

ACTIONS
Board of Supervisors Meeting of December 5, 2007

December 14, 2007

<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 9:08 a.m., by the Chairman, Mr. Boyd. All BOS members were present. Also present were Bob Tucker, Larry Davis, Ella Jordan, and Meagan Hoy. 	
<p>4. From the Board: Matters Not Listed on the Agenda.</p> <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> • Provided Board members with a copy of a resolution "U.S. Cool Counties Climate Stabilization Declaration" which he will be asking Board members to take action later in the meeting. <p><u>Sally Thomas:</u></p> <ul style="list-style-type: none"> • Asked staff to think about the most effective things that can be done to carryout the adopted Comprehensive Plan. • Mentioned Governor Kaine and his cabinet members' visit to Charlottesville. She encouraged Board members to attend the reception at Montpelier because it is a good time to talk informally about issues that are important to the County. <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> • Mentioned a letter he received from Governor Kaine regarding planning for potential drought impacts through 2008. He will provide Board members with a copy of the letter. • Mentioned a request from the MPO for a joint meeting with Charlottesville City Council regarding the Regional Transit Authority. He asked if it was necessary to have two meeting on this issue in January – one for a presentation to the Board and the other as part of a joint meeting. Following a discussion, it was the consensus of the Board to proceed with the presentation on January 9th and then schedule the joint meeting with City Council. 	
<p>5. From the Public: Matters not Listed on the Agenda.</p> <ul style="list-style-type: none"> • John Martin, a resident of Free Union, discussed Item 6.2 from the consent agenda. He asked the Board to defer the item for one week, and put on regular agenda as an item of discussion. Also, asked that the Board and City Council set up a process to begin an ongoing dialogue with the RSWA. • Jeff Werner, of Piedmont Environmental Council, urged the Board to think about the County's viable agricultural economy as it discusses the Economic Development Policy. • Neil Williamson, of the Free Enterprise Forum, asked the Board to look at the County's agricultural opportunities and regulatory 	

	environment as it reviews the Economic Development Policy.	
	<p>NonAgenda.</p> <ul style="list-style-type: none"> • ADOPTED, by a vote of 6:0, the attached resolution: U.S. Cool Counties Climate Stabilization Declaration. 	<u>Clerk:</u> Forward copy of resolution to NACo, VACo and Sarah Temple. (Attachment 1)
6.2	<p>Local Government Support Agreement Among the City of Charlottesville, the County of Albemarle, and the Rivanna Solid Waste Authority.</p> <ul style="list-style-type: none"> • ADOPTED the attached resolution authorizing the County Executive to execute the proposed agreement on behalf of the County. 	<u>Clerk:</u> Forward copy of resolution to City of Charlottesville, Rivanna Solid Waste Authority, and County Attorney's office. (Attachment 2)
6.3	<p>Requested FY 2008 Appropriations.</p> <ul style="list-style-type: none"> • APPROVED the FY 2008 Appropriations #2008041, #2008042, #2008043, and #2008044. 	<u>Clerk:</u> Forward copy of signed appropriation forms to OMB, Finance and appropriate individuals.
	<p>NonAgenda.</p> <ul style="list-style-type: none"> • ADOPTED, by a vote of 6:0, the attached resolution commending the Monticello High School football team for making it to the state championship. 	<u>Clerk:</u> Forward copy of resolution to School Division and Monticello High School. (Attachment 3)
7a	<p>Traffic Operations Issues, Report by Dean Gustafson, VDOT Regional Operations Director.</p> <ul style="list-style-type: none"> • RECEIVED. 	
7b.	<p>Advance Mills Bridge Update.</p> <ul style="list-style-type: none"> • Update provided. Mr. Sumpter added that VDOT has sent out the letter to DHR informing them how they planned to move forward, and the actions VDOT is willing to commit regarding the historic district. 	
7c.	<p>VDOT Monthly Report.</p> <ul style="list-style-type: none"> • RECEIVED. 	
7d.	<p>Transportation Matters not Listed on the Agenda. <u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> • Asked if a response has been received on the request for on the level of service required by railroad companies on vehicular bridges. Mr. Sumpter said he has not received a response. • Expressed concern with the pace of the Georgetown Road project. • Thanked Allan and his office for their responsiveness. <p><u>Sally Thomas</u></p> <ul style="list-style-type: none"> • Expressed appreciation to VDOT for the maintenance work done in Samuel Miller District. • Mentioned the closing of the "passing zone" on Route 250 (Ivy Road) West. She expressed some concern about closing the "passing zones" and suggested some more discussion on it. Mr. Bill Parman, Area Traffic Engineer, explained that the area proposed for closing is near Route 682, and VDOT is concerned about the potential for accidents as the side road traffic increases. <p><u>David Wyant:</u></p> <ul style="list-style-type: none"> • Commented that VDOT's new procedures for pothole patching are very effective. <p><u>David Slutzky:</u></p> <ul style="list-style-type: none"> • Thanked VDOT for moving forward with extending the right turn lane in front of the Post 	

