

ACTIONS Board of Supervisors of June 14, 2006 3:00 P.M., Room 235	
June 15, 2006	
<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
1. Call to Order. <ul style="list-style-type: none"> Meeting was called to order at 3:00 p.m. by the Chairman, Mr. Rooker. All BOS members were present. Also present were Bob Tucker, Larry Davis, Tom Foley, Mark Graham, and Diane Mullins. 	
2. Work Session: Overview of County Transportation Planning Process. <ul style="list-style-type: none"> HELD. 	
3. Recess. <ul style="list-style-type: none"> The Board recessed at 4:56 p.m. 	
ACTIONS Board of Supervisors of June 14, 2006 6:00 P.M., Room 241	
<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
4. Call to Order. <ul style="list-style-type: none"> Meeting was called to order at 6:00 p.m. by the Chairman, Mr. Rooker. All BOS members were present. Also present were Bob Tucker, Larry Davis, Mark Graham, Wayne Cilimberg and Ella Carey. 	
7. From the Public: Matters Not Listed on the Agenda. <ul style="list-style-type: none"> John Martin, a resident of Free Union, asked the Board to revisit the issue of County representation on the RWSA Board of Directors. Jim Grace, representing the Forest Lakes Association Board of Directors, requested the Board take action to address sediment build up in their lakes and assist in offsetting the cost of removing the silt caused by the Hollymead Towncenter development. 	
The Chairman recognized the presence of Boy Scout Troop 27 from Charlottesville.	
8.1 Authorize County Executive to Execute Lease Agreement for Temporary Fire Rescue Facility. <ul style="list-style-type: none"> AUTHORIZED the County Executive to execute a lease agreement with Amvest-Worell Joint Venture, approved as to content and form by the County Attorney, for the second floor of the Amvest-Worell building for use as a temporary fire rescue facility. 	<u>County Attorney's office:</u> Provide Clerk with copy of signed agreement for file.
8.2 Resolution to Authorize the County Executive to Accept Deeds and to Enter into License Agreements for Greenways. <ul style="list-style-type: none"> ADOPTED the attached Resolution to authorize the County Executive to accept deeds conveying fee simple and easement interests, and to enter into license 	<u>Clerk:</u> Forward copy of signed resolution to County Attorney's office. (Attachment 1)

	agreements easements, for greenways, provided the deeds and agreements are approved as to form and content by the County Attorney.	
8.3	Resolution Designating Rural Rustic Road Paving Projects. <ul style="list-style-type: none"> • ADOPTED the attached resolutions designating sections of Woods Edge Road, Hacktown Road, and Rocky Hollow Road as Rural Rustic Roads and requesting VDOT to improve these roads as Rural Rustic Road projects. 	<u>Clerk:</u> Forward copy of signed resolutions to Juan Wade to forward to VDOT. (Attachments 2, 3 and 4)
8.4	Requested FY2006 Appropriations. <ul style="list-style-type: none"> • APPROVED FY 2006 Appropriations #2006081, #2006082, #2006083 and #2006084 	<u>Clerk:</u> Forward signed copy of appropriation forms to OMB, Finance and appropriate individuals.
8.5	Set Public Hearing on Ordinance to Change Location of Polling Place for Northside Precinct in the Rio Magisterial District. <ul style="list-style-type: none"> • SET public hearing on July 12, 2006 to consider adopting an ordinance amendment to change the polling place from the Buck Mountain Episcopal Church to the Earlysville Volunteer Fire Department in the Northside Precinct of the Rio Magisterial District. 	<u>Clerk:</u> Schedule on July 12 th agenda.
8.6	Cancel August 9, 2006 Board of Supervisors' meeting. <ul style="list-style-type: none"> • CANCELLED Board meeting. 	<u>Clerk:</u> Notify appropriate staff.
9.	ZMA-2005-0005. Liberty Hall (Cross Property), Sign #69. <ul style="list-style-type: none"> • APPROVED, by a vote of 5:1, ZMA-2005-0005, to rezone 8.01 acres from R-1, Residential, to NMD, Neighborhood Model District, subject to the revised proffers, code of development, and plan. 	<u>Clerk:</u> Set out proffers. (Attachment 5)
10.	From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>David Wyant:</u> <ul style="list-style-type: none"> • County Fair moving along well with permanent location. • At the recent TJPDC meeting, City representatives expressed some concern with the County's proposed wetlands. <u>Sally Thomas:</u> <ul style="list-style-type: none"> • The County might want to get a report from the Nature Conservancy because there are significant funds going into mitigation projects in the City. • At a recent meeting of the Local Advisory Committee for the Chesapeake Bay, they met on the Eastern Shore and, she received a booklet entitled "Better Models for Development on the Eastern Shore". There were several picture examples of Charlottesville and Albemarle of good design in the booklet. Also mentioned relationship of the six counties in Maryland, on the Eastern Shore, and the seven things they have agreed to do. • Mentioned John Martin's earlier comments and said she thinks it might be the time to discuss 	

