

ACTIONS
Board of Supervisors Meeting of December 13, 2006

December 14, 2006

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| 1. | <p>Call to order.</p> <ul style="list-style-type: none"> Meeting was called to order at 3:04 p.m. by the Chairman, Mr. Rooker. All BOS members were present. Also present were Bob Tucker, Larry Davis and Ella Carey. | |
| 2. | <p>Discussion: Alternatives to amend and update County Code regulating firing of firearms in the County (deferred from November 1, 2006).</p> <ul style="list-style-type: none"> DIRECTED staff to draft an ordinance that incorporated a ban discharging of firearms in all districts except the RA district, and to restrict discharging firearms in a safety zone around dwellings and buildings in the RA zone and within 100 yards of property boundary lines of schools and parks. The restrictions in the RA district would depend on public input and may be scaled back to only relate to neighborhoods which petitioned the Board for specific restrictions. Bring back for public hearing in March. | <p><u>Clerk</u>: Schedule for public hearing for March 14th.</p> |
| | <p>Mountain Overlay District and Rural Areas Resource Protection.</p> <ul style="list-style-type: none"> All Planning Commission members were present. HELD. Continue discussion on January 10, 2007 at 3:00. | <p><u>Clerk</u>: Schedule joint meeting with Planning Commission on January 10th.</p> |
| | <p>The Board recessed at 5:52 p.m. and reconvened at 6:12 p.m.</p> | |
| 7. | <p>From the Public: Matters not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <u>John Martin</u>, of Free Union, spoke about the action taken by the Board at the end of the December 6th meeting to establish an Economic Opportunity Fund. Expressed concern about the public being left out of the process. <u>John Cruickshank</u>, of the Sierra Club, thanked the BOS for signing the U.S. Mayor's Climate Protection Agreement. He asked that the Board organize a Sustainability Council to develop a plan of action. He presented Chairman Rooker with a "Cool Cities" certificate of appreciation. <u>Sue Chase</u>, of the Charlottesville Center for Peace and Justice, thanked the Board for signing the U.S. Mayor's Climate Protection Agreement. She urged the Board to proceed with the next step in the formation of a committee. <u>Tom Olivier</u>, a resident of the Scottsville District, expressed dissatisfaction with the unwillingness of some members of the Board to implement measures in the Comprehensive Plan designed to protect open spaces and natural resources. <u>Laurie Delehanty</u>, of the Charlottesville | |

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| | <p>Center for Peace and Justice thanked the Board for signing onto the Mayor's Climate Protection Agreement.</p> <ul style="list-style-type: none"> • <u>Logan Blanco</u>, of Charlottesville Peak Oil, spoke to the Board about the Relocalization Plan that a citizens' group in Tompkins County, New York, created to prepare for Peak Oil. • <u>Dave Buehrens</u> signed up, but did not speak. • <u>Stephen Bach</u>, of Charlottesville Peak Oil, asked the Board to support the creation of a task force to deal with the issue of Peak Oil. • <u>Jack Marshal</u>, of ASAP, expressed concerns about the actions taken by the Board at the end of the December 6th meeting. There was no public involvement in the decision-making process. • <u>Tom Loach</u> asked why Haden Place was not listed as a public hearing. Mr. Davis explained that the proffers were amended and the request had to be readvertised for public hearing. • <u>Jeff Werner</u>, of PEC, expressed concerns about the actions taken by the Board at the end of its December 6th meeting. There are numerous nonprofit groups in the community that could use support from the Board. • <u>Neil Williamson</u>, with the Free Enterprise Forum, responded to a comment made by Mr. Werner, and stated that the Chair of the Chamber of Commerce is a part of the Tourism Committee and has worked diligently for tourism. . • Chairman Rooker recognized a group of students from one of Western Albemarle's government classes that were present at the meeting. | |
| 8.2 | <p>Resolution authorizing the issuance of revenue bonds by the Industrial Development of the Town of Louisa, in an amount not to exceed \$8,000,000 for the benefit of the Region Ten Community Services Board, Inc.</p> <ul style="list-style-type: none"> • ADOPTED the attached resolution. | <p>(Attachment 1)</p> <p><u>Clerk</u>: Forward resolution to McGuireWoods, Bond Counsel.</p> |
| 8.3 | <p>Resolution authorizing the issuance of revenue bonds by the Industrial Development of Fluvanna County in an amount not to exceed \$4,000,000 for the benefit of the Westminster-Canterbury of the Blue Ridge, located at 250 Pantops Mountain Road in Albemarle County.</p> <ul style="list-style-type: none"> • ADOPTED the attached resolution. | <p>(Attachment 2)</p> <p><u>Clerk</u>: Forward resolution to McGuireWoods, Bond Counsel.</p> |
| 8.4 | <p>Resolution allowing the County to participate in VDoT's Revenue Sharing Program for FY 2007.</p> <ul style="list-style-type: none"> • ADOPTED the attached resolution. | <p>(Attachment 3)</p> <p><u>Clerk</u>: Forward resolution to Juandiego Wade.</p> |
| 8.5 | <p>Resolution supporting Proposed Workforce Housing Legislation.</p> <ul style="list-style-type: none"> • ADOPTED the attached resolution. | <p>(Attachment 4)</p> <p><u>Clerk</u>: Forward resolution to Andy Bowman.</p> |
| 8.6 | <p>Resolution to accept road(s) in Crozet Glen</p> | <p>(Attachment 5)</p> |

