

ACTIONS
Board of Supervisors Meeting of October 6, 2004

October 13, 2004

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 9:00 a.m., by the Chairman, Mr. Dorrier. All BOS members were present. Also present were Bob Tucker, Larry Davis and Ella Carey. 	
<p>4. From the Public: Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> Mr. Mark Shore, Director of the Charlottesville-Albemarle Visitors and Convention Bureau, said they had almost 200 persons in attendance at their recent annual tourism reception held on Mt. Alto. He thanked the Board for allowing the Visitors and Convention Bureau to create a new Board, new funding formula and new contract. He updated the Board on some of their performance measures. He also informed the Board about the new Birding Trail for Virginia that opened for the entire state. 	
<p>5. Farm Tour Announcement.</p> <ul style="list-style-type: none"> Chairman read proclamation and presented same to Marcia Joseph and Joan McDowell. 	
<p>5a. Presentation: Police Re-Accreditation.</p> <ul style="list-style-type: none"> Ernie O'Boyle, from the Virginia Law Enforcement Professional Standards Commission, recognized the Police Department for maintaining its accreditation. 	
<p>6.2 Proclamation recognizing October 2004 as Domestic Violence Awareness Month.</p> <ul style="list-style-type: none"> Chairman read proclamation and presented same to Kimberly Flash and Tom Laux. 	
<p>6.3 Proclamation recognizing October 2004 as Let's Talk Month (Family Sexuality Education Month).</p> <ul style="list-style-type: none"> Since no one was present the Chairman said he would present proclamation at later time. 	
<p>6.4 Resolution authorizing the issuance of Industrial Development Authority Revenue Bonds for the Thomas Jefferson Foundation, Inc., in an amount not to exceed \$15,000,000.</p> <ul style="list-style-type: none"> ADOPTED resolution. 	<p><u>Clerk:</u> Forward signed resolution to McGuire/Woods. (Attachment 1)</p>
<p>6.5 Greenway License Agreement with Route 240 Holdings, LLC (Crozet Park to Lickinghole Greenway).</p> <ul style="list-style-type: none"> APPROVED the proposed license agreement and AUTHORIZED the County Executive to sign the agreement on behalf of the County after the agreement has been approved by the County Attorney with any necessary changes. 	<p><u>County Attorney's office:</u> Forward copy of signed agreement to Clerk's office after signed by all parties.</p>
<p>6.6 Greenway License Agreement with Daily property (Crozet Park to Lickinghole Greenway).</p> <ul style="list-style-type: none"> APPROVED the proposed license agreement 	<p><u>County Attorney's office:</u> Forward copy of signed agreement to Clerk's office after signed by all parties.</p>

	and AUTHORIZED the County Executive to sign the agreement on behalf of the County after the agreement has been approved by the County Attorney with any necessary changes.	
6.7	Deed of Easement Agreement with Rivanna Water and Sewer Authority establishing County park at Lickinghole Basin. <ul style="list-style-type: none"> • APPROVED the proposed easement and AUTHORIZED the County Executive to sign the deed of easement on behalf of the County after the deed has been approved by the County Attorney with any necessary changes. 	<u>County Attorney's office</u> : Forward copy of signed document to Clerk's office after signed by all parties.
6.8	Albemarle County's Priorities for Primary Road System Improvements. <ul style="list-style-type: none"> • APPROVED the recommended priorities for the primary road system improvements • Mr. Rooker asked staff to consider making an Enhancement Grant application next year to widen the shoulders on Garth Road for a bicycle lane. 	<u>Juan Wade/David Benish</u> : Forward statement to VDOT and consider request made by Mr. Rooker. (Attachment 2)
6.9	Resolution to accept Rosedell Lane (Route 1663) in Rosemont Subdivision into the State Secondary System of Highways. <ul style="list-style-type: none"> • ADOPTED resolution. 	<u>Clerk</u> : Forward signed resolution and SR-5A form to Pam Shifflett in Community Department. (Attachment 3)
6.10	Resolution to accept Little Fox Lane (Route 1266) in Cory Farm Subdivision into the State Secondary System of Highways. <ul style="list-style-type: none"> • ADOPTED resolution. 	<u>Clerk</u> : Forward signed resolution and SR-5A form to Pam Shifflett in Community Department. (Attachment 4)
6.11	Resolution to accept roads in Keswick Farms Subdivision, Phase 1 and 2, into the State Secondary System of Highways. <ul style="list-style-type: none"> • ADOPTED resolution. 	<u>Clerk</u> : Forward signed resolution and SR-5A form to Pam Shifflett in Community Department. (Attachment 5)
7a.	Reallocation of Secondary Road Funds for Route 29 North Corridor/Northern Development Areas Transportation Study. <ul style="list-style-type: none"> • ADOPTED resolution authorizing reallocation in current Secondary System Construction Program of \$300,000 from Meadow Creek Parkway Phase II (Northern Free State Road) Project R000-002-253, PE101, to the 29 North Corridor/Northern Development Areas Transportation Study. 	<u>Clerk</u> : Forward signed resolution to Juan Wade for distribution to VDOT and appropriate persons. (Attachment 6)
7b.	Criteria Utilized to Rank Secondary Roads (continued from September 1, 2004). <ul style="list-style-type: none"> • Update provided; staff to provide proposed revisions to the Board at the November 3rd meeting. 	<u>Juan Wade/David Benish</u> : Provide information for November 3 rd .
7c.	Pb Hrg to consider resolution endorsing The Downtown Crozet Streetscape Project for TEA-21 Enhancement Grant application. <ul style="list-style-type: none"> • ADOPTED resolution. 	<u>Clerk</u> : Forward adopted resolution to Juan Wade for distribution to VDOT and other appropriate persons. (Attachment 7)
7d.	Transportation Matters not Listed on the Agenda. <u>Brent Sprinkel</u> <ul style="list-style-type: none"> • Provided Board members with an update on 	<u>Clerk</u> : Forward comments to Mr. Brent.

