

ACTIONS
Board of Supervisors Meeting of June 1, 2011
& June 2, 2011

June 7, 2011

<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 9:01 a.m. by the Chair, Ms. Mallek. All BOS members were present. Also present were Tom Foley, Larry Davis, Ella Jordan and Meagan Hoy. 	
<p>4. Recognitions:</p> <ul style="list-style-type: none"> • Removed from agenda. 	
<p>5. From the Board: Matters not listed on the Agenda.</p> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> • Announced that Joe Henley, former member of the Board of Supervisors from the White Hall District passed away on Friday, May 27, 2011. His funeral service will be held on Saturday, June 4, 4:00 p.m., Crozet United Methodist Church. • Said she will discuss issues related to biosolids at the end of the meeting, under Other Matters from the Board. • Suggested that at this time Board members introduce topics that they plan to discuss under Other Matters. <p><u>Duane Snow:</u></p> <ul style="list-style-type: none"> • Suggested that when the Board gives staff assignments that it rank the assignments as to their importance in relation to other assignments. <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> • Suggested putting Matters from the Board as the last agenda item. <p><u>Rodney Thomas</u></p> <ul style="list-style-type: none"> • Asked that the Board discuss removing all opposing remarks of the Board of Supervisors from the 1997 Resolution opposing the Route 29 Western Bypass. <p><u>Dennis Rooker</u></p> <ul style="list-style-type: none"> • Reported that the Audit Committee recently had a meeting and the Auditors pointed out that the Finance Department is understaffed. Some temporary staff has been brought in to help with the situation. Mr. Foley commented that the newly hired Finance Director will begin on June 13th and will be assessing staffing levels. • He will be proposing, at the end of the meeting, that the Board adopt a resolution that makes it clear that Board members who are appointed to boards and committees are required to vote on matters that come before those entities in a manner that is consistent with the policies and positions of this Board as reflected in previously adopted resolutions or officials 	

actions of the Board.	
<p>6. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> • <u>Charles Battig</u> commented on the County's membership in ICLEI and the County's partnership with TJPDC in its application for the Sustainable Communities Regional Planning Grant. • <u>Daniel Bowman</u>, a County resident, expressed support for the County's work in the area of sustainability and in planning with the City and University. • <u>Saunders Midyett</u>, a resident of Colthurst Farms, asked that the Board replace its representative on the MPO to a Supervisor who supports the Board's formal position opposing the Western Bypass. • <u>Milton Moore</u>, spoke about the Route 29 Western Bypass. • <u>George Larie</u>, President of the Charlottesville/Albemarle Transportation Coalition and member of Places29 Advisory Committee, asked that the Board censure Mr. Thomas for his statements to the MPO regarding the Western Bypass and that he be removed as the Board representative on the MPO. • <u>Tom Olivier</u> spoke about the County's participation in sustainability programs. • <u>Morgan Butler</u>, of behalf of the Southern Environmental Law Center, spoke in opposition to the Route 29 Western Bypass. • <u>Jeff Werner</u>, on behalf of the Piedmont Environmental Council, spoke in opposition to the Route 29 Western Bypass. Also suggested that the Board think about what the County is doing about its environment before voting against ICLEI. • <u>Ray Caddell</u>, a resident of 334 Dover Road, thanked the Board for its response on his concerns about the spread of human waste next door to his house. Encouraged the Board to protect the County's water supply and the growth area from this practice. • <u>Neil Williamson</u>, on behalf of the Free Enterprise Forum, suggested that the Board allow the public an opportunity to speak on matters at the end of the meeting after Board members have spoken. He encouraged the Board to consider live video streaming Board meetings. In terms of the Route 29 Western Bypass, suggested that additional studies and a clear examination are needed. • <u>Jane Williamson</u>, spoke about the process she went through to use biosolids on her land. Invited Board members to take a tour of her land to see what she has done. • <u>Vic Pena</u>, a County resident, spoke in opposition to the County's participation in 	

