

ACTIONS
Board of Supervisors Meeting of November 2, 2005

November 4, 2005

<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. Rooker. All BOS members were present. Also present were Bob Tucker, Larry Davis and Debi Moyers. 	
<p>4. From the Public: Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> Tom Loach spoke about the Land Use program and the cost to the taxpayers this year. Would like to see the Land Use program eliminated and money put into ACE. Bill Tompkins, a resident of Glenmore who commutes into town each day, said he would like to encourage the Board to support VDOT's recent recommendation to widen Route 250 East of the I-64 interchange. Jeff Werner, of Piedmont Environmental Council, stated the State is reviewing the Six Year Secondary Road Plan. In the current list there are seven roads in the County not in the County's Comprehensive Plan, MPO's plan, or transportation plans of this community. VDOT has a \$234.0 million road expenditure that it wants to build that is not consistent with the County's Comprehensive Plan. Encouraged the Board when talking about transportation to put forward to the community a good accounting of what has been done in this community with allocations from VDOT, and do not allow the State to dictate what the County does with its road allocation funds. Richard Herskowitz, the Virginia Film Festival's Director, said the 18th event wrapped up on Sunday and it had a record high attendance of 13,074. Thanked Albemarle County for their annual contribution to the festival. Paula Brown-Steadly spoke about the 4/10ths of a mile on Doctor's Crossing which is extremely dangerous. Asked the Board for emergency repair funds or that the bridge be closed to prevent traveling down into that area. 	
<p>5. Recognitions- (Removed from agenda)</p>	
<p>6.2 Resolution to authorize the Region Ten Community Services Board to act as its own Fiscal Agent.</p> <ul style="list-style-type: none"> ADOPTED the attached resolution. 	<p><u>Clerk:</u> Forward a copy of adopted resolution to Richard Wiggans and County Attorney. (Attachment 1)</p>
<p>6.3 Reappraisal of Round 4 ACE properties.</p> <ul style="list-style-type: none"> APPROVED the four (4) appraisals by Pape and Company for applications from the Year 2003-04 applicant pool (Daniel Bieker, Samuel Hill, Henry C. Page and James M. Shifflett) and authorized staff to send invitations to offer to sell to the applicants. 	<p><u>Ches Goodall/County Attorney's Office:</u> Proceed as directed.</p>
<p>6.4 Resolution to accept road(s) in Murray Subdivision</p>	<p><u>Clerk:</u> Forward signed resolution to Greg</p>

	<p>into the State Secondary System of Highways.</p> <ul style="list-style-type: none"> • ADOPTED the attached resolution. 	<p>Cooley in Department of Community Development. (Attachment 2)</p>
6.5	<p>Resolution to accept road(s) in Forest Lakes South, Phase 3, Block P, Subdivision into the State Secondary System of Highways.</p> <ul style="list-style-type: none"> • ADOPTED the attached resolution. 	<p><u>Clerk:</u> Forward signed resolution to Greg Cooley in Department of Community Development. (Attachment 3)</p>
6.6	<p>Submittal Policy for Zoning Applications.</p> <ul style="list-style-type: none"> • DEFERRED. • CONSENSUS of the Board to add the following language and bring back for Board approval on next Consent Agenda: This policy is not intended to prevent changes made in proffers at the public hearing resulting from comments received from the public or from Board members at the public hearing. 	<p><u>Clerk:</u> Schedule on November 9th consent agenda.</p>
6.9	<p>Groundwater Monitoring Program Implementation.</p> <ul style="list-style-type: none"> • DISCUSSED for information. 	
6.10	<p>Strategic Plan Results from September 9, 2005 Retreat.</p> <ul style="list-style-type: none"> • Ms. Thomas asked that the Strategic Planning work session scheduled for December 7th Board meeting be rescheduled since she cannot attend that meeting. • Mr. Rooker had a few wording changes. Under the Vision Statement, change third sentence to read: "The County's natural resources and natural beauty will be maintained."; • Change 4a. to read: "Over the next four years accelerate two regional and two local projects that would not occur without our extra effort in addition to the Meadow Creek Parkway"; • Change 4b. to read: "Move forward in dealing with water issues by obtaining final approval for the water supply plan in two years"; and • Add a separate item for comprehensive water and waste water plans. • Change 5a. to read: "Establish and Implement a schedule for completing the Master Plans for each County Growth Area" • Mr. Boyd asked if under 2c. if "such as transportation districts" is needed in that sentence. Mr. Rooker suggested "Find revenue streams for infrastructure improvements" 	<p><u>Clerk:</u> Reschedule on February 2006 agenda.</p> <p><u>Lori Allshouse:</u> Proceed as directed and email changes to Board members.</p>
7.	<p>Board to Board Presentation, School Board Chairman.</p> <ul style="list-style-type: none"> • RECEIVED. • Gave Clerk of the Board Making Connections, November 7, 2005, conference booklet to distribute to Board members. 	<p><u>Clerk:</u> Distribute in Board members' mail boxes.</p>
8a.	<p>VDOT Primary Road Policy.</p> <ul style="list-style-type: none"> • John A. Giometti, VDOT's District Planning & Land Development Manager, explained to the Board how the process works. 	
8b.	<p>VDOT Monthly Report for October, 2005.</p> <ul style="list-style-type: none"> • RECEIVED. 	
8c.	<p>Other Transportation Matters.</p>	<p><u>Clerk:</u> Forward comments to VDOT.</p>