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| | <p>Subdivision into the State Secondary System of Highways.</p> <ul style="list-style-type: none"> • ADOPTED the attached resolution. | <p><u>Clerk:</u> Greg Cooley in Engineering.</p> |
| 8.7 | <p>Resolution to accept road(s) in Country Oaks Subdivision into the State Secondary System of Highways.</p> <ul style="list-style-type: none"> • ADOPTED the attached resolution. | <p>(Attachment 6)</p> <p><u>Clerk:</u> Greg Cooley in Engineering.</p> |
| 8.8 | <p>Resolution to accept road(s) in Marshall Subdivision into the State Secondary System of Highways.</p> <ul style="list-style-type: none"> • ADOPTED the attached resolution. | <p>(Attachment 7)</p> <p><u>Clerk:</u> Greg Cooley in Engineering.</p> |
| 8.9 | <p>Resolution to accept road(s) in Grayrock, Phase IV, Subdivision into the State Secondary System of Highways.</p> <ul style="list-style-type: none"> • ADOPTED the attached resolution. | <p>(Attachment 8)</p> <p><u>Clerk:</u> Greg Cooley in Engineering.</p> |
| 9. | <p><u>Red Hill Community Well.</u></p> <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, an amendment to the jurisdictional area map to allow for water only designation for the properties Tax Map 87B, Parcels 4, 4A, 6, 6A, 6B, 7, 7A, 8, and 10, located on Taylors Gap Road (Route 710) and Tax Map 87B, Parcels 9, 10A, 11, 12, 60, 60A, 60B, and 61 located on Red Hill School Road (Route 760). | |
| 10. | <p><u>ZMA-2005-007. Haden Place (Signs #12,13).</u></p> <ul style="list-style-type: none"> • DEFERRED ZMA-2005-007, at the applicants' request, until the final plans and proffers have been prepared for public hearing. | <p><u>Clerk:</u> Schedule on a future agenda.</p> |
| 11. | <p><u>ZTA-2005-005. Temporary Farm Worker Housing.</u></p> <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, the attached ordinance. | <p>(Attachment 9)</p> <p><u>Clerk:</u> Forward adopted ordinance to County Attorney's office and Community Development.</p> |
| 12. | <p><u>ZMA-2006-012. UVA Foundation-Advanced Research & Technology Building Annex (Signs 35,36,40)</u></p> <ul style="list-style-type: none"> • APPROVED ZMA-2006-012, by a vote of 6:0, as proffered by the applicant and signed November 30, 2006. | |
| 13. | <p>From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <p><u>David Wyant</u></p> <ul style="list-style-type: none"> • Held meeting on Living Wage issue; need further discussion before ready to come back to Board. • Development Review Task Force Committee should be ready to report to the Board in February. • Discussed cleaning of sidewalks during snow times. Mr. Davis commented that counties do not have the authority require homeowners to clean sidewalk. Mr. Rooker suggested including a request for enabling legislation in VACo's legislative agenda. <p><u>Sally Thomas</u></p> <ul style="list-style-type: none"> • Thanked the Board and staff for the letter | |

