what that fee would be at 75% cost recovery and 100% cost recovery. Some of the fees are not a straight multiplier because of allowance for those applications where notices are required. In another attachment, he compared those fees to other localities, some surrounding Albemarle County and some comparables. At 100% cost recovery, staff found that a number of them, which are bolded, would be the highest found in Virginia. The other exception would be that they found that Stafford County had the highest fees in Virginia.

Mr. Strucko invited questions from the Commission.

Ms. Porterfield asked when the fees were last adjusted.

Mr. Graham replied that a fee adjustment was done in 2001, but it was not a comprehensive fee adjustment. It was just looking at the fees and doing a 25 percent adjustment. The last comprehensive fee adjustment was either 1991 or 1992. It has almost been 20 years.

Mr. Porterfield noted that the current fees shown are pretty old.

Mr. Graham agreed that the current fees are very out of date.

Mr. Edgerton asked about what the Board's direction was on the amounts.

Mr. Graham said that when staff presented the fee study in December 2007 to the Board, one of the things they told us was that they had looked at number of similar localities including James City, Stafford County and places like that. The Board asked staff to compare the fees to neighboring localities. That is why staff looked at Charlottesville, Greene County and Fluvanna County. Staff has used those with the building regulations and the water protection ordinance when they compared fees as well. So staff is trying to be consistent as far as how they move forward with the other ordinances on these. He noted that staff ended up recommending 50 percent of what the consultant has said our cost of providing the service is.

Mr. Edgerton asked in these tough economic times from where the other 50 percent is going to come.

Mr. Graham replied that it would come from tax revenue. He noted that this would be a sufficient reduction on the amount of tax revenue as compared to the current existing program.

Mr. Loach asked if the cost recovery and the data has lead staff to any expectations of the number of positions he would be able to put into place as a result of the increased fees.

Mr. Graham replied that they are currently down seven full-time positions and one half-time position plus they have shifted two people to other departments. So effectively they are down 9 ½ people right now. They could use the additional revenue to justify funding these positions. The Board may go there. They did that at the time of the Water Protection Ordinance and the Building Regulations and funded two positions. One was an engineering technician and one was a planner. No sooner than they did that, the County found that the revenue situation was even worse than they anticipated. They had two other people leave whose positions were properly funded. So in the end they did not end up with any of the additional positions.

Mr. Loach said essentially if they got additional revenue into the department to hire additional staff those services would actually go back to the same people for the most part who are using those services.

Mr. Graham said that was correct. It could be used to justify funding. He noted that with the number of applications down, these fees are based on the assumption of an "average" year. If the number of applications drops to 50 percent, the fees collected drop to 50 percent. So they really are not covering those costs even if they thought they were going to.

Mr. Strucko noted that the current fee revenue from the staff report is roughly about \$145,000. If they go with staff's recommendation to 50 percent of cost, it moved from \$145,000 to \$467,000. If they recover 100 percent of costs it jumps to \$790,000.

Mr. Graham replied that was correct.

Mr. Loach asked if he broke it down on a fee or per-hour basis so that there was true cost recovery for the time put in.

Mr. Graham replied that they have talked about that, but frankly to get to that level of detail they would have to go to detailed timesheets. They have not found anybody in their business in Virginia that is doing that. It is something they could do. There are some engineering consultant firms that do that. They could certainly do that and then get it closer to a full cost recovery at that point.

Ms. Joseph noted that from several phone calls people are concerned about the cost that has been projected as part of the review process and wondering how valid that was with the consultants.

Mr. Graham replied that he felt it was pretty good. When they add up all of the potential fee revenue versus the departmental budget it came out around two thirds if they went to 100 percent cost recovery based on the consultants' estimated costs of our services. That would cover about two thirds of the departmental budget. The other third would come from services such as Comprehensive Plan changes, Master Plans and other things that they work on where they don't have potential fees. His gut reaction is that it is a pretty good average. Whether it fits really well on each individual fee is another question. That is where they would have to look at the detailed time sheets.

Ms. Joseph asked if the other localities they spoke with are doing 100 percent recovery.

Mr. Graham replied that the only one he found who does that with any of their programs is Stafford County. As a result of that, they are looking at fairly sizeable reductions in force right now because the fees dropped and the assumption has always been that they were going to be funded by fees. Therefore, they are cutting all of their staff.

Mr. Morris thanked staff for laying out the figures.

