

ACTIONS
Board of Supervisors Meeting of February 6, 2008

February 12, 2008

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 9:00 a.m. by the Chairman, Mr. Boyd. All BOS members were present. Also present were Larry Davis and Meagan Hoy. 	
<p>4. Recognition: Resolution of Appreciation: Max Kennedy.</p> <ul style="list-style-type: none"> Chairman read and presented Certificate of Appreciation. 	
<p>5. From the Board: Matters Not Listed on the Agenda.</p> <p><u>Sally Thomas:</u></p> <ul style="list-style-type: none"> The Railroad Industry is planning to expand the freight it carries on trains. The lines that run through Albemarle could cause great amounts of noise. She suggested writing a letter to Virginia Rail and Public Transportation asking that Albemarle be involved in their discussions. The letter should refer to relevant sections of the County's Comprehensive Plan. Senate Bill 768 would wipe out the proffer system as the Board knows it. She suggested the Board express strong opposition to the proposed bill. <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> He would like to get some understanding of the Board's authority in controlling the speed of trains. In a Daily Progress article that ran on Friday February 1, 2008 titled "Higher Tax Rate for Albemarle? Where the Board Stands Today", he was misquoted. He was asked "Given the revenue picture, should the county increase its tax rate at .68 per 100 assessed value?", and under his name it said "yes". That was not his answer to that question, and an apology letter was written to him. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> She would like to move forward with the Advanced Mills Bridge project as soon as possible. Suggested the Board take another look at the recommendations from the Development Review Task Force. She is researching the policy of burying asphalt in the rural areas of the County. <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> He received a letter regarding barking dogs. He asked if the Board was interested in looking at this issue again. The Board directed staff to prepare a comparison of what other counties are doing to deal with this issue. 	

<p>6. From the Public: Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> • Bill Morrow: Discussed a requirement that all landowners in a planned district consent to the rezoning, which has come up during the rezoning of Hollymead Town Center Area A. 	<p><u>Clerk:</u> Schedule on February 13, 2008 agenda for discussion.</p>
<p>7.1 Requested FY 2008 Appropriations.</p> <ul style="list-style-type: none"> • APPROVED the budget amendment in the amount of \$1,364,798.32 and the Appropriations #2008045, 2008046, 2008047 (adjusting the \$17,980 for Stony Point Building Improvement by swapping the revenue funding source), 2008048, 2008049, 2008050 and 2008051. 	<p><u>Clerk:</u> Forward copy of signed appropriation form to OMB, Finance and appropriate individuals.</p>
<p>7.2 Resolution to accept road(s) in Foxchase Subdivision into the State Secondary System of Highways.</p> <ul style="list-style-type: none"> • ADOPTED Resolution. 	<p><u>Clerk:</u> Forward signed resolution and Form AM-4.3 to Pam Shifflett/Glenn Brooks. (Attachment 1)</p>
<p>7.3 Federal Low-Income Housing Tax Credits.</p> <ul style="list-style-type: none"> • SUPPORTED the three applicants seeking federal low-income housing tax credits and AUTHORIZED the County Executive to sign the letters of support for inclusion in the respective applications. • ADOPTED resolution to commit up to twenty-one Housing Choice Vouchers to the Treesdale Park development provided: <ul style="list-style-type: none"> a. HUD approves the County's Housing Choice Voucher Annual Plan to allow up to 20% of allocated vouchers be used for project-based assistance, and; b. HUD continues to provide sufficient funding to meet this commitment. 	<p><u>Clerk:</u> Forward signed letters and resolution to Ron White (Attachment 2)</p>
<p>7.4 Resolutions of Intent to amend the Zoning Ordinance and Subdivision Ordinance requirements for roads associated with subdivisions and frontage for newly created lots.</p> <ul style="list-style-type: none"> • ADOPTED resolutions. 	<p><u>Clerk:</u> Forward copies of resolutions of intent to Mark Graham, Amelia McCulley and Wayne Cilimberg. (Attachments 3 and 4)</p>
<p>7.6-7.16 Official Determination Letters.</p> <ul style="list-style-type: none"> • Directed staff to provide information to the Board on the cost of making official determinations, options to recover the fee, and the percentage put into conservation easement after the official determinations are made. 	<p><u>Mark Graham:</u> Proceed as directed.</p>
<p>8. <u>Appeal: SDP-2007-048 Crozet Gateway Final Site Plan.</u></p> <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, the waiver request for SDP-2007-048 to allow shared parking, a reduction in the required number of parking spaces to 99 and the addition of the bike rack, and APPROVED the final site plan subject to three conditions. 	<p><u>Clerk:</u> Set out site plan conditions. (Attachment 5)</p>
<p>9. FY 2006-2007 Comprehensive Annual Financial Report (CAFR).</p> <ul style="list-style-type: none"> • ACCEPTED, by a vote of 6:0, the FY 2006-2007 Comprehensive Annual Financial Report. 	
<p>10. Climate Change Protection/Cool Counties Participation.</p>	

<ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, staff moving forward with implementation of a climate protection program by pursuing the strategy and timeline set forth at the Board meeting. 	<p><u>Sarah Temple</u>: Proceed as directed. (Attachment 6)</p>
<p>11. Status report on the Historic Crozet Streetscape Enhancement Project.</p> <ul style="list-style-type: none"> • RECEIVED. 	
<p>12. Closed Meeting.</p> <ul style="list-style-type: none"> • At 12:03 p.m. the Board went into closed meeting to consider appointments to boards, committees, and commissions; to consider acquisition of real property necessary for a public safety facility; and to discuss with legal counsel and staff specific legal matters regarding a conservation easement. 	
<p>13. Certified Close Meeting.</p> <ul style="list-style-type: none"> • At 2:04 p.m., the Board reconvened into open session and certified the closed meeting. 	
<p>14. Boards and Commissions: Appointments.</p> <ul style="list-style-type: none"> • APPOINTED A. Bruce Dotson to the Acquisition of Conservation Easements Committee (ACE) with said term to expire August 1, 2008. • APPOINTED Naresh Naran to the Charlottesville-Albemarle Convention & Visitors Bureau (Seat 9) with said term to expire June 30, 2008. • APPOINTED Jeffery Greer as the joint City/County Chair, to the Rivanna Solid Waste Authority Citizens Advisory Committee with said term to expire December 31, 2009. 	<p><u>Clerk</u>: Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>
<p>15a. VDOT Monthly Report/Advance Mills Bridge Update.</p> <ul style="list-style-type: none"> • RECEIVED. • VDoT has received preliminary information on the Glenmore traffic study. VDoT will work with the County and the developer to move forward with a traffic light at that location. • Mr. Sumpter will set up a Georgetown Road meeting with Mr. Rooker to bring him up-to-date on the status. 	
<p>15b. Transportation Matters not Listed on the Agenda.</p> <p><u>Dennis Rooker</u>:</p> <ul style="list-style-type: none"> • Approximately a mile down Old Garth Road, there is a sink hole starting to develop. Mr. Sumpter said they believe there is a sinking pipe; he will bring back a status report. <p><u>David Slutzky</u>:</p> <ul style="list-style-type: none"> • On Rio Road (631), at the Waldorf School, he would like to know when a sidewalk might be installed so that there can be a crosswalk. The issue is the handicap accessible landing. Mr. Sumpter and Mr. Slutzky will set up an appointment to go and visit the location. <p><u>Lindsay Dorrier</u>:</p> <ul style="list-style-type: none"> • Route 713 in the Keene area is like a washboard, it might need some work. 	<p><u>Clerk</u>: Forward comments to Sue Kennedy and Allan Sumpter.</p>