<p>bridges in Albemarle County.</p> <p><u>David Wyant</u></p> <ul style="list-style-type: none"> Said he is scheduled to look at some issues around the County with Teresa Butler. <p><u>Sally Thomas</u></p> <ul style="list-style-type: none"> Asked what construction is occurring with regard to the Tilman Road intersection. Mr. Brent replied that within the next two weeks the larger stop signs and other signage should be installed. Thanked VDOT for time and effort spent cleaning up after the recent hurricanes. Received word that there is nothing legislative needed to let local businesses who want to adopt a highway put a logo on VDOT signs. <p><u>Dennis Rooker</u></p> <ul style="list-style-type: none"> Previously mentioned removal of grass growing in the sidewalks along Hydraulic Road and Commonwealth Drive. He would appreciate someone taking a look at this. Mentioned prior communication regarding removal of signs by private interests in VDOT's rights-of-way. Since VDOT has the authority to remove these signs, he asked if staff could be reminded to remove them. Chuck Proctor indicated that VDOT does periodically go out and remove these signs. Asked the Board to authorize the County Attorney to meet with the City Attorney to work out a legislative proposal enabling the County and the City to form a joint Transportation Service District and bring the proposal back to the Board for consideration. Following some discussion, it was agreed to include this item on the November 3rd agenda for discussion. <p><u>Lindsay Dorrier</u></p> <ul style="list-style-type: none"> Asked VDOT to look at installing signage or flashing lights to indicate the left turn onto Route 708 for Walton Middle School from Route 20 South. When cars travel north, they are stopped and backed up on a curve. 	<p><u>County Attorney:</u> Provide information for November 3rd Board discussion.</p>
<p>8. Rural Areas Fire/Rescue Staffing Standards.</p> <ul style="list-style-type: none"> SUPPORTED revising County policy to change the staffing standard for rural areas to ensure coverage 12 hours per day, 5 days per week, to apply to all stations that have career staffing, and allocating the necessary funds to accomplish this for the fiscal year. 	<p><u>Dan Eggleston:</u> Proceed as approved.</p>
<p>9. MACAA Presentation, Noah Schwartz. Executive Director.</p> <ul style="list-style-type: none"> RECEIVED. 	
<p>10. Citizen Survey Results.</p> <ul style="list-style-type: none"> RECEIVED. 	

<p>11. End-of-Year 2003-04 Financial RepoRoute</p> <ul style="list-style-type: none"> • RECEIVED. • SUGGESTED that the TJPDC legislative program be modified to include a request that the General Assembly fully fund reimbursement of the car tax (PPTRA) to localities. 	
<p>12. Pb Hrg on Proposed FY 2004 Budget Amendment.</p> <ul style="list-style-type: none"> • APPROVED the FY 2004 budget amendment in the amount of \$912,218.35 and APPROVED Appropriations #2004090, #2004091, #2004092 and #2004093 to provide funds for various General Government and School programs. 	<p><u>Clerk:</u> Forward signed appropriation forms to Finance and copy appropriate individuals.</p>
<p>13. Pb Hrg on Proposed FY 2005 Budget Amendment.</p> <ul style="list-style-type: none"> • APPROVED the FY 2005 budget amendment in the amount of \$31,595,990.45 and APPROVED Appropriations #2005010, #2005011, #2005012, #2005013, #2005014, #2005015, #2005016, #2005017, #2005018, #2005019, #2005020, #2005021 and #2005022 to provide funds for various General Government, School and Capital programs. 	<p><u>Clerk:</u> Forward signed appropriation forms to Finance and copy appropriate individuals.</p>
<p>14. Pb Hrg to consider adoption of Ordinance to amend Albemarle County Code Appendix A.1, Acquisition of Conservation Easements (ACE) Program by amending Section A.1-108, Ranking Criteria, and Section A.1-111, Purchase of Conservation Easement.</p> <ul style="list-style-type: none"> • ADOPTED the ordinance. 	<p><u>Clerk:</u> Forward copy of adopted ordinance to County Attorney office and Ches Goodall in Community Development. (Attachment 8)</p>
<p>15. Pb Hrg to consider granting temporary and perpetual sanitary sewer line easements across Tax Map 91 Parcel 8B (Route 20 South).</p> <ul style="list-style-type: none"> • APPROVED the proposed easement with the additional changes recommended by the County Engineer and AUTHORIZED the County Executive to sign the deed of easement on behalf of the County after the deed has been approved by the County Attorney with the necessary changes. 	<p><u>County Attorney's office:</u> Provide Clerk with copy of deed after signed by all necessary parties.</p>
<p>16. Update - Comprehensive Revision of the Subdivision Ordinance (STA-2001-08).</p> <ul style="list-style-type: none"> • Updated; final work session scheduled to be held in November. 	<p><u>Clerk:</u> Schedule on agenda when ready to come back to the Board.</p>
<p>17. Closed Session: Personnel and Legal Matters.</p> <ul style="list-style-type: none"> • At 12:40 p.m., the Board went into closed session. 	
<p>18. Certify Closed Session.</p> <ul style="list-style-type: none"> • At 2:10 p.m., the Board reconvened into open session and certified the closed session. 	
<p>19. Appointments.</p> <ul style="list-style-type: none"> • APPOINTED Tony Alexander to the Regional Disability Services Board with said term to expire June 30, 2007. • APPOINTED Joanne Mahanes to the 	<p><u>Clerk:</u> Prepare appointment letters for Chairman's signature and update Boards and Commissions book.</p>

	Workforce Investment Board, to replace Rob Harrison, with said term to expire June 30, 2007.	
20.	<p>Parks & Recreation Consultants RepoRoute</p> <ul style="list-style-type: none"> • RECEIVED. Asked for costs for indoor swimming facilities. Consensus that additional work session be scheduled. 	<u>Clerk:</u> Provide Board members with copy of PowerPoint presentation. Schedule work session on agenda when ready to come back to Board.
21.	<p><u>ZMA-2003-05. The Meadows Expansion Amendment (Sign #57).</u></p> <ul style="list-style-type: none"> • APPROVED ZMA-2003-05, by a vote of 6:0, as proffered. 	<u>Clerk:</u> Set out proffers. (Attachment 9)
22.	<p><u>SP-2004-00028. Snow's Rental Units (Sign #69).</u></p> <ul style="list-style-type: none"> • APPROVED SP-2004-00028, by a vote of 6:0, subject to the six conditions recommended by the Planning Commission. 	<u>Clerk:</u> Set out conditions of approval. (Attachment 9)
23.	<p><u>SP-2004-00039. ALLTEL/Keswick II (Signs #43&55).</u></p> <p>APPROVED SP-2004-00028, by a vote of 5:1, subject to the 12 conditions recommended by the Planning Commission and amended at the Board meeting.</p>	<u>Clerk:</u> Set out conditions of approval. (Attachment 9)
24.	<p>Work Session: Albemarle County Service Authority Jurisdictional Area Boundaries/Rural Area Policy.</p> <ul style="list-style-type: none"> • HELD. Consensus that staff bring back criteria for Item #4 (Remove only certain geographic areas of Rural Area from the ACSAJA) as an option for amending the Jurisdictional Areas located in the Rural Area. 	<u>David Benish:</u> Proceed as discussed.
25.	<p>Rural Areas Comprehensive Plan Amendment (CPA-2003-006).</p> <ul style="list-style-type: none"> • HELD. Next work session scheduled for November 3rd. 	<u>Clerk:</u> Schedule on agenda.
26.	<p>North Pointe Rezoning.</p> <ul style="list-style-type: none"> • HELD. Schedule additional work session in November. 	<u>Clerk:</u> Schedule on agenda.
27.	<p>From the Board: Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> • APPOINTED Lindsay Dorrier as the Voting Delegate and Sally Thomas as the Alternate Delegate for the 2004 Annual Business Meeting of the Virginia Association of Counties. • ADOPTED a resolution authorizing the acquisition of property for courthouse facilities and related offices. <p><u>Sally Thomas:</u></p> <ul style="list-style-type: none"> • The keelboat will be launched on the Rivanna River on October 23, 2:00 p.m., at Darden Towe Park. A representative from the US Mint will be present and will be handing out the new nickels. 	
29.	<p>Adjourn to October 13 at 3:00 P.M.</p> <ul style="list-style-type: none"> • At 6:15 p.m., the Board adjourned until October 13, for a work session. 	