Jim Utterback:

- Airport Road improvement project should be finished up in the next week or so.
- Route 53 bridge did not meet the 11/1 completion date but should be complete in the next two weeks, by the 14th.
- Looking at next Spring to complete the District wide bridge painting project.
- VDOT did have a scoping meeting on Georgetown Road with Mr. Rooker and County staff. Moving that project forward to a Citizen Information Meeting in the Spring.
- Last piece of Gilbert Station Road just about complete so VDOT has put down several seals. He expects that work to be complete this week except for the final seals.
- “Blind curve” signage on Route 240 is being studied.
- Unconventional speed limit signs like 22 ½ mph are not done in Virginia.
- Addressed some of the potholes on Dry Bridge bridge.
- VDOT will schedule to install a “Dead End” or “No Outlet” sign on Dunromin Road.
- Safety funds are tied to traffic data/traffic accidents, etc. Doctor’s Crossing, which was brought up under “Other Matters”, did not come up as a safety candidate project. Will go back and investigate further to see if there are any accident data that VDOT has, along with what comes through County staff, County School Board bus data, and look at the potential for safety funds which competes with a number of other safety projects as well. Mr. Boyd asked if Mr. Utterback has addressed the letter. Mr. Utterback said he will send Mr. Boyd a written response to the letter.

David Wyant:

- Bridge on Route 811, drainage issue.
- Asked status of Advance Mills Bridge. Mr. Utterback said at the request of VDOT a consultant is doing an inspection of the bridge. VDOT gave notice and closed the bridge down for a week to do that bridge inspection. Waiting for results.

Sally Thomas:

- Asked that when VDOT receives the cost of the Dickerson Road bridges project, to notify the County.

Dennis Rooker:

- Asked the status of Solomon Road, “Child At Play” sign. Mr. Utterback said he has not seen that yet. Juan Wade said the resolution has been forwarded to VDOT. He will check the status.

Ken Boyd:

- Asked if Mr. Utterback got the name of the person who was interested in the Route 22/250

Juan Wade: Check on status with VDOT.