Mr. Graham asked for guidance from the Planning Commission. Staff is ready to try to move forward to get this to a public hearing. He has given them the three ranges at 50 percent, 75 percent and 100 percent. He asked the Planning Commission to tell him which number they are the most comfortable in moving forward with the idea that would be the maximum fee amount that they would be interested in taking to public hearing.

Mr. Strucko invited public comment.

Neil Williamson, of Free Enterprise Forum, said that he had spoken to a number of people about this proposal and had come before the Commission during their work sessions.

- The Free Enterprise Forum Board of Directors actually met today and discussed this at length. They strongly oppose this measure moving forward at this time. There are a lot of reasons for that opposition including the insignificant changes that have been made at the direction of the Development Review Committee on which two members of the Planning Commission sat. He described the changes to be made to the Board that was approved last week as "getting a Dixie cup of water in the desert." It is a small step, and they are hoping that is a first step. But there is a lot more stream lining that can go on.
- Other questions have come up with regard to the base-line data which has been referenced. Has the consultant's report been examined regarding the normalcy of the study period and of the staff productivity level? He was not certain how those numbers were put together. But he found that

any staff when asked would define their eight hours of work and what they have done the way Parkinson Law dictates that the work expands to fit the time. He was not directing this towards staff. But, it has in every business that he has ever been associated with.

- Secondly are these reality-based costs. Roger Ray called him this morning. He had gotten word of this and was concerned. He said that a lot of these things are going to cost more to get approved than it costs for him to do it. One example that another person gave was the 100 percent Planning Commission fee that is on the board for a 20-lot subdivision at \$4,650 for that application. If they estimate by picking a number of \$35 an hour, it would allow 137 staff hours to review a 20-lot subdivision. He asked if that is a reasonable number. He asked how long it takes the engineer to put together that plat. Those are real questions that he has in digging down to the detail.
- Another question that has come up is does the high rate of turnover in Community Development impact the speed of applications. He would generally say that it probably has to. He asked if they should be addressing the retention issues. The public benefit is one of the big keys. He thought that was why they were getting into this weighing of percentage. Every time a measure is called up and it comes from a preliminary review to a PC review the applicant would be okay if they got an administrative approval. This organization in this County has made a decision that they would like to take all of those things forward to a Commission review. The Commission's staff report in October indicated of the ten localities interviewed, ten of them had administrative approval on site plans. The Commission has decided not to do that. That is a clear decision, and he could understand their reasoning for it. But who benefits from that decision. It would be his inclination to suggest the public benefits from an additional review at the Planning Commission level. But the applicant probably does not get a great benefit out of that should the applicant carry 100 percent of those costs. Should there perhaps be one cost whether the Commission calls it up or not.
- Finally the last point is the cost complexity that he has talked about before. He really appreciated about two months ago when they had a church that wanted to put up a shed for their lawnmower and it was a nonconforming use in the rural areas. Mr. Graham explained that to process that application Albemarle County spent \$6,000 to put a shed for a lawnmower behind a church. He thought that there was more broken here than the fees. He suggested that they examine more of the Development Review Task Force results and look for streamlining to perhaps help this case.

There being no further public comment, Mr. Strucko closed the public comment to bring the matter before the Commission.

Ms. Joseph pointed out that they also got an email from Jay Willard. One of Mr. Willard's comments had to do with the fact that the expectation is from a community that develops legislation imposed upon developers and therefore the community should share in some of the responsibility for paying for some of the review. She agreed with Mr. Willard because the community does place these requirements on the process because they want them reviewed properly. Therefore, it does not bother her that they take on some of the responsibility of paying for the review.

Mr. Loach noted if there is no commercial development then there is no cost incurred. As he understands, the work done by the planning staff is to protect the health and safety of the public from the effects of development. Therefore he had no problem with the fees associated with commercial development. But he did have some problem with the family subdivision costs. He thought that Mr. Williamson brought up a good point that ought to be looked into as far as process improvement through department streamlining to bring those costs down. He thought that those costs were an obligation that should be borne by the developer. If in fact the monies from these projects are going back into staff, most of the benefit for those additional staff members is also going to be accrued by the developers who are bringing these projects into them. He asked that the fee for family subdivision be lowered and if the property sold outside the family it should be incurred. He noted that the times are tough for the taxpayers at this time too and should be taken into consideration.

