

An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on July 9, 2019, at 6:00 p.m., Room 241, County Office Building, McIntire Road, Charlottesville, Virginia. This meeting was adjourned from July 3, 2019.

PRESENT: Mr. Norman G. Dill, Mr. Ned Gallaway, Ms. Ann Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer and Mr. Rick Randolph.

ABSENT: None.

OFFICERS PRESENT: County Executive, Jeff Richardson, Deputy County Executive, Doug Walker, County Attorney, Greg Kamptner, Clerk, Claudette Borgersen, and Senior Deputy Clerk, Travis O. Morris.

PLANNING COMMISSION MEMBERS PRESENT: Mr. Julian Bivins, Mr. Luis Carrazana, Mr. Bruce Dotson, Ms. Karen Firehock, Mr. Tim Keller, Ms. Jennie More, Ms. Pam Riley and Ms. Daphne Spain.

Agenda Item No. 1. Call to Order and Establish Quorum. At 6:00 p.m., Mr. Gallaway, Chair, of the Board of Supervisors, and Mr. Keller, Chair, of the Planning Commission, called the meeting to order for a joint work session of the two bodies.

Introductions

Mr. Gallaway recognized the presiding security officers, Officer Jason Freishtat and Officer Peter Schellinger. Board members, Planning Commission members, and staff present introduced themselves.

Agenda Item No. 2. **Work Session:** Improving Stream Health in Development Areas.

The Executive Summary forwarded to the Board states that during a work session on January 9, 2019, the Board directed staff to work on nine of the thirteen proposals that were presented to improve stream health and water quality in the County's Development Areas. Staff was directed to develop more detailed proposals and present recommendations to the Board and Planning Commission at a joint session.

Staff conducted a public review of the County's stream buffer regulations in 2017, culminating in a work session with the Board on December 6, 2017. Based on Board direction during the work session, staff developed thirteen proposals designed to improve stream health in the Development Areas while remaining true to the County's Growth Management Policy. None of the proposals should limit or hinder growth and development in the County's Development Areas.

During October and November of 2018, staff conducted a public engagement process to receive feedback and public comment on the proposed strategies. Staff participated in six Community Advisory Committee meetings, conducted a public meeting, and offered an online survey for people to provide ideas and comments. Responding to requests from individuals, staff also held three small group meetings.

A summary report (Attachment A) includes more details about the process of developing and reviewing the proposals. Attachment B provides the list of thirteen proposals, as presented to the public, with notations (highlighted in yellow). The notes help clarify and explain some of the proposals and address questions that were frequently asked during public meetings. Attachment C also lists the proposals and includes significant pros, cons, observations, and public comments (if any) about each. Results of the online survey are presented in Attachment D.

During the January 9, 2019 work session with the Board, staff was directed to continue working on nine of the thirteen proposals. The summary report (Attachment A) addresses each of the nine proposals, giving information and staff recommendations for each. The proposals are organized in three groups:

- 1) County Actions. The status of two proposals is described, including actions taken to date by County staff. No Board action is needed.
- 2) Revisions to Zoning Ordinance. Two proposals would require revising the County's Zoning Ordinance. Staff recommends Board approval of these proposals.
- 3) Revisions to Water Protection Ordinance (WPO). Four proposals would require revising the County's WPO. Staff recommends approval of these four proposals. One proposal is related to the WPO but does not require revising the WPO or other County actions, and no Board action is needed.

The immediate budget impact for implementation of the proposals is minimal. Proposal #6 would result in a new fee structure for inspections and re-inspections required by the WPO. The intent of a new fee structure would be simply to accurately reflect the costs of inspections and may reduce the demand for General Fund support. Any anticipated budget impact as a result of new or revised regulations would be addressed as part of the Board considerations with the associated ordinance amendments.

Staff recommends that the Board and Planning Commission direct staff to implement the six stream health proposals in Groups 2 and 3 listed above that involve changes to the Zoning Ordinance and the Water Protection Ordinance (as described in Attachment A).

If changes to the proposals are needed before implementation, staff recommends that the Board and Planning Commission provide guidance on the needed changes.

David Hannah, Natural Resources Manager, presented. He thanked the Board and Commission for inviting him to talk about this issue and recognized the work of Frank Pohl and Bill Fritz, who are available to participate in the discussion and answer questions. He said they are seeking Board direction on six of the nine proposals they have worked on since the January work session and are eager to also hear comments from the Planning Commission. He reminded everyone that the proposals were for the development areas only, with three exceptions. He said the intent of the proposals was to improve stream health and to be consistent with the County's Growth Management Policy, with no intent to hinder or limit development that can occur in the development areas with these proposals.

Mr. Hannah noted that Attachment A (copy on file) was the staff report and includes background, detailed information on each proposal, and charts the history of multiple public meetings, presentations to the Board and Planning Commission, and public outreach. He said the other attachments provide information on the original 14 proposals and results of an online survey. He said that the nine proposals are grouped into three categories, with two requiring County actions, two related to potential revisions to the Zoning Ordinance, and five proposals are related to the Water Protection Act. He reiterated that staff was requesting direction and approval from the Board on six of the proposals, with no action needed on three of them.

Mr. Hannah first introduced the two proposals that require County action but no action by the Board or Commission:

- #12 – develop educational material and conduct public outreach.
- #13 – provide support and coordinate with other organizations and landowners to facilitate activities and projects that will improve stream health.

He said staff is working on them and these proposals are works in progress, are consistent with the objectives of the natural resources program, and have strong public support and willing community partners to work with them. He then provided the following examples of how the proposals are being implemented:

- Albemarle Conservation Assistance Program (ACAP) - has been funded for this fiscal year.
- County contributing \$32,000 toward Virginia Conservation Assistance Program (VCAP) for projects in Albemarle County; the Thomas Jefferson Soil and Water Conservation District (TJSWCD) administers the program, provides funding assistance for up to ten conservation practices on private land that helps stormwater management and in a few cases helps native vegetation and wildlife habitat in some instances; e.g., conservation landscaping, rain gardens, green roofs, removing impervious surfaces, installing pervious paving, etc.
- by making better use of County resources to help inform and educate Albemarle residents:
 - publicize Albemarle Conservation Assistance Program (ACAP).
 - grant program through Virginia Department of Forestry (DOF) and the James River Alliance (JRA) that allows landowners in the James River watershed to establish wooded riparian buffers on their private lands – there is no cost, 15 year commitment, 35' minimum, and DOF designs and installs the buffers. This is a great program and we definitely want to publicize that.

Mr. Hannah added that outside of the proposals, staff has been requiring that new home lots exclude stream buffers in applications that require legislative action (e.g., rezoning, special exceptions, etc.) He said that stream buffer areas become part of common area and are not part of individual parcels at this point for those types of applications.

