

**Albemarle County Planning Commission
FINAL Minutes
October 10, 2023**

The Albemarle County Planning Commission held a public hearing on Tuesday, October 10, 2023, at 6:00 p.m.

Members attending were: Corey Clayborne, Chair; Fred Missel, Vice-Chair; Julian Bivins; Luis Carrazana; Lonnie Murray; Nathan Moore (remote); Karen Firehock (arrived at 6:42 p.m.)

Members absent:

Other officials present were: Kevin McDermott, Director of Planning; Andy Herrick, County Attorney's Office; Ben Holt; Amelia McCulley; Dave Shifflett; Andy Reitelbach; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Ms. Shaffer called the roll.

Mr. Clayborne established a quorum.

Ms. Shaffer stated that Mr. Moore was requesting to participate virtually.

Mr. Moore stated that he was participating virtually due to a positive COVID-19 diagnosis. He said he was located at his home in the County.

Mr. Bivins moved that the Commission allow Mr. Moore to participate remotely. Mr. Murray seconded the motion, which carried unanimously (5-0). (Mr. Moore was remote; Ms. Firehock was absent).

Public Hearings

ZTA202300004 & STA202300002 CDD Fee Restructuring

David Shifflett, Assistant Director of Administration for Community Development, said that Amelia McCauley, Special Projects Manager for Community Development, and Chris Musso and Darren Coffey from the Berkeley Group were also present this evening. He said that they would provide some background on the goals of this project, a summary of progress to date, and updates since the last presentation to the Commission on July 11th of this year. He said that they would then discuss a summary of the changes proposed by these ordinance amendments. He said that the proposed zoning text and subdivision text amendments were before the Commission for action tonight.

Mr. Shifflett said that the other code sections proposed for amendment were being shared as information and context. He said that finally, they would wrap up with next steps for the project and any questions from the Commission. He said that this project served several key purposes as well as being an important step toward implementation of their new Community Development system, known as enterprising, permitting, and licensing, or EPL. He said that this was the permit application tracking platform that would eventually replace their current system, Countyview.

Mr. Shifflett said that the key themes in the fee restructuring project were simplifying and consolidating fees. He said that the fees would move from 32 separate fees currently in six separate chapter codes into one with staff's recommended fee schedule, which will then have 154 total fees, representing over a 50% reduction from the number of fees they currently had. He said that the unified fee schedule was attached as Attachment 5 for their reference. He said that as some of them may recall from the July 11 Commission meeting, they engaged with the Berkeley Group on this effort. He said that they examined the current fee schedule structure and compared it with seven peer localities in the Commonwealth. He said that the Berkeley Group recommended changes to their fee schedule based on their evaluation and best practices. He said that the scope of the project did not include an analysis of charges for fees; they went with the intent to level revenues.

Mr. Shifflett said that this was a fairly rigorous process to maintain, as it involved substantial modeling data and modeling projections with single-family residential building fees. He said that benchmark marking and comparing the fee structures was a major focus, but the overall goal was simplifying and streamlining their fee schedule based on best practices. He said that throughout the project, they engaged with major stakeholder groups directly and the community through Engage Albemarle. He said that for the best practices, Berkeley Group's research identified they were to keep fees simple and predictable, bundle fees where practical round, fees up or down, and make the fee schedule readily available in one location.

Mr. Shifflett said that the proposed new unified fee schedule, as shown in Attachment 5, followed these best practices. He thanked the Commission for their questions and suggestions that led staff to revise the report and presentation to provide additional clarity. He said that for example, one of the Commission's comments was that it was hard to follow the existing versus proposed fees, even in the crosswalk. He said that staff agreed and worked on techniques that should improve the ability to see these changes. He said that on August 16, staff presented this project to the Board as an attachment to the Board's report and shared a summary of the Commission's input.

Mr. Shifflett said that the Board found this project in alignment with its identified goals and supported moving it forward toward a public hearing. He said that since that meeting, they had worked with the Berkeley Group to produce the draft ordinances that were before the Commission. He said that this included determining general fee guidelines, such as refunds, timing, and mode of payment, and which others apply to specific ordinances. He said that they expanded the document that was the summary of proposed changes as they would further explain. He also made some minor fee revisions, such as removing a separate bond inspection fee that was redundant and covered in the new comprehensive bond fee.

Mr. Shifflett said that with the County Engineer Frank Pohl's help, they were able to make several revisions to the Water Protection Ordinance, WPO fee formatting, and fee titles to reduce redundancy and hopefully increase clarity. He said that the Commission may also recall the single-family bundling that was illustrated on the currently displayed slide. He said that the bundling fee was applied across all types of square footage and included building plan review and the first two inspections per inspection type. He said that subsequent inspections beyond these were subject to a separate reinspection fee. He said that the proposed bundle for single-family fees was more closely aligned with staff effort. He said that smaller homes were subject to a lesser fee, while larger homes with more area to inspect had larger fees.