<p>the entities that control our water decisions and how we want ourselves represented on them including the RWSA Board.</p> <ul style="list-style-type: none"> • Cell tower being proposed in Louisa County that will impact the Southwest Mountains Historic District. Urged staff to stay informed about what is going on. • APPOINTED Rosa Hudson to serve on the Equalization Board, as the Scottsville representative, with said term to expire on December 31, 2006. • APPOINTED Lincoln Lewis, to serve on the Social Services Board, as the Rivanna District representative, with said term to expire December 31, 2007. <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> • Discussed the request from Forest Lakes Association regarding assistance in mitigation of lakes. • ADOPTED the attached resolution to authorize acquisition of property at 407E High Street in Charlottesville. 	<p><u>Clerk:</u> Prepared appointment letters, update Boards and Commissions book and notify appropriate persons.</p> <p><u>Clerk:</u> Forward copy of signed resolution to County Attorney's office.</p>
<p>11. Adjourn.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 9:10 p.m. 	

/ewc

- Attachment 1 – Resolution-License Agreements for Greenways
- Attachment 2 – Resolution-Woods Edge Road
- Attachment 3 – Resolution-Hacktown Road
- Attachment 4 – Resolution-Rocky Hollow Road
- Attachment 5 – ZMA-2005-0005, Liberty Hall, Proffers
- Attachment 6 – Resolution-Acquisition of Property

**RESOLUTION TO AUTHORIZE COUNTY EXECUTIVE
TO ACCEPT DEEDS CONVEYING FEE SIMPLE AND EASEMENT INTERESTS,
AND TO ENTER INTO LICENSE AGREEMENTS, FOR GREENWAYS**

WHEREAS, the County of Albemarle may acquire lands for its greenway trail system through Deeds conveying either fee simple or easement interests, and may acquire temporary permission to use land for a greenway trail through License Agreements; and

WHEREAS, such Deeds and License Agreements transfer ownership of property or set forth the rights and responsibilities of the landowner and the County, including the County's rights and obligations to maintain the improvements within the easement or license area; and

WHEREAS, the efficiency of government is improved by delegating the authority to the County Executive to accept such Deeds and to enter into License Agreements on behalf of the County;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors authorizes the County Executive, on behalf of the County, to accept Deeds conveying fee simple and easement interests, and to enter into License Agreements, for property to be used for the County's greenway trail system, provided that such Deeds and License Agreements are approved as to form and content by the County Attorney.

**RESOLUTION
Woods Edge Road**

WHEREAS, during the 2002 session of the General Assembly, legislation was passed to revise section 33.1-70.1 of the Code of Virginia, to allow for the improvement and hard surfacing of certain unpaved roads deemed to qualify for and be designated a Rural Rustic Road; and

WHEREAS, such roads must be located in low-density development areas and have a minimum of 50 vehicles per day (vpd) but no more than 500 vpd; and

WHEREAS, this Board is unaware of pending development that will significantly affect the existing traffic on the road; and

WHEREAS, the citizens using this road have been informed that this road may be paved under rural rustic road standards with minimal improvements; and