/ewc

- Attachment 1 – IDA Resolution for Thomas Jefferson Foundation, Inc.
- Attachment 2 – Priorities for Primary Road System Improvements
- Attachment 3 – Resolution – Rosemont Subdivision
- Attachment 4 – Resolution – Cory Farm Subdivision
- Attachment 5 – Resolution – Keswick Farms Subdivision, Phases 1 and 2
- Attachment 6 – Resolution – Reallocation of Secondary Road Funds
- Attachment 7 – Resolution – TEA-21 Enhancement Grant application
- Attachment 8 – Ordinance – ACE
- Attachment 9 – Conditions of Approval
- Attachment 10 – Resolution Authorizing Acquisition of Property

**RESOLUTION
OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF ALBEMARLE, VIRGINIA**

WHEREAS, the Industrial Development Authority of Albemarle County, Virginia (“Authority”), has considered the application of Thomas Jefferson Foundation, Inc. (the “Foundation”) requesting the issuance of the Authority’s revenue bonds in an amount not to exceed \$15,000,000 (“Bonds”) to assist the Foundation, or an entity related to the Foundation, in financing the acquisition of approximately 330 acres of land in Albemarle County adjacent to Monticello and commonly known as Brown’s Mountain (“Project”), and has held a public hearing on September 14, 2004;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”) provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds;

WHEREAS, the Authority issues its bonds on behalf of the of the County of Albemarle, Virginia (“County”); the Project is to be located in the County and the Board of Supervisors of the County of Albemarle, Virginia (“Board”) constitutes the highest elected governmental unit of the County;

WHEREAS, the Authority has recommended that the Board approve the issuance of the Bonds;
and

WHEREAS, a copy of the Authority’s resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF ALBEMARLE, VIRGINIA:

1. The Board approves the issuance of the Bonds by the Authority for the benefit of the Foundation, as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended (“Virginia Code”) to permit the Authority to assist in the financing of the Project.
2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the Foundation.
3. This resolution shall take effect immediately upon its adoption.

VIRGINIA DEPARTMENT OF TRANSPORTATION RE-ALLOCATION FOR THE INTERSTATE, PRIMARY, AND URBAN SYSTEMS, AND FOR MASS TRANSIT

RECOMMENDED ALBEMARLE COUNTY PRIORITIES SEPTEMBER 29, 2004

The following addresses Albemarle County's priorities for each allocation of TEA21 and each sub-allocation of the Surface Transportation Program (STP) funds.

Surface Transportation Program (STP)

Standard Projects:

The following projects, listed in priority order, are eligible for STP funds. The County supports these projects as referenced.

- 1) Undertake those projects in the Charlottesville Albemarle Regional Transportation Study (CHART) – UnJam 2025 (adopted May 3, 2004) projects eligible for the primary program in the sequence as called for in the February 2, 1992 joint resolution between the City, County and University and agreed to by VDOT. These include:

Route 29 North. The US Route 29 North corridor has been the focal point of interest, discussion and debate in the Charlottesville area for many years. Numerous and varied transportation improvements have been proposed and/or funded over the years. This highly urbanized area continues to grow and transportation system improvement needs increase. The County, City, VDOT and the MPO have completed Phase I of the 29H250 (US 29 – Hydraulic – 250 Bypass Intersection Study) and the Draft Executive Summary for 29H250 Phase II is now complete. The County requests that VDOT plan for the funding of the 29H250 Phase II Option B design recommendations. The County appreciates this continued VDOT and Commonwealth Transportation Board support of these initiatives. Somewhat concurrently, development proposals in the Route 29 corridor have proffered to help fund a more complete study of the corridor. The County, in coordination with the MPO, will utilize these and other County funds and anticipated VDOT funds to study the concept/alignment of this road as part of a larger transportation network study for the County's Northern Development Areas from the City limits to the Greene County line. The transportation component of this study includes Phase III of the 29H250 Study. This study will establish a series of network transportation improvements that will support the Northern Development Areas and the Route 29 Corridors needs.

Other projects listed in CHART in the northern study area must be actively pursued and completed. These projects include Airport Road improvements (now under construction), the Hillsdale Drive Extension Project (currently under study) and Berkmar Drive Extended (recommended in CHART). Also, while funding has previously been dropped for Route 29 improvements north of the South Fork Rivanna River, transportation system improvements as identified by the County in its Comprehensive Plan (Attachment B) are imperative to this area. Specifically, the County now requests funding for a third lane north and southbound on Route 29 from the South Fork Rivanna River to north of its intersection with Hollymead Drive. These improvements would tie into a third lane to be

constructed in each direction along Route 29 up to Airport Road as part of major land development projects at the Hollymead Town Center. This section of Route 29 is already congested and new development in accord with the Comprehensive Plan will add to this condition. There are significant peaks and valleys in Route 29 through this area that create an existing dangerous condition and this will only worsen as traffic increases. This section of road already experiences a high level of vehicle accidents, particularly in the area of Forest Lakes South. Completion of this section would essentially complete the three phases of improvements to Route 29 from Hydraulic Road to Airport Road that were originally programmed in the Six-Year Plan in 1988. These and other Comprehensive Plan transportation system recommendations envision future development to be served by a transportation network that ultimately provides a complete system of urban streets and supports walking and biking and comprehensively links all land uses.

Meadow Creek Parkway from the Route 250 Bypass to Rio Road. The Parkway is the County's highest priority project after Route 29 North, and is of the utmost importance in order to maintain an adequate level of service on Route 29 and to improve the overall roadway system serving the urbanizing area north of the City. This project is being funded in the County's secondary program and has been approved by the Commonwealth Transportation Board (CTB) as a low speed parkway in the City of Charlottesville and the County. The County asks that this section be designed and built in accord with the County's design and alignment recommendations developed with the assistance of an independent consultant and endorsed by resolution of the County Board of Supervisors on June 20, 2001 (Attachment A) and approved by the CTB on December 18, 2001. This endorsed design and alignment emphasizes the parkway corridor's potential as a linear park and its relationship to the development of adjacent urban land. The linear park concept is intended to replace McIntire Park land lost due to the project and, at the same time, link McIntire Park to the Rivanna Trails Foundation trail along Meadow Creek and the County's urbanizing area along Rio Road. The County also supports funding for preliminary engineering, right of way acquisition and construction of the Meadow Creek Parkway interchange at its terminus with Route 250 in the City of Charlottesville. This interchange is essential to the safe and acceptable future traffic operation of this high volume intersection.