	Office on Route 29.	
8.	Rivanna Water and Sewer Authority Update. <ul style="list-style-type: none"> • RECEIVED. 	<u>Clerk:</u> Schedule Tom Frederick on Board's agenda every other month to provide briefing/update.
9.	<u>Appeal: SUB-2007-102. Warthen Estates Preliminary Subdivision Plat.</u> <ul style="list-style-type: none"> • APPROVED, by a vote of 5:1, the appeal of SUB-2007-102, Warthen Estates Preliminary Subdivision Plat. 	<u>Clerk:</u> Set out conditions of approval in Attachment 4.
10.	<u>Appeal: SDP-2007-0025. CV 340A Brownsville/Ramsey Property.</u> <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, the appeal of SDP-2007-0025, CV 340A Brownsville/Ramsey Property. 	<u>Clerk:</u> Set out condition of approval in Attachment 5.
11.	Report: Economic Development Policy, 2007 Data Update. <ul style="list-style-type: none"> • Due to time constraints, the Board asked that this item be rescheduled for the next available meeting. 	<u>Clerk:</u> Reschedule on next available agenda.
12.	Closed Session. <ul style="list-style-type: none"> • At 12:59 p.m., the Board went into closed session to consider appointments to Boards, Committees, and Commissions, and to consult with legal counsel and staff regarding specific legal matters requiring advice by counsel relating to an interjurisdictional agreement, and to consult with legal counsel and staff regarding specific legal matters requiring advice by counsel relating to emergency medical services. 	
13.	Certify Closed Session. <ul style="list-style-type: none"> • At 2:27 p.m., the Board reconvened into open session and certified the closed session. 	
14.	Appointments. <ul style="list-style-type: none"> • APPOINTED William Schrader to the Joint Airport Commission with said term to expire 12/01/2010. • APPOINTED Anne Bedarf to the Natural Heritage Committee with said term to expire 9/30/2011. • REAPPOINTED Joseph Samuels and Ross Stevens to the ACE Appraisal Review Committee with said terms to expire 12/31/2008. • REAPPOINTED Jana Crutchfield and Shirley Terrell to the Housing Committee with said terms to expire 12/31/10. • REAPPOINTED Marilyn Minrath to the Public Defender Office Citizens Advisory Committee with said term to expire 12/31/2010. • REAPPOINTED Joseph Cochran, John deKoven Bowen, III, Craig Van de Castle and Sherry Buttrick to the Public Recreational Facilities Authority with said terms to expire 12/13/10. • REAPPOINTED Stephen Kirkup to the Rivanna Solid Waste Authority Citizens Advisory Committee with said term to expire 12/31/09. 	<u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, update webpage, and notify appropriate persons.
15.	An ordinance to amend Chapter 9, Motor Vehicles and Traffic, of the Albemarle County Code. <ul style="list-style-type: none"> • ADOPTED the attached ordinance by a vote of 	<u>Clerk:</u> Forward signed ordinance to County Attorney, Richard Wiggins, and Joe Correa.