<p><u>Sally Thomas:</u></p> <ul style="list-style-type: none"> • Asked if VDoT installs street and traffic lights of a low energy requirement. Mr. Sumpter will bring back information. <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> • Representatives from Luck Stone, VDoT, and the County met to discuss the Route 250 project. More information will come from County Staff at a future meeting • Asked if VDoT was still on schedule (Spring ad date with construction in the Fall) with the Meadow Creek Parkway. Mr. Sumpter advised the date had not been changed at this time. 	
<p>Advance Mills Bridge Update.</p> <ul style="list-style-type: none"> • At this point, VDoT is looking into reducing the scope of project to be a bridge replacement with minor improvements to the approaches. The benefit is that it would reduce the amount of field work associated with a possible new alignment. • VDoT is planning a meeting to get appropriate Central Office Officials to the site to discuss the design issues associated with a reduced scope. If they go forward with that concept, the use of a “design build contract” could be utilized. They could possibly begin construction of the permanent bridge the Summer of 2009. • VDoT has received no final decision from the FHWA on whether these two projects (temporary and permanent) should be tied together. 	
<p>16. Albemarle County Service Authority/Rivanna Water and Sewer Authority Updates.</p> <ul style="list-style-type: none"> • RECEIVED. • Mr. Frederick advised that the Sugar Hollow Reservoir started spilling over on Sunday. Ragged Mountain is still 1.8 feet down, but it will fill. Beaver Creek will be full very soon. In 35-40 days, everything will be full. • Mr. Fern advised that Edens & Avant, the newest developer of Albemarle Place, is working with water and sewer within the development. • Regarding the Meadow Creek Drainage Basin, an infiltration inflow study will begin. • The Board wanted to make sure they were doing what they should be doing to address infrastructure needs in the County. Mr. Fern said they are moving forward to address the aging infrastructure problem. Currently, they are addressing the waste water treatment plant, the major interceptors, and the collections system. The sewer side could be done in five to ten years. They are still waiting on the total effect of the interceptor study. Mr. Frederick said they are learning a lot through 	

	the comprehensive sewer study. That study should be finished within a year. In five years, he hopes progress will be made, but overall it could take 10 to 15 years.	
17.	<p>Public Hearing: Virginia Community Development Block Grant Program.</p> <ul style="list-style-type: none"> • HELD. • SET, by a vote of 6:0, public hearing for Wednesday, March 19, 2008 for the second required public hearing to review any proposed applications. 	<u>Clerk:</u> Advertise and schedule public hearing.
18.	<p>Public Hearing: Elections – Rivanna Magisterial District – Ordinance to change the polling place for the Keswick Precinct.</p> <ul style="list-style-type: none"> • ADOPTED, by a vote of 6:0, the attached ordinance. 	<u>Clerk:</u> Forward ordinance to County Attorney’s office and Registrar. (Attachment 7)
19.	<p>PROJECT: SP-2007-045/Flow Automotive Sales and Display (Sign #17).</p> <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, SP-2007-045 subject to the five conditions recommended. 	<u>Clerk:</u> Set out conditions of approval. (Attachment 8)
	At 4:51 p.m., the Board recessed.	
20.	<p>Work Session: Community Development Work Program.</p> <ul style="list-style-type: none"> • HELD. • The Board ACCEPTED the revised work program, agreed with the established priorities for FY 08-09 as proposed, and DIRECTED staff to bring back more information on Rural Area Strategies, and to consider “fees for service” to allow frozen positions to be filled. 	
21.	<p>From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <p><u>Sally Thomas:</u></p> <ul style="list-style-type: none"> • League of Women Voter’s is sponsoring a “<i>Dirty Waters</i>” informational session on February 26, 2008 at 12:00 noon at the County Office Building. <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> • The Budget Review Task Force is being formed to evaluate the budget process. 	
	<p>Closed Meeting.</p> <ul style="list-style-type: none"> • At 4:50 p.m. the Board went into closed meeting to consider the acquisition of real property necessary for a public safety facility. 	
22.	<p>Call to Order.</p> <ul style="list-style-type: none"> • Meeting was called to order at 6:05 p.m. by the Chairman, Mr. Boyd. All BOS members were present. Also present were Larry Davis, Bob Tucker, and Meagan Hoy. 	
23a.	<p>WPTA-2007-001. Water Protection Ordinance; applicability of erosion impact area; agreements in lieu of plans; stream buffers on other rural land.</p> <ul style="list-style-type: none"> • ADOPTED, by a vote of 4:2(Dorrier/Boyd), WPTA-2007-001. 	<u>Clerk:</u> Forward ordinance to County Attorney’s office and Mark Graham. (Attachment 9)
23b.	<p>ZTA-2007-003. Zoning Ordinance; safe and convenient access.</p> <ul style="list-style-type: none"> • ADOPTED, by a vote of 4:2(Dorrier/Boyd), ZTA-2007-003. 	<u>Clerk:</u> Forward ordinance to County Attorney’s office and Mark Graham. (Attachment 10)

23c. STA-2007-002. Subdivision Ordinance; family divisions; contour intervals; individual lot grading. <ul style="list-style-type: none"> • ADOPTED, by a vote of 4:2(Dorrier/Boyd), STA-2007-002. 	<u>Clerk:</u> Forward ordinance to County Attorney's office and Mark Graham. (Attachment 11)
27. Adjourn to February 11, 2008, 11:30 a.m., Joint Meeting with Charlottesville City Council. <ul style="list-style-type: none"> • The meeting was adjourned at 8:30 p.m. to February 11, 2008, 11:30 a.m. 	

ewj/mrh

- Attachment 1 – Resolution to accept road(s) in Foxchase Subdivision into the State Secondary System of Highways
- Attachment 2 – Resolution - Federal Low-Income Housing Tax Credits
- Attachment 3 – Resolution of Intent to amend the Subdivision Ordinance
- Attachment 4 – Resolution of Intent to amend the Zoning Ordinance
- Attachment 5 - Conditions of Approval - SDP-2007-048 Crozet Gateway Final Site Plan
- Attachment 6 – Proposed Strategy and Timeline
- Attachment 7 – Ordinance - Elections – Rivanna Magisterial District
- Attachment 8 – Conditions of Approval - SP-2007-045/Flow Automotive Sales and Display
- Attachment 9 – WPTA-2007-001. Water Protection Ordinance
- Attachment 10 – ZTA-2007-003. Zoning Ordinance
- Attachment 11 - STA-2007-002. Subdivision Ordinance