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| | <p>on Preservation Tax Credit Conservation Value Criteria. It made a significant impact.</p> <ul style="list-style-type: none"> • Asked Board to consider adopting, as part of the County ordinance, lighting requirements for residential development. Mr. Davis commented that the County has broad authority to regulate lighting. The Board DIRECTED staff to bring back a staff report. <p><u>Lindsay Dorrier</u></p> <ul style="list-style-type: none"> • Tickets are still available for the Meriwether Lewis event this Friday. • A new program at the Jail is allowing inmates to clean up entrances into the County. <p><u>Ken Boyd</u></p> <ul style="list-style-type: none"> • Responded to concerns raised about actions taken by the Board at the end of its meeting on December 6th. • Suggested the Board hold work session on Mr. Slutzky's TDR proposal. CONSENSUS of the Board to schedule on an agenda, and that staff prepare a report. <p><u>David Slutzky</u></p> <ul style="list-style-type: none"> • He will be making an informal presentation on his TDR proposal to the 5Cs on Thursday, December 14, between 4 and 6. <p><u>Dennis Rooker</u></p> <ul style="list-style-type: none"> • Thanked the Board for allowing him to serve as Chairman for the last two years. | |
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- Attachment 1 IDA - Region Ten Resolution
- Attachment 2 IDA - Westminster-Canterbury Resolution
- Attachment 3 VDoT Revenue Sharing Resolution
- Attachment 4 Proposed Workforce Housing Legislation Resolution
- Attachment 5 Crozet Glen Resolution
- Attachment 6 Country Oaks Subdivision Resolution
- Attachment 7 Marshall Subdivision Resolution
- Attachment 8 Grayrock Subdivision, Phase IV Resolution
- Attachment 9 ZTA-2005-005 Temporary Farm Work Housing Ordinance

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

WHEREAS, the Industrial Development Authority of the Town of Louisa, Virginia (the "Authority"), has been requested by Region Ten Community Services Board, Inc. (the "Company"), a non-profit, Virginia nonstock corporation, to approve the issuance of a revenue bond in an amount not to exceed \$8,000,000 ("Bond") to assist the Company in (1) refinancing the Industrial Development Authority of Albemarle County, Virginia's \$5,000,000 Variable Rate Community Services Facilities Revenue Bonds (Region Ten Community Services Board, Inc.), Series 1999, issued on August 31, 1999 originally issued to finance and refinance Company facilities located in the County of Albemarle, Virginia and the City of Charlottesville, Virginia (2) financing the acquisition, construction, renovation and equipping of the property known as Mountainwood, to house the Company's administrative offices and community services, located on an approximately 9 acre tract of land on Old Lynchburg Road, in the County of Albemarle, Virginia and (3) financing the acquisition, construction, renovation and equipping of the Nelson County Counseling Center located at Tanbark Plaza, Lovingson, Virginia in the County of Nelson, Virginia (collectively, the "Project"), and has held a public hearing on December 7, 2006;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the governmental unit having jurisdiction 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, a portion of the Project is to be located in the County of Albemarle, Virginia (the "County") and the Board of Supervisors of the County of Albemarle, Virginia ("Board") constitutes the highest elected governmental unit of the County;

WHEREAS, in accordance with Section 147(f) of the Code, the public hearing held by the Authority was within 100 miles of the County;

WHEREAS, for purposes of Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"), the Authority is issuing the portion of the Bond relating to the portion of the Project located in the County on behalf of the County.

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

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bond, 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:

The Board approves the issuance of the Bond by the Authority for the benefit of the Company, 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.

The Board concurs with the resolution to be adopted by the Authority and approves the issuance of the Bond by the Authority for the benefit of the Company as required by Section 15.2-4905 of the Virginia Code.

The approval of the issuance of the Bond does not constitute an endorsement to a prospective purchaser of the Bond of the creditworthiness of the Project or the Company.

This resolution shall take effect immediately upon its adoption.