6:0.	(Attachment 2)
16. An ordinance to amend Sec. A.1-103, Definitions and construction, Sec. A.1-107, Eligibility criteria, Sec. A.1-108, Ranking criteria, and Sec. A.1-109, Easement terms and conditions, of Appendix A.1, Acquisition of Conservation Easements Program, of the Albemarle County Code. <ul style="list-style-type: none"> • ADOPTED the attached ordinance by a vote of 6:0. 	<u>Clerk:</u> Forward signed ordinance to County Attorney, Ches Goodall, and David Benish. (Attachment 3)
17. SP-2007-10. Cutright - Development Right. <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, subject to the four conditions as recommended and modified at the Board meeting. 	<u>Clerk:</u> Set out conditions of approval.
18. SP-2007-037. Informed Simplifications, LLC. <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, subject to the five conditions as recommended. 	<u>Clerk:</u> Set out conditions of approval.
19. Work Session: Community Development Fee Study. <ul style="list-style-type: none"> • AGREED to develop a simplified fee policy, and DIRECTED staff to do more research on fees in surrounding counties. 	<u>Clerk:</u> Schedule on future agenda.
The Board took a brief recess at 3:56 p.m.	
20. From the Board: Committee Reports. <ul style="list-style-type: none"> • There were none. 	
Joint Meeting with School Board	
21. Call to Order. <ul style="list-style-type: none"> • Meeting was called to order at 4:08 in room 235. 	
22. Review of Oversight Committee's CIP Recommendations. <ul style="list-style-type: none"> • Received. DIRECTED staff to pursue a lease agreement for the Support Services Complex. 	<u>Bill Letteri:</u> Provide lease agreement information to the Board when available.
23. Adjourn to December 12, 2007, 2:00 p.m. room 235. <ul style="list-style-type: none"> • The meeting was adjourned at 5:18 p.m. 	

/ewj/mrh

Attachment 1 – Resolution - U.S. Cool Counties Climate Stabilization Declaration

Attachment 2 - Resolution - Local Government Support Agreement Among the City of Charlottesville, the County of Albemarle, and the Rivanna Solid Waste Authority

Attachment 3 – Resolution – Monticello High School Football Team

Attachment 4 – SUB-2007-102 – Warthan Estates Private Street Conditions

Attachment 5 - SDP-2007-0025 CV 340A Brownsville/Ramsay Property Condition of Approval

Attachment 6 - An ordinance to amend chapter 9, motor vehicles and traffic, article IV, County vehicle licenses, of the code of the County of Albemarle, Virginia.

Attachment 7 – An ordinance to amend appendix A.1, Acquisition of Conservation Easements Program, of the Code of the County of Albemarle, Virginia.

Attachment 8 - SP 2007-10 Cutright Division Right (TMP 88-6A1) Conditions of Approval

Attachment 9 - SP 2007-37 Informed Simplifications for Home Occupation Class B Conditions of Approval.

U.S. Cool Counties Climate Stabilization Declaration

- WHEREAS, there is a consensus among the world's leading scientists that global warming caused by human emission of greenhouse gases is among the most significant problems facing the world today; and
- WHEREAS, documented impacts of global warming include but are not limited to increased occurrences of extreme weather events (i.e., droughts and floods), adverse impacts on plants and wildlife habitats, threats to global food and water supplies – all of which have an economic impact on communities and their local governments; and
- WHEREAS, leading scientists have projected that stabilization of climate change in time to minimize such impacts will require a reduction of global warming emissions to 80 percent below current levels by the year 2050; and
- WHEREAS, currently the United States is responsible for producing approximately 25 percent of the world's global warming pollutants; and
- WHEREAS, many leading U.S. companies that have adopted greenhouse gas reduction programs to demonstrate corporate and operational responsibility have also publicly expressed preference for the federal government to adopt precise and mandatory emissions targets and timetables as a means by which to provide a uniform and predictable regulatory environment to encourage and enable necessary and long-term business investments; and
- WHEREAS, state, regional and local governments throughout the U.S. are adopting emissions reduction targets and programs and that this effort is bipartisan, coming from Republican and Democratic leadership; and
- WHEREAS, the U.S. Conference of Mayors has endorsed the U.S. Mayors Climate Protection Agreement, which commits cities to reduction of global warming emissions to 7 percent below 1990 levels by 2012, and calls for a federal limit on emissions; and
- WHEREAS, the State of California has mandated statewide reduction of greenhouse gas emissions to 80 percent below 1990 levels by 2050; and
- WHEREAS, more than 100 county leaders signed a letter written by Dane County, Wisconsin, that was sent to the President in March 2006 calling for increased energy investment and development of jobs focused on clean energy technologies; and
- WHEREAS, counties have a unique role to play in reducing greenhouse gas emissions and preparing for the impacts of climate change through their regional jurisdiction over policy areas such as air quality, land use planning, transportation, zoning, forest preservation, water conservation, and wastewater and solid waste management; and
- WHEREAS, the economic arguments for implementing climate solutions are compelling, from the near-term economic gains of energy efficiency to the long-term climate stabilization that can prevent irreparable harm from catastrophic climate change impacts; and
- WHEREAS, many counties throughout the nation, both large and small, are reducing global warming pollutants through programs that provide economic and quality of life benefits such as reducing energy bills, preserving green space, implementing better land use policies, improving air quality, promoting waste-to-energy programs, expanding transportation and work choices to reduce traffic congestion, and fostering more economic development and job creation through energy conservation and new technologies;