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 6th day of February 2008, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Foxchase Subdivision**, as described on the attached Additions Form AM-4.3 dated **February 6, 2008**, 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 **Foxchase Subdivision**, as described on the attached Additions Form AM-4.3 dated **February 6, 2008**, to the secondary system of state highways, pursuant to §33.1-229 and §33.1-82, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

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

* * * * *

The road(s) described on Additions Form AM-4.3 is:

- 1) **Foxdale Lane (State Route 1850)** from the intersection of Route 250 to the intersection of Lenox Hill Road (Route 1851), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2503, page 656, with a 50-foot plus right-of-way width, for a length of 0.22 miles.
- 2) **Foxdale Lane (State Route 1850)** from the intersection of Lenox Hill Road (Route 1851) to the intersection of Bedford Park Road (Route 1852), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2503, page 656, with a 50-foot plus right-of-way width, for a length of 0.07 miles.
- 3) **Foxdale Lane (State Route 1850)** from the intersection of Bedford Park Road (Route 1852) to the intersection of Ellington Bend (Route 1853), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2503, page 656, with a 50-foot plus right-of-way width, for a length of 0.10 miles.
- 4) **Foxdale Lane (State Route 1850)** from the intersection Ellington Bend (Route 1853) to the intersection of Carlyle Place (Route 1854), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2503, page 656, with a 50-foot plus right-of-way width, for a length of 0.09 miles.
- 5) **Lenox Hill Road (State Route 1851)** from the intersection Foxdale Lane (Route 1850) to the cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2503, page 656, with a 40-foot plus right-of-way width, for a length of 0.24 miles.

- 6) **Bedford Park Road (State Route 1852)** from the intersection Foxdale Lane (Route 1850) to the cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2503, page 656, with a 40-foot plus right-of-way width, for a length of 0.09 miles.
- 7) **Ellington Bend (State Route 1853)** from the intersection Foxdale Lane (Route 1850) to the cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2503, page 656, with a 40-foot plus right-of-way width, for a length of 0.09 miles.
- 8) **Carlyle Place (State Route 1854)** from the intersection Foxdale Lane (Route 1850) to the west cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2503, page 656, with a 40-foot plus right-of-way width, for a length of 0.04 miles.

Total Mileage – 0.94

RESOLUTION

WHEREAS, the County of Albemarle is committed to ensuring that safe, decent, affordable, and accessible housing is available for all residents; and

WHEREAS, the County of Albemarle is committed to improving the livability of all neighborhoods and access to support services by residents; and

WHEREAS, The County of Albemarle is committed to preserving existing and promoting the development of new affordable housing stock; and

WHEREAS, the Albemarle Housing Improvement Program through Treesdale, LP, is applying for Federal Housing Tax Credits to develop 90 units of rental housing located on East Rio Road and known as Treesdale Park; and

WHEREAS, all proposed units in the development will be restricted to households with incomes at or below 60% of the area median income; and

WHEREAS, the Albemarle County Office of Housing proposes the use of Housing Choice Vouchers to provide project-based assistance for up to 21 of the proposed housing units with household incomes limited to those families at or below 40% of the area median income;

NOW, THEREFORE, BE IT RESOLVED that the County of Albemarle supports the commitment of up to 21 project-based vouchers for rental housing located on East Rio Road and known as Treesdale Park to provide rental assistance for households with incomes at or below 40% AMI contingent upon U. S. Department of Housing and Urban Development (HUD) approval of the County's Housing Choice Voucher Annual Plan to allow up to 20% of allocated vouchers to be used for project-based assistance and contingent upon HUD providing sufficient funding to meet this commitment.

RESOLUTION OF INTENT

WHEREAS, subdivision regulations should assure the orderly subdivision and development of land and promote the public health, safety, convenience and welfare of citizens; and

WHEREAS, the orderly subdivision and development of land includes requiring a subdivider to lay out and construct streets in accordance with appropriate state and local standards to relieve the public of the burden that would otherwise exist, to assure that streets are properly designed and constructed for anticipated traffic, and to promote public safety and minimize traffic conflicts with existing streets; and

WHEREAS, current County subdivision regulations allow these purposes to be circumvented by allowing a parcel to be subdivided into multiple two-lot subdivisions that result in lots being created without being served by streets meeting public street design and construction standards or reviewed for approval by the Planning Commission under Albemarle County Code § 14-232 *et seq.*; and

WHEREAS, current County subdivision regulations also allow these purposes to be circumvented by allowing the ultimate subdivision of a parcel to have multiple entrances onto existing public streets, thereby creating additional conflict points and opportunities for accidents; and

WHEREAS, in order to better achieve the purposes of subdivision regulation and to eliminate the potential for circumvention of those purposes, it is desired to amend the Subdivision Ordinance to increase the minimum design and construction standards for private streets serving two lots to the standards that currently apply to private streets serving three to five lots, and to require that all lots created from the subdivision of an existing parcel share the same entrance to an existing public or private street.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good land development practices, the Board of Supervisors hereby adopts a resolution of intent to amend Albemarle County Code §§ 14-404, 14-412, 14-434 and any other regulations of the Subdivision Ordinance deemed appropriate to achieve the purposes described herein.

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

RESOLUTION OF INTENT

WHEREAS, zoning district regulations establish minimum frontage requirements for lots on public and private streets; and

WHEREAS, Zoning Ordinance § 4.6.1(b)(2) provides an exception to the minimum frontage requirements established for the applicable zoning district by allowing the frontage of lots served by an access easement to be reduced to the width of the access easement; and

WHEREAS, by allowing reduced frontage, Zoning Ordinance § 4.6.1(b)(2) facilitates front-and-back subdivision lot configurations and allows the subdivision of parcels that have very limited existing street frontage; and

WHEREAS, front-and-back subdivisions whose back lot meets only the frontage requirements of Zoning Ordinance § 4.6.1(b)(2) result in an undesirable pattern of development; and

WHEREAS, the elimination of the exception allowed by Zoning Ordinance § 4.6.1(b)(2) will not, in and of itself, eliminate front-and-back subdivision lot configurations because an access easement or right-of-way could be extended into the back lot to provide the full frontage otherwise required by the district regulations; the elimination of the exception will, however, be effective in conjunction with proposed amendments to the Subdivision Ordinance identified in a separate resolution of intent adopted this same date; and

WHEREAS, in order to facilitate the creation of a convenient, attractive and harmonious community, it is desired to amend the Zoning Ordinance to delete the exception provided by Zoning Ordinance § 4.6.1(b)(2) when a lot is served by an access easement.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good land development practices, the Board of Supervisors hereby adopts a resolution of intent to amend Zoning Ordinance § 4.6.1 and any other regulations of the Zoning Ordinance deemed appropriate to achieve the purposes described herein.