Northern Free State Road (formerly Meadow Creek Parkway Phase II) is being funded in VDOT's Six Year Secondary Road Plan for the county. The County now plans to study the concept/alignment of this road as part of the previously noted larger transportation network study for the County's Northern Development Areas from the City limits to the Greene County line (see Route 29 North section).

- 2) Complete preliminary engineering and undertake the widening of Route 20 South from I-64 to Mill Creek Drive. Incorporate sidewalks and bike lane facilities into these improvements. This is a curvy section of road in the County's Urban Area that serves the traffic from Monticello High School and has experienced several accidents with fatalities in recent years.
- 3) The County acknowledges the significance of Route 29 in Virginia and the multi-phased Corridor Study completed recently. The County continues to go on record as not supporting a limited access design for the Albemarle County section of the corridor. The County has provided VDOT and CTB a resolution regarding this study which repeats the access management recommendations of the Phase I Corridor Study (Attachment C).
- 4) The County supports the funding of the TransDominion Express and recommends that it be

seriously considered as a multi-modal means to address the issues and recommendations identified in the multi-phased Route 29 Corridor Study.

- 5) There are three areas of emphasis the County requests be addressed on Route 250:
 - A) Improve Route 250 west from Emmet Street to the Route 29/250 Bypass. This section is covered by the joint Ivy Road Design Study conducted by the City, County and University of Virginia and originally recognized for improvement in the Lewis Mountain Neighborhood/University Heights (Area B) Study. The University of Virginia is currently constructing a new basketball arena and parking facilities in this area that will likely create additional traffic demands on Ivy Road. Any plans for the improvement of this section of Route 250 West need to be coordinated between the City, County and University.
 - B) The remaining portion of Route 250 West to Yancey Mills (the I-64/250 interchange) was studied by VDOT with a local advisory committee to determine long term needs for this road. The Board of Supervisors has rejected the study recommendations completed in 2000 and, passed a resolution supporting Route 250 West as a Scenic Virginia Byway with significant historic, natural, and scenic qualities. The County instead recommends maintaining the present two-lane configuration of the corridor with any short term or spot improvements being as non-intrusive and consistent as possible with the special character of this scenic by-way.
 - C) VDOT has completed a similar study of Route 250 East from Free Bridge to the Fluvanna County line. This study's findings have been presented to the Albemarle County Board of Supervisors. This study has recently been re-submitted to the County for further consideration and action. The County will consider the recommendations of this study as part of the Neighborhood Planning process "Pantops Urban Area Neighborhood Master Plan."
- 6) Undertake improvements to Route 240 in Crozet in accord with recommendations from the recently completed Crozet Master Plan.
- 7) Undertake the widening of Route 20 North from north of Route 250 East to the Elks Drive/Fontana Drive intersection. Incorporate sidewalks and bike lane facilities into these improvements. The County has also listed these improvements under "Safety" priorities.
- 8) Undertake improvements of Fontaine Avenue from Jefferson Park Avenue to its western terminus due to the road's current condition and future traffic associated with potential future development. The County supports the recommendations identified by the Fontaine Avenue Task Force. The City, County, and University are currently updating the Southern Area B Study. The County requests VDOT fund the Study's transportation recommendations of this study once completed and adopted. Important road improvements are being considered in this new study, including a road connecting the County's Southern Urban Areas to the City and University (Fifth Street/Sunset Road to JPA and/or Stadium Road).
- 9) Recognize that mass transit can relieve traffic congestion and is an alternative to road construction, particularly in more densely developed urban areas, and shift funds from road construction into mass transit to accomplish this.

Safety Improvements:

Several projects in the County seem to qualify under this 10% set-aside. They are, in priority order:

Construct pedestrian walkways along various primary routes within the County's Urban Neighborhoods. Absent the incorporation of such road walkways into full road widening/improvement projects, the following road sections are priorities for pedestrian walkways: 1) Route 240 in "downtown" Crozet; 2) Route 20 South from the City line to Mill Creek Drive; 3) along Route 250 East in the Pantops area as an extension to existing sidewalks; and 4) along Route 250 West from the City limits to the Bypass.

The County has placed a high priority on pedestrian improvements in the Crozet area. The County chose Crozet as the first community to be master planned based on the County's adopted Neighborhood Model. This was an eight month process that included active public participation and identified the location of necessary sidewalks to make this a safe, walkable community that can be a model of infill and smart growth in an historic village. The County received TEA21 funding in July 2004 for Phase I of the Crozet Streetscape Plan and continues to seek additional funding to undertake needed improvements (see Enhancement Project section).

Reconfigure intersection and install traffic signals at the intersection of Routes 22 and 250.

Improvements to Route 250 West along the corridor in Ivy to address existing and short-term traffic circulation problems, including access to developed properties in this area. Of particular concern is the Tilman Road intersection (Route 676), which serves school bus traffic and has poor sight distance. These improvements should be undertaken in accordance with recommendations approved by the Board of Supervisors in the Route 250 West Corridor Study.

Improvements to the Route 240 underpass at the CSX Railroad tracks in Crozet.

Functional plans, including an analysis of possible safety improvements, for Routes 22 and 231. The County remains concerned with overall public safety as it relates to traffic created by large trucks along these road segments, and encourages VDOT to consider all appropriate measures to ensure that trucks travel safely along these roadways in the future. The County has repeatedly requested VDOT to restrict through trucks on Route 22 and Route 231.

Enhancement Projects:

This is a valuable funding source for which several projects appear to be eligible. Unfortunately funding for new projects is not available this year. The County urges that funds be made available for new pedestrian and bicycling projects. For the County, new projects, in priority order, are:

Pedestrian streetscape improvements in downtown Crozet. These streetscape improvements, which were included in an Enhancement Grant submitted in January 2002 and June 2003, include the relocation and burial of overhead utility wires, and construction of historically compatible sidewalks. The County received TEA21 funding in July 2004 for Phase I of the Crozet Streetscape Plan. The County will submit an application for Phase II in October 2004, which will include replacing existing deteriorated curbs and sidewalk, constructing new sidewalks, and installing other streetscape improvements (landscaping, plaza/bench, lights crosswalks, etc.) along the southern section of Crozet Avenue near the intersections of Jarman's Gap Road and Tabor Street.

Construction of pedestrian walkways along Route 20 North. The sidewalks will connect low-cost housing to shopping, to mixed-use area, and to newly extended bus line. The current conditions are very unsafe.

Beautification of entrance corridors (particularly Route 20, Route 29 and Route 250) and Airport Road connecting Route 29 and the Charlottesville/Albemarle Airport – landscaping, signage, placement of overhead utilities underground, etc.