NOW, THEREFORE WE DECLARE, that:

We, as Cool Counties, will take immediate steps to help the federal, state, and our governments within our county to achieve the 2050 climate stabilization goal by making the following commitments:

- i. Create an inventory of our county government (operational) greenhouse gas (“GHG”) emissions and implement policies, programs and operations to achieve significant, measurable and sustainable reduction of those operational GHG emissions to help contribute to the regional reduction targets as identified in paragraph ii; and
- ii. Work closely with local, state, and federal governments and other leaders to reduce county geographical GHG emissions to 80 percent below current levels by 2050, by developing a GHG emissions inventory and regional plan that establishes short-, mid-, and long-term GHG reduction targets, with recommended goals to stop increasing emissions by 2010, and to achieve a 10 percent reduction every five years thereafter through to 2050; and
- iii. Urge Congress and the Administration to enact a multi-sector national program of requirements, market-based limits, and incentives for reducing GHG emissions to 80 percent below current levels by 2050. Urge Congress and the Administration to strengthen standards by enacting legislation such as a Corporate Average Fuel Economy (“CAFE”) standard that achieves at least 35 miles per gallon (mpg) within 10 years for cars and light trucks.

We will take immediate steps to identify regional climate change impacts; and

We will draft and implement a county plan to prepare for and build resilience to those impacts.

**RESOLUTION
AUTHORIZING THE EXECUTION OF THE
LOCAL GOVERNMENT SUPPORT AGREEMENT
AMONG THE CITY OF CHARLOTTESVILLE,
THE COUNTY OF ALBEMARLE, AND
THE RIVANNA SOLID WASTE AUTHORITY**

BE IT RESOLVED by the Albemarle County Board of Supervisors that the County Executive is hereby authorized to execute on behalf of the County, the *Local Government Support Agreement Among the City of Charlottesville, the County of Albemarle, and the Rivanna Solid Waste Authority*, in a form approved by the County Attorney, to establish an agreement regarding the sharing of the Authority's administrative and operating expenses between the City and County when those expenses exceed the revenues of the Authority.

**RESOLUTION
MONTICELLO MUSTANGS**

Whereas *Albemarle County values the important role of athletic programs as part of a comprehensive high school experience for the opportunities for teamwork and sportsmanship that such programs provide, and*

Whereas *Albemarle County applauds the county's student athletes who work hard in the classroom and also represent their schools in a variety of sports that demand a significant investment of time and energy, and*

Whereas *the Monticello High School Mustangs team and their fans have experienced an outstanding and very successful football season in the Fall of 2007 culminating in playing for the State Championship and representing their school and our entire community in a very positive and inspiring manner,*

Now, Therefore, Be It Resolved, *that the Albemarle County Board of Supervisors recognizes and congratulates the administration, faculty and staff, students, and the football team members of Monticello High School for this very significant accomplishment and wishes the Mustangs the very best of luck as they play in the state championship game this weekend.*

**SUB-2007-102 WARTHEN ESTATES PRIVATE STREET WAIVER
CONDITIONS OF APPROVAL**

1. Approval of a plan by the County Engineer to mitigate erosion and stormwater to the maximum extent practicable as determined by the County Engineer shall be a condition of final plat approval; and
2. The road maintenance agreement shall specifically provide for the long term maintenance of the erosion and stormwater improvements required by condition #1.