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

Conditions of Approval - SDP-2007-048 Crozet Gateway Final Site Plan

1. The Current Development Division shall not accept submittal of the final site plan for signature until tentative final approvals for the following conditions have been obtained. The final site plan shall not be signed until the following conditions have been met:
 - a. Current Development Planner approval to include:
 - i. A conservation checklist (available on Community Development website) shall be added to the plan and signed by owner; and
 - ii. Parking counts, areas for each use, and impervious area calculations must be updated to reflect any modifications to parking or layout.
 - b. Current Development Engineer approval to include:
 - i. The plan is acceptable as shown. Bond amounts for Erosion and Sediment Control and Stormwater Management are available and must be posted.
 - c. Please provide evidence of Albemarle County Service Authority approval.
 - d. Virginia Department of Transportation approval to include:
 - i. The applicant must address the comments issued by AJ Hamidi on November 9, 2007.

Proposed Strategy and Timeline

A Proposed Strategy and Timetable

As discussed in the Executive Summary, staff recommends that the County follow the milestones outlined in ICLEI's "5 Milestone Process", which are also consistent with the Cool Counties Policies and Programs Template: 1) conduct a baseline greenhouse gas emissions inventory, 2) set an emissions reduction target for both the community and government operations, based on inventory information, 3) develop a Local Action Plan to reduce emissions and achieve the set target, 4) pursue implementation of the Local Action Plan, and 5) monitor and report results to interested parties and stakeholders.

- **Milestone 1: Conduct a Baseline Emissions Inventory**

A baseline emissions inventory serves as a reference against which to measure our emission reduction in tons of greenhouse gas emissions. A baseline analysis will reveal which activities in the County (community and government operations) are causing the greenhouse gas emissions (e.g. transportation, building operation, etc.) as well as the quantity that each of the activities is contributing. In this way, the emissions inventory analysis aids in prioritizing areas and activities of focus for the development of the Local Action Plan. The inventory is broken down into Community and Government sectors. The former includes residential, commercial and industrial emissions, whereas the latter includes emissions from public schools, government buildings and fleet.

Baseline Year

The Kyoto Protocol called for reduction of emissions by industrialized countries by an average of 5.3% reduction below 1990 levels by 2012. Considering the difficulty of accessing accurate records of community and government utility use, etc., from the year 1990, staff recommends the County use a baseline year of **2000**. This is consistent with the methodology the City of Charlottesville is using in its analysis, which is important if the City and County should decide to collaborate on a Local Action Plan in the future.

Interim Year

Staff recommends that the County also collect greenhouse gas emissions data for an interim year, **2006**, in order provide a measure for emissions growth over the 6 year period, and also to examine what, if any, impact our governmental operations-related sustainability efforts (e.g. ENERGY STAR, hybrid fleet vehicles, etc.) have made on lowering emissions in the 6 year period. This information may then be useful with setting a realistic Interim Target and Target.

- **Milestone 2: Set a Target for Greenhouse Gas Reduction**

By participating in Cool Counties, the County has pledged to achieve a long-range target of reducing greenhouse gas emissions by **80% by 2050**, an annual average of 2%. However, ICLEI advises that localities with long-range targets generally also establish interim targets (e.g. every 5 years) so that more immediate goals can be set and tracked. Most localities have chosen a 10-20 year timeframe for their forecast or interim target year.

Oftentimes at this stage, a locality will elect to establish a County-wide **Task Force** or Citizen's Advisory Committee consisting of representatives from key sectors (Transportation, Commercial, Industrial, Public, County government) to **manage all of the following milestones** by examining the inventory data and establishing both reduction targets and work on developing a Local Action Plan. The County may want to consider working with the City of Charlottesville to form a combined Task Force, as climate change is a regional issue and it may be beneficial for the City and County to combine some of their climate protection efforts.

- **Milestone 3: Establish a Local Action Plan**

This involves establishing a detailed Action Plan, including the policies, programs, and projects that local governments take to meet their emission reduction targets by the target year. A sample Local Action Plan is included as Attachment D, and examples of policies, programs and projects

that other localities have implemented as part of their Local Action Plans are provided in Attachment C.

- **Milestone 4: Implement the Local Action Plan**

This stage involves implementing the policies, programs and projects outlined in the Local Action Plan. This stage will be ongoing as new “interim targets” are set, and will involve multiple sectors and groups, including the Countywide Task Force, if/when established, working to achieve this milestone. ICLEI recommends updating the Clean Air Climate Protection (CACP) software every 2-3 years with current emissions data to check on emission reduction progress and to ensure that new data (e.g. census) and information on new developments are added if/when appropriate.

- **Milestone 5: Assess, Report and Modify Local Action Plan**

This includes ongoing periodic review, progress assessment and public reporting until the target year, and beyond. This process as mentioned above is typically managed by the County-wide Task Force.

Estimated Timeline for Albemarle County

A proposed, estimated timetable for achieving these milestones is as follows:

Milestone	Start Date	Complete Date	Completed By
Milestone 1: Conduct Baseline Emissions Inventory	January 15, 2008	August 31, 2008	General Services Dept.
Milestone 2: Set a Target (and establish Task Force)	October 1, 2008	December 31, 2008	Staff, Board of Supervisors, Task Force
Milestone 3: Establish Local Action Plan	January 15, 2009	May 31, 2009	Task Force
Milestone 4: Implement Local Action Plan	June 1, 2009	Ongoing	Task Force, Various Sectors, Groups, Staff
Milestone 5: Assess, Report, and Modify Local Action Plan	June 1, 2010	Ongoing	Task Force, Board of Supervisors, Staff

ORDINANCE NO. 08-2(1)

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, ARTICLE I, ELECTIONS, 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 2, Administration, Article I, Elections, is hereby amended and reordained as follows:

By Amending:

Sec. 2-103 Rivanna Magisterial District

Chapter 2. Administration

Article I. Elections

Sec. 2-103 Rivanna Magisterial District.

The Rivanna Magisterial District shall be bounded, and contain voting precincts and polling places, as follows:

A. *Description of district:* Beginning at the intersection of Interstate 64 and the Albemarle/Fluvanna County line; then northeast along the Albemarle/Fluvanna County line to its intersection with the Albemarle/Louisa County line; then northeast along the Albemarle/Louisa County line to its intersection with the Albemarle/Orange County line; then west along the Albemarle/Orange County line to its intersection with the Albemarle/Greene County line; then west along the Albemarle/Greene County line to its intersection with Seminole Trail (U.S. Route 29); then southwest on Seminole Trail to its intersection with Dickerson Lane (State Route 763); then west on Dickerson Lane to its intersection with Dickerson Road (State Route 606); then south on Dickerson Road to its intersection with the North Fork Rivanna River; then southeast along the North Fork Rivanna River to its intersection with Seminole Trail (U.S. Route 29); then south along Seminole Trail to its intersection with the South Fork Rivanna River; then meandering southeast along the South Fork Rivanna River to its confluence with the North Fork Rivanna River and Rivanna River; then meandering southeast along the Rivanna River to its intersection with Interstate 64; then following Interstate 64 east to its intersection with the Albemarle/Fluvanna County line, the point of origin.