Construction of bikeway facilities as prioritized in the Bicycle Plan for the City of Charlottesville and Albemarle County (adopted by the Board of Supervisors as an element of the Comprehensive Plan on July 17, 1991).

Development of portions of the Rivanna River Greenway path system.

Removal of non-conforming billboards.

National Highway System (NHS)

The Charlottesville-Albemarle MPO Policy Board approved the NHS as proposed by VDOT in this area excluding the Route 29 Bypass. The Federal Highway Administration (FHWA) has approved the NHS, which includes the existing Route 29, and the Route 29 Bypass. The County believes any projects that are included in the NHS should reflect the recommendations that result from the previously referenced transportation improvement study of the Route 29 North corridor area.

Congestion Mitigation and Air Quality Improvement Program

This does not apply to Albemarle County. The County is not in an area of non-attainment for ozone or carbon monoxide.

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 6th day of October 2004, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Rosemont Subdivision**, described on the attached Additions Form SR-5(A) dated **October 6, 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(s) 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 road(s) in **Rosemont Subdivision**, as described on the attached Additions Form SR-5(A) dated **October 6, 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) is:

- 1) **Rosedell Lane (State Route 1663)** from the intersection of Route 1660 (Rosemont Drive) to the cul-de-sac, as shown on plat recorded 05/19/2004 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2755, pages 311-314, with a 50-foot right-of-way width, for a length of 0.10 mile.

Total Mileage - 0.10 mile.

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 6th day of October 2004, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Cory Farm Subdivision**, described on the attached Additions Form SR-5(A) dated **October 6, 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(s) 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 road(s) in **Cory Farm Subdivision**, as described on the attached Additions Form SR-5(A) dated **October 6, 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) is:

- 1) **Little Fox Lane (State Route 1266)** from the intersection of Route 1260 (Cory Farm Road) to the cul-de-sac, as shown on plat recorded 03/09/2000 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1597, pages 210-219, with a 50-foot right-of-way width, for a length of 0.07 mile.

Total Mileage - 0.07 mile.

ATTACHMENT 5

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 6th day of October 2004, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Keswick Farms Subdivision, Phases 1 and 2**, described on the attached Additions Form SR-5(A) dated **October 6, 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(s) 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 road(s) in **Keswick Farms Subdivision, Phases 1 and 2**, as described on the attached Additions Form SR-5(A) dated **October 6, 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) is:

- 1) **Fox Hunt Drive (State Route 1056)** from the intersection of Route 616 (Union Mill Road) to the intersection of Vista Court (Route 1057), as shown on plat recorded 01/27/2000 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1890, page 0407, with a 50-foot right-of-way width, for a length of 0.06 mile; and from the intersection of Vista Court (Route 1057) to the cul-de-sac, as shown on plat recorded 01/27/2000 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1890, page 0407, with a 50-foot right-of-way width, for a length of 0.81 mile.
- 2) **Vista Court (State Route 1057)** from the intersection of Route 1056 (Fox Hunt Drive) to the cul-de-sac, as shown on plat recorded 04/24/1997 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1607, page 147, with a 50-foot right-of-way width, for a length of 0.11 mile.

Total Mileage - 0.98 mile.

RESOLUTION

WHEREAS, the 29H250 Phase 1 and 2 Studies have identified alternative transportation improvements and land use scenarios in City/County 29N/250 Bypass/Hydraulic Road/Barracks Road area; and

WHEREAS, a third phase of the 29H250 Studies has been anticipated by the Metropolitan Planning Organization (MPO), City of Charlottesville and Albemarle County to take place in the Route 29 corridor north from the Phase 1 and 2 study area to the Greene County line; and

WHEREAS, the regional CHART 2025 Plan has been under development and, in its final form, recommends new construction projects and studies in this same area, including Berkmar Drive Extended, Meadow Creek Parkway Phase I, Hillsdale Drive Extended and Northern Free State Road (location study); and

WHEREAS, \$1,552,051 in funding has accumulated in the County's 6 Year Secondary System Construction Program for study/preliminary engineering of Meadow Creek Parkway Phase II, which has been re-designated in CHART and by the County as the Northern Free State Road; and

WHEREAS, Albemarle County has accumulated \$300,000 in CIP and developer proffered contributions for the study of regional transportation improvements in the Route 29 North corridor; and

WHEREAS, the County has selected the Northern Development Areas, the geographic area within which the above-mentioned projects and studies would occur in the County, as the next area to be master planned; and

WHEREAS, the critical interrelationship between land use and transportation makes the coordination of land use and transportation study efforts essential; and

WHEREAS, the timing of the Route 29 Corridor Phase III Study and the Northern Development Areas Master Plan creates an opportunity to combine the two study efforts to accomplish a comprehensive analysis and set of findings and recommendations for future land use and transportation system development in the northern Development Areas of the County; and

WHEREAS, the overall project will integrate transportation planning, modeling, analysis, and design concepts for both the primary system's Route 29 North Corridor and the surrounding secondary road system; and

WHEREAS, locations for the CHART proposed Berkmar Drive Extended and redefinition of the purpose, intent and feasibility of Meadow Creek Parkway Phase II, now known as the Northern Free State Road, as well as Route 29 corridor and other transportation improvements can be identified that are complimentary with land use proposals for the study area; and

WHEREAS, funding of this study supports the ultimate construction of portions of the secondary road network as well as the primary Route 29 North corridor; and

WHEREAS, there is not currently full funding of the transportation system component that would be realized through the Corridor Study; and

WHEREAS, it has been determined that \$300,000 should be re-allocated from existing funds in Meadow Creek Parkway Phase II (now Northern Free State Road) to this 29 North Corridor/Northern Development Areas Transportation Study.

NOW, THEREFORE, BE IT RESOLVED, this Board requests re-allocation in the current Secondary System Construction Program of \$300,000 from Meadow Creek Parkway Phase II (Northern

Free State Road), Project R000-002-253,PE101, to the 29 North Corridor/Northern Development Areas Transportation Study.

RESOLUTION

WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedure for a TEA21 Enhancement Grant application, it is necessary that a request by resolution be received from the Board of Supervisors in order for the Virginia Department of Transportation to approve an enhancement project in the County of Albemarle;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Albemarle County, Virginia, hereby requests the Commonwealth Transportation Board to fund the Historic Crozet Streetscape Enhancement Project; and

BE IT FURTHER, RESOLVED, that the Board of Supervisors hereby agrees to pay a minimum of twenty (20) percent of the total cost of this project, and that if the County of Albemarle subsequently elects to cancel this project, it agrees to reimburse the Virginia Department of Transportation for the total amount of the cost expended by the Department up to the date the Department is notified of such cancellation.