Mr. Randolph observed that the 12th and 13th proposal presents an opportunity to engage the School Division to look for ways to communicate with parents and to also involve independent schools in projects related to stream buffers. He recounted that he attended presentations given by six independent schools in the County on plastics and recycling, and witnessed the energy and parental interest of attendees to that meeting.

Mr. Hannah next reviewed the next two proposals (#1 and #9) that may require a revision to the Zoning Ordinance:

- #1 - Implement the County's steep slope design standards when a Virginia Stormwater Management Program (VSMP) or Virginia Erosion and Sediment Control Program (VESCP) application is required.
- #9 – Incentivize that 1) all stormwater treatment be conducted on-site, and 2) that any nutrient credits purchased are from a nutrient credit bank located in Albemarle County.

With regard to #1, Mr. Hannah said that staff was seeking approval and direction to move forward with this proposal; the Steep Slope Design Standards would apply to all projects under this proposal and not just to those in the Steep Slopes Overlay District. He said that this would apply County wide and not

just within the Development Areas. He said it would not change the current designation in protection of preserved slopes, and the applications are development-specific and most commonly come into play for new houses, roads, and larger projects. He said staff thinks there was potential for significant help with erosion and sediment control issues with this proposal. He said the process, if we move forward on this, would be to bring a Resolution of Intent to amend the Zoning Ordinance, and then the ZTA process to develop a detailed proposal and would include some public engagements and then public hearings first with the Planning Commission and then with the Board of Supervisors.

With regard to #9, Mr. Hannah said staff was seeking Board direction with the concept for if or when a nutrient credit bank comes online in Albemarle County. He said there is no such bank at the moment, but there could be in the near future. He said there is a project seeking final approval.

Ms. Mallek added that the Ivy Creek nutrient bank was recently approved by the Department of Environmental Quality (DEQ) and they have 100 credits available now, more credits are to come, and they have already sold some to a local builder.

Given Ms. Mallek's comments, Mr. Hannah added that since they have a bank in place, with direction and approval from the Board, the staff can move forward. He pointed out that the first word of the proposal has been changed from "require" to "incentivize" that stormwater treatment occur on site and that the purchasing of nutrient credits come from a local bank located in Albemarle County. He noted that staff recommends these be considered as factors or conditions to be considered when granting special exceptions to Zoning regulations and not required.

Ms. Riley asked Mr. Hannah to elaborate. Mr. Hannah responded that the Board takes action regularly when applicants seek a special exception to Zoning regulations. He said there is a list of a variety of conditions of things for the Board to consider in its determination to grant or not to grant an exception and staff was seeking to add two more factors to the list to be considered.

Mr. Randolph asked if he was proposing a points system under which the Board incentivizes a developer or a process that implicitly incentivizes without Board involvement. Mr. Hannah responded that it implicitly incentivizes, though the Board would make this judgement; it would not be a point system at this point, but be two more factors to be considered when granting or not granting an exception. Mr. Hannah characterized these factors as qualitative and not a points system.

Ms. Mallek remarked that they have not had the ability to do this since 2008 and it was finally ready to go. Mr. Hannah commented that this would only be a minor revision to the Zoning Ordinance.

Mr. Hannah next reviewed the five proposals related to the Water Protection Ordinance:

- #2 – reduce the threshold for the area of land disturbing activity (LDA) to invoke VESCP regulations but allow an agreement in lieu of a plan for LDA under 10,000 sq. ft.
- #3 – do not allow temporary ESC measures to be located within a stream buffer without mitigation. The measures may be allowed in the landward 50 feet of the buffer with an approved mitigation plan for the area after construction is completed.
- #5 – expand the definition of a Common Plan of Development in the WPO to include activities occurring within any five-year period.
 - intent is to capture incremental development, particularly on individual parcels.
- #6 – increase fees for WPO violations.
- #14 – updates to WPO.

With regard to #2, Mr. Hannah said staff was requesting approval to move forward and have changed the wording since the first draft to "reduce the threshold" of land disturbing activity as opposed to "eliminating the threshold". He said that this would apply County wide and not just in the development areas. He said this would apply to erosion and sediment control applications, not stormwater management at this point, with a recommended threshold of 6,000 square feet for the ESCP regulations to kick in, reduced from 10,000 square feet, the same threshold as used by the City of Charlottesville for its erosion and sediment control program. He noted that they plan to have some public engagement and to bring a Resolution of Intent to amend the Water Protection Ordinance in a public hearing with the Board. He said they would make the amendment effective date probably six months in the future in order to provide sufficient time to submit the revised ordinance to the Department of Environmental Quality (DEQ) for review and approval.

With regard to #3, Mr. Hannah said staff was requesting approval to move forward as it would help protect existing vegetative buffers within the development areas and to enhance and approve buffer areas that are not currently vegetative.

With regard to #5, Mr. Hannah said staff was not requesting action at this time. He said the intent of the proposal was to prevent the cumulative effects of small land disturbing activities less than 10,000 square feet that occur over a period of years. He said staff needs more time to conduct research to come up with viable solutions and to determine the best tools to approach this and so was not seeking Board direction tonight. He continued that there are potential impacts to stream health and property owners and they do not want to be overly burdensome and to get in the way of someone who wants to add a small shed or a picnic table on a property. He said that they need to regulate if there are larger disturbances to an existing project but are not sure if they should specify a time frame, look at a minimum area of land disturbance, or if it should be a percentage of the overall size of the project. He recounted that at the January work session staff brought up the practice followed by Greene County, which requires an

amendment to the erosion and sediment control plan for any disturbance to land on a previously developed parcel, no matter how small the improvement. He added that they want to make sure the benefits exceed the costs and plan to work internally and to speak with the development community.

With regard to #6, Mr. Hannah said staff was requesting direction and approval to move forward. He said the intent was to address recurring violations and repeated non-compliance, with the intent to recover all costs to the County particularly staff time, and not to punish applicants. He said there was strong public support for this and they feel they can and should move forward.

With regard to #14, Mr. Hannah said that staff was requesting approval of this proposal. He explained that it was to incorporate straightforward updates that do not change the intent, meaning, or substance of the ordinance and would not impact stream health. Mr. Hannah said he and the County Engineer have worked on a list and would coordinate updates with the County Attorney. He pointed out since the last update made in 2014 some department names have changed as well as a few straight forward changes to the provisions. He concluded and invited comment and questions.

Mr. Randolph addressed #1. He asked if they plan to impose fees for VSMV and VESCP to recover the costs of staff involvement. Mr. Bill Fritz, Chief of Special Projects, responded that as part of a zoning text amendment staff always look at budgetary impacts and would conduct a routine analysis of the fee structure to offset any increased review time. Mr. Frank Pohl, County Engineer, added that this may also have an effect on the Building Department because if they require walls, and so that is a valid point.