WHEREAS, this Board believes that the segment of Route 623 (Woods Edge Road) between Rt. 616 and the end of state maintenance should be designated a Rural Rustic Road because of its qualifying characteristics; and

WHEREAS, the road segment aforesaid is in the Board's Six Year Plan for improvements to its secondary system of state highways;

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby designates and requests VDOT's Resident Engineer to concur in the aforesaid road segment as a Rural Rustic Road; and

BE IT FURTHER RESOLVED, that this Board requests that this road segment be hard surfaced and, to the fullest extent prudent, be improved within the existing rights of ways and ditch lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in its current state; and

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

**RESOLUTION
Hacktown Road**

WHEREAS, during the 2002 session of the General Assembly, legislation was passed to revise section 33.1-70.1 of the Code of Virginia, to allow for the improvement and hard surfacing of certain unpaved roads deemed to qualify for and be designated a Rural Rustic Road; and

WHEREAS, such roads must be located in low-density development areas and have a minimum of 50 vehicles per day (vpd) but no more than 500 vpd; and

WHEREAS, this Board is unaware of pending development that will significantly affect the existing traffic on the road; and

WHEREAS, the citizens using this road have been informed that this road may be paved under rural rustic road standards with minimal improvements; and

WHEREAS, this Board believes that the segment of Route 744 (Hacktown Road) between Rt. 731 and the overpass of Interstate 64 should be designated a Rural Rustic Road because of its qualifying characteristics; and

WHEREAS, the road segment aforesaid is in the Board's Six Year Plan for improvements to its secondary system of state highways;

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby designates and requests VDOT's Resident Engineer to concur in the aforesaid road segment as a Rural Rustic Road; and

BE IT FURTHER RESOLVED, that this Board requests that this road segment be hard surfaced and, to the fullest extent prudent, be improved within the existing rights of ways and ditch lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in its current state; and

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

**RESOLUTION
Rocky Hollow Road**

WHEREAS, during the 2002 session of the General Assembly, legislation was passed to revise section 33.1-70.1 of the Code of Virginia, to allow for the improvement and hard surfacing of certain unpaved roads deemed to qualify for and be designated a Rural Rustic Road; and

WHEREAS, such roads must be located in low-density development areas and have a minimum of 50 vehicles per day (vpd) but no more than 500 vpd; and

WHEREAS, this Board is unaware of pending development that will significantly affect the existing traffic on the road; and

WHEREAS, the citizens using this road have been informed that this road may be paved under rural rustic road standards with minimal improvements; and

WHEREAS, this Board believes that the segment of Route 769 (Rocky Hollow Road) between Rt. 20 and the end of state maintenance should be designated a Rural Rustic Road because of its qualifying characteristics; and

WHEREAS, the road segment aforesaid is in the Board's Six Year Plan for improvements to its secondary system of state highways;

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby designates and requests VDOT's Resident Engineer to concur in the aforesaid road segment as a Rural Rustic Road; and

BE IT FURTHER RESOLVED, that this Board requests that this road segment be hard surfaced and, to the fullest extent prudent, be improved within the existing rights of ways and ditch lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in its current state; and

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

PROFFER FORM

Date of Proffer Signature: 5/31/2006

ZMA #2005-00005

Tax Map Parcels: 56-97A; 56-97A1, portion of 56-97

8.377 Acres to be rezoned from R1 to NMD (Neighborhood Model District)
in accordance with the General Development Plan dated April 6, 2006

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 with the offered Plans approved for development. 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.