ORDINANCE NO. 04-A.1(1)

AN ORDINANCE TO AMEND APPENDIX A.1, ACQUISITION OF CONSERVATION EASEMENTS PROGRAM, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Appendix A.1, Acquisition of Conservation Easements Program, of the Code of the County of Albemarle is amended as follows:

By Amending:

Sec. A.1-108 Ranking criteria.
 Sec. A.1-111 Purchase of conservation easement.

APPENDIX A.1

Acquisition of Conservation Easements Program

Sec. A.1-108. Ranking criteria.

In order to effectuate the purposes of the ACE program, parcels for which conservation easement applications have been received shall be ranked according to the criteria and the point values assigned as provided below. Points shall be rounded to the first decimal.

A. *Open-space resources.*

1. The parcel adjoins an existing permanent conservation easement, a national, state or local park, or other permanently protected open-space: two (2) points, with one additional (1) point for every five hundred (500) feet of shared boundary; or the parcel is within one-quarter (1/4) mile, but not adjoining, an existing permanent conservation easement, a national, state or local park, or other permanently protected open-space: two (2) points,

2. Size of the parcel: one (1) point for each fifty (50) acres.

B. *Threat of conversion to developed use.*

1. The parcel is threatened with forced sale: five (5) points.

2. The parcel is threatened with other hardship: three (3) points.

3. The number of division rights to be eliminated on the parcel: one-half (1/2) point for each division right to be eliminated, which shall be determined by subtracting the number of retained division rights from the number of division rights.

C. *Natural, cultural and scenic resources.*

1. Mountain protection: one (1) point for each twenty (20) acres within a ridge area boundary. For purposes of this section, the term "ridge area boundary" means the area that lies within one hundred (100) feet below designated ridgelines shown on county mountain overlay district elevation maps.

2. Working family farm, including forestry: five (5) points if at least one family member's principal occupation and income (more than half) is farming or foresting the parcel; three (3) points if at least one family member produces farm products derived from the parcel.

3. The parcel adjoins a road designated either as a Virginia scenic highway or byway, or as an entrance corridor under section 30.6.2 of Chapter 18 of the Albemarle County Code: two (2) points, with one (1) additional point for each six hundred (600) feet of road frontage; the parcel adjoins a public road: two (2) points, with one (1) additional point for each one thousand (1000) feet of road frontage; or, the parcel is substantially visible from, but is not contiguous to, a public road designated either as a Virginia scenic highway or byway, or as an entrance corridor under section 30.6.2 of Chapter 18 of the Albemarle County Code: two (2) points.

4. The parcel contains historic resources: three (3) points if it is within a national or state rural historic district or is subject to a permanent easement protecting a historic resource; two (2) points if the parcel is within the primary Monticello viewshed, as shown on viewshed maps prepared for Monticello and in the possession of the county; two (2) points if the parcel contains artifacts or a site of archaeological or architectural significance as determined by a qualified archaeologist or architectural historian under the United States Department of Interior's professional qualification standards.

5. The parcel contains an occurrence listed on the state natural heritage inventory: five (5) points; or the parcel is within one-quarter (1/4) mile of an occurrence list on the State Natural Heritage Inventory: two (2) points.

6. The parcel contains capability class I, II or III soils ("prime soils") for agricultural lands or ordination symbol 1 or 2 for forest land, based on federal natural resources conservation service classifications found in the United States Department of Agriculture Soil Survey of Albemarle County, Virginia: one (1) point for each fifty (50) acres containing such soils to a maximum of five (5) points.

7. The parcel is within the South Fork Rivanna Reservoir Watershed, the Chris Greene Lake Watershed, or the Totier Creek Reservoir Watershed: three (3) points; or the parcel adjoins the Ivy Creek, Mechums River, Moormans River, Rocky Creek (of the Moormans River), Wards Creek (of the Moormans River), Buck Mountain Creek, South Fork Rivanna River, North Fork Rivanna River, Swift Run (of the North Fork Rivanna River), Lynch River (of the North Fork Rivanna River, Rivanna River, Hardware River, Rockfish River, James River, any waters designated as "Exceptional Waters" by the Virginia Water Control Board, any public water supply reservoir or emergency water supply reservoir: one-half (1/2) point for each one thousand (1000) feet of frontage.

8. The parcel adjoins a waterway designated as a state scenic river: one-half (1/2) point for each one thousand (1000) feet of frontage.

9. The parcel is subject to a permanent easement whose primary purpose is to establish or maintain forest buffers adjoining perennial or intermittent streams, as those terms are defined in Chapter 17 of the Albemarle County Code: one (1) point for each one thousand (1000) feet of buffer that is between thirty-five (35) and fifty (50) feet wide; one and one-half (1½) points for each one thousand (1000) feet of buffer that is greater than fifty (50) feet but not more than one hundred (100) feet wide; two (2) points for each one thousand (1000) feet of buffer that is greater than one hundred (100) feet wide. If the owner voluntarily offers in his application to place the parcel in such a permanent easement, then the above-referenced points may also be awarded.

10. The parcel is within a sensitive groundwater recharging area identified in a county-sponsored groundwater study: one (1) point.

11. The parcel is within an agricultural and forestall district: two (2) points.

D. *County fund leveraging.* State, federal or private funding identified to leverage the purchase of the conservation easement: one (1) point for each ten (10) percent of the purchase price for which those funds can be applied.

(Ord. 00-A.1(1), 7-5-00; Ord. 02-A.1(1), 12-11-02)

Sec. A.1-111. Purchase of conservation easement.

Each conservation easement shall be purchased as follows:

A. *Identification of initial pool.* From the list of applications received under section A.1-110(D), the board of supervisors shall designate the initial pool of parcels identified for conservation easements to be purchased. The purchase price may be supplemented by non-county funding. The size of the pool shall be based upon the funds available for easement purchases in the current fiscal year and the purchase price of each conservation easement in the pool established under section A.1-111(B).

B. *Determining purchase price.* The purchase price of a conservation easement shall be calculated by multiplying the appraised value by the applicable percentage of appraised value set forth in the table below. The average annual adjusted gross income shall be determined as follows:

1. *Single individual.* If the parcel is owned by a single owner of record who is a natural person (an "individual"), the average annual adjusted gross income shall be the average of that individual's federal adjusted gross income for the three (3) preceding tax years. For purposes of this calculation, the federal adjusted gross income of a spouse (provided that the individual and the spouse file joint returns) or dependent child (provided that the child is claimed on the individual's federal income tax return) of an individual shall be included in that individual's federal adjusted gross income.

2. *Multiple individuals, C-corporations having ten or fewer shareholders, S-corporations, partnerships, limited liability companies, trusts, or estates.* If the parcel is owned by more than one owner of record who is an individual or is owned by a C-corporation having ten (10) or fewer shareholders, S-corporation, partnership, limited liability company, trust, estate (an "entity") or any combination thereof, the average annual adjusted gross income shall be based on a weighted average of federal adjusted gross income for the three (3) preceding tax years. The weighted average for each tax year shall be calculated by multiplying each individual's respective percentage ownership interest in the parcel or in the entity by that person's federal adjusted gross income, and then adding together the results. For purposes of this calculation, the federal adjusted gross income of a spouse (provided that the individual and the spouse file joint returns) or dependent child (provided that the child is claimed on the individual's federal income tax return) of an individual shall be included in that individual's federal adjusted gross income.