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

WHEREAS, the Industrial Development Authority of Fluvanna County, Virginia (the "Authority"), has been asked by Westminster-Canterbury of the Blue Ridge (the "Company"), a non-profit, Virginia nonstock corporation, to approve the issuance of a revenue bond in an amount not to exceed \$4,000,000 ("Bond") to assist the Company in financing the costs of capital improvements at the Company's existing residential care retirement facility located at 250 Pantops Mountain Road in the County of Albemarle, Virginia including without limitation the construction and equipping of additional cottages at the facility ("Project"), and has held a public hearing on November 29, 2006;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the governmental unit having jurisdiction 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 Project is to be located in the County of Albemarle, Virginia (the "County") and the Board of Supervisors of the County of Albemarle, Virginia ("Board") constitutes the highest elected governmental unit of the County;

WHEREAS, in accordance with Section 147(f) of the Code, the public hearing held by the Authority was within 100 miles of the County;

WHEREAS, for purposes of Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"), the Authority is issuing the Bond on behalf of the County.

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

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bond, 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 Bond by the Authority for the benefit of the Company, as required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code to permit the Authority to assist in the financing of the Project.

2. The Board concurs with the resolution to be adopted by the Fluvanna Authority and approves the issuance of the Bond by the Authority for the benefit of the Company as required by Section 15.2-4905 of the Act.

3. The approval of the issuance of the Bond does not constitute an endorsement to a prospective purchaser of the Bond of the creditworthiness of the Project or the Company.

This resolution shall take effect immediately upon its adoption.

**RESOLUTION TO PARTICPATE IN
VIRGINIA DEPARTMENT OF TRANSPORTATION
REVENUE SHARING PROGRAM FOR FISCAL YEAR 2007**

WHEREAS, the County of Albemarle desires to submit an application for allocation of funds of up to \$1.5 million through the Virginia Department of Transportation Fiscal Year 2006/07, Revenue Sharing Program ; and

WHEREAS, \$1.5 million of these funds are requested to fund the Meadow Creek Parkway for new construction between Melbourne Road and 0.0466 miles north Norfolk Southern Railway; and

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby requests that the application for \$1.5 million from the Virginia Department of Transportation Revenue Sharing Program be approved.

I, Ella W. Carey, do hereby certify that the foregoing writing is a true and correct copy of a Resolution duly adopted by the Board of Supervisors of Albemarle County by a vote of six to zero, recorded below, at a meeting held on December 13, 2006.

**RESOLUTION TO SUPPORT AMENDMENTS
TO EXISTING WORKFORCE HOUSING LEGISLATION**

WHEREAS, Prince William County desires to request legislation to amend the Virginia Code by adding § 15.2-542 to enable counties under the County Executive form of government broader and less restricted authority to provide housing assistance to local employees; and

WHEREAS, proposed Virginia Code § 15.2-542 would apply to the County Executive form of Government; and

WHEREAS, Albemarle County, like Prince William County, operates under the County Executive form of government; and

WHEREAS, the proposed Virginia Code § 15.2-542 would broaden existing enabling authority granted in Virginia Code § 15.2-958.2; and

WHEREAS, the County of Albemarle generally supports the expansion of enabling authority for localities; and

WHEREAS, the Albemarle County Board of Supervisors adopted a Strategic Objective stating: "By June 30, 2010, working in partnership with others, increase affordable housing opportunities for those who work and/or live in Albemarle County."

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Albemarle County does hereby support amending the Virginia Code by adding § 15.2-542 to allow counties under the County Executive form of government to provide funds, other than state funds, to provide grants, loans and other assistance for county and school board employees, as well as employees of local constitutional officers, to purchase or rent residences, for use as the employee's principal residence, within the county.

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 6th day of December 2006, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Crozet Glen Subdivision**, described on the attached Additions Form LA-5(A) dated **December 13, 2006**, 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 **Crozet Glen Subdivision**, as described on the attached Additions Form LA-5(A) dated **December 13, 2006**, 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 Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 6th day of December 2006, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Country Oaks Subdivision** described on the attached Additions Form LA-5(A) dated **December 13, 2006**, 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 **Country Oaks Subdivision** as described on the attached Additions Form LA-5(A) dated **December 13, 2006**, 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 Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 6th day of December 2006, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Marshall Subdivision** described on the attached Additions Form LA-5(A) dated **December 13, 2006**, 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 **Marshall Subdivision** as described on the attached Additions Form LA-5(A) dated **December 13, 2006**, 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 Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 6th day of December 2006, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Grayrock Subdivision, Phase IV**, described on the attached Additions Form LA-5(A) dated **December 13, 2006**, 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 **Grayrock Subdivision, Phase IV**, as described on the attached Additions Form LA-5(A) dated **December 13, 2006**, 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.