	ICLEI.	
7.2	DEQ Loan for Water Resources Projects - Resolution approving the structure and execution of various funding agreements with the Virginia Resources Authority. <ul style="list-style-type: none"> • Pulled for discussion under Other Matters. 	
7.3	FY11 Budget Amendment and Appropriations. <ul style="list-style-type: none"> • Pulled for discussion under Other Matters. 	
7.4	Letter of Support for Rivanna River Basin Commission Grant to National Fish and Wildlife Foundation for project to develop Rivanna Watershed Action Plan. <ul style="list-style-type: none"> • Pulled for discussion under Other Matters. 	
8.	Board Agenda Process. <ul style="list-style-type: none"> • ADOPTED, by a vote of 6:0, the agenda process as recommended by staff. 	<u>Clerk</u> : Proceed as approved.
9.	Development of the County's FY 12/13 – FY 17/18 Strategic Plan. <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, the recommended process for development of the FY 12/13- FY 17/18 Strategic Plan including the proposed schedule, with the exception of the citizen participation. 	<u>Lee Catlin/Lori Allshouse</u> : Proceed as approved.
10.	Board-to-Board, <i>Monthly Communications Report from School Board</i> , School Board Chairman. <ul style="list-style-type: none"> • RECEIVED. 	
11.	Inmate Workforce Update, Sheriff Chip Harding. <ul style="list-style-type: none"> • RECEIVED. • CONSENSUS to direct staff to draft a resolution of support for the program. 	<u>County Executive's office</u> : Draft resolution as requested.
14.	Closed Meeting. <ul style="list-style-type: none"> • At 11:45 a.m., the Board went into a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under subsection (1) to consider appointments to boards, committees, and commissions; and under subsection (7) to discuss with legal counsel specific legal matters regarding a potential appeal of a BZA decision. 	
15.	Certified Closed Meeting. <ul style="list-style-type: none"> • At 2:00 p.m., the Board reconvened into open meeting and certified the closed meeting. 	
16.	Boards and Commissions: Appointments. <ul style="list-style-type: none"> • APPOINTED Naomi Ryan to the Advisory Council on Aging with said term to expire May 31, 2015. • APPOINTED William Rich to the Equalization Board as the Rio District Representative with said term to expire December 31, 2011. • APPOINTED John Donohue to the Fiscal Impact Advisory Committee with said term to expire July 8, 2013. • APPOINTED Sarah Collie to the Housing Committee as the UVA Representative with said term to expire December 31, 2011. • APPOINTED Brian LaFontaine to the Jefferson-Madison Regional Library Board with said term to expire June 30, 2015. 	<u>Clerk</u> : Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.

<ul style="list-style-type: none"> • APPOINTED Diane Caton to the Pantops Community Advisory Council with said term to expire June 30, 2013. • REAPPOINTED Gregory MacDonald to the CACVB with said term to expire • REAPPOINTED Craig Evans to the Fiscal Impact Advisory Committee with said term to expire July 8, 2013. • REAPPOINTED Jared Lowenstein, Steve Thompson, and Jeff Werner to the Historic Presentation Committee with said terms to expire June 4, 2014. • REAPPOINTED Gary Grant to the Jefferson-Madison Regional Library Board with said term to expire June 30, 2015. • REAPPOINTED Lynwood Bell and Rita Krenz to the Pantops Community Advisory Council with said terms to expire June 30, 2013. • REAPPOINTED Albert LaFave to the Region Ten Community Services Board with said term to expire June 30, 2014. • REAPPOINTED Rod Gentry and Barbara Kessler to the Workforce Investment Board with said terms to expire June 30, 2012. • REAPPOINTED Amanda Moxham to the Workforce Investment Board with said term to expire June 30, 2014. 	
<p>17. <u>Public Hearing: ZTA-2011-00001. Unlicensed Wireless Broadband Internet Access.</u></p> <ul style="list-style-type: none"> • ADOPTED, by a vote of 6:0, ZTA 2011-00001 [Ordinance No. 11-18(5)]. 	<p>Clerk: Forward copy of signed ordinance to Bill Fritz, Mark Graham, and County Attorney's office. (Attachment 1)</p>
<p>18. <u>Public Hearing: ZTA-2011-0003. Special Lots.</u></p> <ul style="list-style-type: none"> • ADOPTED, by a vote of 6:0, ZTA-2011-0003 [Ordinance No. 1-18(6)]. 	<p>Clerk: Forward copy of signed ordinance to Amelia McCulley, Mark Graham, and County Attorney's office. (Attachment 2)</p>
<p>19. <u>Public Hearing: STA-2011-00001. Special Lots.</u></p> <ul style="list-style-type: none"> • ADOPTED, by a vote of 6:0, STA-2011-00001 [Ordinance No. 11-14(1)]. 	<p>Clerk: Forward copy of signed ordinance to Amelia McCulley, Mark Graham, and County Attorney's office. (Attachment 3)</p>
<p>20. <u>Public Hearing: ZTA-2011-00004. Fees.</u></p> <ul style="list-style-type: none"> • ADOPTED, by a vote of 6:0, ZTA-2011-00004 [Ordinance No. 11-18(7)]. 	<p>Clerk: Forward copy of signed ordinance to Mark Graham, Wayne Cilimberg, and County Attorney's office. (Attachment 4)</p>
<p>21. <u>Public Hearing: 10-03() – Agricultural and Forestal Districts:</u></p> <p>a. <u>AFD-2011-00001. Hatton AFD – District Review.</u></p> <ul style="list-style-type: none"> • ADOPTED, by a vote of 6:0, Ordinance No. 11-03(1), to renew the Hatton Agricultural and Forestal District for a period of ten years as set out in the ordinance dated May 11, 2011. <p>b. <u>AFD-2011-00002. Totier Creek AFD – District Review.</u></p> <ul style="list-style-type: none"> • ADOPTED, by a vote of 6:0, Ordinance No. 11-03(1), to renew the Totier Creek Agricultural and Forestal District for a period of ten years as set out in the ordinance dated May 11, 2011, including the withdrawal of Tax Map 135, 	<p>Clerk: Forward copy of signed ordinance to County Attorney's office and Community Development. Prepare letter for Chair's signature. (Attachment 5)</p>