3. *C-corporations having more than ten shareholders and other entities not identified in subsection 2.* If the parcel is owned by a C-corporation having more than ten (10) shareholders or another entity not identified in subsection 2, the average annual adjusted gross income shall be the average of that C-corporation's or other entity's federal adjusted gross income for the three (3) preceding tax years.

Average Annual Adjusted Gross Income	Percentage of Appraised Value
\$0 - \$55,000	100%
\$55,001 - \$65,000	94%
\$65,001 - \$75,000	88%
\$75,001 - \$85,000	82%
\$85,001 - \$95,000	76%
\$95,001 - \$105,000	70%
\$105,001 - \$115,000	64%
\$115,001 - \$125,000	58%
\$125,001 - \$135,000	52%
\$135,001 - \$145,000	46%
\$145,001 - \$155,000	40%
\$155,001 - \$165,000	34%
\$165,001 - \$175,000	28%
\$175,001 - \$185,000	22%
\$185,001 - \$195,000	16%
\$195,001 - \$205,000	10%

Average Annual Adjusted Gross Income	Percentage of Appraised Value
\$205,001 or more	4%

C. *Invitation to offer to sell.* The board shall invite the owner of each parcel included in the initial pool to submit an offer to sell to the county a conservation easement on that parcel for the purchase price, and/or to donate to the county the balance of the fair market value of the conservation easement, subject to the terms and conditions of a proposed deed of easement. The purchase price shall not be subject to negotiation. The invitation shall be in writing and shall include the purchase price, the proposed deed of easement, and the date by which a written offer must be received by the program administrator in order for it to be considered. The invitation also may include a form offer to be returned by the owner if the owner desires to offer to sell a conservation easement.

D. *Offer to sell.* Each owner who desires to sell and/or donate a conservation easement shall submit a written offer that must be received by the program administrator by the date contained in the invitation to offer to sell. The offer should include a statement substantially stating the following: “(The owner) offers to sell and/or donate a conservation easement to the County of Albemarle, Virginia for the sum of (purchase price), subject to the terms and conditions set forth in the proposed deed of easement enclosed with the invitation to offer to sell.” Nothing in this appendix shall compel an owner to submit an offer to sell.

E. *Acceptance.* An offer to sell a conservation easement shall be accepted by the board of supervisors only in writing, and only following an action by the board authorizing acceptance. An offer shall not be accepted by the board if the proposed easement would be inconsistent with the policies and goals of the comprehensive plan at the time the offer is received. Nothing in this appendix requires the board to accept an offer to sell a conservation easement.

F. *Easement established.* A conservation easement shall be established when the owner and an authorized representative of the holder of the easement have each signed the deed of easement. The deed shall be recorded in the office of the clerk of the circuit court of the County of Albemarle. A single conservation easement may be established for more than one parcel under the same ownership.

G. *Offers not made; offers not accepted; invitation to other owners.* If an owner invited to submit an offer elects not to do so, or if his offer to sell is not accepted by the board of supervisors, then the board shall send an invitation to offer to sell to the owner of the next highest ranked parcel remaining on the list of parcels identified in section A.1-110(E).

H. *Costs.* If the board of supervisors accepts an offer to sell, the county shall pay all costs, including environmental site assessments, surveys, recording costs, grantor’s tax, if any, and other charges associated with closing. Provided, however, the county shall not pay fees incurred for independent appraisals, legal, financial, or other advice, or fees in connection with the release and subordination of liens to the easement purchased by the county.

I. *Reapplication.* An owner who fails to submit an offer to sell or whose offer to sell was not accepted may reapply in any future year.

(Ord. 00-A.1(1), 7-5-00; Ord. 02-A.1(1), 12-11-02)

Conditions of Approval

ZMA-2003-05. The Meadows Expansion Amendment (Sign #57). Request to rezone 26.843 acs from PRD to PRD to allow addition of 40 new dwelling units at The Meadows residential community. TM 56, Ps 14C&14C1. Loc on Rt 240 (Crozet Ave), approx 1/4 ml N of intersec of Crozet Ave & Rt 250W (Rockfish Gap Turnpike). (The 1996 Comp Plan, Land Use Plan designates this property as Neighborhood Density Residential [3.01-6 du/ac] in the Community of Crozet. White Hall Dist.

PROFFER FORM

Date: October 6, 2004

ZMA #2003-005

Tax Map and Parcels Number(s) 56-14C & 14C1

26.843 acres to be rezoned from PRD allowing 40 dwelling units to PRD allowing 96 dwelling units.

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 proffers apply to rezoning and the Application Plan prepared by Brian P. Smith, P.E. and dated September 29, 2004.

- 1) **Maximum Units.** The maximum number of residential units is ninety-six.
- 2) **Occupancy.** Occupancy shall be limited to persons aged sixty-two years or older, low and moderate income elderly and/or disabled persons who qualify as such under regulations established by the United States Department of Housing and Urban Development. A husband and wife occupying a dwelling unit shall be qualified occupants provided that one of the spouses is at least sixty-two years old.
- 3) **Walking Path.** The walking path (identified on the Application Plan as "Proposed Walking Path") shall be located as shown on the Application Plan and shall be shown on every subdivision plat or site plan. The path shall be no less than five feet in width, except where existing landscaping or utilities prevent the full five foot width. The subsurface shall be four inches of crushed stone and the surface shall be asphalt, prime and seal, recycled pavement, crushed stone, or any other hard surface approved by the County Engineer.
- 4) **Temporary Construction Easement.** The Owner shall reserve that area identified on the Application Plan as "20' Wide Temporary Construction Easement..." Upon the request of the County, the Owner shall grant to the County a twenty-foot wide temporary construction easement in the location shown on the Application Plan to facilitate the construction of a street on Tax Map 56 Parcel 17A connecting Crozet Avenue to the Old Trail Subdivision. This proffer and the Owner's grant of this easement shall be conditional upon the County agreeing in the deed of easement to restore as nearly as possible the premises within the easement to their original condition by backfilling trenches, replacing fences, trees and shrubbery, and reseeding or restoring groundcover, provided that the County shall not be required to replace or replace any structures within the easement. If the County does not request the temporary construction easement within ten years of the date of approval of ZMA 2003-005, this proffer shall expire and the lands shall thereafter not be subject to this reservation.
- 5) **Land Disturbance.** Land disturbance shall be limited to those areas where a structure, utility, driveway, street, parking area or other such improvements are shown on file application plan. Additional disturbance may take place if the agent finds that the location, design, construction, and maintenance of these improvements will have the minimum environmental impact on the

area and yet allow the improvements to adequately serve the project. The site plan shall include a Tree Conservation Plan as described on Section 32.7.9.4(b) of the Zoning Ordinance. The tree preservation area shall be shown on the site plan.