Ms. Mallek remarked that a change to the square footage would be erased by Proposal #1 and asked if #1 would be the magic number of 6,000 square feet or the 2,500 square feet which was what she wants, or is it going to be anything. Mr. Fritz responded that it would be the number that causes the need for the application and staff would have to factor this in when determining the impact to the County.

Ms. Mallek pointed out that stormwater has costs that come back to impact the County every day, and anything staff can do to stop those costs would be well worth the effort. She asked that an analysis of costs of remediation and repair be prepared for the Board to review.

Mr. Randolph addressed #9 and asked for an explanation of what led the staff to replace "require" with "incentivize", as this was a dramatic change and the use of the word "incentivize" creates ambiguity as to what the incentives were and who interprets and applies them. Mr. Hannah responded that part of the reasoning was the big picture as to whether or not there would be a nutrient credit bank in Albemarle County, and they have just learned tonight that there was a bank online. He said staff also felt it would make it simpler and easier to implement the change in the Zoning Ordinance.

Mr. Andy Herrick, Deputy County Attorney, added that he thinks there was a legal concern about creating a monopoly with one bank and as to whether or not the State would allow the County to do this. He said the staff can pursue this route if this was the desire, but this was their concern.

Ms. Palmer asked what the qualifications were to make a nutrient credit bank. Mr. Pohl responded that it would go through the DEQ permitting process to get certified and to establish a long-term maintenance agreement. He said there were qualifications that would have to be fulfilled to keep that bank.

Ms. Palmer asked if a public entity that owns several hundred acres of stream bank, for instance, they could apply to the State to become a nutrient credit bank. Mr. Pohl responded yes, they can mix it with MS4 stream restoration projects, which the County has done to develop credits to meet its own nutrient reduction requirements. He said that they could create their own bank, yes, and sell them.

Ms. Palmer recalled that the County used 600 of the 1,300 acres of the Buck Mountain plant in the water supply mitigation plan, which leaves the remaining acreage that was owned by Rivanna. She asked if the County can apply for something like that and noted that she has concerns about the monopoly issue. Mr. Pohl responded that they have discussed the County having its own bank, but the question arose as to whether or not they would want to get into the banking business, and there was uncertainty as to its legality.

Ms. Palmer pointed out that the Ivy Creek land was owned by the County and the City. Ms. Mallek stated that the Ivy Creek Bank was privately owned and has nothing to do with the Ivy Creek Natural Area. She said that last year she observed the area three days after a storm and it was as if it had never happened. She said the State Code answers these issues and should offer an easy answer.

Ms. Palmer said she wondered if the bank needs to be private to get over the legal issue of a locality as owner. Mr. Herrick remarked that the legal issue was not so much the monopoly but that the State has preempted most local regulation of many of these issues and they need to be careful to not appear to be or actually get involved in an area that was reserved for State regulation. He added that the factors approach was probably more defensible than an outright requirement.

Ms. McKeel asked what the landscape across Virginia looks like as to the number of banks. Mr. Pohl responded that there are 40 to 60 banks in the State; mainly downstream of Albemarle. Mr. Herrick added that they are organized by watershed and are typically in areas with lower land values, which was why a number of Albemarle-based developments use nutrient credit banks in places like Appomattox County.

Ms. McKeel said she heard there was a bank in the works and asked if this was the one or if there was a second one. Mr. Pohl responded that this was the only one for which they have reviewed and received a plan.

Ms. Mallek remarked that she knows that Barbara Fried has something that has to do with wetlands. Mr. Hannah responded that she has a stream mitigation bank. He said there are stream mitigation banks in the neighborhood; with one in Buckingham.

Mr. Randolph asked if there was a regional bank under Thomas Jefferson Planning District Commission (TJPDC) that they could look to as a way to address the moral hazard problem of having the County in the banking business as well as to have regional options available to draw on credits. Mr. Pohl responded that he was not aware of any regional banks. Mr. Herrick stated that the ownership was not so much a legal question but a policy question as to whether the County or Planning District wants to be seen as competing with a private owner.

Mr. Randolph remarked that from a banking standpoint, they are talking about credits that would be recorded and not necessarily a huge amount of money under management, though there are times when a Planning District has money under management and a fiduciary responsibility, which could be a very easy thing for them to potentially be involved in. He noted that having something regional could be of value to other nearby counties and to the City, which was part of the TJPDC.

Mr. Hannah said the rationale for the proposal was to take care of impacts locally rather than regionally. Mr. Randolph recalled that two years ago they were looking at credits that were going to be in the Richmond area, which was time and distance away from the area. He said at least with something regional everyone would understand the value of it.

Mr. Randolph asked if there would be a fee associated with this to recover some of the costs to taxpayers with the undertaking of a stream banking process. Mr. Pohl responded that there would be less review time with people purchasing credits. Mr. Randolph remarked that one pays a fee to have an application for credit reviewed by a bank. Mr. Pohl responded that the County only review these plans for erosion control measures and not for the credit. He added that the County was not involved in any long-term maintenance issues.

Mr. Keller asked if staff would have suggested the word change if it would have known that one was already in place. Mr. Fritz responded that they still would have needed to change it to "incentivize" as certain special exceptions have absolutely no relationship to water, such as a change to the size of an antenna.

Ms. Mallek remarked that the cell tower was not going to have the stormwater treatments anyway so why would staff use that as an example. Mr. Fritz agreed. He mentioned a commercial development, such as a shopping center, with a phasing plan approved with the rezoning and it wants to change the phasing plan; does that have a direct relationship to whether an on or off-site stormwater credit, would be a special exception. He said staff wanted to use the right word and, instead of requiring it all the time, they can look at it on a case-by-case basis.

Ms. Mallek asked if they have the legal option to say require it with an exception when topography or space was not possible, which was the reason why the one on Route 29 went to Appomattox, as they did not have space on site and the Board gave it away. She said this was a more positive way to say it rather than opening a can of worms with the use of incentivize and having to go through constant negotiation. She noted that the VACO Agriculture Committee has been going back and forth with this issue since 2008 and they pull up the same legislation every year and point out that one can do all of these things. She said it was time to do it and it was an incredibly important step to not being stuck with the damage and having somebody else get the benefit of the remediation was a big mistake. She said Albemarle was way behind other counties that have been doing this over the last twelve years and she hopes they can catch up.

Ms. More said she understands there are many ways to get a density bonus and she has been told there was a cap. She added that there are other things that incentivize things that people should already be doing. Mr. Fritz clarified that there are two caps, with one that does not allow combined bonus densities to get over a 50% increase and the second was that one can never go above the Comprehensive Plan density recommendation.