	Parcel 11 as requested by the owner.	
22.	<p>Public Hearing: ZMA-2010-00009. Republic Capital Amendment (Sign #86).</p> <ul style="list-style-type: none"> • DEFERRED indefinitely, by a vote of 6:0, ZMA-2010-00009. 	<p><u>Clerk:</u> Reschedule on agenda when ready to come back to Board.</p>
7.2	<p>DEQ Loan for Water Resources Projects - Resolution approving the structure and execution of various funding agreements with the Virginia Resources Authority.</p> <ul style="list-style-type: none"> • ADOPTED Resolution approving the necessary financial documents for the loan (Prime Lease, Financing Lease, and Funding Agreement between the Virginia Resources Authority and the County of Albemarle) and AUTHORIZED County Executive to execute the documents, subject to their approval as to form by the County Attorney. 	<p><u>Clerk:</u> Forward copy of signed resolution to Finance, General Services and County Attorney's office. (Attachment 6)</p> <p><u>County Attorney's Office:</u> Provide Clerk's office with copy of fully executed document.</p>
7.3	<p>FY11 Budget Amendment and Appropriations.</p> <ul style="list-style-type: none"> • APPROVED budget amendment in the amount of \$2,225,657.83 and APPROVED Appropriations #2011077, #2011080, #2011081, #2011082, and #2011083. • Mr. Boyd asked that staff add some clarity to the revenue sources for appropriations. 	<p><u>Clerk:</u> Forward copy of signed appropriations to OMB, Finance and other appropriate individuals.</p> <p><u>OMB:</u> Provide information as requested.</p>
7.4	<p>Letter of Support for Rivanna River Basin Commission Grant to National Fish and Wildlife Foundation for project to develop Rivanna Watershed Action Plan.</p> <ul style="list-style-type: none"> • APPROVED. • For grants, Mr. Boyd asked for the budget impact of staff's time. • Mr. Rooker asked for information on the amount of the grant and a summary of the grant. 	<p><u>Clerk:</u> Forward letter to Leslie Middleton.</p> <p><u>County Executive staff:</u> Provide information as requested.</p>
23.	<p>From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> • Discussed biosolids, and the importance of having a process and proper testing done on site. <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> • Requested Board support of a resolution clarifying that Board members are appointed to the various Boards, Committees, and Commissions to represent the interests of the entire Board on those entities. The Board ADOPTED, by a vote of 6:0, the attached resolution. <p><u>Rodney Thomas:</u></p> <ul style="list-style-type: none"> • Discussed the Route 29 Western Bypass, and MOVED to remove the opposition language from the Transportation Improvement Plan of the MPO that opposes additional funding for the Route 29 Western Bypass. The motion FAILED by a vote of 3:3 (Dorrier, Mallek, Rooker). 	<p><u>County Executive staff/David Blount:</u> Add discussion of biosolids to the Legislative Agenda for the Fall.</p> <p>(Attachment 7)</p>
24.	<p>Adjourn.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 5:11 p.m. to 	

June 2, 2011, 9:00 a.m., Monticello Fire Station.		
ACTIONS		
Board of Supervisors Meeting of June 2, 2011		
1.	<p>Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 9:17 a.m., in Room 241, by the Chair, Ms. Mallek. All BOS members were present. Also present were Tom Foley, Larry Davis and Ella Jordan. 	
2.	<p>From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> Mr. Boyd provided an update on the pump station Rivanna Pumping Station (Woolen Mills). 	
3.	<p>Work Session: CIP Long Range Funding.</p> <ul style="list-style-type: none"> RECEIVED. Requested that staff provide a scenario of what .02 cents and 1.5 cents on the tax rate would mean for funding capital projects. 	<u>County Executive:</u> Provide information as requested.
4.	<p>Adjourn.</p> <ul style="list-style-type: none"> The meeting was adjourned at 12:17 p.m. 	

ewj/mrh

- Attachment 1 – Ordinance - Unlicensed Wireless Broadband Internet Access
- Attachment 2 – Ordinance - Special Lots
- Attachment 3 – Ordinance - Special Lots
- Attachment 4 – Ordinance - Fees
- Attachment 5 – Ordinance 11-03(1) – Agricultural and Forestal Districts
- Attachment 6 – Resolution – DEQ
- Attachment 7 – Resolution – Board members on Boards and Commissions

ORDINANCE NO. 11-18(5)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article I, General Provisions, is hereby amended and reordained as follows:

By Amending:

Sec. 3.1 Definitions

Chapter 18. Zoning

Article I. General Provisions

Sec. 3.1 Definitions

...