- 1) The Owner shall contribute \$137,600 (\$3,200 per unit for 43 units) cash to the County's capital improvement program for the purpose of mitigating impacts from this development. The cash contribution shall be used for transportation improvements (i.e. Eastern Avenue), schools, libraries, fire and rescue, parks or any other public use serving the Community of Crozet as identified in the Crozet Master Plan. Contributions shall be payable under one of the following methods, which shall be designated by the County: (1) ninety (90) days after receipt of written notice by the Owner from the County identifying a Capital Improvement Project within the Community of Crozet for which the cash would be applied, provided that contributions for a Capital Improvement Project shall not exceed \$50,000 during any sixty (60) day period and said request is after the County's approval of the first final site plan or subdivision plat within the Project, or (2) in increments of \$3,200 cash per lot, for any market-rate townhouse or new detached single family dwelling unit prior to or at the time of issuance of a building permit for any improvement thereon. If the cash contribution has not been exhausted by the County for the stated purpose within (10) ten years from the date of the County's receipt of the final contribution, all unexpended funds shall be applied to a project(s) identified in the County's Capital Improvements Program for the Community of Crozet.
- 2) The Owner shall provide eight (8) units of affordable housing as identified on the General Development Plan produced by Timmons Group, dated August 15, 2005 and last revised April 6, 2006, entitled "Application Plan – Figure 2". The Owner shall convey the responsibility of constructing the affordable units to any subsequent purchaser of the subject property. The current Owner or subsequent Owner shall create units affordable to households with incomes less than 80% of the area median income, such that housing costs consisting of principal, interest, real estate taxes and homeowner's insurance (PITI) do not exceed 30% of the gross household income. All purchasers of these units shall be approved by the Albemarle County Office of Housing or its designee. The Owner/Builder shall provide the County or its designee a period of 180 days to identify and pre-qualify an eligible purchaser for the affordable units. The 180-day period shall commence upon written notice from the Owner that the units will be available for sale. This notice shall not be given more than 120 days prior to anticipated receipt of the certificate of occupancy. If the County or its designee does not provide a qualified purchaser during this period, the Owner shall have the right to sell the unit(s) without any restriction on sales price or income of purchaser. This proffer shall apply only to the first sale of each of the eight (8) units.
- 3) Within 30 days after VDOT determines that a traffic signal is warranted at the intersection of Radford Lane and Route 250 or at the intersection of Eastern Avenue and Route 250, the Owner shall make a cash contribution to the County to pay for its share of the cost to install a traffic signal by others. The Owner's cash contribution shall be based upon the traffic volume generated by this site at the intersection, as compared to the total traffic volume at the intersection creating the need for the traffic signal, as determined by VDOT, Albemarle County, or the Owner's traffic consultant with the review and approval by VDOT and Albemarle County, and

be determined by Albemarle County using an equitable method for determining the Owner's pro-rata share of the cost. This proffer shall be in effect until December 31, 2013.