B. *Voting precincts:* The district shall be divided into five (5) voting precincts, as described herein:

1. *Burnley Precinct:* Beginning at the intersection of Seminole Trail (U.S. Route 29) and the Albemarle/Greene County line; then southeast along the Albemarle/Greene County line to its intersection with the Albemarle/Orange County line; then southeast along the Albemarle/Orange County line to its intersection with the Southern Railway right-of-way; then southwest along the Southern Railway right-of-way to its intersection with the North Fork Rivanna River; then meandering northwest along the North Fork Rivanna River to its intersection with Dickerson Road (State Route 606); then northeast on Dickerson Road to its intersection with Dickerson Lane (State Route 763); then east on Dickerson Lane to Seminole Trail (U.S. Route 29); then north on Seminole Trail to its intersection with the Albemarle/Greene County line, the point of origin.

2. *Free Bridge Precinct:* Beginning at the confluence of the Rivanna River and Redbud Creek; then east with Redbud Creek to its origin near the ridge of Wolfpit Mountain of the Southwest Mountain range; then southwest with the ridge line of the Southwest Mountain range to its intersection with the origin of Barn Branch; then southeast with Barn Branch to its intersection with Interstate 64; then west on Interstate 64 to its intersection with the Rivanna River; then meandering northwest with the Rivanna River to its confluence with Redbud Creek, the point of origin.

3. *Hollymead Precinct*: Beginning at the intersection of the Southern Railroad right-of-way and the South Fork Rivanna River; then meandering northwest with the South Fork Rivanna River to its intersection with Seminole Trail (U.S. Route 29); then north on Seminole Trail to its intersection with the North Fork Rivanna River; then meandering southeast along the North Fork Rivanna River to its intersection with the Southern Railroad right-of-way; then southwest with the Southern Railroad right-of-way to its intersection with the South Fork Rivanna River, the point of origin.

4. *Keswick Precinct*: Beginning at the intersection of the Albemarle/Orange/Louisa County line; then southwest with the Albemarle/Louisa County line to its intersection with the Albemarle/Fluvanna County line; then southwest with the Albemarle/ Fluvanna County line to its intersection with Interstate 64; then west on Interstate 64 to its intersection with Barn Branch; then northwest with Barn Branch to its origin near the ridge of the Southwest Mountain range; then northeast with the ridge line of the Southwest Mountain Range to its intersection with the Albemarle/Orange County line; then east with the Albemarle/Orange County line to its intersection with the Albemarle/Orange/Louisa County line, the point of origin.

5. *Stony Point Precinct*: Beginning at the intersection of the South Fork Rivanna River and the Southern Railroad right-of-way; then meandering southeast to its confluence with the North Fork Rivanna River and Rivanna River; then meandering south along the Rivanna River to its confluence with Redbud Creek; then east with Redbud Creek to its origin near the ridge of Wolfpit Mountain of the Southwest Mountain range; then northeast with the ridgeline of the Southwest Mountain range to its intersection with the Albemarle/Orange County line; then west with the Albemarle/Orange County line to its intersection with the Southern Railroad right-of-way; then southwest with the Southern Railroad right-of-way to its intersection with the South Fork Rivanna River, the point of origin.

C. *Polling places*: Each voting precinct shall have a polling place at the location identified below:

1. *Burnley Precinct*: Northridge Community Church of the Nazarene, 5100 Dickerson Road.
2. *Free Bridge Precinct*: Elk's Lodge Hall, 389 Elk Drive.
3. *Hollymead Precinct*: Hollymead Elementary School, 2775 Powell Creek Drive.
4. *Keswick Precinct*: Zion Hill Baptist Church, 802 Zion Hill Road.
5. *Stony Point Precinct*: Stony Point Elementary School, 3893 Stony Point Road.

(8-19-71, § 1; 9-5-72; 7-15-81; Code 1988, § 6-1; 5-15-91; Ord. 95-6(1), 1-11-95; Ord. 98-A(1), 8-5-98, § 2-100(3), § 2-103; Ord. 01-2(1), 5-9-01; Ord. 02-2(4), 7-3-02; Ord. 08-2(1), 2-6-08)

**SP-2007-045/Flow Automotive Sales and Display
CONDITIONS OF APPROVAL**

1. Vehicles shall not be elevated anywhere on site;
2. Vehicles shall be displayed only in areas indicated for display shown on the plan entitled "Flow Automotives", identified as Sheet 3, prepared by Collins Engineering, with revision date of 12/18/07. Display parking shall be only in designated striped parking spaces, as identified on this plan. No parking shall occur in travelways;
3. Final site plan approval is subject to ARB approval of the lighting plan (submitted with the site plan). Maximum light levels on site shall not exceed thirty (30) footcandles;
4. Final site plan approval is subject to ARB approval of the landscape plan (submitted with the site plan). Landscaping shown on the plan will be required to be in excess of the minimum requirements of ARB guidelines and/or the Zoning Ordinance to compensate for the negative visual impact of the proposed use, including but not limited to the use of larger caliper trees, additional evergreen shrubs and continuous interior planting islands; and
5. Final site plan approval is subject to the recordation of easements for ingress/egress and for the installation, maintenance and use of planter islands and landscaping on adjacent parcels (Tax Map 78, Parcels 15, 15D and 15E).

ORDINANCE NO. 08-17(1)

AN ORDINANCE TO AMEND CHAPTER 17, WATER PROTECTION, OF THE CODE OF THE COUNTY OF ALEMARLE, VIRGINIA, BY AMENDING ARTICLE I, GENERAL, ARTICLE II, EROSION AND SEDIMENT CONTROL, AND ARTICLE III, STORMWATER MANAGEMENT AND WATER QUALITY

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 17, Water Protection, Article I, General, Article II, Erosion and Sediment Control, and Article III, Stormwater management and water quality, are amended and reordained as follows:

By Amending:

- Sec. 17-104 Definitions
- Sec. 17-200 Applicability
- Sec. 17-317 Duty to retain or establish stream buffer
- Sec. 17-321 Types of development which may be allowed in stream buffer by program authority

Chapter 17. Water Protection

Article I. General

Sec. 17-104 Definitions.

The following definitions shall apply in the interpretation and implementation of this chapter:

(32) *Perennial stream.* The term "perennial stream" means any stream that is depicted as a continuous blue line on the most recent United States Geological Survey 7.5 minute topographic quadrangle maps (scale 1:24,000) or which is determined by the program authority to be perennial following a site-specific evaluation using the guidance entitled "Determinations of Water Bodies with Perennial Flow," dated September 2003, issued by the Chesapeake Bay Local Assistance Department. This definition shall not apply to streams within a development area or area of infill and redevelopment that have been piped or converted legally and intentionally into stormwater conveyance channels such that the stream does not resemble or maintain the characteristics of a natural stream channel, as determined by the program authority.