(Signed) Jordan Development Corporation
By Forest W. Kerns, President _____ Sept. 29,
2004
 Signatures of All Owners Printed Names of All Owners Date

SP-2004-00028. Snow's Rental Units (Sign #69). Request to establish contractor's outdoor storage on TM 90, P 35. This property consists of approx 8.167 acs. Znd LI & EC. Outdoor storage & display in the EC requires SUP in accord w/provisions of Sec 30.6.3.2(b) of the Zoning Ord. The Loc on E side of Rt 742 (Avon St) opposite Mill Creek S. Scottsville Dist.

1. The site shall be developed in general accord with the plans entitled "Snows Storage Yard" revision date of 7/23/04 by David Wyant, P.E.;
2. The height of stored items shall be limited to eight (8) feet in the front row of storage areas (the row closest to Avon Street) and in the southernmost storage area in the back row as delineated on the plan;
3. Eight (8) foot high solid wood fencing of a design that meets Architectural Review Board (ARB) approval shall be used as delineated on the plan for the north and south perimeters of the front row of storage yards, the portions of fencing that connect storage yards in the front row, and the southern side of the southernmost storage yard in the back row;
4. Chain link fence shall not be visible from the Entrance Corridor (EC). Chain link fence may only be used following ARB confirmation that such fencing will not be visible from the EC;
5. The landscape plan shall be subject to ARB review and approval; and
6. The ARB shall issue a Certificate of Appropriateness prior to final site plan approval.

SP-2004-00039. ALLTEL/Keswick II (Signs #43&55). Request to allow 3 flush-mounted antennas to be mounted to existing self-supporting tower & three equipment shelters in accord w/Sec [10.2.2.6] of the Zoning Ord which allows microwave & radio-wave transmission & relay towers in the RA Dist. TM 94, P 41A1. Znd RA & EC. Loc on Rt 250E (4460 Richmond Rd) near Boyd Tavern, just W of where Richmond Rd & Rt 794 (Three Chopt Rd) intersect. Scottsville Dist.

The facility shall be designed, constructed and maintained as follows:

1. With the exception of any minor changes that would be required in order to comply with the conditions listed herein, all work shall be done in general accord with that described in the applicant's request and site construction plans, entitled "Alltel (Keswick II)", dated June 14, 2004 and provided in this staff report with Attachment A;
2. The tower shall not be increased in height;
3. The additional array of panel antennas may be attached only as follows:
 - a. All equipment attached to the tower shall be painted to match the color of the tower. The cables extending from the ground equipment may remain black;
 - b. The antennas shall be sized as shown on the construction plans; and
 - c. In no case shall the distance between the face of the tower structure and the faces of the antennas be more than twelve (12) inches.
4. The applicant shall modify the existing fence located on the east side of the site adjacent to Tax Map 94, Parcel 39, to provide adequate screening to the satisfaction of the staff or in the alternative provide adequate vegetative screening to the satisfaction of staff on the adjacent parcel;
5. With the exception of any safety lighting required by Federal Aviation Administration regulations, no lighting shall be permitted for this the facility, except as herein provided. Outdoor lighting shall be limited to periods of maintenance only. Each outdoor luminaire shall be fully shielded such that all light emitted is projected below a horizontal plane running though the lowest part of the shield or shielding part of the luminaire. For the purposes of this condition, a luminaire is a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply;
6. No existing trees within two hundred (200) feet of the facility shall be removed;

Prior to the issuance of a building permit, the following requirements shall be met:

7. Revise the title on the construction plans to include the name of the owner of the subject property;
8. With the building permit application, the applicant shall submit the final revised set of site plans for construction of the facility. During the application review, Community Development staff shall review the revised plans to ensure that all appropriate conditions of the special use permit have been addressed;
9. This facility shall be designed, installed and maintained in accordance with any additional conditions and requirements established by the Architectural Review Board through the issuance of a Certificate of Appropriateness;

After the issuance of a Certificate of Occupancy, the following requirements shall be met:

10. The applicant, or any subsequent owners of the tower, shall submit a report to the Zoning Administrator by July 1 of each year. The report shall identify each personal wireless service provider that use the facilities attached to the tower, including a drawing indicating which antennas and equipment are associated with each provider;
11. All equipment and antennae from any individual personal wireless service provider shall be disassembled and removed from the site within ninety (90) days of the date its use is discontinued. The entire facility shall be disassembled and removed from the site within ninety (90) days of the date its use for personal wireless service purposes is discontinued. If the Zoning Administrator determines at any time that surety is required to guarantee that the facility will be removed as required, the permittee shall furnish to the Zoning Administrator a certified check, a bond with surety satisfactory to the County, or a letter of credit satisfactory to the County, in an amount sufficient for, and conditioned upon, the removal of the facility. The type of surety guarantee shall be to the satisfaction of the Zoning Administrator and the County Attorney; and
12. This special use permit must be amended to allow any of the four existing arrays of panel antennas to be:
 - a. relocated on the structure;
 - b. modified to increase the number or size of panel antennas; or,
 - c. modified to increase the distance of the panel antennas from the structure.

**RESOLUTION TO AUTHORIZE
ACQUISITION OF PROPERTY**

WHEREAS, the County of Albemarle and the City of Charlottesville desire to acquire certain properties within the City for the purpose of providing public space for court house facilities and related offices; and

WHEREAS, agreements for the acquisition of properties have been negotiated and presented to the Board of Supervisors for its consideration.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the County Executive to execute the following Agreements and all other documents necessary to purchase or obtain lease hold interests in the following properties:

1. Agreement for Purchase and Sale of Real Property between Roy Wheeler Company, Inc. and the City of Charlottesville and the County of Albemarle for a building and property located at 401 East High Street in the City of Charlottesville;

2. Commercial Lease between Roy Wheeler Company, Inc. and the City of Charlottesville and the County of Albemarle for a three month lease of a building and property located at 401 East High Street in the City of Charlottesville;

3. Agreement for Purchase and Sale of Property between Joseph W. Richmond, Jr., in his capacity as Executor of the Estate of Elizabeth B. Wheeler, and Mary Lou B Myrvik and Elizabeth R. Crosby, as the sole residuary beneficiaries of the Estate of Elizabeth B. Wheeler, and the City of Charlottesville and the County of Albemarle for an exclusive permanent easement over the rear portion of the property located at 407 East High Street in the City of Charlottesville; and

4. Commercial Lease between Black Sheep Holdings and the City of Charlottesville and the County of Albemarle for a portion of the building located at 421 Park Street in the City of Charlottesville.