ORDINANCE NO. 06-18(2)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, ARTICLE II, BASIC REGULATIONS, AND 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 I, General Regulations, Article II, Basic Regulations, and Article III, District Regulations, is hereby amended and reordained as follows:

By Amending:

Sec. 3.1 Definitions
 Sec. 10.2.1 By right
 Sec. 10.2.2 By special use permit

By Adding:

Sec. 5.1.44 Farm worker housing

Chapter 18. Zoning

Article I. General Regulations

Sec. 3.1 Definitions

Farm: The term “farm” means one or more parcels of land, whether such parcels are abutting or not, operated under the same management and whose primary use is agriculture.

Farm worker housing, Class A: The term “Farm worker housing, Class A” means: (i) structures located on a farm that are designed and arranged to be occupied exclusively by up to ten (10) persons employed to work on the farm on which the structures are located for seasonal agriculture work or up to ten (10) persons including the farm workers and their immediate families; (ii) the number of such structures designed and arranged for sleeping does not exceed two (2); and (iii) no single structure contains all of the following: provisions for sleeping, eating, food preparation, and sanitation (bathing and/or toilets).

Farm worker housing, Class B: The term “Farm worker housing, Class B” means: (i) either structures located on a farm that are designed and arranged to be occupied exclusively by more than ten (10) persons employed to work on the farm on which the structures are located for seasonal agriculture work or more than ten (10) persons including the farm workers and their immediate families, or the number of such structures designed and arranged for sleeping is three (3) or more, regardless of the number of farm workers or their family members who could sleep in such structures; and (ii) no single structure contains all of the following: provisions for sleeping, eating, food preparation, and sanitation (bathing and/or toilets).

Seasonal agriculture work: The term “seasonal agriculture work” means work by a person employed to work on a farm to perform either field work related to planting, cultivating, work related to keeping livestock and/or poultry, or harvesting operations, or work related to canning, packing, ginning, seed conditioning or related agriculture operations, and the work pertains to or is of the kind exclusively performed at certain seasons or periods of the year and which, from its nature, may not be continuous or carried on throughout the year. A person who moves from one seasonal activity to another while employed by the farm to perform agriculture work is engaged in seasonal agriculture work even though he or she may continue to be employed by the farm throughout the year.

Article II. Basic Regulations

Sec. 5.1.44 Farm worker housing

Each farm worker housing facility shall be subject to the following:

- a. *Concept plan to be submitted with application for farm worker housing.* Before applying for the first building permit for a farm worker housing, Class A, facility, or in addition to any other information required to be submitted for a farm worker housing, Class B, special use permit, the applicant shall submit a concept plan meeting the requirements of section 5.1.44(b).
- b. *Contents of concept plan.* The concept plan shall show the following: (i) the boundary lines of the farm (may be shown on an inset map if necessary); (ii) the location and general layout of the proposed structures at a scale of not more than one (1) inch equals forty (40) feet; (iii) vehicular access, travelways and parking for the facility; (iv) topography (with a contour interval of no greater than ten (10) feet); (v) critical slopes; (vi) streams, stream buffers and floodplains; (vii) source(s) of water for fire suppression; (viii) building setback lines as provided in subsection 5.1.44(g) below; and (ix) outdoor lighting. The concept plan also shall include a written description of each structure's construction and materials used, and the number of persons to be housed in the farm worker housing facility.
- c. *Notice of receipt of concept plan to abutting owners.* The zoning administrator shall send notice of the receipt of a concept plan as follows:
 1. *Farm worker housing, Class A, facility:* For each concept plan received for a farm worker housing, Class A, facility, the zoning administrator shall send notice to the owner of each lot abutting the parcel for which a concept plan has been received within ten (10) days after submittal of the concept plan deemed by the zoning administrator to be complete. The notice shall include a copy of the concept plan and shall advise each recipient of the right to submit written comments within ten (10) days of the date of the notice and the right to request planning commission review as provided in section 5.1.44(d). Notice mailed to the abutting owner shall be mailed to the last known address of the owner, and mailing the notice to the address shown on the current real estate tax assessment records of the county shall be deemed compliance with this requirement. The failure of an abutting owner to receive the notice required by this section shall not affect the validity of an approved concept plan or zoning compliance clearance.
 2. *Farm worker housing, Class B, facility:* For each concept plan received for a farm worker housing, Class B, facility, notice to the owner of each lot abutting the parcel for which a concept plan has been received shall be provided in conjunction with the notice required for the special use permit.
- d. *Request for planning commission review and action on farm worker housing, Class A, facility concept plan.* An abutting owner to whom notice for a farm worker housing, Class A, facility concept plan under section 5.1.44(c)(1) and who submitted timely written comments about the concept plan as provided therein may request that the planning commission review and act on the concept plan. The request shall be in writing, state the reasons why the commission should review the concept plan, and be filed with the director of planning within ten (10) days after the date of the notice from the zoning administrator.
- e. *Review and action on concept plan.* A concept plan shall be reviewed and acted upon as follows:
 1. *Farm worker housing, Class A, facility.* For a farm worker housing, Class A, facility, the concept plan shall be approved by the zoning administrator or the planning commission, as the case may be, before any building permit is issued for the facility. The concept plan shall be approved by the zoning administrator or the commission if it satisfies all applicable requirements of the zoning ordinance and the design is determined to not be a substantial detriment to abutting parcels. In approving the concept plan, the zoning administrator or the commission may impose reasonable conditions to mitigate impacts on abutting parcels arising from facility. The commission shall give due consideration to the recommendations of the zoning administrator, the director of planning and other officials. In addition, the commission may consider such other evidence as it deems necessary for a proper review of the application.
 2. *Farm worker housing, Class B, facility.* For a farm worker housing, Class B, facility, the concept plan shall be reviewed and acted upon in conjunction with the special use permit.