Article II. Erosion and Sediment Control

Sec. 17-200 Applicability.

This article shall apply to any land disturbing activity as provided herein:

A. Except as provided in paragraph (B), each owner shall comply with the requirements of this article:

1. prior to engaging in any land disturbing activity, or allowing any land disturbing activity to occur, on his property;
2. at all times during such land disturbing activity until it is completed, including all times when the land disturbing activity is performed by a contractor engaged in construction work;
3. when notified by the program authority that an erosion impact area exists on his land, and the notice requires the owner to submit an erosion and sediment control plan in order to control erosion and sedimentation; and
4. for the prior construction of an agricultural road, when the owner submits a preliminary or final plat, preliminary or final site plan, an application for a zoning map amendment to a non-agricultural zoning district, or an application for a special use permit for a use or activity not directly

related to agriculture for the lot on which the agricultural road is located or serves, if both: (i) the plat, plan or application was submitted within twenty-four (24) months after construction of the agricultural road began; and (ii) the program authority determines that the dimensions and alignment of the agricultural road substantially correspond to the dimensions and alignment of a road proposed on the plat, plan or any document submitted as part of an application.

B. This article shall not apply to the following activities:

1. individual home gardens, landscaping, repair and maintenance work;
2. individual service connections;
3. installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street or sidewalk; provided that the land disturbing activity is confined to the area of the road, street or sidewalk which is hard surfaced;
4. septic tank lines or drainage fields, unless included in an overall plan for land disturbing activity relating to construction of the building to be served by the septic tank system;
5. surface or deep mining;
6. exploration or drilling for oil and gas, including the well site, roads, feeder lines and off-site disposal areas;
7. tilling, planting or harvesting of agricultural, horticultural or forest crops, livestock feed operations or products, or related engineering operations including, but not limited to, construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation. This exception shall not apply to: (i) the harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Virginia Code §§ 10.1-1100 et seq. or is converted to bona fide agricultural or improved pasture uses as described in Virginia Code § 10.1-1163(B), in which case such person shall comply with the provisions of this article when grading, excavating, or filling; (ii) a land disturbing activity related to the construction of farm structures, including but not limited to agricultural structures or roads not associated with tilling, planting and harvesting; and (iii) the construction of roads other than agricultural roads;
8. the construction of agricultural roads, except as provided in paragraph (A)(4);
9. repair or rebuilding of the tracks, right-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;
10. installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles; and
11. emergency work to protect life, limb or property, and emergency repairs; provided that if the land disturbing activity would have required an approved erosion and sediment control plan if the activity was not an emergency, the land area shall be shaped and stabilized in accordance with the requirements of the program authority.

C. Any activity that is otherwise exempt from this article under paragraph (B) shall become subject to this article if the program administrator determines that an erosion impact area exists on the subject property as provided in section 17-202.

(§ 7-3, 6-18-75, § 5, 2-11-76, 4-21-76, 2-11-87, 3-18-92; § 19.3-8, 2-11-98; Code 1988, §§ 7-3, 19.3-8; Ord. 98-A(1), 8-5-98; Ord. 08-17(1), 2-6-08)

State law reference--Va. Code §§ 10.1-560, 10.1-562, 10.1-563.

Article III. Stormwater management and water quality

Sec. 17-317 Duty to retain or establish stream buffer.

Except as provided in section 17-319, any land subject to this article and each stormwater management/BMP plan shall provide for stream buffers for the purposes of retarding runoff, preventing erosion, filtering nonpoint source pollution from runoff, moderating stream temperature, and providing for the ecological integrity of stream corridors and networks, as provided herein:

A. If the development is located within a development area or an area of infill and redevelopment, stream buffers shall be retained if present and established where they do not exist on any lands subject to this article containing perennial streams, and/or nontidal wetlands contiguous to these streams. The stream buffer shall be no less than one hundred (100) feet wide on each side of such perennial streams and contiguous nontidal wetlands, measured horizontally from the edge of the nontidal wetlands, or the top of the stream bank if no wetlands exist.

B. If the development is located within a water supply protection area or other rural land, stream buffers shall be retained if present and established where they do not exist on any lands subject to this article containing perennial or intermittent streams, nontidal wetlands contiguous to these streams, and flood plains. The stream buffer shall extend to whichever of the following is wider: (i) one hundred (100) feet on each side of perennial or intermittent streams and contiguous nontidal wetlands, measured horizontally from the edge of the nontidal wetlands, or the top of the stream bank if no wetlands exist; or (ii) the limits of the flood plain. The stream buffer shall be no less than two hundred (200) horizontal feet wide from the flood plain of any public water supply impoundment.

C. On agricultural lands used for crop land, whether located in a development area, an area of infill and redevelopment, a water supply protection area or other rural land, the stream buffer shall include all perennial streams, non-tidal wetlands contiguous with these streams, and a twenty-five (25) foot buffer, measured horizontally from the edge of contiguous non-tidal wetlands, or the top of the stream bank if no wetlands exist. On these lands, the stream buffer shall be managed to prevent concentrated flows of surface water from breaching the buffer area. Each owner of crop land with a stream buffer shall have developed by the Thomas Jefferson Soil and Water Conservation District a soil and water conservation plan, or a component thereof, which, shall be based on an assessment of existing conservation practices of the crop land.

D. Each stream buffer shall be maintained and incorporated into the design of the land development to the fullest extent possible.

E. Except for the activities pertaining to the management of a stream buffer identified in section 17-318, the types of development authorized in a stream buffer identified in section 17-320, and the additional types of development which may be allowed in a stream buffer identified in section 17-321, no indigenous vegetation within the stream buffer shall be disturbed or removed, regardless of the size of the area affected.

(§ 19.3-41, 2-11-98; § 19.2-8, 6-19-91; Code 1988, §§ 19.2-8, 19.3-41; Ord. 98-A(1), 8-5-98; Ord. 08-17(1), 2-6-08)

State law reference--Va. Code § 10.1-2108.

Sec. 17-321 Types of development which may be allowed in stream buffer by program authority.