<p>Intersection design. Mr. Utterback stated he did and will follow-up with him.</p> <p><u>Lindsay Dorrier:</u></p> <ul style="list-style-type: none"> On Route 20 South, the area between Monticello High School and the Interstate is still dangerous. Problem with traffic coming North on Route 20 as it intersects with Route 53. Traffic is coming out of that road at a pretty fast speed. There are some safety concerns that need to be looked at. Mr. Utterback stated he has asked the Traffic Engineer to look at that intersection and that 1 ½ to the school. Mr. Rooker said there have been several fatalities on that road and it should be high up on VDOT's list for safety funds. 	
<p>9. 2006 Draft Thomas Jefferson Planning District Commission Legislative Program, David Blount.</p> <ul style="list-style-type: none"> Ms. Thomas suggested in Transportation, the following change to the first paragraph: "The Planning District's member localities urge the state to establish stable and consistent state revenues for Virginia's transportation infrastructure....."; and Under Public Education Funding, a change to the second paragraph, second sentence: "New state dollars for public education in 2004 recognized that localities have greatly exceeded their mandated responsibilities for education funding,.....". Mr. Bowerman suggested that Under Public Education Funding, the second paragraph, second sentence instead read: "The state has acknowledged that localities have greatly exceeded their mandate for funding education, by providing dollars for initiatives already being paid for by local governments," Mr. Rooker asked if a potential for providing financial incentives to localities that tie their land use decisions to transportation plans be included. Mr. Blount said if the Board wishes he could add a statement into the third paragraph under Transportation. ACCEPTED, by a vote of 6:0, the attached draft 2006 TJPDC Legislative Program (with changes made at meeting.) Mr. Tucker said changes made to the draft by other localities who meet with Mr. Blount during the next few weeks will be put on the December 7th consent agenda for the Board's final approval. 	<p><u>David Blount/Andy Bowman:</u> Proceed as directed.</p> <p><u>Clerk:</u> Schedule on December 7th agenda.</p>
<p>10. Water Supply Update – Ragged Mountain/Urban Pipeline Option.</p> <ul style="list-style-type: none"> PRESENTED by Tom Frederick of RWSA. Gave a brief discussion of what took place at the Public Outreach Meeting on Community Water Supply last Thursday evening and also gave an update on the project. 	

	<ul style="list-style-type: none"> Stated information received from the public and the results from the breakout groups from last Thursday night are available on RWSA website. 	
	<ul style="list-style-type: none"> The Board recessed at 11:05 a.m. and reconvened at 11:10 a.m. 	
11a.	<p>YMCA Recreation Facility Report.</p> <ul style="list-style-type: none"> PRESENTED by Kurt Krueger of YMCA. AUTHORIZED staff, by a vote of 6:0, to develop plans for a YMCA/County partnership subject to the Board's final approval. 	<u>Pat Mullaney/County Attorney:</u> Proceed as directed.
11b.	<p>Historic Preservation Committee Status Report.</p> <ul style="list-style-type: none"> PRESENTED by David Benish. ADOPTED, by a vote of 6:0, the attached Resolution of Intent to amend the Historic Preservation Section of the County's Comprehensive Plan. CONSENSUS of the Board to pull Items 2a. and 2b. of recommendations and prioritize. 	<p><u>Clerk:</u> Forward copy of adopted resolution to Planning Department, County Attorney's office and Margaret Maliszewski.</p> <p><u>Planning Commission:</u> Hold public hearing on the Comprehensive Plan amendment and make recommendations to the Board of Supervisors at the earliest possible date. (Attachment 4)</p>
11c.	<p>Community Development Authorities.</p> <ul style="list-style-type: none"> DEFERRED. 	<u>Clerk:</u> Reschedule for January 4, 2006 Board meeting.
12.	<p>Discussion: Real Estate Tax Exemption for Certain Elderly and Disabled Persons.</p> <ul style="list-style-type: none"> DISCUSSED. APPROVED, by a vote of 6:0, to increase the amount of acreage excluded from the calculation of net worth for purposes of real estate tax exemption program, from one acre to five acres and set the public hearing for December 7th. 	<p><u>County Attorney:</u> Prepare ordinance to amend County Code.</p> <p><u>Clerk:</u> Set public hearing for December 7th.</p>
13.	<p>FY06 First Quarter Financial Report.</p> <ul style="list-style-type: none"> ACCEPTED FY06 First Quarter Financial Report. 	
14.	<p>Report from Police Chief John Miller.</p> <ul style="list-style-type: none"> Updated the Board on disturbances that have occurred both at Wolfie's and the Waffle House and the Police Department's zero tolerance of the disorderlies. 	
15.	<p>Closed Session: Personnel and Legal Matters.</p> <ul style="list-style-type: none"> At 12:20 p.m., the Board went into closed session to consider appointments to boards, committees, and commissions; to discuss the acquisition of property for a public facility; and to consult of with legal counsel and staff regarding legal issues concerning an existing and a potential interjurisdictional agreement. 	
16.	<p>Certified Close Session.</p> <ul style="list-style-type: none"> At 1:58 p.m., the Board reconvened into open session and certified the closed session. 	
17.	<p>Vacancies/Appointments.</p> <ul style="list-style-type: none"> No action taken. 	
18.	<p>SP-2005-019. Buck's Elbow Mountain – Ntelos (WBP701) (Signs #35,36).</p> <ul style="list-style-type: none"> APPROVED SP-2005-019, 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 5)
19.	ZTA-2005-008. Entrance Corridor.	<u>Clerk:</u> Forward adopted ordinance to County