Personal wireless service facility. A facility for the provision of personal wireless services, as defined by 47 U.S.C. § 332 (Section 704 of the Telecommunications Act of 1996), including those Federal Communications Commission licensed commercial wireless telecommunications services such as cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), common carrier wireless exchange access services, unlicensed wireless services and, for the purposes of this chapter, unlicensed wireless broadband internet access. (Added 10-17-01; Amended 10-13-04)

ORDINANCE NO. 11-18(6)

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

By Amending:

- Sec. 3.1 Definitions
- Sec. 4.2.1 Building site required

By Adding:

- Sec. 2.1.7 Creation and use of special lots
- Sec. 4.3.02 Special lots

Chapter 18. Zoning

Article I. General Regulations

Sec. 2.1.7 Creation and use of special lots

A special lot shall not be subject to the requirements of this chapter for the creation of a lot including, but not limited to, the building site requirements in section 4.2.1, the frontage and lot width requirements in section 4.6.1, the area and bulk regulations of the zoning district in which the special lot is located and, for special lots in the Rural Areas zoning district, the requirement in section 10.3 that each lot less than twenty-one (21) acres in size have a development right. A special lot shall be subject to the requirements of this chapter pertaining to the use of the special lot and the location of a building, structure, and improvements on a special lot.

Sec. 3.1 Definitions

...

Special lot. The term "special lot" means a lot created to be used exclusively for public or private streets, railroad rights-of-way and railroad lines, public utilities, publicly owned or operated public facilities, publicly owned or operated parks, publicly or privately owned sites for personal wireless service facilities, central water supplies and central sewerage systems as those terms are defined in chapter 16, stormwater management facilities, cemeteries existing on June 8, 2011, conservation areas, preservation areas, open space, and greenways.

...

Article II. Basic Regulations

Sec. 4.2.1 Building site required

No lot other than a special lot shall have less than one (1) building site. For purposes of this section, the term "building site" shall mean a contiguous area of land in slopes of less than twenty-five (25) percent as determined by reference to either topographic quadrangle maps of the Geological Survey - U. S. Department of Interior (contour interval twenty [20] feet) or a source determined by the county engineer to be of superior accuracy, exclusive of:

Any area located in the flood hazard overlay district or which is located under water;

Any area located within two hundred (200) horizontal feet of the one hundred year flood plain of any public drinking water impoundment or within one hundred (100) horizontal feet of the edge of any tributary stream to such impoundment; (Amended 11-11-87)

Any area designated as a resource protection areas on the resource protection areas map adopted pursuant to chapter 17 of the Code of Albemarle; provided that nothing contained herein shall be deemed to prevent or impair the program authority from exercising discretion as set forth in that chapter. (Added 9-9-92)

Sec. 4.3.02 Special lots

Special lots shall be permitted in all zoning districts.

ORDINANCE NO. 11-14(1)

AN ORDINANCE TO AMEND CHAPTER 14, SUBDIVISION OF LAND, ARTICLE I, GENERAL PROVISIONS, AND ARTICLE III, SUBDIVISION PLAT REQUIREMENTS AND DOCUMENTS TO BE SUBMITTED, 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 I, General Provisions, and Article III, Subdivision Plat Requirements and Documents to be Submitted, are hereby amended and reordained as follows:

By Amending:

- Sec. 14-106 Definitions
- Sec. 14-203 Fees
- Sec. 14-209 Rural subdivisions
- Sec. 14-302 Contents of preliminary plat
- Sec. 14-303 Contents of final plat
- Sec. 14-310 Health director approval of individual private wells and/or septic systems

By Adding:

- Sec. 14-208.3 Plats creating special lots

Chapter 14. Subdivision of Land

Article I. General Provisions

Sec. 14-106 Definitions

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

...

Special lot. The term "special lot" means a lot created to be used exclusively for public or private streets, railroad rights-of-way and railroad lines, public utilities, publicly owned or operated public facilities, publicly owned or operated parks, publicly or privately owned sites for personal wireless service facilities, central water supplies and central sewerage systems as those terms are defined in chapter 16, stormwater management facilities, cemeteries existing on June 8, 2011, conservation areas, preservation areas, open space, and greenways.

