

**ACTIONS**  
**Board of Supervisors Meeting of April 14, 2004**

April 15, 2004

**AGENDA ITEM/ACTION**

**ASSIGNMENT**

<p>1. Call to Order.</p> <ul style="list-style-type: none"> <li>• Meeting was called to Order at 6:00 p.m., by the Chairman, Mr. Dorrier. All BOS members were present. Also present were Bob Tucker, Larry Davis, Wayne Cilimberg and Ella Carey.</li> </ul>	
<p>4. From the Public: Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> <li>• Liz Palmer, speaking on behalf of the League of Women Voters Natural Resource Committee, presented a statement concerning Community Development Authorities (CDA). She asked the Board to carefully evaluate whether they want to use a CDA, to look at the County's responsibility for a CDA's operation and performance, and to look at the barriers that a CDA would further separate citizens from elected officials.</li> <li>• John Martin, a resident of Free Union, expressed concerns about CDAs and the creation of another entity that has no elected officials as a part of its membership.</li> <li>• Judy Bartlett, of the Rural Health Outreach Program, serving as the Latino Outreach Coordinator, which is a part of the Blue Ridge Medical Center, thanked the Board for supporting their program again this year.</li> <li>• Maria Serrano thanked the Board for its support of the Rural Outreach Program. Many people have benefited from the program.</li> <li>• Vernon Fischer spoke concerning the Board's budget and tax rate. He asked the Board to create some kind of mechanism in the tax structure to give people in his economic situation tax relief.</li> </ul>	
<p>5.2 Resolution to accept road(s) in Stony Point Hills Subdivision into the State Secondary System of Highways.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> the attached resolution.</li> </ul>	<p><u>Clerk</u>: Forward signed resolution to Steve Snell in Engineering. (Attachment 1)</p>
<p>5.3 <b><u>SP-2003-083. Southside Church of God Amendment (Sign #57).</u></b></p> <ul style="list-style-type: none"> <li>• <b>REMOVED</b> from agenda.</li> </ul>	
<p>5.4 <b><u>SP-2003-087. Mosby Mountain Subdivision Plat Extension (Sign #66).</u></b></p> <ul style="list-style-type: none"> <li>• <b>REMOVED</b> from agenda.</li> </ul>	
<p>5.2 Proclamation recognizing May 3 through May 9, 2004 as Historic Preservation Week.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> the attached proclamation.</li> </ul>	<p><u>Clerk</u>: Forward proclamation to Margaret Maliszewski in Planning. (Attachment 2)</p>
<p>6. Adopt FY 2004-05 County Operating Budget and Capital Budget.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> the FY 2004-05 County Operating Budget and Capital Budget.</li> </ul>	<p><u>Clerk</u>: Forward adopted resolution to Melvin Breeden with copy to appropriate individuals. (Attachment 3)</p>
<p>7. Adopt Calendar Year 2004 Tax Rates.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> the attached resolution setting out the Calendar Year 2004 Tax Rates.</li> </ul>	<p><u>Clerk</u>: Forward adopted resolution to Melvin Breeden with copy to appropriate individuals. (Attachment 4)</p>
<p>8. Public hearing to receive comments on Albemarle County's</p>	<p><u>Ron White</u>: Proceed as approved.</p>