<ul style="list-style-type: none"> • ADOPTED the ordinance, by a vote of 5:0, effective November 2, 2005. (Mr. Bowerman abstained). 	Attorney's office for inclusion in next update of County Code and copy Amelia McCulley. (Attachment 6)
20. ZMA-2005-016. Entrance Corridor. <ul style="list-style-type: none"> • APPROVED ZMA-2005-008, by a vote 5:0. (Mr. Bowerman abstained). 	
21. CPA-2005-001. Land Use Plan Transportation Update. <ul style="list-style-type: none"> • DEFERRED work session. • Mr. Rooker would like to see information provided in the profiles by staff be updated. Mr. Benish stated the Neighborhood Profiles will be updated with the Places29 and Pantops Master Plans. He also stated the strike through version of this amendment does not have the last round of changes in it because the Planning Commission's last action was just a week ago. Mr. Rooker asked for a copy of the revised strike through. • Mr. Cilimberg stated if staff can keep it to the Transportation changes and understand that the other elements will be updated as the master plans are completed it will expedite things for the Board. 	<u>Clerk:</u> Reschedule on December 7 th meeting. <u>David Benish:</u> Provide information as requested.
<ul style="list-style-type: none"> • The Board recessed at 3:00 p.m. and reconvened at 3:05 p.m. 	
22. Financial Condition Evaluation FY99/00-03/04. <ul style="list-style-type: none"> • HELD work session. 	
ACTIONS Joint Meeting with Albemarle County Planning Commission of November 2, 2005 4:00 P.M., Room 235	
24. Places29 – to discuss and give feedback to the consultant on the Vision and Guiding Principles. <ul style="list-style-type: none"> • PRESENTED by Philip Erickson, AIA, President, Community Design + Architecture (design and planning consultant), Thomas Kronemeyer, Senior Associate, Community Design + Architecture, Frederick C. Dock, Principal, Meyer, Mohaddes Associates (transportation consultant), and Sarah Woodworth, Vice President, ZHA, Inc. (economic consultant) • Asked the Board and Planning Commission members to take a look at the Vision and Guiding Principles, and any big issue the consultants should be thinking about, and send comments to Judy Wiegand in the next week or so. 	
23. From the Board: Matters Not Listed on the Agenda. <u>Sally Thomas:</u> <ul style="list-style-type: none"> • Asked Mr. Tucker to find out if County residents who pay their natural gas bill to the City and donate money to fuel assistance get use of this money or just City residents and does the City put any money into this fund. Mr. Tucker said staff will find out. • Went to VML meeting and VML has worked out a proposal with a lot of other concerned groups 	

on what to do with the eminent domain issue. Virginia constitution seems to protect the public more than other states. It leaves a few definitions vague and the term "public uses" which is the only reason you can do the eminent domain. Proposing that it be defined a bit more carefully. Hoping that is what the General Assembly will do. She has the actual proposal for Board members to look at.

- Concerned about what is happening at White Gables. Not strongly protecting the trees during construction. Would like staff to look into what the Board needs to do; either administratively or if the County needs a stronger ordinance.
- She got a call from a citizen, that the County's street signs are flimsy. Mr. Tucker stated they did change the dimensions of the sign three to four years ago due to costs and from wood to metal. Staff can amend and bring back to the Board for a larger, sturdier sign. Mr. Rooker said Mr. Graham will look at options for the Board.