...

Remnant. The term "remnant" means any lot, other than one established as a special lot, which does not meet the minimum lot requirements of this chapter and the zoning ordinance.

...

(§ 18-2 (part) 9-5-96, 4-13-88, 7-9-86, 3-29-78, 12-15-76, 4-21-76; § 18-56, 9-5-96, 10-17-79, 8-28-74; 1988 Code, §§ 18-2, 18-56; Ord. 98-A(1), 7-15-98; Ord. 02-14(1), 2-6-02; Ord. 05-14(1), 4-20-05, effective 6-20-05)

State law reference--Va. Code § 15.2-2252.

Sec. 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."

...

- 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.
 - 3. Plat creating one or more special lots and one residue lot: \$88.00.

...

(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, effective 10-1-09)

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

Sec. 14-208.3 Subdivision creating a special lot and one residue lot

The following sections of this chapter shall apply to each subdivision creating one or more special lots and one residue lot:

- A. *General*: Sections 14-100 through 14-108.
- B. *Administration and procedure*: Sections 14-200 through 14-204 and sections 14-209, 14-226, 14-229 and 14-236.
- C. *Plat requirements and documents to be submitted*: Sections 14-300, 14-301, 14-302(A)(1), (3), (4), (5), (6), (7), (9), (10), (11), (14) and (15), 14-302(B)(1), (2), (4), (5), (6), (7), (8), (9) and (10), 14-303(A), (B), (C), (D), (E), (F), (H), (I), (L), (O) and (P), 14-304, 14-305(B), 14-310, 14-312, 14-314 and 14-316.
- D. *On-site improvements and design*: Sections 14-406, 14-414, 14-416, 14-421, 14-426, 14-427, 14-433 and 14-438.

Sec. 14-209 Rural subdivisions and subdivisions creating a special lot and one residue lot; procedure.

Each plat for a rural subdivision or a subdivision creating one or more special lots and one residue lot shall be submitted, reviewed and approved as follows:

- A. The plat shall meet the standards for plats set forth in Virginia Code § 42.1-82.
- B. Within sixty (60) days after submittal of the plat, the agent shall determine whether it complies with the applicable requirements of this chapter. If the agent determines that the plat complies, he shall approve the plat. If the agent determines that the plat does not comply, he shall inform the subdivider in writing of the reasons for the denial, with citation to the applicable section of this chapter or other law, and what corrections or modifications will permit approval. The agent shall either mail the notice of denial by first class mail, or personally deliver it, to the subdivider. However, if the plat requires approval by any agency, department or authority other than the county, and no evidence is provided at the time the plat is submitted that approval has been obtained, the agent shall approve or disapprove the plat within thirty-five (35) days

after receipt of approval from the agency, department or authority provided that the plat shall be approved or denied not later than ninety (90) days after resubmittal of the plat.

(§ 18-13 (part), 9-5-96, 12-21-83; § 18-57 (part), 9-5-96, 1-3-96, 4-13-88, 12-21-83, 10-17-79, 8-28-74; § 18-58 (part), 9-5-96, 8-28-74; 1988 Code, §§ 18-13, 18-57, 18-58; Ord. 98-A(1), 7-15-98; Ord. 05-14(1), 4-20-05, effective 6-20-05)

State law reference--Va. Code §§ 15.2-2241(9), 15.2-2258.

Article III. Subdivision Plat Requirements and Documents to be Submitted

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):

...

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." Development rights need not be assigned to a special lot.

(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.

Sec. 14-303 Contents of final plat

In addition to containing all of the information required by section 14-302, except for the information required by section 14-302(A)(12), a final plat shall contain the following information:

...

T. *Special lots.* If the subdivision creates a special lot, the following note shall be placed on the plat: "Lot 'X' is a special lot established solely for (insert purpose for the special lot as identified in the definition of special lot in section 14-106)."

(9-5-96, 2-4-81, 8-28-74 (§ 8); 1988 Code, § 18-55; Ord. 98-A(1), 8-5-98; Ord. 02-14(1), 2-6-02; Ord. 05-14(1), 4-20-05, effective 6-20-05)

State law reference--Va. Code §§ 15.2-2241(1), 15.2-2262, 15.2-2264.

Sec. 14-310 Health director approval of individual private wells and/or septic systems.

If required as a condition of final plat approval, a final plat shall not be approved if individual private wells are proposed for the subdivision until written approval has been received from the health director by the agent. A final plat shall not be approved if septic systems are proposed for the subdivision until written approval has been received from the health director by the agent as follows:

A. The health director shall determine the suitability of the soil of each lot of the subdivision for which septic systems with a conventional drain field will be constructed, and shall submit his opinion to the agent.