Ms. Mallek remarked that in a six to 36 range that would be 36. Mr. Fritz responded that you can get up to 36 but cannot get more than a 50% increase in density bonus. He added that the ordinance spells out the maximum density for each zoning district, what the maximum theoretical density you can get using bonus densities, and this always has to be below the Comprehensive Plan recommendation.

Ms. More asked if a by-right project has already achieved the maximum as specified in the Comprehensive Plan, it would not be subject to any of these bonuses. Mr. Fritz responded that this was correct; if there was an R6 property designated for low density residential in the Comprehensive Plan, then the by-right R6 zoning was already over the Comprehensive Plan and; therefore, it would not be able to do any bonus.

Mr. Hannah asked the Board for questions and comments on #2 and #3, which deal with the WPO.

Mr. Randolph asked why the staff went down from 10,000 to 6,000. Mr. Hannah responded that 6,000 was stricter and there would be more applications required with the lower threshold for land disturbance activity, which they see as a net increase in protection for sedimentation and water quality.

Mr. Randolph asked if 6,000 square feet was a standard in Virginia. Mr. Hannah responded that he does not think that there was a State standard; this was a moving target.

Mr. Pohl noted that the County does not have a lot of small lot areas and he was trying to find a compromise between the State minimum of 2,500 and the current 10,000. He noted that Greene County uses 10,000, Charlottesville uses 6,000 for both stormwater and erosion and sediment, and the thought was to come up with a lower one. He said he does not see an issue with a lot of small sites but with large sites where erosion and sediment measures have not been put in properly when they get these big storms. He said he thought that 6,000 was a good number to match the City and to be consistent in the area. He said if they want to go to 2,500, then they can have that discussion. He noted that for #5, the common plan, he was proposing to introduce a way to address small and incremental development. He said the 6,000 was for new plans or projects, not for redevelopment projects.

Ms. Palmer asked how it would be different with a redevelopment project, noting that some counties are clearly different in their stormwater. Mr. Pohl said he spoke with Greene County's administrator and learned that they received a template from DEQ, as does Albemarle, and added a clause that any redevelopment has to address stormwater. He said this would capture someone that has a plan approved to develop their site with a 6,000 square foot building; but overall, they were over 10,000, and they come back and do 1,000 square feet of impervious area. He said there was a section for redevelopment in the State regulations, which the County's ordinance does not specifically address. He said the County could consider doing what Greene County has done and he does not believe this would have a huge impact. He noted that the County also has low impact development-type methods and BMPs that could be implemented to address 1,000 or 2,000 square feet. He said that with a site that was constantly adding and results in an impact you cannot get it through the County's current regulations.

Ms. Palmer asked if a one-acre site in the development area with a structure in the front and the remainder a field on which they wish to build something would be classified as a development. Mr. Pohl confirmed this. Ms. Palmer remarked that they would now be disturbing a field and asked if the County would require any stormwater. Mr. Pohl responded that it does if it was over 10,000 square feet of disturbance and the redevelopment definition or clause would catch this. He said they worded it to be a previously developed parcel because a common plan of development does not apply to individual parcels as it was contiguous land like a subdivision and was intended to catch smaller parcels created from a subdivision. He said the definition of common plan was created in 2004, and it was really meant for a subdivision type application. He said he has asked DEQ how to address individual parcel incremental development issues and if he can do it for the common plan and was informed that this was not really what it was for. He said if they want to address this incremental development that with this method of adding they could add it to the exclusions as previously developed lands are also excluded and not just common plans. He said the issue with the five-year was like Mr. Randolph's question as to why they chose 6,000. He said that five years puts a limit on it and after this time somebody could do more incremental development. He said that too much time and effort of staff was required to track this and they would not be able to do their job as well as they want. He said the idea of using two years was based on the rollback from farm roads, which was where they came up with the one year time frame as they already had to use that in another part of the ordinance. He said he thinks the Greene County Ordinance was a clean way to go.

Mr. Randolph gave a hypothetical example of a developer constructing a 100 x 59 foot building, which was under 6,000 square feet and not subject to a plan, and thereby be allowed to develop an agreement with the County. He asked what the agreement would look like and if it would be a standard agreement that would stipulate certain expectations in terms of code specifications for buffers and distances away from water or wetlands. Mr. Pohl confirmed that a plan was not required for projects under 6,000 square feet and staff would not review anything. He said there would not be an agreement unless it was part of a common plan of development.

Mr. Randolph read the first sentence as follows: "...but allow an agreement in lieu of a plan for LDA under 10,000 square feet", and then they changed 10,000 to 6,000. Mr. Pohl responded that there are two types of agreements: erosion and sediment control agreements and stormwater management agreements for single-family residential construction. He said they could expand this to include a VESCP if they want to extend this and have agreements for those that are lower than these thresholds. He said they would catch it if it were the site plan or some kind of plan that came in for approval. He said they do not look at this as a planning or zoning issue, though with buffers they would be able to look at it from an erosion and sediment perspective.

Mr. Keller remarked that they have heard from the public on this and for the public record why not accept the Chesapeake Bay Standards instead of reinventing the wheel and negotiating this versus that figure.

Ms. Mallek recalled that this was the standard in 1984. She said that when she moved her driveway 50 feet, she had to put up a bond because it was at 2,500 square feet.

Mr. Gallaway asked Mr. Pohl if his assessment was that if they go to 2,500 it would create more work for staff for issues that are not a major problem. Mr. Pohl agreed. Mr. Hannah added that 2,500 was

required in the Tidewater region but localities outside of this region can decide on their own thresholds.

Mr. Pohl pointed out that smaller sites have a smaller drainage area and there was not a lot of water running across nor as much of an issue.

Ms. Mallek asked for confirmation that the common plan does not apply to a single parcel. Mr. Pohl responded, "yes".

Ms. Mallek recounted an example of abuse of a loophole with the situation of a developer adding a 9,500 square foot parking lot every year for four years without stormwater and expressed appreciation to Mr. Pohl for trying to figure out a way to stop this. She said she thinks the Greene County policy would put a stop to this in both single parcels and commercial use.

Mr. Gallaway reviewed the proposals to determine Board consensus. He asked if anyone has issues with #6 and #14.

With regard to #6, Mr. Pohl noted that there was a distinction in the ordinance between fees and fines, with fees for cost recovery and fines for punitive purposes. He said that to recover punitive fines they would have to go to civil court, which he does not think they want to do and which was why they are sticking with fees, though he was not sure if they can increase the fees. He wondered if there are other things they should be doing to help with compliance or to reduce problems with erosion and sediment control.

