

ACTIONS
Board of Supervisors Meeting of May 13, 2009

May 14, 2009

<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 4:00 p.m., by the Chairman, Mr. Slutzky. All Board members were present. Also present were Bob Tucker, Larry Davis and Meagan Hoy. 	
<p>2. <u>Public Hearing: ZTA-2009-004. Flood Hazard Overlay District.</u></p> <ul style="list-style-type: none"> ADOPTED ZTA-2009-004, by a vote of 6:0. 	<p>Clerk: Forward copy of adopted Ordinance to Mark Graham, Amelia McCulley and Larry Davis. (Attachment 1)</p>
<p>3. <u>Public Hearing: 2009/10-2014/15. Six Year Secondary Road Plan and Upcoming Year Construction Budget.</u></p> <ul style="list-style-type: none"> APPROVED, by a vote of 6:0, the County priority list of Second Road Improvements, with the addition of a scheduled list of unpaved road project priorities, and AUTHORIZED the County Executive to sign the VDOT Secondary System Construction Program for Albemarle County consistent with the County's Priority List. CONSENSUS to add to legislative agenda request to change State Code to allow for the use of previously approved unpaved money to be released and used for other projects without penalizing the locality, if the unpaved road program is revitalized in the future. 	<p><u>VDOT/Community Development</u>: Proceed as approved.</p> <p><u>Andy Bowman</u>: Include in legislative program.</p>
<p>4. <u>Public Hearing: STA-2008-0002. Fees.</u></p> <ul style="list-style-type: none"> ADOPTED STA-2009-002, by a vote of 6:0, with an effective date of October 1, 2009. 	<p>Clerk: Forward copy of adopted Ordinance to Mark Graham, Amelia McCulley and Larry Davis. (Attachment 2)</p>
<p>4a. Closed Meeting.</p> <ul style="list-style-type: none"> At 5:13 p.m., the Board went into Closed Meeting to discuss the acquisition of property necessary for a transportation improvement to Route 29; to discuss with legal counsel and staff specific matters requiring legal advice concerning obtaining legal opinions regarding the Community Water Supply Plan and related matters; and to discuss appointments to boards, commissions and committees. 	
<p>5. Call to Order.</p> <ul style="list-style-type: none"> The meeting was called back to order at 6:07 p.m., by the Chairman, Mr. Slutzky. 	
<p>5a. Certify Closed Meeting.</p> <ul style="list-style-type: none"> After calling to order the Board immediately certified the closed meeting. 	
<p>7a. Recognitions/Presentations:</p> <p>1. Monticello High School Students Senior Project – Citizens Action Project (CAP) – Aaron Horton.</p> <ul style="list-style-type: none"> Mr. Horton presented information on their Senior Government Project – CAP, which focused on the environment. Their main focus was on Governor Kaine's Renew Virginia Plan. The four main initiatives of the Governor's plan are energy 	

<p>dependence, education, reduction of greenhouse gasses and economic development. Mr. Horton suggested the County consider using part of its bailout money to educate the public.</p> <p>2. DSS – AmeriCorps Volunteers.</p> <ul style="list-style-type: none"> • The Chairman and Kathy Ralston recognized two AmeriCorps staffers who are currently working with the County: Reimi Okuyama and Rachael Van Acker. 	
<p>8. From the Board: Matters Not Listed on the Agenda.</p> <p><u>Sally Thomas:</u></p> <ul style="list-style-type: none"> • On June 29, 2009, the High Growth Coalition will be holding a conference in Culpeper. The agenda includes: alternative on-site septic systems; presentation from VDoT on the secondary road acceptance requirements, cutbacks, and what that means for the services that VDoT provide; and presentations from some legislators who have study committees that deal with growth issues. She asked that Board members let either her or David Bailey know if they plan to attend. <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> • He met with several Monticello High School students who did their Senior project on transportation. Their project looked at additional transit and bus routes on Sunday. He provided Board members with a copy of their survey. Mr. Slutzky said he will share the survey information with the CTS representatives on the MPO. <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> • Provided report on ridership on Route 5, since Board increased frequency and night service. From March-July, 2008 to this year, ridership has increased from 93,000 to 147,000, an increase of 54,000. The night service component is 15,500 riders. He added that the changes in the route have significantly increased the ridership. • The next meeting of the joint Regional Transit Authority (RTA) group will be held on May 14th, to discuss the next steps. • Referred to the Board's earlier discussion on the Six Year Secondary Road Plan, and commented on the cuts in transportation fund. Urged the public to contact their legislators and tell them they want some solutions to the transportation problem. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> • Announced that ten County students were designated as National Merit Scholars. 	
<p>9. From the Public: Matters not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> • Tom Olivier, Conservation Chair, Piedmont Group of the Sierra Club, asked the Board to adopt a resolution confirming support for issuance of a RFP for a study of feasibility of dredging the Reservoir including dredging to restore water storage capacity. 	