B. The health director may require as a condition of his approval of the installation of septic systems and, whenever necessary for the satisfactory installation of the septic systems, that individual lots be graded and drained so as to assure the effective removal of surface water from each lot.

C. Special lots shall not be subject to this section unless the special lot is created for a water supply or waste disposal purpose.

(Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05)

State law reference--Va. Code §§ 15.2-2242(2), 15.2-2262.

ORDINANCE NO. 11-18(7)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE IV, 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 18, Zoning, Article IV, Procedure, is hereby amended and reordained as follows:

By Amending:

Sec. 35.1 Fees

Chapter 18. Zoning**Article IV. Procedure****Sec. 35.1 Fees.**

Each applicant shall pay the following applicable fees, provided that neither the county nor the county school board shall be required to pay any fee if it is the applicant:

- a. Zoning text amendments: \$1000.00
- b. Zoning map amendments:
 1. Less than 50 acres; application and first resubmission: \$2500.00
 2. Less than 50 acres; each additional resubmission: \$1250.00
 3. 50 acres or greater; application and first resubmission: \$3500.00
 4. 50 acres or greater; each additional resubmission: \$1750.00
 5. Deferral of scheduled public hearing at applicant's request: \$180.00
- c. Special use permits:
 1. Additional lots under section 10.5.2.1, public utilities, day care center, home occupation Class B, to amend existing special use permit, or to extend existing special use permit; application and first resubmission: \$1000.00
 2. Additional lots under section 10.5.2.1, public utilities, day care center, home occupation class B, to amend existing special use permit, or to extend existing special use permit; each additional resubmission: \$500.00
 3. Signs reviewed by the board of zoning appeals: See subsection 35.1(f)
 4. All other special use permits; application and first resubmission: \$2000.00
 5. All other special use permits; each additional resubmission: \$1000.00
 6. Deferral of scheduled public hearing at applicant's request: \$180.00
 7. Farmers' markets without an existing commercial entrance approved by the Virginia Department of Transportation or without existing and adequate parking - \$490.00.
 8. Farmers' markets with an existing commercial entrance approved by the Virginia Department of Transportation and with existing and adequate parking - \$110.00.
- d. Site plans:
 1. Preliminary site plans; administrative review: \$1200.00 plus \$15 per dwelling unit and \$0.015 per square foot of nonresidential structure
 2. Preliminary site plans; planning commission review: \$1800.00 plus \$15 per dwelling unit and \$0.015 per square foot of nonresidential structure
 3. Final site plans; administrative review: \$1500.00
 4. Final site plans; planning commission review: \$2000.00
 5. Waiver of drawing of site plan under section 32.2: \$1500.00
 6. Site plan amendments under section 32.3.8 ¶2: \$500.00 (minor); \$100.00 (letter of revision)
 7. All other site plan amendments (major): \$1500.00
 8. Appeals to the board of supervisors under section 32.4.2.7: \$240.00
 9. Reinstatement of review under section 32.4.2.1: \$240.00
 10. Reinstatement of review under section 32.4.2.4: \$80.00

11. Extension of period of validity: \$475.00
 12. Inspections pertaining to secured site plan improvements; per inspection: \$280.00
 13. Deferral of scheduled public meeting at applicant's request: \$180.00
- e. Certificates of appropriateness considered by the architectural review board ("ARB"):
1. For a site plan; per review by the ARB: \$1000.00
 2. For a building permit; per review by the ARB: \$590.00
 3. Amendment to approved certificate of appropriateness: \$225.00
- f. Matters considered by the board of zoning appeals:
1. Variances: \$500.00
 2. Appeals: \$240.00
 3. Special use permits for signs under section 4.15.5: \$500.00
- g. Matters considered by the zoning administrator or other officials:
1. Official determinations regarding compliance: \$185.00
 2. All other official determinations, including development rights: \$100.00
 3. Zoning clearance for tourist lodging: \$100.00
 4. Zoning clearance for a home occupation, class A, a major home occupation, or a minor home occupation: \$25.00
 5. Zoning clearance for temporary fundraising activity: No fee
 6. All other zoning clearances: \$50.00
 7. Sign permits under section 4.15.4; no ARB review required: \$25.00
 8. Sign permits under section 4.15.4; ARB review required: \$120.00
- h. Groundwater assessments:
1. Tier 1 assessment under section 17-401: \$50.00
 2. Tier 3 assessment under section 17-403: \$510.00
 3. Tier 4 assessment under section 17-404: \$1100.00
- i. Miscellaneous:
1. Change in name of development or change in name of street: \$80.00
 2. Relief from conditions of approval; modification or waiver of requirements: \$425.00
 3. Tier II personal wireless service facilities: \$1820.00
- j. Required notice:
1. Preparing and mailing or delivering up to fifty (50) notices: \$200.00, except for uses under sections 5.1.47 and 5.2A, for which there shall be no fee.
 2. Preparing and mailing or delivering, per notice more than fifty (50): \$1.00 plus the actual cost of first class postage.
 3. Published notice: cost based on a cost quote from the publisher, except for farmers' markets under section 35.1(c)(7) and (8) for which there shall be no fee.