<p>Annual Plan for Administering Housing Choice Vouchers.</p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> the proposed Annual Plan for submission to HUD and <b>AUTHORIZED</b> the County Executive to sign the PHA Certification of Compliance.</li> </ul>	
<p>9. <b><u>SP-2003-082. Old Dominion Equine Associates (Signs #27&amp;30).</u></b></p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> SP-2003-082, by a vote of 6:0, subject to the five conditions recommended by the Planning Commission.</li> </ul>	<p><u>Clerk:</u> Set out conditions of approval in Attachment 5.</p>
<p>10. <b><u>SP-2003-084. Dennis Enterprises - Rio Road (Sign #55).</u></b></p> <ul style="list-style-type: none"> <li>• <b>DEFERRED</b> SP-2003-084, by a vote of 6:0, to July 14th, to allow the applicant an opportunity to address the concerns raised by staff and Board members.</li> </ul>	<p><u>Clerk:</u> Schedule for July 14, 2004 agenda</p>
<p>11. <b><u>ZMA-2003-11. Rio East Commercial Area (Signs #10&amp;11).</u></b></p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> SP-2003-011, by a vote of 6:0, as proffered, dated 3/25/2004 and signed by D. J. Wagner, Trustee.</li> </ul>	<p><u>Clerk:</u> Set out proffers in Attachment 5.</p>
<p>12. <b><u>SP-2003-58. Rio East Commercial Park (Veterinary Hospital) (Signs #35&amp;39).</u></b></p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> SP-2003-058, by a vote of 6:0, subject to the four conditions recommended by the Planning Commission.</li> </ul>	<p><u>Clerk:</u> Set out conditions of approval in Attachment 5.</p>
<p>13. Review of the <b><u>Eastham Agricultural &amp; Forestal District.</u></b>  14. Review of the <b><u>North Fork Moorman's River Agricultural &amp; Forestal District.</u></b>  15. Review of the <b><u>Pasture Fence Mountain Agricultural and Forestal District</u></b></p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> the attached Ordinance.</li> </ul>	<p><u>Clerk:</u> Forward ordinance to County Attorney's office for inclusion in next update of County Code. Prepare letters, for Chairman's signature, to landowners. (Attachment 6)</p>
<p>16. North Pointe Update.</p> <ul style="list-style-type: none"> <li>• <b>REQUESTED</b> staff to email the draft proffers to Board members.</li> <li>• <b>DEFERRED</b> public hearings (ZMA-02-09 and SP-02-72) scheduled for May 14. Will discuss new date during May 5<sup>th</sup> work session.</li> </ul>	<p><u>Wayne Cilimberg:</u> Forward proffers to Board members.</p>
<p>17. From the Board: Matters Not Listed on the Agenda.  Ken Boyd:</p> <ul style="list-style-type: none"> <li>• Expressed a concern about needing to discuss long term planning for water needs. Mr. Tucker suggested scheduling a meeting with Michael Gaffney and Rivanna staff to bring Mr. Boyd and Mr. Wyant up-to-date on the various issues, and then schedule a presentation for the entire Board.</li> </ul> <p>Sally Thomas:</p> <ul style="list-style-type: none"> <li>• The Lewis and Clark Festival will be held in Lee Park on May 1<sup>st</sup> from 10:00 a.m. until 5:00 p.m.</li> <li>• The dedication ceremony for Vickie Crow will be held on April 15<sup>th</sup> at 10:30 a.m., on the front lawn of the County Office Building.</li> <li>• Encouraged everyone to attend the April 29<sup>th</sup> presentation on the Hydraulic Road/Route 29/Route 250 interchanges. The open house is from 6:30 p.m. until 9:00 p.m., at the Holiday Inn located on Route 29 North. The presentation is scheduled for 7:00 p.m.</li> <li>• Announced that the County received a safety improvement grant, in the amount of \$250,000, for improvements to the existing Hillsdale Drive.</li> <li>• Urged Board members to look at the newsletter that the</li> </ul>	

<p>PDC sends out by email. One of the items in the newsletter is that the HOME Consortium has a sustainable communities' initiative.</p> <p>David Wyant:</p> <ul style="list-style-type: none"> <li>• He can provide cars to Board members who plan to participate in the Dogwood Parade.</li> </ul>	
<p>18. Adjourn.</p> <ul style="list-style-type: none"> <li>• At 8:28 p.m., the meeting was adjourned.</li> </ul>	

/ewc

- Attachment 1 – Stony Point Hills Subdivision Resolution
- Attachment 2 – Historic Preservation Week Proclamation
- Attachment 3 - Adopted Budget Resolution
- Attachment 4 - 2004 Tax Levy Resolution
- Attachment 5 – Conditions of Approval for Planning items
- Attachment 6 – A/F District Ordinance

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 14th day of April 2004, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Stony Point Hills Subdivision**, described on the attached Additions Form SR-5(A) dated **April 14, 2004**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the roads in **Stony Point Hills Subdivision**, as described on the attached Additions Form SR-5(A) dated **April 14, 2004**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

\* \* \* \* \*

The road(s) described on Additions Form SR-5(A) are:

- 1) **Turkey Run (State Route 1031)** from the intersection of Route 784 to the cul-de-sac, as shown on plat recorded 03/18/1994 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1418, page 289, with a 50-foot right-of-way width, for a length of 0.19 mile.