<ul style="list-style-type: none"> • Will Yancey, on behalf of the owners of R A Yancey Lumber Corporation and associated property located at Route 250 West/I-64 intersection, discussed the timeline for the vision process of the Crozet Master Plan. The update is not expected to come back to the Board until the Fall 2010. He asked the Board to instruct staff to bring back the Yancey Mills business park component of the Master Plan in a more timely fashion rather than wait until 2010. • Kevin Lynch spoke about a recent meeting and discussion by the ACSA on the dredging RFP for the South Fork Rivanna Reservoir. Asked the Board to join with the City and move forward on the dredging RFP. • Betty Mooney asked the Board to move forward on the dredging RFP for the Reservoir. • Francis Fife asked the Board to request RWSA to take immediate steps to pursue the dredging study. • Colette Hall expressed support for the previous speakers on the dredging RFP and asked the Board to work with City Council in moving this forward. • In response to the requests regarding the dredging RFP, Mr. Rooker said the Board has representatives on RWSA, and they are prepared to discuss and vote on the issue at the next meeting. 	
<p>10.2 Set public hearing for July 1, 2009 to consider proposed ordinance to amend County Code Chapter 7 to revise regulations pertaining to noise and to change references to County departments and officers.</p> <ul style="list-style-type: none"> • SET this item for public hearing for July 1, 2009. 	<p><u>Clerk:</u> Advertise public hearing and schedule on agenda.</p>
<p>10.3 Set public hearing for June 3, 2009 to approve Telecommunications Tower Lease on Buck's Elbow Mountain.</p> <ul style="list-style-type: none"> • SET this item for public hearing for June 3, 2009. • Ms. Mallek asked if the Forestry emergency generator has been moved to this location. • Mr. Rooker suggested adding a provision that if co-location occurs that a percentage of the revenue from the tower lease from the second or third co-locator go to the owner of the ground lease owner (the County). 	<p><u>Clerk:</u> Advertise public hearing and schedule on agenda.</p> <p><u>County Executive:</u> Will look into.</p> <p><u>County Attorney:</u> Will look into.</p>
<p>10.4 Resolution to Recognize Albemarle County's Volunteer Fire and Emergency Rescue Agencies Pursuant to the Public Safety Officers' Benefits Act.</p> <ul style="list-style-type: none"> • ADOPTED the attached resolution. 	<p><u>Clerk:</u> Forward copy of resolution to Dan Eggleston, County Attorney's office and other appropriate individuals as set out in resolution. (Attachment 3)</p>
<p>10.5 Resolution to Support Georgetown Road Improvements.</p> <ul style="list-style-type: none"> • ADOPTED the attached resolution. 	<p><u>Clerk:</u> Forward copy of resolution to Juan Wade, David Benish and County Attorney's office. (Attachment 4)</p>
<p>11. Public Hearing: PROJECT: SP-2008-029. South Plains Presbyterian Church.</p> <ul style="list-style-type: none"> • APPROVED SP-2008-029, by a vote of 6:0, subject to ten conditions. 	<p><u>Clerk:</u> Set out conditions of approval in Attachment 5.</p>
<p>12. Boards and Commissions: Appointments.</p>	<p><u>Clerk:</u> Prepare appointment letter, update</p>