Ms. Porterfield agreed with Mr. Loach that it is the cost of doing business and the cost should be borne by the developer. The fees should be reasonable. If the fees are close to 20-year-old numbers, then the ALBEMARLE COUNTY PLANNING COMMISSION – JANUARY 13, 2009

numbers being looked at are not realistic. What is shocking everyone is the fact that they are looking at 20-year-old numbers and trying to compare them with 2009. Even if the amounts were updated by 25 percent in 2001, that is still 8 years ago. She agreed with Mr. Loach that it is tough on the taxpayers. In this County they have got to stop having John Doe or whoever supporting services for other people and gaining no personal benefit.

Mr. Morris thought that with development there was an overall benefit to the general public. With these figures it really brought home exactly what he had asked for. With 75 percent, it is a huge fee. Because of the figures coming out, he felt that the 50 percent staff is recommending is more logical.

Ms. Porterfield asked if staff is still recommending that.

Mr. Graham replied that he was still recommending 50 percent cost recovery. It is primarily because when they originally submitted the consultant's study, the Board of Supervisors indicated a desire to have fees somewhat comparable to other localities. When he did that comparison and started trying to come up with fees that are reasonably comparable to other localities, he thought that 50 percent is where he ends up.

Ms. Joseph agreed with Mr. Morris that they gain good development through the review and the whole community benefits as a result of that. There are a lot of extraneous things that go on with reviewing a plan. There is a lot of work with neighbors and people who are not necessarily going to financially benefit. There is just a lot going on that makes it complex when reviewing something. She did not mind paying for part of the review in her taxes because it keeps people honest. Staff is not only working for the developers but the community.

Mr. Loach recommended cost recovery on the basis of whatever it costs. He was a programmer in a cost-recovery department. They wrote programs for departments within the University. Those programs that they wrote benefited the entire University. The department that wanted the programs is the department that paid for the program. There was a more careful oversight of the project. If Mr. Williamson's request is that he wants to watch the pennies that people are spending to get these through, then that is the best way to do it. They would know what the project entailed, who worked on the project, how many hours of each expertise went into that project and then there is not much question. He felt that it was a more honest way of doing things.

Mr. Strucko supported staff's recommendation for cost recovery for 50 percent of the cost.

Mr. Edgerton suggested cost recovery at 75 percent of the cost.

Ms. Porterfield noted that this would be the maximum amount to advertise.

Mr. Graham agreed that it was the maximum amount. If the Commission wanted to go down they could, but they could not go up.

Mr. Morris and Ms. Joseph supported cost recovery at 50 percent.

Mr. Kamptner noted that the consensus of the Commission on the percentage of cost recovery was just to provide guidance as to what they should advertise. A formal vote was not necessary.

Mr. Strucko noted that Ms. Porterfield had suggested 75 percent which left it open after a public hearing in making a determination and recommendation to the Board of something lower. They just can't go above it without another advertised public hearing.

Ms. Porterfield asked that something be put in the ordinance to give staff the ability to adjust the fees without having to come back.

Mr. Kamptner pointed out that it has to be done by ordinance and can't be tied to the cost of living.

Mr. Graham pointed out that once they agree, the second bullet is what they have already done with the Water Protection Ordinance and Building Regulations Plans to allow the biannual review by using the cost of living to make fee adjustments. Therefore, they won't be in the same position again.

Mr. Kamptner noted that it would be a very simple process.

Ms. Porterfield suggested it state "plus postage" so that the postage is in addition to the staff cost. The cost of postage is increasing.

Mr. Graham pointed out that when he came up with the estimate, he included the cost for preparing the notice and the postage with creating the first 50 notices. Then for each additional notice above that it would be \$1.00 extra. For most subdivisions that is not a factor, but there have been some rare instances like Glen Oaks that 900 notices were sent out. It can be a significant amount of postage in rare instances.

Mr. Strucko noted that the advertising would cover fees that are 75 percent of the cost figures. That is the ceiling that when this comes before the Commission for a public hearing, but they can consider fees that are lower.

Mr. Kamptner said that there was a comment made by Mr. Williamson that tied into attachment 2, which is the study of other localities, regarding the administrative review versus Commission review and the disparity in the fee. Apparently they are a fairly unique locality to the extent of Planning Commission review. There is a discrepancy and a fairly significant difference in the fee between administrative review and review by the Commission when an item is called up. For example, in looking at a 5-lot subdivision for an administrative approval at 75 percent cost recovery, it is a \$1,575 fee. If a neighbor calls it up and asks the Commission to review it, that fee almost doubles.

Mr. Graham asked who should bear that cost.

Mr. Kamptner said that Mr. Williamson's point was that once it goes to the Commission, there is a public involvement.