The fee shall be in the form of cash or a check payable to the "County of Albemarle." An application presented without the required fee shall not be deemed to be submitted and shall not be processed. If the zoning administrator determines after a fee has been paid that the review and approval to which the fee pertains is not required to establish the use or structure, the fee shall be refunded to the applicant in full.

(Amended 5- 5-82; 9-1-85; 7-1-87; 6-7-89; 12-11-91 to be effective 4-1-92; 7- 8-92; Ord. 10-18(7), adopted 8-4-10, effective 1-1-11; Ord. 11-18(1), 1-12-11)

ORDINANCE NO. 11-03(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, ARTICLE II, DISTRICTS OF STATEWIDE SIGNIFICANCE, DIVISION 2, DISTRICTS, 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 3, Agricultural and Forestal Districts, Article II, Districts of Statewide Significance, Division 2, Districts, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

By Amending:

3-215 Hatton Agricultural and Forestal District

3-227 Totier Creek Agricultural and Forestal District

CHAPTER 3. AGRICULTURAL AND FORESTAL DISTRICTS

DIVISION 2. DISTRICTS

Sec. 3-215 Hatton Agricultural and Forestal District.

The district known as the "Hatton Agricultural and Forestal District" consists of the following described properties: Tax map 135, parcels 13, 13A, 13B, 14B, 15, 15A, 15C, 17, 18, 19, 22, 22A, 22C, 22C1, 22C2; tax map 136, parcels 2A, 6B, 8H, 9, 9A2, 9B, 9C, 9D1, 9E. This district, created on June 29, 1983 for not more than 10 years and last reviewed on June 1, 2011, shall next be reviewed prior to June 1, 2021.

(Code 1988, § 2.1-4(a); Ord. 98-A(1), 8-5-98; Ord. 01-3(1), 6-20-01; Ord. 07-3(1), 7-11-07; Ord. 10-3(2), 7-7-10)

Sec. 3-227 Totier Creek Agricultural and Forestal District.

The district known as the "Totier Creek Agricultural and Forestal District" consists of the following described properties: Tax map 121, parcels 70A, 70B, 70D, 70E, 72C, 85, 85A; tax map 122, parcels 5, 5A; tax map 128, parcels 13, 14A, 14B, 14C, 14D, 27, 29, 30, 72; tax map 129, parcels 3, 5, 6, 6A, 7A, 7D, 9; tax map 130, parcels 1, 5A; tax map 134, parcel 3, 3A, 3B, 3C, 3D, 3E, 3F, 3G, 3H, 3I, 3J, 3K, 3L; tax map 135, parcels 7, 10. This district, created on June 29, 1983 for not more than 10 years and last reviewed on June 1, 2011, shall next be reviewed prior to June 1, 2021.

(Code 1988, § 2.1-4(b); Ord. 98-A(1), 8-5-98; Ord. 01-3(1), 6-20-01)

**RESOLUTION TO APPROVE A LEASE FINANCING WITH
THE VIRGINIA RESOURCES AUTHORITY,
TO APPROVE THE FORM OF CERTAIN DOCUMENTS PREPARED IN
CONNECTION THEREWITH AND TO AUTHORIZE THE DISTRIBUTION,
EXECUTION AND DELIVERY OF THE SAME**

WHEREAS, the Board of Supervisors (the “Board”) of the County of Albemarle, Virginia (the “County”), desires to finance the costs of acquiring, designing and constructing stormwater management projects in the County, together with related expenses (collectively, the “Project”);

WHEREAS, the County has applied to the Virginia Resources Authority (“VRA”), as administrator of the Virginia Water Facilities Revolving Fund, to provide financing for the Project and VRA has indicated its willingness to finance the Project for a principal amount not to exceed \$400,000;

WHEREAS, there have been presented at this meeting (a) a draft of the Prime Lease (the “Prime Lease”), pursuant to which the County desires to convey to VRA a leasehold interest in a fire truck owned by the County (the “Equipment”) and (b) a draft of the Financing Lease (the “Financing Lease”), pursuant to which VRA will lease the Equipment to the County, both of which the Board proposes to execute or approve to carry out the purposes of the Project and copies of which shall be filed with the records of the Board;

WHEREAS, VRA has also determined to provide the County with a principal forgiveness loan in a principal amount not to exceed \$400,000, in accordance with the terms of a Funding Agreement to be dated as of a date specified by VRA, between VRA and the County (the “Funding Agreement”), the form of which has been presented to this meeting; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ALBEMARLE COUNTY, VIRGINIA:

1. Essentiality of Project. The Board confirms that the Project is essential to the efficient operation of the County and anticipates that the Project will continue to be essential to the operations of the County during the terms of the Financing Lease.