Total Mileage - 0.19 mile.

**HISTORIC PRESERVATION WEEK**

**WHEREAS,** historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

**WHEREAS,** historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

**WHEREAS,** it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

**WHEREAS,** "New Frontiers in Preservation" is the theme for National Historic Preservation Week 2004, cosponsored by Albemarle County, the Commonwealth of Virginia and the National Trust for Historic Preservation;

**NOW, THEREFORE,** I, Lindsay G. Dorrier, Jr., Chairman, on behalf of the Albemarle County Board of Supervisors, do proclaim

**May 3 through May 9, 2004  
as  
Historic Preservation Week,**

and call upon the people of Albemarle County to join their fellow citizens across the United States in recognizing and participating in this special observance.

**BUDGET RESOLUTION**

BE IT RESOLVED by the Board of County Supervisors of Albemarle County, Virginia, that the budget for the County for the Fiscal Year beginning July 1, 2004 be approved as follows:

	<b><u>FY 04/05 Adopted</u></b>
Administration	\$ 8,592,745
Judicial	\$ 2,914,843
Public Safety	\$ 19,479,744
Public Works/General Services	\$ 2,961,830
Human Development (including PVCC)	\$ 13,102,186
Parks, Recreation, and Cultural	\$ 4,868,994
Community Development	\$ 6,358,648
Refunds	\$ 125,000
City/County Revenue Sharing	\$ 8,004,461
Capital Improvements Budget	\$ 27,704,135
Stormwater Improvements	\$ 400,000
General Government Debt Service	\$ 2,247,376
Education - Debt Service	\$ 10,844,880
Education - School Operations	\$ 114,453,097
Education - Self-Sustaining Funds	\$ 12,829,917
Special Revenue Fund Operations	\$ 14,841,900
Less: Inter-fund Transfers	\$ (8,911,084)
Contingency Reserves	\$ 254,375
<b>TOTAL</b>	<b><u>\$ 241,073,047</u></b>

**RESOLUTION**

**BE IT RESOLVED** that the Board of Supervisors of Albemarle County, Virginia, does hereby set the County Levy for the Calendar Year 2004 for General County purposes at Seventy-Six Cents (\$0.76) on every One Hundred Dollars of assessed value of real estate; at Seventy-Six Cents (\$0.76) on every One Hundred Dollars of assessed value of manufactured homes; at Seventy-Six Cents (\$0.76) on every One Hundred Dollars of assessed value of public service assessments; at Four Dollars and Twenty-Eight Cents (\$4.28) on every One Hundred Dollars of assessed value of personal property; and at Four Dollars and Twenty-Eight Cents (\$4.28) on every One Hundred Dollars of assessed value of machinery and tools; and

**FURTHER** orders that the Director of Finance of Albemarle County assess and collect the taxes on all taxable real estate and all taxable personal property.

Agenda Item No. 9. **SP-2003-082. Old Dominion Equine Associates (Signs #27&30).** Public hearing on a request to allow equine veterinary practice in accord w/ Sec 10.2.2.18 of the Zoning Ord. TM 50 Ps 20C & 20D, contains 1.704 acs. Znd RA & EC. Loc on Rt 231 at intersec of Rt 640. Rivanna Dist.

1. The site shall be developed in general accord with the conceptual plan titled Old Dominion Equine Associates Concept Plan, revised 2/16/04, and prepared by Muncaster Engineering;
2. The applicants shall provide a preliminary landscape plan that reflects the surrounding rural landscape to the satisfaction of the Architectural Review Board;
3. The applicants shall provide landscaping along all parking areas to the satisfaction of the Architectural Review Board;
4. Any outdoor lighting shall be designed to be appropriate to the rural environment to the satisfaction of the Architectural Review Board; and
5. The applicants shall grant sight-distance easements on Route 640 to the satisfaction of the Virginia Department of Transportation.