Ms. McKeel said that what she was hearing from Mr. Pohl was that the fines are too cumbersome as they would spend too much time in court, though she thinks that when fines are \$1,000+ people really start paying attention.

Ms. Mallek remarked that it seems that if fines are not the ultimate sanction, then people would not pay any attention.

Mr. Pohl remarked that staff has said the same. He said another way to go about this was to add staff to help with compliance. He noted that the issuance of a Notice to Comply requires a \$250 reinspection fee, of which they average four per month. He said that is a lot of time and effort in civil action to have to deal with.

Mr. Randolph asked Mr. Pohl to give the Board information on the number of fines and stop work orders issued when he brings it back as this would be helpful to know. He said it would be more accepting to the public if it were fee based than if fines were imposed, though some bad actors might see it as being more or less acceptable and a cost of doing business if fines are not included.

Ms. Palmer asked if there would be better compliance if the sites were inspected more often. Mr. Pohl responded that he would think so. He said his personal experience was that people want to do well. He recounted how today he met with an applicant that brought along six people to a preconstruction meeting. He said they have three inspectors for 140 active projects, with inspections to be conducted every two weeks.

Ms. Mallek remarked that they do not want the inspectors to be in a position where they have to do drive by inspections as quality would decline. She asked if the fee increases when additional inspections are required. Mr. Pohl responded that there was not a fee increase at this time. Ms. Mallek suggested they consider having the fee increase if multiple inspections are required.

Mr. Hannah said he would attempt to summarize the Board's direction. He said staff has received direction to move forward on #6 and #14. He said at the request of staff, consensus was to allow more time to fully develop solutions for #5. He said they heard some ideas tonight, and this has to do with the compounded development, and they were taking no action on that tonight.

Ms. Mallek asked if anyone supports using Greene County's standard as this would save a lot of work.

Ms. McKeel and Ms. Palmer expressed their support for this.

Ms. Mallek added that this would be for all parcels everywhere, with new work, as Mr. Pohl described, to be under 6,000. Mr. Hannah said staff would then move forward with that clear direction

With regard to #2, related to the WPO, decreasing the threshold from 10,000 to 6,000 square feet, Mr. Hannah asked if there was consensus.

Mr. Randolph said he was comfortable to defer to the direction of Mr. Pohl, if he believes that it makes more sense to go with 6,000, since the incident report would be minimal with 2,500 feet.

Ms. Palmer said she could support it, but asked if 6,000 would take care of the parking lot issue.

Ms. Mallek said the Greene County line would take care of the parking lot issue, but in her opinion the smaller figure would allow them to catch problems sooner, though she was willing to try 6,000 to see how it goes. She said she hopes the State would take care of this for the County. She added that they would find out on Thursday.

Mr. Hannah said he would take this as Board approval for #2. He next asked for direction on #3.

Ms. Mallek said that buffers should not involve digging everything up and cutting down trees to put in sewage pipes as this eliminates the original topography. She said when the buffer is recreated, it is replaced with grass and very small trees. She said she would like to see them stay out of the buffer, 50 feet was small and offers no protection, and it was supposed to be 100 feet, which was still pretty small.

Ms. Palmer asked Mr. Hannah if he had spoken with the Rivanna Solid Waste Authority (RSWA) or the Albemarle County Service Authority (ACSA) on these kinds of things as it would be a good idea to receive feedback. Mr. Hannah responded that he has not spoken with them. He said he does not see the rights-of-ways as being a real factor in this particular proposal. Ms. Palmer said she does not either but was responding to Ms. Mallek. Mr. Hannah pointed out that in this case the buffers are intact and in place and they are not creating new utilities.

Ms. Mallek asked if a temporary measure could be something put in during construction. Mr. Pohl responded, "yes"; silt or sediment traps would be examples.

Ms. Mallek said she thought they had already taken care of not allowing sediment basins in the buffer. Mr. Pohl responded that Section 603 of the ordinance allows this within the first 50 feet for pre-existing buildings. He continued that he does not think it should be in this section but in Section 604, which requires mitigation if it was allowed within the first 50 feet.

Ms. Mallek recalled discussing this at length during the West Glen proposal a year ago as they had put in basins next to the stream and she thought this had gone away.

Ms. Palmer said she also agrees. Mr. Hannah responded staff would proceed with the direction on #2 and #3.

Mr. Hannah said the last two proposals deal with Zoning Ordinance provisions. He said he heard Board direction to proceed on #1. He recognized that there was a back and forth discussion on #9 and a question as to whether they should require the factors or to incentivize them.

Ms. Mallek said she would prefer the use of require if Mr. Herrick can figure out a way to use require, with a possible exception for when it was absolutely necessary. She noted that they have the authority to do this under legislation enacted 12 years ago.

Mr. Hannah agreed that they would conduct further legal research.

Mr. Bivins said that if this was something they want to encourage, then they should specify how to do it. Mr. Pohl added that it has been very difficult to get an answer out of DEQ and the staff may need some intervention.

Mr. Mallek remarked that it was a developer who needed an answer that stirred DEQ into action last week.

Mr. Pohl added that DEQ did comment that if the County passes a regulation that does not take effect for six months, send it to them for review and they will provide feedback as to whether or not it was allowed.

Mr. Bivins said he hopes there would be a model piece of legislation and wondered how the County can get that out of DEQ.

Mr. Randolph recognized that they need adaptability and flexibility on a case-by-case basis and said that he was comfortable with this. Mr. Fritz said staff can work on criteria that addresses both that and Mr. Randolph's concern.

Ms. Palmer asked if this would go out for more outreach before it comes for a public hearing. Mr. Hannah explained that the Zoning Ordinances revisions would require public hearings of both the Planning Commission and the Board, while revisions to the Water Protection Ordinance (WPO) only requires a Board public hearing. He said staff has already done a significant amount of outreach so does not believe there needs to be a lot, but there would be some meetings.

Ms. Palmer asked Mr. Hannah if he feels that more public engagement was needed prior to the public hearing. Mr. Hannah responded, "yes", adding that it may not be necessary in every instance and they can revisit this.

Ms. McKeel asked if this can be done by December. Mr. Hannah responded that staff would love to get this done by the end of the year and it would depend on public reaction. Ms. McKeel added that there have been two years of meetings.

Mr. Fritz added that they would bring a Resolution of Intent before the Board of Supervisors and try to include the process they would follow and an outline of the time frame. Ms. McKeel added that she would like for staff to bring these two items to the Board by October, as they have spent so much time on this and so much public input. Mr. Hannah remarked that there was a long lead time in scheduling meetings, though they would do their best to get this completed.