**SDP-2007-0025 CV 340A Brownsville/Ramsay Property
CONDITION OF APPROVAL**

1. The top of the monopole shall not be more than ten (10) feet above the tallest tree located within twenty-five (25) feet of the monopole.

ORDINANCE NO. 07-9(2)

AN ORDINANCE TO AMEND CHAPTER 9, MOTOR VEHICLES AND TRAFFIC, ARTICLE IV, COUNTY VEHICLE LICENSES, 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 9, Motor Vehicles and Traffic, Article IV, County Vehicle Licenses, is hereby amended and reordained as follows:

By Amending:

Sec. 9-404 License tax – Amounts

CHAPTER 9. MOTOR VEHICLES AND TRAFFIC

ARTICLE IV. COUNTY VEHICLE LICENSES

Sec. 9-404 License tax--Amounts.

A. On all motor vehicles, except as otherwise specifically provided in this article, there shall be an annual license tax based on gross vehicle weight. The license tax shall be thirty-eight dollars and fifty cents (\$38.50) for vehicles with gross vehicle weights of four thousand (4,000) pounds or less and forty-three dollars and fifty cents (\$43.50) for gross weights in excess of four thousand (4,000) pounds. Gross maximum loaded weight shall be substituted for gross vehicle weight for motor vehicles not designed and used primarily for the transportation of passengers.

B. On every motorcycle there shall be an annual license tax of twenty-six dollars and fifty cents (\$26.50).

C. On every trailer or semitrailer not designed and used for transportation of passengers, there shall be an annual license tax as follows:

<u>Gross Weight</u>	<u>Annual Tax</u>
0 - 1,500 lbs.	\$19.50
1,501 lbs. and above	\$30.00

D. In the case of a combination of a tractor-trailer or semitrailer, each vehicle constituting a part of such combination shall be taxed as a separate vehicle.

E. On every motor vehicle, trailer or semitrailer upon which well-drilling machinery is attached or other "specialized mobile equipment" as defined in Virginia Code § 46.2-700(B), there shall be an annual license tax of sixteen dollars and fifty cents (\$16.50).

F. Except as provided in section 9-403(B), the license tax prescribed herein shall be due and payable on or before June 5 of each year, and shall be included and separately stated on the personal property tax bill.

(Code 1967, § 12-93; 1-18-73; 6-7-89; Code 1988, § 12-25; Ord. 98-A(1), 8-5-98; Ord. 99-9(1), 11-10-99; Ord. 02-9(1), 11-6-02; Ord. 05-9(2), 12-7-05, effective 1-1-06; Ord. 07-9(2), 12-5-07, effective 1-1-08)

State law reference--Va. Code § 46.2-694(A), 46.2-694.1, 46.2-752, 46.2-1168.

This ordinance shall be effective on and after January 1, 2008.

ORDINANCE NO. 07-A.1(1)

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

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

By amending:

- Sec. A.1-103** **Definitions and construction**
- Sec. A.1-107** **Eligibility criteria**
- Sec. A.1-108** **Ranking criteria**
- Sec. A.1-109** **Easement terms and conditions**

APPENDIX A.1

ACQUISITION OF CONSERVATION EASEMENTS PROGRAM

Sec. A.1-103. Definitions and construction.

A. The following definitions shall apply in the interpretation and implementation of the ACE program:

(1) *Conservation easement.* The term “conservation easement” means a nonpossessory interest in one or more parcels of one or more qualified easement holders under section A.1-109(E) acquired under the Open-Space Land Act (Virginia Code § 10.1-1700 *et seq.*), whether the easement is appurtenant or in gross, voluntarily offered by an owner and acquired by purchase pursuant to the ACE program, imposing limitations or affirmative obligations for the purpose of retaining or protecting natural or open-space values of the parcel or parcels, assuring availability for agricultural, forestal, recreational or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural or archaeological aspects of the parcel or parcels.

(2) *Division rights.* The term “division rights” means the number of parcels into which a parcel could be divided and developed with a dwelling and all associated improvements and utilities, counting both those parcels less than twenty-one (21) acres in size and those twenty-one (21) acres in size or greater that could be created, by a by-right conventional development under the rural areas zoning district regulations stated in Section 10 of Chapter 18, Zoning, of the Albemarle County Code, where each potential parcel could comply with all applicable requirements of Chapter 14, Subdivision of Land, and Chapter 18, Zoning, of the Albemarle County Code. Each division right represents the right to build a single dwelling, regardless of whether it is a primary or secondary dwelling.