Mr. Shifflett said that at the July 11 meeting, there was an in-depth explanation of the proposed changes, and since then, staff added to this document and explained the proposed changes relating to Airbnb and WPO applications. He said that the Airbnb application fees were grouped into categories based on staff effort, which were minor Board review, major Board review, minor staff review, and major staff review. He said that the WPO application fees were consolidated where there was repetition, and in a few cases, the fee names were restated for clarity. He said that additionally, they responded to the request to allow full payment of the VSP fee instead of half upon submittal and then upon issuance of the general permit. He said that based on the advice of their deputy County Attorney, they had prepared two separate slides, one for action on each of the two ordinance amendments.

Mr. Shifflett said that staff recommended that the Planning Commission support the recommendation for approval of the proposed subdivision text amendment to the Board of Supervisors, which was attached as Attachment 6. He said that staff recommended that the Planning Commission support the recommendation for approval of the proposed zoning text amendment to the Board of Supervisors, also found in Attachment 6. He said that the next steps involved a hearing with the Board of Supervisors on December 6 of that year, and staff recommended an effective date of July 1, 2024, for the new fee schedule. He said that this later effective date would allow CD to make necessary changes to their systems and limit the impacts on contracts for development that were currently underway.

Mr. Bivins said that the only suggestion he had was regarding the section on abbreviations. He said that he understood there were new ideas emerging about how to present them after stating the full name, but they must consider the broad community they were addressing. He said that if they could revert to the previous method of spelling out the full name and then providing the abbreviation used later in parentheses, he believed more people would be able to follow.

Mr. Bivins said that even though he was somewhat knowledgeable about this topic, he had to go back and reread the section on water protection because there were two different abbreviations with P and M. He said that it would have been helpful if they could have clarified which one they were referring to in that particular instance. He said that if they could include this information, it would save readers from frustration and confusion.

Mr. Missel said that he wanted to know how often the fee structure was adjusted against the revenue requirement. He asked how frequently the reconciliation occurs.

Mr. Shifflett said that as for the reconciliation, there was an objective to review it every two years. He said that they had not done so in the past, and this was the initial step toward fulfilling that obligation.

Mr. Missel said that he had understood. He said that he was curious about the applications of entrance corridors. He said that they defined what major and minor were for both staff and Board members, and he was curious about where signage fell.

Mr. Shifflett said that he believed that signage was separate.

Ms. McCulley said that the review of any sign on the entrance corridor was called out separately from the major and minor staff and Board. She said that if a sign undergoes multiple iterations and needs to be resubmitted, it will incur an additional fee, which was not included in the four fees mentioned for major and minor submissions.

Mr. Clayborne said that he wanted to know what the benefit was for the County in removing the charge for establishing or expanding an agricultural or forestal district.

Ms. McCulley said that it was recommended by Scott Clark, who worked with administering the districts. She said that the concept was that they want to promote the districts; they pay a fee to withdraw from them, but if they were creating a new one or adding land to one, they felt that it was something they wanted to incentivize by not having a fee or at least promote in that sort of token way.

Mr. Clayborne thanked Ms. McCulley for her answer. He said that when reviewing his notes from the last meeting, they had discussed the possibility of using fees to incentivize affordable housing or climate-responsive design. He said that he did not see any mention of this in the resubmission, so he wanted to know if they had considered it and whether it was a good idea or not. He said that they spent a significant amount of time discussing this during their last meeting.

Mr. Shifflett said that they certainly do take that into account; however, it was beyond the scope of this endeavor. He said that the initiative was primarily focused on achieving a baseline so that they could establish transparent and understandable fees, implement them effectively, and then proceed with continuous improvement efforts. He said that it may be worth considering for future discussions, but for now, their priority was to ensure that everyone comprehends the existing fees. He said that once they had achieved this, they could engage in a more informed decision-making process regarding such matters.

Mr. Bivins said that during the comprehensive plan review, when they reached the stage of examining specific details, he might suggest that they consider including an analysis of the incentives they currently offered and a review of their fee structures for those particular aspects.

Mr. Clayborne opened the public hearing. Seeing no speakers, he asked the Clerk if there were any members of the public signed up online to speak.

Ms. Shaffer said that there were none.

Mr. Clayborne closed the public hearing. He said that he had a question regarding fire suppression systems, specifically whether there were any other types of systems besides sprinklers. He mentioned that he noticed a category for sprinklers under fire suppression while reviewing the different categories for fees and wondered if there were any other types of systems that would be more appropriate in certain situations for places that did not have sprinklers.

Mr. Shifflett said that Mr. Clayborne may be referring to a halon system. He said that that would be commercial, and they did not review commercial fees in this round, only residential.

Mr. Clayborne said that electric vehicle charging stations were included under electric, as well as lots of other things, but that was a hot topic they were seeing with many submissions.

Mr. Missel motioned to recommend approval of STA2023-02 as contained in Attachment 6. Ms. Firehock seconded the motion, which passed unanimously (7-0).

Mr. Missel motioned to recommend approval of ZTA2023-04 as contained in Attachment 6. Ms. Firehock seconded the motion, which passed unanimously (7-0).

Adjournment

At 9:15 p.m., the Commission adjourned to October 24, 2023, Albemarle County Planning Commission meeting, 4:00 p.m., Lane Auditorium.



Kevin McDermott, Director of Planning

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

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| Approved by Planning Commission |
| Date: 11/14/2023 |
| Initials: CSS |