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Agenda Item No. 11. **ZMA-2003-11. Rio East Commercial Area (Signs #10&11).** Public hearing on a request to amend proffers of ZMA-1996-004 to allow veterinary hospital by special use permit. TM 61, Ps 124A part of & 124B part of, contains approx .8456 acs. Znd PDMC. Loc on Rio E Ct (private), approx .1 miles from intersec of Rio East Ct & Rt 631 (Rio Rd E). (The Comp Plan designates this property as Office Service in Neighborhood 2.) Rio Dist.

**PROFFER FORM**

**Date: 04/14/2004**

**ZMA # 2003-011**

**Tax Map and Parcel Number(s) 61-124A and 61-124B**

**5.608 Acres to be rezoned from PDMC to PDMC**

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the owner, or its duly authorized agent, hereby voluntarily proffers the conditions listed below which shall be applied to the property, if rezoned. These conditions are proffered as a part of the requested rezoning and it is agreed that: (1) the rezoning itself gives rise to the need for the conditions; and (2) such conditions have a reasonable relation to the rezoning request.

The original proffers of ZMA-1996-004 still apply to all of the remaining parcels within the PD-MC, Planned Development Mixed Commercial zoning district. For the lands subject to this zoning map amendment, the original proffers are amended to state as follows:

1. Use of the property designated as the Restricted Area on the Sketch Plan hereto (hereinafter the "Restricted Area") shall include only:
  - a. All uses permitted under Section 23.2.1 of the Albemarle County Zoning Ordinance as it exists on April 14, 2004, a copy of which is attached, shall be permitted by right.
  - b. Uses permitted under Section 23.2.2 of the Albemarle County Zoning Ordinance as it exists on April 14, 2004, a copy of which is attached, shall be permitted only by special use permit.
2. Use of the property outside the Restricted Area shall include only:
  - a. All uses permitted under Section 23.2.1 of the Albemarle County Zoning Ordinance as it



- exists on April 14, 2004, a copy of which is attached, shall be permitted by right.
- b. Barber and beauty shops as permitted under Section 22.2.1.b2 and office and business machine sales and services as permitted under Section 24.2.1.29 of the Albemarle County Zoning Ordinance as those sections exist on April 14, 2004, copies of which are attached, shall be permitted by right provided such uses, when combined with those permitted under Section 23.2.1.6 of the Albemarle County Zoning Ordinance as it exists on April 14, 2004, a copy of which is attached, do not occupy more than twenty (20) percent of the floor area of buildings on the site.
  - c. Uses permitted under Section 23.2.2 of the Albemarle County Zoning Ordinance as it exists on April 14, 2004, a copy of which is attached, shall be permitted only by special use permit.
  - d. Uses permitted under Section 24.2.2.4 of the Albemarle County Zoning Ordinance (Veterinary office and hospital) as it exists on April 14, 2004, a copy of which is attached, shall be permitted only by special use permit.

(Signed D. J. Wagner, Trustee  
Rio East Land Trust  
 Signatures of All Owners

D. J. Wagner, Trustee  
 Printed Name of All Owners

3-25-2004  
 Date

Agenda Item No. 12. **SP-2003-58. Rio East Commercial Park (Veterinary Hospital) (Sign #35, 39).** Public hearing on a request to allow veterinary office & hospital in accord w/ Sec 25A.2.2.1 of the Zoning Ord. TM 61, Ps 124A part of & 124B part of, contains approx .8456 acs. Znd PDMC. Loc on Rio E Ct (private), approx .1 miles from intersec of Rio E Ct & Rt 631 (Rio Rd E). Rio Dist.

- 1. A site plan shall be submitted for approval that shall be in general accord with the sketch plan prepared by Keeney & Co, Architects dated 3/12/04;
- 2. Any enlargement or expansion of the veterinary office and hospital use will require an amendment to this Special Use Permit (SP-2003-058);
- 3. No overnight boarding use other than for those animals under medical care shall take place at the veterinary hospital; and
- 4. Granted a waiver of Section 5.1.11(b) of the Zoning Ordinance requires that a soundproofed building shall be located no closer than two hundred (200) feet to any agricultural or residential lot line.