(3) *Forced sale.* The term “forced sale” means a sale of a parcel with unused development rights in a manner prescribed by law that is conducted under a judgment, order or the supervision of a court of competent jurisdiction, other than a sale arising from a partition action; a sale resulting from foreclosure under the laws of the Commonwealth of Virginia; or, a sale that is not the voluntary act of the owner but is compelled in order to satisfy a debt evidenced by a mortgage, judgment, or a tax lien.

(4) *Hardship.* The term “hardship” means an economic hardship, other than a circumstance causing a forced sale, experienced by the owner of the parcel so as to compel him to place a parcel with unused development rights for sale or to use such development rights.

(5) *Immediate family.* The term “immediate family” means an owner’s spouse and his or her offspring residing in the same household as the owner.

(6) *Owner.* The term “owner” means the owner or owners of the freehold interest of the parcel.

(7) *Program administrator.* The term “program administrator” means the director of the department of planning and community development.

(8) *Parcel.* The term “parcel” means a lot or tract of land, lawfully recorded in the clerk’s office of the circuit court of the County of Albemarle.

(9) *Retained division rights.* The term “retained division rights” means the number of parcels into which a parcel subject to a conservation easement may be divided as provided in section A.1-109(A).

B. *Construction.* Because a conservation easement may contain one or more parcels, for purposes of the ACE program the term “parcel” shall include all parcels covered by, or proposed to be covered by, the conservation easement.

(Ord. 00-A.1(1), 7-5-00; Ord. 02-A.1(1), 12-11-02; Ord. 07-A.1(1), 12-5-07)

Sec. A.1-107. Eligibility criteria.

In order for a parcel to be eligible for a conservation easement, it must meet the following criteria: (i) the use of the parcel subject to the conservation easement must be consistent with the comprehensive plan; (ii) the proposed terms of the conservation deed of easement must be consistent with the minimum terms and conditions set forth in section A.1-109; and (iii) the parcel shall obtain at least twenty (20) points under the ranking criteria set forth in section A.1-108.

(Ord. 00-A.1(1), 7-5-00; Ord. 02-A.1(1), 12-11-02; Ord. 07-A.1(1), 12-5-07)

Sec. A.1-108. Ranking criteria.

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

A. *Open-space resources.*

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

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

B. *Threat of conversion to developed use.*

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

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

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

C. *Natural, cultural and scenic resources.*

1. Mountain protection: one (1) point for each fifty (50) acres in the mountain overlay district, as delineated in the Comprehensive Plan; an additional one (1) point may be awarded for each twenty (20) acres within a ridge area boundary. For purposes of this section, the term "ridge area boundary" means the area that lies within one hundred (100) feet below designated ridgelines shown on county mountain overlay district elevation maps. The deed restriction set forth in section A.1-109(B)(1) shall apply if the parcel is eligible for and the owner requests that points be awarded for this criterion.

2. Working family farm, including forestry: five (5) points if at least one family member's principal occupation and income (more than half) is farming or foresting the parcel; three (3) points if at least one family member has as a secondary occupation farming or foresting the parcel so that it is eligible for or subject to land use taxation as land devoted to agriculture, horticulture or forest use under Albemarle County Code § 15-800 *et seq.*

3. The parcel adjoins a road designated either as a Virginia scenic highway or byway, or as an entrance corridor under section 30.6.2 of Chapter 18 of the Albemarle County Code: two (2) points, with one (1) additional point for each six hundred (600) feet of road frontage if the parcel is subject to a deed restriction as provided herein; otherwise, one (1) point for each one thousand (1000) feet of road frontage; the parcel adjoins a public road: two (2) points, with one (1) additional point for each one thousand (1000) feet of road frontage; or, the parcel is substantially visible from, but is not contiguous to, a public road designated either as a Virginia scenic highway or byway, or as an entrance corridor under section 30.6.2 of Chapter 18 of the Albemarle County Code: two (2) points. The deed restriction set forth in section A.1-109(B)(2) shall apply if the parcel is eligible for and the owner requests that two (2) points, with one (1) additional point for each six hundred (600) feet of road frontage, be awarded for adjoining a Virginia scenic highway or byway.