Dennis Rooker:

- Brought up letter from Tayloe Murphy regarding opportunities for nonpoint source pollution grants. Mr. Graham said staff is working on.
- Handed out article on Health Care plans.
- Asked Board if they had seen an article about Washington County and the incentive package with the Harmon Co. They approved a \$30.0 million industrial revenue bond. The County agreed to eliminate 50% of their real estate taxes over a period of 10 years. Also agreed to a monetary grant of \$450,000.

Ken Boyd:

- Wanted to know status of Eastern Connector Study. Mr. Rooker stated City is not reacting well to southern route being added to the study from the October 5th meeting. Did not have this in mind when they agreed to fund half of the study for a road in the County. Mr. Bowerman offered **motion** which was **seconded** by Ms. Thomas to eliminate from the study the southern route which was approved October 5th so the Eastern Connector Study can move forward. Motion **FAILED** by a vote of 3:3. Mr. Rooker stated with this vote, the Board has stopped the study. Mr. Boyd then offered an **alternate motion** to rescind the southern route from the Eastern Connector Study and for the Director of Community Development to work with City staff to develop a scope of work that includes an initial phasing for traffic analysis in order for the Board to review traffic (Origin and Destination) numbers before moving forward with the remainder of the study or further expenditure. Motion was **seconded** by Mr. Wyant. Motion **PASSED** by a vote of 6:0.

<ul style="list-style-type: none"> Wanted to know status of Stony Point Fire Station building/funding needs. Mr. Tucker said it is one of the things that will be talked about next week in the Board's work session. Mr. Wyant said he has asked Stony Point to submit their data to him directly. 	
<p>25. Adjourn to November 9, 2005, 3:30 p.m., Room 235.</p> <ul style="list-style-type: none"> The meeting was adjourned at 5:56 p.m. 	

/djm

Attachment 1 – Resolution to authorize Region Ten Community Services Board to act as its own Fiscal Agent

Attachment 2 – Resolution to accept road(s) in Murray Subdivision into the State Secondary System of Highways

Attachment 3 – Resolution to accept road(s) in Forest Lakes South, Phase 3, Block P, Subdivision into the State Secondary System of Highways

Attachment 4 – Resolution of Intent

Attachment 5 – Conditions of Approval for Planning Item

Attachment 6 – Ordinance to Amend Chapter 18, Zoning, Article III, Sec. 30.6 EC

**RESOLUTION TO AUTHORIZE REGION TEN COMMUNITY SERVICES BOARD
TO ACT AS ITS OWN FISCAL AGENT**

WHEREAS, Virginia Code § 37.2-504 allows a Community Services Board to receive state and federal funds directly and to act as its own fiscal agent, if authorized by the governing body of each city or county that established it; and

WHEREAS, the Region Ten Community Service Board (CSB) is a community services board established by the counties of Albemarle, Fluvanna, Greene, Louisa, and Nelson and the City of Charlottesville; and

WHEREAS, the County of Albemarle has served as fiscal agent for the CSB since its inception; and

WHEREAS, the CSB has received funding since 1988 from the Virginia Department of Mental Health/Mental Retardation/Substance Abuse Services (DMHMRSAS); and

WHEREAS, the sole purpose for the County in the role of fiscal agent is to act as a pass-through agent of funds from the DMHMRSAS to the CSB; and

WHEREAS, the CSB has requested the County to formally authorize the CSB to act as its own fiscal agent.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors authorizes the Region Ten Community Services Board to act as its own fiscal agent.

ATTACHMENT 2

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 2nd day of November 2005, adopted the following resolution:

R E S O L U T I O N

WHEREAS, the street(s) in **Murray Subdivision**, described on the attached Additions Form LA-5(A) dated **November 2, 2005**, 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 street(s) in **Murray Subdivision**, as described on the attached Additions Form LA-5(A) dated **November 2, 2005**, 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 LA-5(A) is:

- 1) **Murray Lane (State Route 1125)** from the intersection of Route 637 (Dick Woods Road) to the cul-de-sac, as shown on plat recorded 11/21/2002 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2321, pages 608-618, with a 40-foot variable right-of-way width, for a length of 0.47 miles.