Development in a stream buffer may be authorized by the program authority in the circumstances described below, provided that a mitigation plan is submitted to, and approved, by the program authority pursuant to section 17-322:

1. on a lot which is located within a development area but is not within a water supply protection area: within the fifty (50) horizontal feet of stream buffer that is the most landward (furthest from the stream);

2. on a lot which is located within a water supply protection area or other rural land: within the fifty (50) horizontal feet of stream buffer that is the most landward, but only for stormwater conveyance channels or other necessary infrastructure, and only if such development is determined by the program authority to be necessary to allow a reasonable use of the lot. In all cases under this paragraph, the building site and the sewage disposal system shall be located outside of the stream buffer;

3. on a lot on which the development in the stream buffer will consist of a lake, pond, or ecological/wetland restoration project;

4. on a lot on which the development in the stream buffer will consist of the construction and maintenance of a driveway or roadway, and the program authority determines that the stream buffer would prohibit reasonable access to a portion of the lot which is necessary for the owner to have a reasonable use of the lot;

5. on a lot which was of record prior to the date of adoption of this chapter, on which the development in the stream buffer will consist of the construction, installation and maintenance of water and sewer facilities or sewage disposal systems, and the program authority determines that the stream buffer would prohibit the practicable development of such facilities or systems. Any such sewage disposal system must comply with all applicable state laws; and

6. on a lot which was of record prior to the date of adoption of this chapter, if the stream buffer would result in the loss of a building site, and there are no other available building sites outside the stream buffer on the lot, or to allow redevelopment as permitted in the underlying zoning district.

(§ 19.3-45, 2-11-98; § 19.2-8, 6-19-91, § 8; Code 1988, §§ 19.2-8, 19.3-45; Ord. 98-A(1), 8-5-98; Ord. 08-17(1), 2-6-08)

State law reference--Va. Code § 10.1-2108.

This ordinance shall be effective on and after February 6, 2008 provided, however, that any subdivision plat, site plan or application for a building permit submitted on or before February 5, 2008, and approved on or before June 6, 2008, may be approved under the applicable regulations in effect on February 5, 2008.

ORDINANCE NO. 08-18(1)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE II, BASIC 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 II, Basic Regulations, is hereby amended and reordained as follows:

By Amending:

Sec. 4.6.6 Lot access requirements

Chapter 18. Zoning

Article 2. Basic Regulations

Sec. 4.6.6 Lot access requirements

Vehicular access on a lot shall be provided as follows:

- a. In all zoning districts, a structure requiring a permit under the Uniform Statewide Building Code may be established only on a lot having frontage on a public or private street as authorized by the subdivision ordinance, except that this requirement shall not apply to lots lacking such frontage on the effective date of this chapter.
- b. In the rural areas zoning district, in addition to the requirements in subsection (a) and in order to provide public safety vehicles with safe and reasonable access to a new dwelling unit on a lot, each driveway that will serve a new dwelling unit: (1) shall not exceed a sixteen (16) percent grade; (2) shall have a travelway that is at least ten (10) feet in width; (3) shall extend to within fifty (50) feet of each dwelling unit on the lot; and (4) shall include a rectangular zone superjacent to the driveway that is clear of all obstructions, including any structures and vegetation, that is at least ten (10) feet in width and fourteen (14) feet in height. The landowner shall demonstrate to the satisfaction of the county engineer that the driveway will meet the requirements of this subsection before a building permit is issued.
- c. Notwithstanding the requirements of subsection (b), the county engineer, with the recommendation of the fire marshal, may authorize a driveway having a grade that exceeds sixteen (16) percent if the landowner demonstrates to the satisfaction of the county engineer and the fire marshal that public safety vehicles would be able to access the dwelling unit even though the grade may exceed sixteen (16) percent. In considering a waiver request, the county engineer and the fire marshal shall consider: (1) the length of the segment of the driveway that would exceed sixteen (16) percent; (2) whether the segment that would exceed sixteen (16) percent would require the public safety vehicle to travel uphill towards the dwelling unit; (3) whether fire suppression equipment such as sprinklers would be installed within the dwelling unit; and (4) whether the dwelling unit is within fifty (50) feet of a public or private street. In authorizing such a grade, the county engineer may impose reasonable conditions to assure that the public safety vehicles may access the dwelling unit including, but not limited to, a condition limiting the maximum length any segment of the driveway may exceed sixteen (16) percent.
 1. The landowner may appeal the disapproval of a waiver under subsection (c), or the approval of a waiver with conditions objectionable to the landowner, to the commission. The appeal shall be in writing and be filed with the department of community development within ten (10) days after the date of the county engineer's and the fire marshal's decision. In reviewing a waiver request, the commission may approve or disapprove the waiver based upon the applicable factors in subsection (c), amend any condition imposed by the county engineer and fire marshal, and impose any conditions it deems necessary to assure that public safety vehicles may access the dwelling unit. In

so doing, the commission shall give due consideration to the recommendations of the county engineer and the fire marshal. In addition, the commission may consider such other evidence as it deems necessary for a proper review of the waiver request.

2. The landowner may appeal the decision of the commission to the board of supervisors under the same procedure and subject to the same standards as an appeal to the commission set forth herein.

d. Any lot which was lawfully a lot of record on the effective date of subsection (b) shall be exempt from the requirements of that subsection for the establishment of the first single-family detached dwelling unit on the lot if the county engineer determines that those requirements would prohibit the practicable development of the lot for that first single-family detached dwelling unit.

(§ 4.6.6, 12-10-80; 5-21-86; Ord. 98-A(1), 8-5-98; Ord. 08-18(1), 2-6-08)

This ordinance shall be effective on and after February 6, 2008 provided, however, that any application for a building permit submitted on or before February 5, 2008, and approved on or before June 6, 2008, may be approved under the applicable regulations in effect on February 5, 2008.

ORDINANCE NO. 08-14(1)

AN ORDINANCE TO AMEND CHAPTER 14, SUBDIVISION OF LAND, AND ARTICLE II, ADMINISTRATION AND PROCEDURE, 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 14, Subdivision of Land, and Article II, Administration and Procedure, is hereby amended and reordained as follows:

By Amending:

Sec. 14-212 Family subdivisions; conditions of approval
Sec. 14-302 Contents of preliminary plat

Chapter 14. Subdivision of Land

Article II. Administration and Procedure

**Division 3. Procedures for Rural Subdivisions, Family Subdivisions,
Boundary Line Adjustments, Vacations and Easement Plats**

Sec. 14-212 Family subdivisions; conditions of approval

Each approval of a plat for a family subdivision shall be subject to the following conditions:

A. No lot may be created by family subdivision unless it has been owned by the current owner or a member of his or her immediate family for at least four (4) consecutive years immediately preceding the date the family subdivision plat is submitted under section 14-210.

B. No lot created by the family subdivision, including the residue, may be transferred, except by devise, descent or operation of law, to a person other than an eligible member of the immediate family of the subdivider, for a period of four (4) years after the date of recordation of the plat, except for purposes of securing any purchase money and/or construction loan, including a bona fide refinancing, or if the lending institution requires in writing that the spouse of the member of the immediate family be a co-grantee and co-owner of the lot. The subdivider shall place a restrictive covenant on the lots created by the family subdivision prohibiting the transfer of the lots so created to a person who is not a member of the immediate family for the retention period after the date of recordation. The restrictive covenant shall be subject to review and approval by the county attorney before it is recorded. If the lot created is conveyed back to the grantor during the retention period, it shall be recombined with the parent lot within six (6) months after such conveyance and no building permits shall be issued for the lots until they are recombined.