<ul style="list-style-type: none"> • APPOINTED, by a vote of 6:0, John Martin to the Rivanna River Basin Commission, with said term to expire April 30, 2013. 	Boards and Commissions book, webpage, and notify appropriate persons.
13. From the Board: Matters Not Listed on the Agenda. <u>Sally Thomas:</u> <ul style="list-style-type: none"> • Mentioned recent demolitions that are occurring in the County. There is an old structure that is being burned down on Saturday. Discussed having a policy where there would be a time limit between the time the permit is issued and the demolition occurs where someone could possibly salvage some of the materials. • Mentioned ongoing talks about protecting the Chesapeake Bay. • The University has a “sofa shuffle” program where someone can drop off large furniture items at convenient locations. The University takes the items to the Salvation Army and other places. <u>Ann Mallek:</u> <ul style="list-style-type: none"> • Asked for an update on home occupations and what levels of inspection could be involved. • Asked the status of the housing proffers and dividing them into the three income levels. Mr. Slutzky replied that the Housing Committee is working on that. • When funding allows, suggested the County consider showing its appreciation to their committee volunteers by hosting a picnic. <u>Dennis Rooker:</u> <ul style="list-style-type: none"> • Referred to the South Plains Church application, and said it was refreshing to hear how the Church planned to integrate the existing historic structure with the new plans. 	
14. Adjourn. <ul style="list-style-type: none"> • At 8:40 p.m. the Board adjourned its meeting. 	

/mrh

Attachment 1 – Ordinance - ZTA-2009-004. Flood Hazard Overlay District.

Attachment 2 – Ordinance - STA-2008-0002. Fees

Attachment 3 – Resolution to Recognize Albemarle County’s Volunteer Fire and Emergency Rescue Agencies Pursuant to the Public Safety Officers’ Benefits Act

Attachment 4 - Resolution to Support Georgetown Road Improvements

Attachment 5 - SP-2008-029. South Plains Presbyterian Church Conditions of Approval

ORDINANCE NO. 09-18(2)

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

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

By Amending:

Sec. 30.3.05.1.1 By right within the floodway

Chapter 18. Zoning

Article III. District Regulations

Sec. 30.3.05.1.1 By right within the floodway

The following uses or activities are authorized within the floodway as a matter of right:

1. Agricultural uses, excluding structures of any kind, limited to field crops, pasture, grazing, livestock, raising poultry, horticulture, viticulture and forestry.
2. Recreational uses (excluding structures of any kind and uses involving human habitation) such as parks; swimming areas, golf courses and driving ranges; picnic grounds; wildlife and nature preserves; game farms; fish hatcheries; shooting preserves; target, trap and skeet ranges; hunting, fishing and hiking areas; athletic fields; and horse show grounds.
3. Flood warning aids and devices, water monitoring devices and the like.
4. Fences.
5. Electric, gas, oil and communications facilities, including poles, lines, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility, but excluding tower structures. (Added 7-1- 81) (Amended 5-12-93)
6. Water distribution and sewage collection lines and appurtenances owned and operated by the Albemarle County Service Authority, but excluding pumping stations and holding ponds; public water and sewer transmission lines, main or trunk lines, and interceptors, but excluding treatment facilities and pumping stations, owned and/or operated by the Rivanna Water and Sewer Authority (reference 5.1.12, 30.3.03.1, 31.2.5). (Added 7-1-81) (Amended 5-13-09)
7. If paragraphs (a) through (d) are each satisfied, projects which: (i) are designed or directed by the county, a soil and water conservation district, or a public agency authorized to carry out flood control or environmental restoration measures; or (ii) are reviewed and approved by the department of community development in accordance with the water protection ordinance. (Amended 5-13-09)
 - a. The purpose which will be served by the project, as determined by the department of engineering and public works, is either flood control or environmental restoration;
 - b. The amount of fill material placed within the floodway, floodway fringe or approximated flood plain does not exceed the amount of cut material removed from the same floodway, floodway fringe or approximated flood plain in which the fill was placed;