Total Mileage – 0.47 miles

ATTACHMENT 3

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 2nd day of November 2005, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Forest Lakes South, Phase 3, Block P, Subdivision**, described on the attached Additions Form LA-5(A) dated **November 2, 2005**, 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 street(s) in **Forest Lakes South, Phase 3, Block P, Subdivision**, as described on the attached Additions Form LA-5(A) dated **November 2, 2005**, 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 LA-5(A) is:

- 1) **Teakwood Cove (State Route 1655)** from Route 1656 (Teakwood Drive to the cul-de-sac, as shown on plat recorded 07/21/1998 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1729, pages 306-311, with a 40-foot right-of-way width, for a length of 0.14 miles.

Total Mileage – 0.14 miles

RESOLUTION OF INTENT

WHEREAS, it is the intent of the Albemarle County Board of Supervisors to protect Albemarle County's historic and cultural resources; and

WHEREAS, the County's Historic Preservation Plan (the "Plan") was adopted by the Board of Supervisors in 2000 as part of the Albemarle County Comprehensive Plan, and Priority Recommendations for the implementation of the Plan were adopted by the Board in 2001; and

WHEREAS, the Plan is intended to further the Comprehensive Plan's goal of protecting Albemarle County's historic and cultural resources by defining specific implementation strategies; and

WHEREAS, in the course of the Historic Preservation Committee's work on the Priority Recommendations, the Committee has identified and recommended certain clarifications, revisions, and additions to the previously approved implementation strategies, in particular regarding the role of Historic Preservation Committee members, the treatment of the County's country stores, the identification and designation of other significant building types in the County, and the identification of significant County viewsheds.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good planning and land use practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to amend the Albemarle County Comprehensive Plan by amending the Historic Preservation Plan as described herein and to make any other changes to the Comprehensive Plan deemed to be necessary in order to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the Comprehensive Plan amendment proposed by this resolution of intent, and make its recommendations to the Board of Supervisors at the earliest possible date.

* * * * *

SP-2005-019. Buck's Elbow Mountain - Ntelos (WBP701) (Signs #35,36). Request to allow attachment of 6-foot long, 11.7-inch wide antenna supporting portable wireless broadband services on existing structure. The antenna will be attached with an extension rod extending 9 ft above the structure, which will result in total top height of approx 42-ft above ground level & 3153 above mean sea level (AMSL). This request is being made in accord w/Sec [10.2.2.48] of the Zoning Ord, which allows for Tier III personal wireless service fac in the RA zoning dist. TM 39, P 1E, contains 0.22 acs. RA. Loc on Buck's Elbow Mountain, approx 3-1/2 mls NE of intersec w/Jarman's Gap Rd (Rt 611). White Hall Dist.