- f. *Farm worker housing facilities; permissible structures.* Farm worker housing facilities shall not use motor vehicles or major recreational equipment, as that term is defined in section 4.12.3(b)(1) of this chapter, to provide for sleeping, eating, food preparation, or sanitation (bathing and/or toilets).
- g. *Minimum yards.* Notwithstanding any other provision of this chapter, the minimum front yard shall be seventy-five (75) feet. The minimum side and rear yards shall be fifty (50) feet. All yards shall be measured from the farm worker housing structures.
- h. *Zoning compliance clearance.* The owner shall obtain a zoning compliance clearance from the zoning administrator as provided in section 31.2.3.2 of this chapter before a farm worker housing facility is occupied, subject to the following additional requirements:
 - 1. The applicant shall apply for a zoning compliance clearance at least thirty (30) days prior to the first expected occupation of the farm worker housing facility. The application shall be submitted to the zoning administrator.
 - 2. The zoning compliance clearance application shall include all of the following information:
 - a. Written approval of the farm worker housing facility as a migrant labor camp under 12 VAC 5-501-10 *et seq.*, the food preparation area, the private water supply, and the septic disposal system by the Virginia Department of Health.
 - b. Approval of the access to the site from a public street by the Virginia Department of Transportation; provided that nothing herein shall be deemed to require that a commercial entrance be constructed unless such an entrance is required by the Virginia Department of Transportation.
 - c. Written approval of the adequacy of the access to the site for emergency vehicles by the fire marshal.
 - d. Written approval of the adequacy of the structures intended for human habitation by the building official.
 - 3. Upon the zoning administrator's determination that all requirements of the zoning ordinance are satisfied, that all conditions of the special use permit authorizing a farm worker housing, Class B, facility, are satisfied, and upon receipt of the approvals and documents required in section 5.1.44(h)(2), the zoning administrator shall issue a zoning compliance clearance for the facility.
- i. *Use of farm worker housing facility by workers and their families only.* A farm worker housing facility shall be occupied only by persons employed to work on the farm on which the structures are located for seasonal agriculture work and their immediate families as provided herein.
- j. *Use of farm worker housing facility when not occupied.* When not occupied by seasonal farm workers, farm worker housing facilities may be used for any use accessory to a primary agriculture use.

Article III. District Regulations

Sec. 10.2.1 By right

The following uses shall be permitted in any RA district subject to the requirements and limitations of these regulations:

...

- 23. Farm worker housing, Class A (up to ten occupants and up to two sleeping structures) (reference 5.1.44).

...

Sec. 10.2.2 By special use permit

The following uses shall be permitted only by special use permit approved by the board of supervisors pursuant to section 31.2.4: (Added 10-9-02)

...

51. Farm worker housing, Class B (more than ten occupants or more than two sleeping structures) (reference 5.1.44).

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