- c. No natural streams will be relocated; and
 - d. The project will use natural materials such as rock and vegetation, and will not use engineered structures such as those identified in section 30.3.05.2.1(5).
8. Tier I and Tier II personal wireless service facilities (reference 5.1.40). (Added 10-13-04)
(Ord. 98-18(2); 9-16-98; Ord. 04-18(2), 10-13-04; Ord. 09-18(2), 5-13-09)

ORDINANCE NO. 09-14(1)

AN ORDINANCE TO AMEND CHAPTER 14, SUBDIVISION OF LAND, 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, Article II, Administration and Procedure, is hereby amended and reordained as follows:

By Amending:
Sec. 14-203 Fees

Chapter 14. Subdivision of Land

Article II. Administration and Procedure

14-203 Fees.

Each subdivider shall pay a fee upon the submittal of a plat or other application, based on the schedule below; provided that neither the county nor the county school board shall be required to pay any fee if it is the applicant. The fee shall be in the form of cash or a check payable to the "County of Albemarle."

- A. Preliminary plat:
 - 1. If subject to review by the commission:
 - (a) 1 to 9 lots: \$2,200.00.
 - (b) 10 to 19 lots: \$2,200.00.
 - (c) 20 or more lots: \$2,200.00.
 - 2. If subject to review by the agent:
 - (a) Two-lot subdivision as described in section 14-232(B)(2) or if all lots front on an existing public street: \$250.00.
 - (b) 1 to 9 lots: \$1,150.00.
 - (c) 10 to 19 lots: \$1,150.00.
 - (d) 20 or more lots: \$1,150.00.
 - 3. Reinstatement of review: \$520.00.
 - 4. Each filing of a preliminary plat, whether or not a preliminary plat for the same property has been filed previously: The applicable preliminary plat fee.
- B. Final plat:
 - 1. If subject to review by the commission:
 - (a) 1 to 9 lots: \$2,100.00.
 - (b) 10 to 19 lots: \$2,210.00.
 - (c) 20 or more lots: \$2,340.00.
 - 2. If subject to review by the agent:
 - (a) Two-lot subdivision as described in section 14-232(B)(2) or if all lots front on an existing public street: \$540.00.
 - (b) 1 to 9 lots: \$1,000.00.
 - (c) 10 to 19 lots: \$1,100.00.
 - (d) 20 or more lots: \$1,230.00.

3. Final plat without an approved preliminary plat: The applicable preliminary plat fee plus the applicable final plat fee.
 4. Condominium plat: \$100.00.
 5. Reinstatement of review: \$520.00.
- C. Other subdivision plats:
1. Plat for a rural subdivision, family subdivision, or resubdivision: \$690.00.
 2. Plat for a boundary line adjustment: \$200.00.
- D. Easement plat or plats, per easement:
1. Easement plat(s) without a deed: \$490.00.
 2. Easement plat(s) with a deed: \$760.00.
 3. Easement plat(s) required with a site plan: \$200.00
 4. Easement plat(s) amending a previously approved easement plat(s): \$200.00.
- E. Streets:
1. Public road plans: \$250.00 for each review of a submitted plan, including reviews of revisions after plan approval.
 2. Private road plans: \$400.00 for each review of a submitted plan, including reviews of revisions after plan approval.
 3. Authorization for one or more private streets within a subdivision: \$670.00.
 4. Waiver of one or more street standards before approval of a preliminary plat: \$540.00.
 5. Waiver of curb and/or gutter requirements before approval of a preliminary plat: \$540.00.
 6. Waiver of street interconnection requirements before approval of a preliminary plat: \$540.00.
 7. If required to construct a street, the subdivider shall pay to the county a fee equal to the cost of the inspection of the construction of any such street. These fees shall be paid prior to completion of all necessary inspections and shall be deemed a part of the cost of construction of the street for purposes of section 14-435(B).
- F. Bonds:
1. Bond estimate request for subdivision improvements: \$250.00.
 2. Bonding inspection for a plat or bond reduction: \$250.00.
- G. Groundwater assessment information required by section 14-308.1:
1. Tier 1 assessment under section 17-401: \$50.00.
 2. Tier 2 assessment under section 17-402: \$330.00.