1. The antenna, mounting pole, microwave dish and ground equipment shall all be sized, located, installed and maintained in general accord with the construction plans, structure elevations and schematic drawings, entitled "Telecommunications Facility Co-location, Bucks Elbow Mountain - Waynesboro/Crozet (WBP701), Crozet, Virginia 22932", last revised August 12, 2005 and initialed SBW on September 20, 2005;
2. Prior to the issuance of a building permit, the applicant shall submit a final revised set of site drawings construction of the facility. Planning staff shall review the revised plans to ensure that all appropriate conditions of this special use permit have been addressed;
3. The top of the omni-directional antenna shall not exceed an elevation of three thousand one hundred fifty-seven (3157) feet;
4. The 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 agent determines at any time that surety is required to guarantee that the facility will be removed as required, the agent may require that the parcel owner or the owner of the facility submit a certified check, a bond with surety, or a letter of credit, in an amount sufficient for, and conditioned upon, the removal of the facility. The type and form of the surety guarantee shall be to the satisfaction of the agent and the county attorney. In determining whether surety should be required, the agent shall consider the following: (i) the annual report states that the tower or pole is no longer being used for personal wireless service facilities; (ii) the annual report was not filed; (iii) there is a change in technology that makes it likely that tower or pole will be unnecessary in the near future; (iv) the permittee fails to comply with applicable regulations or conditions; (v) the permittee fails to timely remove another tower or pole within the county; and (vi) whenever otherwise deemed necessary by the agent;
5. The owner of the facility shall submit a report to the agent by no earlier than May or and no later than July 1 of each year. The report shall identify each user of the existing structure, and include a drawing, photograph or other illustration identifying which equipment is owned and/or operated by each personal wireless service provider. Multiple users on a single tower or other mounting structure may submit a single report, provided that the report includes a statement signed by a representative from each user acquiescing in the report; and
6. The following shall be submitted to the agent after installation of the monopole is completed and prior to issuance of a certificate of occupancy: (i) certification by a registered surveyor stating the height of the monopole, measured both in feet above ground level and in elevation above mean sea level, using the benchmarks or reference datum identified in the application; and (ii) certification stating that the lightning rod's height does not exceed two (2) feet above the top of the monopole and width does not exceed a diameter of one (1) inch.

ORDINANCE NO. 05-18(9)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE III, DISTRICT REGULATIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article III, District Regulations, of the Code of the County of Albemarle is amended as follows:

By Amending:

Sec. 30.6.2 Application.

Chapter 18. Zoning

Article III. District Regulations

Sec. 30.6.2 Application

The entrance corridor overlay district is created to conserve elements of the county's scenic beauty and to preserve and protect corridors: (i) along arterial streets or highways designated as such pursuant to Title 33.1 of the Virginia Code found by the board of supervisors to be significant routes of tourist access to the county; (ii) to historic landmarks as established by the Virginia Landmarks Commission together with any other buildings or structures within the county having an important historic, architectural or cultural interest and any historic areas within the county as defined by Virginia Code § 15.2-220¹; or (iii) to designated historic landmarks, buildings, structures or districts in any contiguous locality.

- a. An entrance corridor overlay district may be established over any basic zoning district and/or any other overlay district, and upon the highways and their rights-of-way identified in subsection (c) (the "EC streets"), regardless of whether such EC streets are otherwise within a zoning district.
- b. Entrance corridor overlay districts are hereby established upon the parcels of land contiguous to the EC streets delineated in subsection (c), from the edge of the right-of-way to the greater of either: (i) the full depth of the parcel, as the parcel existed on the original adoption date of section 30.6; or (ii) a depth of five hundred (500) feet.
- c. Subject to subsection (b), entrance corridor overlay districts are hereby established upon and along the following highways:
 1. U.S. Route 250 East.
 2. U.S. Route 29 North.
 3. U.S. Route 29 South.
 4. Virginia Route 20 South.
 5. Virginia Route 631 South from Charlottesville City limits to Route 708 and from U.S. Route 29 North to Route 743. (Amended 11-14-90; Amended 4-12-00)
 6. U.S. Route 250 West.
 7. Virginia Route 6.

8. Virginia Route 151.
9. Interstate Route 64.
10. Virginia Route 20 North.
11. Virginia Route 22.
12. Virginia Route 53.
13. Virginia Route 231.
14. Virginia Route 240.
15. U.S. Route 29 Business.
16. U.S. Route 29/250 Bypass.
17. Virginia Route 654. (Added 11-14-90)
18. Virginia Route 742. (Added 11-14-90)
19. Virginia Route 649 from U.S. Route 29 North to Virginia Route 606. (Added 4-12-00)
20. Virginia Route 743 from U.S. Route 29 North to Virginia Route 676. (Added 4-12-00)
21. Virginia Route 631 from U.S. Route 29 North easterly to the Norfolk Southern Railway tracks.

(12-10-80, § 30.6.2; 11-14-90; 9-9-92; Ord. 00-18(4), 4-12-00; Ord. 01-18(3), 5-9-01; Ord 05-18(9), 11-2-05)