Mr. Loach asked to see the data that shows the differential in these costs and how they are incurred.

Ms. Joseph pointed out that when it goes to the Planning Commission, there is usually a waiver request. Therefore, it is two different scenarios they are dealing with: a waiver or a modification that has to come before the Commission. She assumed there was more review time on that.

Mr. Graham said that the other thing that was noted when they were doing this is that typically the projects that get called to the Commission are the more complex projects. The simple projects don't have the issues or questions. The additional costs come from the preparation of the staff report and the complexity of those projects.

Mr. Graham said that they will advertise with a separate rate for the Planning Commission just to follow up on Mr. Kamptner's question as proposed in the table and in the ordinance right now.

Mr. Strucko replied yes, that it was agreed to by the Planning Commission.

In summary, the Commission recommended that staff proceed to a public hearing with a Subdivision Text Amendment incorporating their recommendations, as follows:

It was the general consensus of the Planning Commission by a vote of (4:2) (Morris and Joseph voted nay) to direct staff to proceed to public hearing with the maximum fee cost recovery for Subdivision Ordinance fees of 75 percent cost recovery. That is the ceiling, and when this comes before the Commission for public hearing it could be lower.

In addition, the Commission asked staff to advertise with a separate rate for the Planning Commission review as proposed in the table and in the ordinance right now.

Work Session:

Wind Turbines (Mark Graham)

The purpose of the work session was to consider a possible Zoning Ordinance Amendment to allow wind turbines.

Mr. Graham presented a Power-Point presentation and reviewed the staff report. (See Staff Report)

- This is the third work session on wind turbines. In May 2008, he pointed out that there is limited wind in this area. There are challenging economics in this area. Staff recognizes that the wind turbines could go along the hilltops and there would be issues with the Entrance Corridor. In September, staff came forth with the recommendation with the accessory structure only to support an existing use on the property. The summary to the September meeting is attached to the staff report.
- He asked if there is a pressing demand for these things. There are a lot of policy questions, and staff is looking for direction. There does not seem to be a huge demand for wind turbines at this point in time. Staff recommends getting closure on this issue by delaying action on wind turbines for two years. They need a decision on whether they can accept this and the aesthetic impact associated with it.

Mr. Strucko opened for public comment.

Morgan Butler, with the Southern Environmental Law Center, encouraged the County to move forward at this time, but to recognize and balance the potential problems associated with wind turbines particularly with the height limitations and the potential of clear-cutting. He was optimistic that a balance can be struck by starting with small wind turbines and that information gained from other localities in building the first wind turbines could be useful.

Jeremy Hayes asked that the issue not be tabled at this time. He learned that six days ago two applications were submitted in the County. He noted that he had information from other localities to present to staff. He asked staff to move forward on wind turbines.

Neil Williamson asked that they not table this issue for two years. He asked staff to consider the tier method and as the wind turbines move up in height to have Planning Commission permission. He would like to get a better definition on no net power generation. He understood that some operations can generate more electricity than their house needs.

Susan Midland, homeowner of Albemarle County, advocated for renewable energy and asked that the County not table the request. She was trying to construct a home that will provide about 85 percent of her family's energy needs.

There being no further public comment, the public comment was closed and the matter before the Planning Commission.

Mr. Morris supported moving forward with this and not tabling it for two years.

Mr. Edgerton agreed. He thought that Mr. Williamson had good suggestions. He suggested that perhaps they could pursue not modeling anything higher than the existing accessory structure height and to try to develop an ordinance provision for more scrutiny the higher the turbine. There could be an aesthetic

impact on the neighbors. There are regions in the county that would not be an issue, but they need to be responsible to address that issue.

In summary, the Planning Commission directed staff to move forward to draft an ordinance text amendment. Due to its importance, a sub-committee was formed of Ms. Joseph and Mr. Edgerton who will assist staff in drafting a proposal for consideration. No formal action was taken.

Old Business:

Mr. Strucko asked if there was any old business.

- Work sessions will be held on February 10 on Crozet Library and Places 29. Work session on Village of Rivanna will be held on March 17.
- The Planning Commission agreed that a work session item could be added to a short public hearing meeting.

New Business:

Mr. Strucko asked if there was any new business.

- Ms. Porterfield noted that the magisterial district listing was left off of the second page of the schedule.
- The real estate holding disclosure statement is due by January 15 to Ella Jordan at the Board of Supervisors Office.

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

Adjournment:

With no further items, the meeting adjourned at 9:27 p.m. to the Tuesday, January 20, 2009 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)