3. Tier 3 assessment under section 17-403: \$510.00.
4. Tier 4 assessment under section 17-404: \$1,100.00.

H. Other matters subject to review:

1. Waiver of any requirement of this chapter for which a waiver is authorized after approval of a preliminary plat and before approval of a final plat: \$830.00.
2. Waiver of any requirement of this chapter for which a waiver is authorized after approval of a final plat: \$830.00.
3. Relief from plat conditions imposed by the commission prior to the date of adoption of this chapter: \$390.00.
4. Appeal of a plat decision to the board of supervisors: \$270.00.
5. Extension of a plat approval: \$120.00.
6. Vacation of a plat or part thereof: \$240.00.

I. Notices as required by sections 14-216 and 14-221:

1. Preparing and mailing or delivering up to fifty (50) notices: \$200.00 plus the actual cost of first class postage.
2. Preparing and mailing or delivering, per notice more than fifty (50): \$1.00 plus the actual cost of first class postage.

(9-5-96, 12-11-91, 6-7-89, 4-17-85, 12-1-82, 12-14-77, 3-2-77, 11-10-76, 8-28-74 (§ 3); 1988 Code, § 18-43; Ord. 98-A(1), 7-15-98; Ord. 99-14(1), 6-16-99; Ord. 02-14(2), 7-3-02; Ord. 04-14(1), adopted 12-8-04, effective 2-8-05; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 09-14(1), 5-13-09)

State law reference--Va. Code § 15.2-2241(9).

This ordinance shall be effective on and after October 1, 2009.

**RESOLUTION TO RECOGNIZE ALBEMARLE COUNTY'S VOLUNTEER
FIRE AND EMERGENCY RESCUE AGENCIES PURSUANT TO
THE PUBLIC SAFETY OFFICERS' BENEFITS ACT**

WHEREAS, the Board recognizes the invaluable services provided by the County's seven volunteer fire agencies and three volunteer emergency rescue squads to the citizens of Albemarle County; and

WHEREAS, the Board seeks to ensure that the men and women who volunteer their services through these agencies, and their families, are eligible for benefits under The Public Safety Officers' Benefits ("PSOB") Act of 1976, 42 U.S.C. §§3796, *et seq.*, should death or disability occur in the line of duty; and

WHEREAS, the PSOB Act requires that elected officials of the locality served by volunteer fire and emergency rescue agencies formally acknowledge the legal organization and service of its volunteer agencies prior to the receipt of any benefits under the Act.

NOW, THEREFORE, BE IT RESOLVED that the following organizations are hereby recognized to be legally organized and authorized by the Albemarle County Board of Supervisors to act on behalf of the County of Albemarle, Virginia to provide fire services, as their primary functions, to the community of Albemarle County: Crozet Volunteer Fire Department, Earlysville Volunteer Fire Company, East Rivanna Volunteer Fire Company, North Garden Volunteer Fire Company, Scottsville Volunteer Fire Department, Seminole Trail Volunteer Fire Department, and Stony Point Volunteer Fire Company; and

BE IT FURTHER RESOLVED that the following organizations are hereby recognized to be legally organized and authorized by the Albemarle County Board of Supervisors to act on behalf of the County of Albemarle, Virginia to provide emergency rescue squad services, as their primary functions, to the community of Albemarle County: Charlottesville-Albemarle Rescue Squad, Scottsville Volunteer Rescue Squad, and Western Albemarle Rescue Squad.