4. The parcel contains historic resources: three (3) points if it is within a national or state rural historic district or is subject to a permanent easement protecting a historic resource; two (2) points if the parcel is within the primary Monticello viewshed, as shown on viewshed maps prepared for Monticello and in the possession of the county; two (2) points if the parcel contains artifacts or a site of archaeological or architectural significance as determined by a qualified archaeologist or architectural historian under the United States Department of Interior's professional qualification standards. The deed restriction set forth in section A.1-109(B)(4) shall apply if the parcel is eligible for and the owner requests that points be awarded for this criterion.

5. The parcel contains an occurrence listed on the state natural heritage inventory or a qualified biologist submitted documentation of an occurrence of a natural heritage resource to the program administrator and the Virginia Division of Natural Heritage on behalf of the owner: five (5) points; or the parcel is within one-quarter (1/4) mile of an occurrence list on the State Natural Heritage Inventory: two (2) points.

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

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

8. The parcel adjoins a waterway designated as a state scenic river: one-half

(1/2) point for each one thousand (1000) feet of frontage. The deed restriction set forth in section A.1-109(B)(3) shall apply if the parcel is eligible for and the owner requests that points be awarded for this criterion.

9. The parcel is subject to a permanent easement whose primary purpose is to establish or maintain forest buffers adjoining perennial or intermittent streams, as those terms are defined in Chapter 17 of the Albemarle County Code: one (1) point for each one thousand (1000) linear feet of buffer that is between thirty-five (35) and fifty (50) feet wide; one and one-half (1 ½) points for each one thousand (1,000) linear feet of buffer that is greater than fifty (50) feet but not more than one hundred (100) feet wide; two (2) points for each one thousand (1000) linear feet of buffer that is greater than one hundred (100) feet wide. If the owner voluntarily offers in his application to place the parcel in such a permanent easement, then the above-referenced points may also be awarded.

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

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

12. The parcel is subject to a professionally prepared Forestry Stewardship Management Plan approved by the Virginia Department of Forestry: one (1) point.

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

(Ord. 00-A.1(1), 7-5-00; Ord. 02-A.1(1), 12-11-02; Ord. 04-A.1(1), 10-6-04; Ord. 07-A.1(1), 12-5-07)

Sec. A.1-109. Easement terms and conditions.

Each conservation easement shall conform to the requirements of the Open-Space Land Act of 1966 (Virginia Code § 10.1-1700 *et seq.*) and of this appendix. The deed of easement shall be in a form approved by the county attorney, and shall contain, at a minimum, the following provisions:

A. *Restriction on division.* The parcel shall be restricted from division as follows: (i) if the parcel is less than one hundred (100) acres, it shall not be divided; (ii) if the parcel is one hundred (100) acres or larger but less than two hundred (200) acres, it may be divided into two (2) lots; (iii) if the parcel is two hundred (200) acres or larger, it may be divided into as many lots so as to maintain an average lot size of at least one hundred (100) acres, plus one additional lot for any acres remaining above the required minimum average lot size (*e.g.*, an eight hundred fifty (850) acre parcel may be divided into as many as nine (9) parcels, eight (8) of which maintain an average lot size of at least one hundred (100) acres, and the ninth of which consists of the remaining acres).

B. *Protection of mountain, scenic and historic resources.* The deed of easement shall include the following restrictions if the owner agrees to use points received under section A.1-108 for mountain, scenic or historic resources:

1. *Mountain resources.* If the owner voluntarily requested in his application that the parcel be awarded points in the evaluation process under section A.1-108(C)(1) for mountain protection, the deed of easement shall prohibit establishing all primary and accessory structures and other improvements, provided that one or more farm buildings or agricultural structures may be permitted within the mountain overlay district with the prior written approval from each grantee; the deed of easement also shall assure that the parcel is used and maintained in a manner consistent with the comprehensive plan and, in particular, the Open Space Plan as it pertains to mountain resources, and the Mountain Design Standards in Chapter 2 of the Comprehensive Plan.