2. Authorization of Financing Documents. The forms of the Prime Lease, the Financing Lease and the Funding Agreement submitted to this meeting are hereby approved and the County Executive is authorized to execute the Prime Lease, the Financing Lease and the Funding Agreement in substantially such forms, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be necessary to effectuate the purposes therein, subject to approval as to form by the County Attorney. All capitalized terms used but not defined herein shall have the same meaning as set forth in the Financing Lease.

3. Terms of Financing Lease. The following plan for financing the Project is approved. The County will lease the Equipment to VRA pursuant to the terms of the Prime Lease. Thereafter, VRA will lease the Equipment to the County pursuant to the terms of the Financing Lease. The County will undertake to make rental payments (“Rental Payments”) and additional payments (“Additional Payments”) to VRA under the terms of the Financing Lease in amounts sufficient to repay the Lease Proceeds and to pay the fees and expenses of VRA. The final pricing terms contained in the Financing Lease shall be determined by the County Executive; provided, however, that (i) the aggregate total of principal components of the Rental Payments shall not exceed \$400,000, (ii) the term of the Financing Lease shall expire no later than December 31, 2022, (iii) the interest component of the Rental Payments shall not exceed 2.93% per year, and (iv) the principal components of the Rental Payments shall be subject to prepayment upon the terms set forth in the Financing Lease. The plan of financing for the Project shall contain such additional requirements and provisions as the County Executive may approve and determine to be in the best interest of the County.

4. Subject to Appropriation. The undertaking by the County under the Financing Lease to make Rental Payments shall be a limited obligation of the County, payable solely from funds to be appropriated by the Board from time to time for such purpose and shall not constitute a debt of the County

within the meaning of any constitutional or statutory limitation or a pledge of the faith and credit of the County beyond any fiscal year for which the Board has lawfully appropriated from time to time. Nothing herein or in the Financing Lease shall constitute a debt of the County within the meaning of any constitutional or statutory limitation or a pledge of the faith and credit or taxing power of the County.

5. Annual Budget. The Board believes that funds sufficient to make payment of all amounts payable under the Financing Lease can be obtained. While recognizing that it is not empowered to make any binding commitment to make such payments beyond the current fiscal year, the Board hereby states its intent to make annual appropriations for future fiscal years in amounts sufficient to make all such payments and hereby recommends that future Boards do likewise during the terms of the Financing Lease. The Board directs the County's Director of Finance, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to include in the budget request for each fiscal year during the term of the Financing Lease an amount sufficient to pay all amounts coming due under the Financing Lease during such fiscal year. As soon as practicable after the submission of the County's annual budget to the Board, the County Executive is authorized and directed to deliver to VRA evidence that a request for an amount sufficient to make the payment of all amounts payable under the applicable Financing Lease has been made. Throughout the terms of the Financing Lease, the County Executive shall deliver to VRA within 30 days after the adoption of the budget for each fiscal year, but not later than July 1, a certificate stating whether an amount equal to the Rental Payments and any other amounts due under each such Financing Lease which will be due during the next fiscal year has been appropriated by the Board in such budget. If at any time during any fiscal year of the County, through the fiscal year ending June 30, 2022, the amount appropriated in the County's annual budget in any such fiscal year is insufficient to pay when due the amounts payable under either Financing Lease, the Board directs the Director of Finance, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to submit to the Board at the next scheduled meeting, or as promptly as practicable but in any event within 45 days, a request for a supplemental appropriation sufficient to cover the deficit.

6. Other Actions. All other actions of officers of the County in conformity with the purposes and intent of this Resolution and in furtherance of the financing of the Project are ratified, approved and confirmed. The officers of the County are authorized and directed to execute and deliver all certificates and other instruments and to take all actions considered necessary or desirable in connection with the execution and delivery of the Financing Lease and the financing of the Project. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto and to record such document where appropriate.

7. Effective Date. This Resolution shall become effective immediately.

RESOLUTION

WHEREAS, the Board of Supervisors (the Board) appoints its members to a variety of boards, committees, and commissions to represent the interests of the Board on those entities; and

WHEREAS, it is important that the Board have confidence that its policies and positions are being reflected in that representation;

NOW, THEREFORE, BE IT RESOLVED, that Board members who are appointed to boards, committees and commissions are required to vote on matters that come before those entities in a manner which is consistent with the policies and positions of the Board as reflected in previously adopted resolutions or official action of the Board on such matters.