Ms. Mallek asked if they would go over the incentives for residential development on another day. Mr. Hannah responded that they decided to forgo a work session for now, though it can be revisited in the future. He added that it would be a significant undertaking that would involve complex items.

Ms. Mallek asked if the staff would work on density bonuses that they have been trying to remove for years.

Agenda Item No. 3. **Work Session:** Rio29 Form Based Code.

The Executive Summary forwarded to the Board states that the Rio29 Small Plan was adopted by the Board on December 12, 2018. The Plan established a vision for the Rio29 area that calls for improving multi-modal connectivity, creating a vibrant mixed-use community, and enhancing the area through conservation and public amenities. The Implementation Chapter of the Plan includes a recommendation to implement form based code as one method to achieve the vision and to allow the desired form of development through a by-right process.

Staff is looking for Board and Planning Commission (PC) feedback on the elements that should be prioritized in the Rio29 Form Based Code. Topics for discussion will include building location, area/bulk regulations, streets, uses, parking, green/public space, architecture, and affordable housing (Attachment A). Staff will conduct a ranking activity during the work session in which Board and PC members will be asked to choose their top three priorities from among the list. The prioritization activity will help staff determine where to focus efforts during the next six months of research and engagement. A similar exercise was conducted with the Rio29 Steering Committee, which is made up of stakeholders from the Rio29 area, including residents, developers, architects, and others. A summary of the Steering Committee's feedback can be found in Attachment B.

Additionally, staff will be presenting an updated work plan to the Board and PC. The Board's Strategic Plan directs staff to present a draft ordinance that supports implementation of the Rio29 vision and encourages by right development consistent with the Plan's desired urban land use and form by December 2019. Through previous discussions with Board and PC members, staff has suggested that the deliverable for the December 2019 deadline be a "framework" for an ordinance, rather than a completed draft ordinance. The form based code framework will be a comprehensive summary of recommendations for the content of the draft ordinance. The framework will be developed through staff research, feedback from the Rio29 Steering Committee, stakeholders, citizens, and PC and Board members. The revised work plan shows the updated deliverable and projected timeline to final ordinance adoption (Attachment C).

No additional impact is expected at this time, though future costs for implementation projects identified within the Rio29 Small Area Plan will be expected.

The Board and the Planning Commission are asked to provide feedback and direction on priorities for the Rio29 Form Based Code and to review and provide input on the revised work plan.

Ms. Rachel Falkenstein, Principal Planner, and Ms. Michaela Accardi, Neighborhood Planner, presented. Ms. Falkenstein said they would discuss three topics: an overview of the project goal, an interactive prioritization on code content topics exercise, and a review of the updated project scope and next steps. She reviewed the first project goal, which was to support the vision of the Rio/29 Small Area Plan. She said they want to make sure the development meets the vision and allows it through a by-right process rather than the current rezoning process and to develop a code that works for the present day and for the future, recognizing that there would be a period of transition. She said the second goal was to establish clear expectations for residents, property owners, developers, and the County. She said the third goal was to find the appropriate balance between regulation and flexibility, with the ability to accommodate market changes, allow creativity in design, and to encourage a mix of uses. She said the fourth goal was to have an inclusive and transparent community engagement process that fosters an understanding of form-based code for the community, property owners, and stakeholders. She invited Board comment and feedback on the goals.

Ms. Spain asked for an explanation, for the benefit of the public, of how form-based code and the neighborhood development model are related. Ms. Falkenstein remarked that it represents the vision described in the Small Area Plan and was also supportive of the neighborhood model.

Mr. Dotson underscored that they have a 20 to 40 year vision for the area and they need to take steps right away, though there was a long way to go. He asked if the goal was to stimulate the filling of vacant buildings and develop vacant sites in this area as soon as possible, regardless of form, or to change the form of the next building to go up, starting now. He characterized these as polar extremes and noted that the second goal was trying to do two different things.

Mr. Palmer expressed appreciation to Mr. Dotson for bringing this up and recognized that they feel an urge to fill the buildings and they want to do it right.

Mr. Bivins said he would like to challenge the 40-year horizon. He said that Arlington suffered through a period of extreme decline as a result of knuckleheaded decisions about what to do with public transportation in the area of Colonial Pike. He said that Leesburg was trying to figure out how to deal with

getting bypassed by a road and bypassed with a discount shopping center, and Virginia Beach realized it has become a bit of a scary place. He said that as stewards of resources, he would ask the Board of Supervisors not to endorse a 40-year plan and to be active participants in the changing of the area.

Ms. Palmer responded that she thinks they are all trying to do this and her intent was to do it correctly and not rush to make decisions.

Ms. Mallek asked if they would establish setbacks, massing, heights, and general things and leave the private sector to step in to decide how to use the framework created by the Board without the Board saying how the building should look, which she believes would be a huge mistake. Ms. Falkenstein responded that they would review elements in the code next. She expressed appreciation for the comments, as when they were crafting the goals they were thinking just about form-based code, and she recognized that it was one tool that would not create redevelopment overnight and would require other tools.

Ms. Falkenstein resumed the presentation with the topic of prioritization. She asked for Board feedback as to what design elements should be prioritized in form-based code by ranking the following eight topics on cards she handed out:

- building location – determines how a building is situated on the site, how it meets the street and how it relates to the pedestrian experience,
- area bulk regulations – determines the general shape, form, size and perception of a building,
- streets – determines street location, design standards, form and bicycle/pedestrian amenities,
- use – determines permitted and prohibited uses for certain stories or locations,
- parking – determines the number and placement of parking for cars on a site,
- green space and public amenities – a required percentage of total buildable area on a site that is usable public space; examples of these spaces include plazas, parks and public seating areas outdoors,
- architecture – architectural design may be regulated in form based code as a tool for preserving historic character, and
- affordable housing – affordable housing may be incentivized or required through a form based code.

Ms. Accardi distributed the priority survey and said she would talk about the steering committee, which participated in the priority ranking exercise. She said the steering committee was made up of a diverse group of stakeholders tasked with providing input on the early draft, key decision points, and giving guidance on the broader community engagement. She said they have met twice and have one more meeting scheduled next week. She said the group saw use and area bulk regulations as almost tied priorities and when questions about use came up it was about prioritizing flexibility of use rather than regulating it more than they already do. She noted that area bulk regulations came up because someone defined the character of a place as the size and shape of a building and their interrelationship. She pointed out in addition, a couple of members identified street and parking for the second priority.