2. *Scenic highways and byways.* If the owner voluntarily requested in his application that the parcel be awarded two (2) points, with one (1) additional point for each six hundred (600) feet of road frontage, in the evaluation process under section A.1-108(C)(3) for adjoining a Virginia scenic highway or byway, the deed of easement shall require that each new dwelling have a two hundred

fifty (250) foot setback from the edge of the right-of-way of the scenic highway or byway or shall be sited in a location approved by each grantee prior to issuance of a building permit to assure that the dwelling is not visible from the scenic highway or byway at any time of the year.

3. *Scenic rivers.* If the owner voluntarily requested in his application that the parcel be awarded points in the evaluation process under section A.1-108(C)(8) for adjoining a Virginia scenic river, the deed of easement shall require that each new dwelling have a two hundred fifty (250) foot setback from the top of the adjoining stream bank or shall be sited in a location approved by each grantee prior to issuance of a building permit to assure that the dwelling is not visible from the scenic river at any time of the year.

4. *Historic resources.* If the owner voluntarily requested in his application that the parcel be awarded points in the evaluation process under section A.1-108(C)(4) for artifacts or sites of archaeological or architectural significance, the deed of easement shall require that these adjoining a Virginia scenic highway or byway or an entrance corridor, the deed of easement shall require that these historic resources be permanently protected in the manner specified by the Virginia Department of Historic Resources.

C. *No buy-back option.* The owner shall not have the option to reacquire any property rights relinquished under the conservation easement.

D. *Other restrictions.* The parcel also shall be subject to standard restrictions contained in conservation easements pertaining to uses and activities allowed on the parcel. These standard restrictions shall be delineated in the deed of easement and shall include, but not necessarily be limited to, restrictions pertaining to: (i) the accumulation of trash and junk; (ii) the display of billboards, signs and advertisements; (iii) the management of forest resources; (iv) grading, blasting or earth removal; (v) the number and size of primary and secondary dwellings, non-residential outbuildings and farm buildings or structures; (vi) the conduct of industrial or commercial activities on the parcel; and (vii) monitoring of the easement.

E. *Designation of easement holders.* The county and one or more other public bodies, as defined in Virginia Code § 10.1-1700, and designated by the board of supervisors shall be the easement holders of each easement. The public body or bodies who may be designated by the board shall include, but not be limited to, the Albemarle County Public Recreational Facilities Authority and the Virginia Outdoors Foundation.

(Ord. 00-A.1(1), 7-5-00; Ord. 02-A.1(1), 12-11-02; Ord. 07-A.1(1), 12-5-07)

**SP 2007-10 CUTRIGHT DIVISION RIGHT (TMP 88-6A1)
CONDITIONS OF APPROVAL**

1. TMP 08800-00-00-006A1 may be subdivided, if at all, only into three parcels, as follows:
 - a. One parcel for the existing house;
 - b. One parcel for a new single family dwelling; and
 - c. One residue parcel of not less than 4.62 (+/-) acres to be donated to the North Garden Volunteer Fire Company, per the Agreement between The Cutright Family Trust, Patsie Cutright, Trustee and the North Garden Volunteer Fire Company, Inc., dated September 27, 2007.
2. The two development rights granted by SP 2007-10 may be used only if TMP 08800-00-00-006A1 is subdivided as provided in Condition 1, and the development rights shall be assigned by the subdivision plat as follows:
 - a. One (1) development right shall be assigned to the new single family dwelling parcel; and
 - b. One (1) development right shall be assigned to the residue parcel.
3. The residue parcel shall not be used for residential purposes, and no permanent structures may be established on the parcel; and
4. Neither the Owner nor her successor in interest shall request that a building permit be issued for any structure on the new single family dwelling parcel unless and until the North Garden Volunteer Fire Company accepts the deed conveying the residue parcel to it.

**SP 2007-37 INFORMED SIMPLIFICATIONS FOR HOME OCCUPATION CLASS B
CONDITIONS OF APPROVAL**

1. Special Use Permit 2007-37 Informed Simplifications shall be limited to one (1) employee for no more than two (2) days per week;
2. No on-site visits from clients, patients, and/or customers shall be permitted;
3. Special Use Permit 2007-37 Informed Simplifications shall be limited to the home office area as it currently exists (423 square feet);
4. Parking for the employee shall be in the area between the house and the garage; and
5. No sign advertising this special use shall be permitted.