

**Albemarle County Planning Commission
FINAL Minutes December 7, 2021**

The Albemarle County Planning Commission held a public hearing on Tuesday, December 7, 2021 at 6:00 p.m.

Members attending were Julian Bivins, Chair; Rick Randolph; Daniel Bailey; Karen Firehock; Jennie More; Tim Keller; and Luis Carrazana.

Members absent: Corey Clayborne.

Other officials present were Mariah Gleason, Senior Planner, Community Development Department; Cameron Langille, Principal Planner, Community Development Department; Bill Fritz, Development Process Manager, Community Development Department; Charles Rapp, Director of Planning; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Mr. Bivins called the meeting to order. He said the meeting was being held pursuant to and in compliance with Ordinance No. 20-A(16), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster." He said opportunities for the public to access and participate in the electronic meeting will be posted at www.albemarle.org/community/county-calendar when available. He asked Ms. Shaffer to call the meeting to order and establish a quorum.

Ms. Shaffer called the roll and established a quorum.

Consent Agenda

Mr. Bivins asked if anything should be pulled from the consent agenda for further review.

Mr. Randolph moved to approve the consent agenda, seconded By Mr. Keller.

Mr. Herrick clarified that the motion was to approve the consent agenda.

Mr. Bivins confirmed that was what they were doing.

The motion passed 6-0.

Other Matters Not Listed on the Agenda from the Public

Ms. Shaffer said there was no one signed up.

Old Business/New Business

STA2021002 Maintenance of Improvements

Mr. Bill Fritz introduced himself and stated that staff had identified a potential change to the ordinance that would significantly reduce the burden on applicants and County staff, improve the enforceability of the maintenance of improvements, streamline the review and approval process, and provide better information to property owners when looking at the approved plat for the property as to their obligations for maintenance of public and private improvements. He said what

was required was that when there was a private improvement such as a street, sidewalk, or trail, the developer needed to submit a document that would ensure maintenance of that facility. He said that document then went through a review process with staff and Community Development, then to the County attorney's office, then back to the applicant, then back to the County, and back to the applicant again. He said this happened a lot and was potentially hundreds of hours invested into the project.

Mr. Fritz said an interesting aspect of this was that ultimately there was a document approved and recorded, but the County was not party to that document or enforced it whatsoever. He said the County put a lot of work into a document they could not touch. He said what they discovered was that other localities seemed to have come up with a better way where the requirements could be put onto the subdivision plat and clearly state the obligations; then if the facilities were not maintained appropriately, it became a fairly straightforward subdivision violation that the County could enforce. He said this would create a much more streamlined situation; for example, if a road were not maintained and emergency vehicles could not go down it, that the County could actually enforce that and cause the road to be upgraded.

Mr. Fritz said they were excited to bring forward this resolution of intent. He said usually, they did zoning text amendments, which went to the Board of Supervisors, but subdivision text amendments were different and were presented before the Planning Commission. He said he would point out that he did have a minor change in the resolution that they were asking to be adopted today. He said he shared Ms. Firehock's dilemma with her laptop, and in the process of switching computers, the Attachment was not updated properly, and referred to "residential proffers," and he had a revised version to present tonight. He said other than that, it was correct.

Mr. Randolph said to Mr. Fritz that he was thinking about what had happened on West Leigh. He asked if this also applied to dams with an HOA.

Mr. Fritz said it applied to any private improvement. He said he would like to point out he had been doing some research, as had Mr. Herrick's office, and the term "improvement" was not even defined in their ordinance. He said the ordinance currently said, "maintenance of improvements," where the improvement was a vague subject. He said it clearly did not refer to structures like a house, so they were going to try and come up with a definition of what they believed the improvements would entail. He said there were other localities that had some very good language they were going to borrow.

Mr. Bivins said he assumed Mr. Fritz would like them to look at his resolution.

Mr. Fritz said he would show it to them quickly.

Mr. Bivins asked if they would be moving the resolution of intent.

Mr. Herrick said that it would be a motion to adopt the resolution of intent, if the Commissioners were so inclined to make that motion.

Mr. Fritz stated that it now said, "maintenance of private improvements," and there were other very minor edits, such as italicizing "Albemarle County Code," to be consistent throughout. He said there was no content change, purely minor edits.

Mr. Bivins clarified that this was in their packet, and the changes were with the mention of the proffers and the stylistic changes.

Mr. Fritz said that was correct.

Mr. Randolph moved that they adopt the resolution of intent to adopt STA2021002 Maintenance of Improvements. Ms. Firehock seconded the motion.

The motion passed 6-0.

Mr. Fritz said they would be bringing it back before the Commission in January.

Mr. Randolph said he would not be there in January. He said he would be joining his colleague Mr. Keller in finishing his term on the Planning Commission on December 31.

Mr. Bivins asked if all they should say was "okay."

Mr. Randolph said he was looking for a new role with the County where he may be seeing the Planning Commission sometimes. He noted that it would not be a conflict of interest.

Ms. Firehock asked if next week's meeting was Mr. Randolph's final meeting.

Mr. Randolph confirmed that it was.

Ms. Firehock said she would save her comments for then.

Mr. Keller agreed.

Mr. Bivins asked if they had a hard or light week coming up.

Mr. Rapp said he thought they had at least two public hearings, although they were not up right now.

Adjournment

The Planning Commission adjourned its meeting at 8:06 P.M.



Charles Rapp, Director of Planning

(Recorded by Carolyn S. Shaffer, Clerk to Planning Commission & Planning Boards; transcribed by Golden Transcription Services)

Approved by Planning Commission
Date: 01/11/2022
Initials: CSS