Ms. Accardi said they heard that streets help define the character and layout of a place, where a building was situated, and what the user's experience was. She said parking was a complex topic for which they received a range of comments, with one being the need to create a code that can evolve over time as transportation options grow and change. She said the area currently has ample parking and there was discussion as to whether or not minimum or maximum parking requirements were appropriate and how the location of parking affects the experience of a place. She said that green space, public space, and architecture came up as the next set of priorities, with green space being an important part of the small area planning process as reflected by the public and in the ranking activity. She said there was a desire for a variety of architectural styles with some concern about a code restricting diversity in architectural styles and still allowing for that flexibility.

Ms. Accardi then asked Board and Commission members to spend some time ranking the priorities. She noted there was one blank card in case there is something that is not captured in the categories that you would like to write in. She said the top three priorities would then be posted on the bulletin boards.

Mr. Dotson asked how they would use the priorities. He wondered if for the first generation ordinance they might only address some topics and put others off to a second generation ordinance. Ms. Accardi responded that they can consider this as a menu of options for elements that are included in a form-based code and what would be the highest priority for the area. Ms. Falkenstein added that it could be they draft a code that covers all eight topics, with some being high level and covered in a lot more detail because it is more important.

Ms. McKeel asked if they are to only put up three cards. Ms. Falkenstein asked that they rank and hand in all the topics but only put up the top three for discussion.

Ms. Palmer remarked that the steering committee took architecture as less important than flexibility and took use as most important as they wanted stability and she decided to take one way and the opposite on use. She wondered if there was a consistent way at looking at use in architecture. Ms. Falkenstein remarked that the committee surprised them by doing that, which was why the discussion after was really important.

Ms. Mallek asked if they have established standards that they can rely on to continue going forward for some of these. Ms. Falkenstein responded that they do not really have massing, they have height, setbacks, and parking standards.

Ms. Falkenstein then allowed participants several minutes to complete the ranking task and then asked each participant to share their top priority and to explain their reasoning.

Ms. Riley said she selected area bulk regulations and remarked that, though she was specifically thinking about Rio/29, she had to generalize this to any kind of a form-based code they would be considering for other places, as part of what they have been asked to do. She said that to her, area bulk regulation speaks to the very important issue of establishing the center as the most scaled, massed and dense area as part of the neighborhood model principle, which should be appropriate for the character of the area.

Mr. Dotson said his top priority was use. He said for this area they are fortunate not to have abutting residential areas, which may allow them to be more flexible with use options from the beginning, since it would not need buffering and the kinds of setbacks that they might need in other locations. He said they need to be clear they are looking for a mixture of uses.

Ms. Palmer said she did not put uses first because she wanted to be very flexible and so that was not as important, though she understands a mixture of uses, so she put in flexed.

Ms. Spain said she was thinking along Mr. Dotson's lines as mixed commercial and residential, and having the flexibility but not the regulation part.

Mr. Randolph indicated that under a factor analysis use and area bulk regulations score as the top two and he struggles with these as being number one for the same reasons brought up by Ms. Riley and Mr. Dotson. He observed that eight people have ranked use or area bulk as the top priority, and area bulk regulations continues to be ranked highly while use falls off and he was the only person who ranked use as a second priority, which he finds intriguing.

Ms. Palmer said she put massing and bulk second and green space first, recognizing that she was not a planner and not thinking in a sophisticated way, but thinking how they can get this place redeveloped faster. She said she thinks that having a green space was a way to get people to buy in and was a tremendous incentive, which was why she ranked it first.

Mr. Keller commented he put green and public space for the same argument as Mr. Dotson and, as a landscape architect, he thinks of the precedent of the landforms and environmental features that were there. He noted that during the public meetings they heard a desire to create green spaces where there were already natural features. He remarked that the great cities of the world build off of existing conditions.

Mr. Bivins said he wrote in multi-modal transportation on his blank card as the top priority since, in his mind, this would be a great place for people to not be dependent on automobiles. He said that by having a place where people can live, work, and come into and go out of using various means of transportation would set a tone for how they develop along Route 29, Rio Road, and how they move people around this area.

Mr. Dill said this was the first thing that occurred to him too and he supports having a variety of transportation options. He said he wrote in environmentally oriented as the top priority as it would require a dramatic emphasis on everything they do, if they were to reduce carbon emissions while growing.

Mr. Gallaway asked that the Small Area Plan be displayed. He said that during a meeting of the steering committee he had a realization around all area bulk regulations, streets and building location could fall into it. He explained that he sees use as number one in order to get everything else to work and it does not represent retail to him but the businesses located there that people living there would like to go to while being able to walk to retail on the way home. He said in his opinion, the use mixture must be right for everything to work.

Mr. Dill said it seems like use was the hardest thing for the government to decide.

Ms. Mallek added that it was not a place for the Board to decide.

Mr. Bivins added that it was for them to incentivize.

Ms. More said she struggles with the street and building location as they felt like they were the same.

Mr. Gallaway pointed out that the center of the Small Area Plan was an intersection, they have four quadrants, and Mr. Dotson's point about where the residential was located was very unique. He said they talked about building height at the steering committee meeting, which to him was under area bulk regulation. He pointed out that residential was only in two corners, with condos behind the mall that already have the height. He said if they think of it as a circle in a donut, they would get it wrong because they are considering the center as the area between Route 29 and the intersection with Kohr's ice cream and Woodbrook, and if they have a maximum height and go through a residential they only have 50 to 100 yards.

Mr. Gallaway stressed that each quadrant has to have a well thought out plan, the plan was not necessarily being conceived with four centers, and the highest density, in terms of maximum height, was the area in dark pink in the middle, which was trying to work like a center around the intersection. He said he hopes that private development and people who know how to do this work would ask what they are really trying to accomplish. He stated that, rather than determine the block sizes, they should allow flexibility and control the character through a different way or at least understand where they are putting bulk regulations, building size, or building placement. He added that it cannot be concentric circles.

Ms. Palmer said she thought the idea of form-based code was to get away from use and to focus on the form. She agrees that they cannot think of this as a center, but as four.

Mr. Gallaway said that he sees form-based code as a way to not define the details. He said he does not want to see the same thing for all four quadrants, but to have them be a bit unique. He said in fact, he thinks architecture probably dictates the character more than anything.

Ms. Spain said she listed viewshed as one of her priorities, which has to do with mass and height of buildings. She said that for a sense of place and character they have the University of Virginia, Monticello, and mountains, which are visible from Route 29. She said it would be a shame to sacrifice this view with buildings that are too high.

Mr. Dotson added that blocks that are too long would also impact the view.

Mr. Keller remarked that form-based code gives much more flexibility in terms of use and an interesting combination of overlays with form-based code would encourage the kind of uses that they want.

Ms. Mallek remarked that this was going backward from where they have been trying to go over the last five years, which was to allow for more flexibility with square footage and not require an endless permit process.

Mr. Keller said that the area has two major roads and they have questions as to whether this would be one or multiple entities.