RESOLUTION TO SUPPORT GEORGETOWN ROAD IMPROVEMENTS

WHEREAS, the Georgetown Road (Route 656) corridor is well developed with an existing high-volume mix of pedestrian, bicycle, vehicle and bus traffic; and

WHEREAS, Albemarle County, the Charlottesville-Metropolitan Planning Organization (MPO), and the Thomas Jefferson Planning District Commission (TJPC) have recognized the need for improvements to this corridors for bicyclists and pedestrians; and

WHEREAS, VDoT held a Design Public Hearing to solicit input on the proposed improvements for consideration of the preliminary design for proposed pedestrian facility improvements on Georgetown Road (Project: #0656-002-254, PE101, RW201, C501) (Federal Project #STP-002 – UPC 12982), located in Albemarle County, Virginia; and

WHEREAS, 24 respondents commented at or following the Public Hearing held on March 24, 2009; and

WHEREAS, 88 percent of respondents support the project; and

WHEREAS, after reviewing the options and considering all aspects of the proposed project, VDoT recommends approval of the project design as presented at the public hearing to provide safer pedestrian facilities between two major roadways, Barracks Road and Hydraulic Road; and

WHEREAS, the project will include replacing the existing sidewalk with a five foot wide concrete sidewalk, and the construction of three mid-block pedestrian crossings.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors does hereby support the improvements to Georgetown Road as proposed by the Virginia Department of Transportation.

**SP-2008-029. South Plains Presbyterian Church
Conditions of Approval**

1. The development of the site shall be in general accord with the "Conceptual Site Plan" (page SP 4) prepared for South Plains Presbyterian Church by Atwood Architects, Inc., dated January 19, 2009. In addition, the following elements shall be in strict accord with and conform to the Conceptual Site Plan: the location of the parking area, the location of the new sanctuary and fellowship hall, and the preservation of existing trees as shown on "Tree Survey, Trees to be Removed" (page SP 3). Plantings between the parking lot shown on the "Conceptual Site Plan" and Routes 22 and 616 shall be provided as required by the Albemarle County Architectural Review Board as part of the site plan approval;
2. The footprint of the new sanctuary shall not exceed three thousand five hundred fifty (3,550) square feet. The footprint of the new fellowship hall shall not exceed five thousand seven hundred fifty (5,750) square feet;
3. Provided parking shall not exceed seventy-five (75) spaces;
4. Commercial setback standards, as set forth in Section 21.7.2 of the Albemarle Zoning Ordinance, shall be maintained adjacent to properties zoned Rural Areas;
5. Storm water facilities and parking lot surface meeting the approval of the County Engineer shall be required before approval of the final site plan for this use;
6. There shall be no day care center or private school on site without approval of a separate special use permit;
7. Health Department approval of well and/or septic systems;
8. All outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot candles shall be submitted to the Zoning Administrator or their designee for approval;
9. A tree conservation plan in accordance with the "Tree Survey, Trees to be Removed" (page SP 3), prepared by a certified arborist, shall be submitted prior to issuance of a building permit. Development of the site shall be undertaken in accordance with the tree conservation plan; and
10. Staff approval of a landscape plan shall be required before approval of the final site plan for this use. The landscape plan shall provide a planting of trees along the property line of the Rintels' property with the following requirements:
 - (i) The plantings will be evergreen trees, five (5) to six (6) feet tall, planted a minimum of eight (8) feet on center or spacing distance as recommended by the American Nurseryman's Association;
 - (ii) The tree choices are arborvitae or trees of comparable value; and
 - (iii) The trees will run along the property line and will be planted on Mr. Rintels' property provided that the property owner agrees to permit the landscaping to be planted and maintained on that property.