- 4) The Owner shall dedicate and convey to Albemarle County, prior to the first final site plan approval, a 10-ft wide access easement to accommodate the construction, maintenance, and use of a Class B primitive trail connecting a sidewalk at the northern end of "Road D" to the property line adjacent the 20' sewer easement on TMP 56-97 as shown on the General Development Plan. The access easement shall be shown on the subdivision plat or site plan for the underlying or adjacent lands within the Project and constructed by Owner in conjunction with the improvements for that subdivision plat or site plan. The primitive trail shall be designed and constructed in accordance with the standards identified in the Albemarle County Comprehensive Plan, Appendix A – Greenway Plan. If the primitive trail access easement is not dedicated as part of a subdivision plat, the Owner shall pay all costs of surveying and preparing legal documents in a form acceptable to the County Attorney necessary to dedicate the easement.
- 5) Overlot grading Plan – Plats: The Owner shall submit an over-lot grading plan (hereinafter the "Plan") meeting the requirements of Proffer 5 with the application for each subdivision of the Property into single family detached lots and single family attached dwelling units shown on the General Development Plan. The Plan shall show existing and proposed topographic features to be considered in the development of the proposed subdivision. The Plan shall be approved by the County Engineer prior to final approval of the site plan or subdivision plat. The Property within the subdivision shall be graded as shown on the approved Plan. No certificate of occupancy shall be issued for any dwelling on a lot where the County Engineer has determined the lot grading is not consistent with the approved grading Plan. The Plan shall satisfy the following:
 - a) The Plan shall show all proposed streets, building sites, setbacks, surface drainage, driveways, trails, and other features the County Engineer determines are needed to verify that the Plan satisfies the requirements of this proffer.
 - b) The Plan shall be drawn to a scale not greater than one (1) inch equals fifty (50) feet.
 - c) All proposed grading shall be shown with contour intervals not greater than two (2) feet. All concentrated surface drainage over lots shall be clearly shown with the proposed grading. All proposed grading shall be designed to assure that surface drainage can provide adequate relief from the flooding of dwellings in the event a storm sewer fails.
 - d) Graded slopes on lots proposed to be planted with turf grasses (lawns) shall not exceed a gradient of three (3) feet of horizontal distance for each one (1) foot of vertical rise or fall (3:1). Steeper slopes shall be vegetated with low maintenance vegetation as determined to be appropriate by the County's program authority in its approval of an erosion and sediment control plan for the land disturbing activity. These steeper slopes shall not exceed a gradient of two (2) feet of horizontal distance for each one (1) foot of vertical rise or fall (2:1), unless the County Engineer finds that the grading recommendations for steeper slopes have adequately addressed the impacts.
 - e) Surface drainage may flow across up to three (3) lots before being collected in a storm sewer or directed to a drainage way outside of the lots.
 - f) No surface drainage across a residential lot shall have more than one-half (1/2) acre of land draining to it.
 - g) All drainage from streets shall be carried across lots in a storm sewer to a point beyond the rear of the building site.
 - h) The Plan shall demonstrate that an area at least ten (10) feet in width, or to the lot line if it is less than (10) feet, from the portion of the structure facing the street, has grades no steeper than ten (10) percent adjacent to possible entrances to dwellings that will not be served by a stairway. This graded area also shall extend from the entrances to the driveways or walkways connecting the dwelling to the street.
 - i) Any requirement of this proffer may be waived by the County Engineer by submitting a waiver request with the preliminary plat. If such a request is made, it shall include: (i) a justification for the request contained in a certified engineer's report; (ii) a vicinity map showing a larger street network at a scale no smaller than one (1) inch equals six hundred (600) feet; (iii) a conceptual Plan at a scale no smaller than one (1) inch equals two hundred (200) feet showing surveyed boundaries of the property; (iv) topography of

the property at five (5) foot intervals for the property being subdivided and on abutting lands to a distance of one hundred (100) feet from the boundary line or a lesser distance determined to be sufficient by the agent; (v) the locations of streams, stream buffers, steep slopes, floodplains, known wetlands; and (vi) the proposed layout of streets and lots, unit types, uses, and location of parking, as applicable. In reviewing a waiver request, the County Engineer shall consider whether the alternative proposed by the Owner satisfies the purpose of the requirement to be waived to at least an equivalent degree. In approving a waiver, the County Engineer shall find that requiring compliance with the requirement of this condition would not forward the purposes of the County's Subdivision and Water Protection Ordinances or otherwise serve the public interest; and granting the waiver would not be detrimental to the public health, safety or welfare, to the orderly development of the Project, and to the land adjacent thereto.

- j) The Owner may request that the Plan be amended at any time. All amendments shall be subject to the review and approval by the County Engineer.
- k) In the event that the County adopts overlot grading regulations after the date ZMA 2005-00005 is approved, any requirement of those regulations that is less restrictive than any requirement of Proffer 5 shall supersede the corresponding requirement of this paragraph, subject to the approval of the Director of the Department of Community Development.

Signature of Owner:

Date: May 31, 2006

Marc C. Powell, Managing Member
Weather Hill Development, LLC
Contract Purchaser
and Agent for Robert L. Cross and Jeanne Kerr Cross, current Owners

**RESOLUTION TO AUTHORIZE
ACQUISITION OF PROPERTY**

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

WHEREAS, an agreement for the acquisition of such property located at 407 East High Street has been negotiated.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the County Executive to execute the Agreement for Purchase and Sale of Real Property and the deed and all other documents approved by the County Attorney necessary to purchase and accept the following property on behalf of the County:

1. The real property and the improvements thereon located at 407 East High Street, and designated as Parcel 31 on the 2006 City Real Estate Tax Map 53 to be conveyed by Sandollar, LTD. to the County of Albemarle and the City of Charlottesville for the purchase price of Nine Hundred Forty Thousand and 00/100 Dollars (\$940,000.00).