Mr. Gallaway said he wants to give some weight to those who own the property in addition to the underlying vision in order to make this successful.

Mr. Bivins said that for the two large parcels, there was nothing the jurisdiction can do to force development, though they can work with Economic Development Authority to assist. He sees the question as how to engage in a conversation and create an atmosphere that says the County was hopeful about the possibility of the future and that it wants to work with the current owner to bring that future closer to today.

Ms. Spain acknowledged that current zoning was based on single use, which has been the problem, as residential was here and commercial was there. She said her understanding of form-based code was being mixed use.

Ms. Mallek said she hopes this does not fall into the same trap as Crozet did, which required vertical mixed-use in every building and which banks would not finance. She added that having a residential building next to a commercial building was just as mixed to her as having them on different floors of the same building.

Mr. Carrazana said that campus planning was essentially form-based, UVA was the sole owner of the property, the different colleges feel that they have ownership over certain parcels, and use was the primary driver. He suggested that when they think about use they do not make it so proscriptive, think about multiple uses in an area, and let the master plan, the architecture, and developers drive what that is, while encouraging having residential next to institutional, next to businesses, that brings daytime and evening life to the area. He said that it was for these reasons that he put use as the first priority and bulk as the second. He said that parking, streets, and open space work together and cannot be separated as they all need to be thought about when creating a master plan for the area. He said that they should have a vision and a master plan, with form-based code creating the basic parameters to implement the master plan. He recognized that it was easier for UVA to plan because they do not have multiple developers wanting to develop.

Ms. Riley said she would like to have a discussion around what the County has the ability to do other than green and public space, and in creating vibrancy in an area, other than to incentivize. Ms. Falkenstein responded that the plan has an implementation chapter that recommends transformative projects, with the top five known as catalyst projects. She said the number one project identified was Library Plaza, an outdoor public gathering space adjacent to the library, which they would talk about with the Capital Improvement Program, and which could be part of a public-private partnership.

Mr. Bivins stated that the library was located on the other side of Route 29 from where most of the existing residential was and was closed on Sundays. He said it seems to him that it was a drive-in library, a hard place to get to from the other side of Route 29, and they should try to think about green spaces on the other side of Route 29.

Mr. Gallaway pointed out that part of the quadrant lies in an opportunity zone, the other two quadrants are probably in a position where they could be entertaining outside investment coming in, a public-private partnership similar to Willow Tree could play out, and those could be catalyst projects as much as a green space can. He said that while the form-based code was being put together Economic Development should provide critical input as to what a catalyst project could be.

Mr. Randolph added that Parks and Recreation should be involved in such a project, with parks and greenways.

Ms. McKeel recognized economic development as being critical.

Ms. Falkenstein attempted to summarize the Board's direction. She said she heard that use flexibility and a mix of uses was important and that area bulk was a top priority, though this does not mean the others are not priorities as they are all very much integrated.

Mr. Gallaway said he was recoiling a bit with affordable housing being a component he has to pick against the others. He said that in a master plan they are trying to get the area, use, physicality, and operations right. He said that affordable housing should be an overlay priority for everything, it was in the Strategic Plan and fell off, and they need to make sure this was part of their culture with everything they do.

Mr. Keller commented that there was now a line item that addresses affordable housing on the cover page of the Commission's staff summaries, which includes the consideration of average monthly income (AMI).

Ms. Mallek asked how affordable incentives and requirements would happen if they are not rezoning because there would be proactive rezoning. Ms. Falkenstein responded that if they use form-based code as an overlay zoning district and maintain the existing zoning, the overlays are optional to the owners, who may opt in. She said they could then require it through the optional overlay. She said if they decide to rezone the area to form-based code, they cannot require it. Ms. Mallek commented that there would be benefits if someone decided to opt in. Ms. Falkenstein agreed, and added that they would have the flexibility and mix of uses they currently do not have.

Ms. Mallek said that Piedmont Place was the first pioneer building in the Downtown Crozet district. She noted that the planning process was far shorter than many others because so many decisions were already made.

Ms. Palmer said she was confused about the description of the overlay for affordable housing and asked when the overlay agreement was optional and not required. Ms. Falkenstein responded that the entire form-based code would be an overlay that was optional, though all the requirements must be met for those who choose to opt in. She said affordable housing could be one of the requirements.

Ms. Accardi explained that the exercise was designed to allow them to weigh in on some of the questions the Supervisors have and to not think of them in silos.

Ms. Falkenstein next reviewed the project scope, next steps, and asked for Board feedback. She presented a slide with the project scope, which was also included in the agenda packet. She said the Board's Strategic Plan calls for a draft code by December 2019. She noted that the timeline does not have an opportunity for technical work and implementation of a draft ordinance. She said staff does not believe it can have a draft ordinance that was ready to be adopted by December. She said staff does feel it can get a framework of a series of recommendations on topics discussed tonight based on the yearlong engagement process with the community and stakeholders in order to get a list of solid recommendations, which it would then turn into an ordinance. She said the process would take six to seven months with a draft ready to be adopted potentially by July 2020. She said the next step was to take some topic area discussions to the Planning Commission for three or four work sessions to develop the draft framework to be brought to the Board in December with a recommended draft framework that the Planning Commission and staff have worked through. She invited thoughts and feedback.

Ms. Mallek said the road testing was incredibly important and she would like those discussions to occur first so people do not feel like they are participating after the fact. She said she would like to see the minutes, prior to December, to learn about what was going on or a briefing listing the ten most important takeaways from the discussion. Mr. Randolph suggested this information be provided on the consent agenda. Other Board members concurred.

Mr. Gallaway said he spoke with Mr. Keller the previous night about the possibility of holding another joint meeting before the end of the year. He said they suggest the Chairs and Vice-Chairs of the two boards get together for a brainstorm of topics and bring this back to the respective bodies for fine tuning. He stated that the possible topics would be affordable housing, some transportation matters relative to some applications, etc.

Mr. Keller said the Planning Commission values this kind of dialogue and it would also like to consider having a round robin discussion amongst the two bodies, not so much staff led.

Ms. Mallek asked if there are erosion and sediment requirements, stormwater, etc., for solar panels. She noted that Nelson County's Soil and Water Conservation person mentioned this problem with

erosion on Route 29 South. She said she would provide the photos to staff.

Agenda Item No. 4. Adjourn to July 10, 2019, 1:00 p.m., Lane Auditorium.

At 8:29 p.m., Mr. Gallaway adjourned the Board until July 10, 2019 at 1:00 p.m. Lane Auditorium.

Mr. Keller adjourned the Planning Commission until July 23, 2019.

Chairman

Approved by Board
Date 01/15/2020
Initials CKB