Agenda Item No. 13. Public hearing on the Board of Supervisors' periodic review of the **Eastham Agricultural & Forestal District** & to consider amending section 3-212, Eastham Agricultural & Forestal District, of Division 2, Districts, of Article II, Districts of Statewide Significance, of Chapter 3, Agricultural & Forestal Districts, of the Albemarle County Code. The proposed ordinance would identify TMP 63-41A2 as being in the district, would continue the district & set the next district review date deadline of April 14, 2014.

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Agenda Item No. 14. Public hearing on the Board of Supervisors' periodic review of the **North Fork Moorman's River Agricultural & Forestal District** & to consider amending section 3-223, North Fork Moorman's River Agricultural & Forestal District, of Division 2, Districts, of Article II, Districts of Statewide Significance, of Chapter 3, Agricultural and Forestal Districts, of the Albemarle County Code. The proposed ordinance would continue the district, set the next district review date deadline of April 14, 2014.

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Agenda Item No. 15. Public hearing on the Board of Supervisors' periodic review of the **Pasture Fence Mountain Agricultural and Forestal District** & consider amending section 3-225, Pasture Fence Mountain Agricultural and Forestal District, of Division 2, Districts, of Article II, Districts of Statewide Significance, of Chapter 3, Agricultural & Forestal Districts, of the Albemarle County Code. The proposed ordinance would remove TMP 13-4 from the district, would continue the district & set the next district review date deadline of April 14, 2014.

**ORDINANCE NO. 04-3(2)**

AN ORDINANCE TO AMEND AND REORDAIN ARTICLE II, DISTRICTS OF STATEWIDE SIGNIFICANCE, OF CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Article II, Districts of Statewide Significance, of Chapter 3, Agricultural and Forestal Districts, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

**By Amending:**

Section 3-212 Eastham Agricultural and Forestal District  
Section 3-223 North Fork Moorman's River Agricultural and Forestal District  
Section 3-225 Pasture Fence Mountain Agricultural and Forestal District

**ARTICLE II. DISTRICTS OF STATEWIDE SIGNIFICANCE**

**DIVISION 2. DISTRICTS**

**Sec. 3-212 Eastham Agricultural and Forestal District**

The district known as the "Eastham Agricultural and Forestal District" consists of the following described properties: Tax map 63, parcels 1, 1A, 1A1, 2, 4, 14G, 14H, 14I, 26, 26A, 27, 28, 28A, 30F, 30G, 41A, 41A1, 41A2. This district, created on October 2, 1985 for not more than 10 years and last reviewed on April 14, 2004, shall next be reviewed prior to April 14, 2014.

(12-8-93; 5-11-94; Code 1988, § 2.1-4(c); Ord. 98-A(1), 8-5-98; Ord. 04-3(2), 4-14-04)

**Sec. 3-223 North Fork Moorman's River Agricultural and Forestal District.**

The district known as the "North Fork Moorman's River Agricultural and Forestal District" consists of the following described properties: Tax map 4, parcels 1, 2, 3, 4. This district, created on November 17, 1993 for not more than 10 years and last reviewed on April 14, 2004, shall next be reviewed prior to April 14, 2014.

(11-17-93; Code 1988, § 2.1-4(v); Ord. 98-A(1), 8-5-98; Ord. 04-3(2), 4-14-04)

**Sec. 3-225 Pasture Fence Mountain Agricultural and Forestal District.**

The district known as the "Pasture Fence Mountain Agricultural and Forestal District" consists of the following described properties: Tax map 13, parcels 1, 5, 8, 10, 12. This district, created on November 17, 1993 for not more than 10 years and last reviewed on April 14, 2004, shall next be reviewed prior to April 14, 2014.

(11-17-93; 7-13-94; Code 1988, § 2.1-4(u); Ord. 98-A(1), 8-5-98; Ord. 04-3(2), 4-14-04)