C. The entrance of the principal means of access for each lot onto any public street shall comply with Virginia Department of Transportation standards and be approved by the Virginia Department of Transportation.

D. The following note shall be added to each plat for a family subdivision: "No lot shown on this family subdivision plat may be sold or conveyed to a person other than an eligible 'member of the immediate family,' as that term is defined in Chapter 14 of the Albemarle County Code, for a period of four (4) years after the date of recordation of this plat except as authorized by section 14-212(A) of the Albemarle County Code. If any lot created by the recordation of this plat is conveyed back to the grantor during the four (4) year period, it shall be recombined with the parent lot within six (6) months after such conveyance."

(9-5-96, 1-3-96, 4-13-88, 12-21-83, 10-17-79, 8-28-74; 1988 Code, § 18-57; Ord. 98-A(1), 7-15-98; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 08-14(1), 2-6-08)

State law reference--Va. Code §§ 15.2-2244(C), 15.2-2244.1.

Article III. Subdivision Plat Requirements and Documents to be Submitted

Division 1. Plat Requirements

Sec. 14-302 Contents of preliminary plat.

A preliminary plat shall contain the following information:

A. A preliminary plat shall contain the following information, which must be included in order for a preliminary plat to be deemed complete under section 14-216(B):

1. *Name of subdivision.* The title under which the subdivision is proposed to be recorded. The title shall not duplicate or be a homonym of an existing or reserved subdivision name within the county, the City of Charlottesville, or the Town of Scottsville, except if the subdivision is an extension of an existing subdivision.

2. *Vicinity map.* A map at a scale of one (1) inch equal to two thousand (2,000) feet showing the property and its relationship with adjoining land and streets, its relationship with landmarks in the area and, if the subdivision is a phased subdivision, all other phases of the subdivision for which a final plat has been approved, in detail adequate to describe the location of the property without field review.

3. *Existing or platted streets.* The location, width and names of all existing or platted streets and all other rights-of-way.

4. *Private easements.* The location and dimensions of all existing and proposed private easements. Existing easements shall be labeled with the deed book and page number and the name of the owner of record.

5. *Public easements.* The location and dimensions of all existing and proposed public easements outside of a street right-of-way. Existing easements shall be labeled with the deed book and page number and the name of the public owner of record. Proposed easements shall be labeled as "dedicated to public use."

6. *Alleys and shared driveways.* The location and dimensions of all easements for alleys and shared driveways.

7. *Existing and departing lot lines.* If the property consists of more than one existing lot, then the identification of the existing lots and their outlines, which shall be indicated by dashed lines; and, the location of departing lot lines of abutting lots.

8. *Proposed lots.* The number, approximate dimensions, and area of each proposed lot.

9. *Building sites on proposed lots.* The location, area and dimensions of a building site on each proposed lot complying with the requirements of section 4.2 of the zoning ordinance. The plat shall also contain the following note: "Parcel [letter or number] and the residue of Tax Map/Parcel [numbers] each contain a building site that complies with section 4.2.1 of the Albemarle County Zoning Ordinance."

10. *Right of further division of proposed lots.* The number of lots, as assigned by the subdivider, into which each proposed lot may be further divided by right pursuant to section 10.3.1 of the zoning ordinance, if applicable. The plat shall also contain the following note: "Parcel [letter or number] is assigned [number] development rights and may/may not be further divided and when further divided these rights shall not comprise more than [number] acres. The residue of Tax Map/Parcel [numbers] is

retaining [number] development rights and when further divided it shall not consist of more than [number] acres.”

11. *Instrument creating property proposed for subdivision.* The deed book and page number of the instrument whereby the property was created, as recorded in the office of the clerk of the circuit court of the county.

12. *Topography.* Existing topography at the time of plat submittal at up to twenty [20] percent slope, with a contour interval that is not greater than the interval on aerial topography available from the county. The source of topography, including survey date and name of the licensed professional or a statement that topography data provided by the county was used. Proposed grading, with a contour interval equal to the intervals of the existing topography, supplemented where necessary by spot elevations; areas of the site where existing slopes are twenty-five (25) percent or greater. Existing topography for the entire site with sufficient offsite topography to describe prominent and pertinent offsite features and physical characteristics, but in no case less than fifty (50) feet outside of the site unless otherwise approved by the agent. For property in the rural areas zoning district, the proposed grading shall show all grading on each proposed lot, including access, clearing and all other lot improvements.

13. *Proposed facilities.* The location of proposed water and sewer lines and related improvements; proposed drainage and stormwater management facilities and related improvements.

14. *Land to be dedicated in fee or reserved.* The location, acreage, and current owner of all land intended to be dedicated in fee or reserved for public use, or to be reserved in a deed for the common use of lot owners in the subdivision.

15. *Identification of all owners and certain interest holders.* The names and addresses of each owner of record and holders of any easements affecting the property.

B. A preliminary plat shall also contain the following information, provided that the preliminary plat shall not be deemed incomplete for purposes of section 14-216(B) if it does not include this information in the initial plat submittal:

1. *General information.* The date of drawing, including the date of the last revision, the number of sheets, the north point, and the scale. If true north is used, the method of determination shall be shown.

2. *Name of plat preparer.* The name of the person who prepared the plat.

3. *Public areas, facilities or uses.* The location of all areas shown in the comprehensive plan as proposed sites for public areas, facilities or uses, as described in Virginia Code § 15.2-2232, which are located wholly or in part within the property.

4. *Places of burial.* The location of any grave, object or structure marking a place of burial located on the property.

5. *Zoning classification.* The zoning classification of the property, including all applicable zoning overlay districts, proffers, special use permits and variances.

6. *Tax map and parcel number.* The county tax map and parcel number of the property.

7. *Reservoir watershed; agricultural-forestal district.* A notation as to whether the land is within an Albemarle County and/or City of Charlottesville water supply watershed or an agricultural-forestal district.

8. *Yards.* The location of all yards required by this chapter and the zoning ordinance, which may be shown graphically or described in a note on the plat.

9. *Flood plain.* The location of any part of the property within the flood hazard overlay district, as set forth in section 30.3 of the zoning ordinance.

10. *Stream buffers.* The location of stream buffers required by section 17-317 of the water protection ordinance, with the following note: "The stream buffer(s) shown hereon shall be managed in accordance with the Albemarle County Water Protection Ordinance."

(9-5-96, 2-4-81, 8-28-74; 1988 Code, § 18-52; Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 08-14(1), 2-6-08)

State law reference--Va. Code §§ 15.2-2241(1), 15.2-2258, 15.2-2262.

This ordinance shall be effective on and after February 6, 2008 provided, however, that any subdivision plat submitted on or before February 5, 2008, and approved on or before June 6, 2008, may be approved under the applicable regulations in effect on February 5, 2008.