

**ACTIONS**  
**Board of Supervisors Meeting of October 5, 2011**

October 24, 2011

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> <li>• Meeting was called to order at 9:04 a.m. by the Chair, Ms. Mallek. All BOS members were present. Also present were Tom Foley, Larry Davis, Ella Jordan and Meagan Hoy.</li> </ul>	
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> <li>• Mr. Boyd said he would like to have a discussion on the Meadow Creek Parkway and the Western Bypass northern terminus.</li> <li>• <b>APPROVED</b> agenda as amended.</li> </ul>	
<p>5. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <li>• <u>The following individuals spoke about funding the Crozet Library:</u> <ul style="list-style-type: none"> <li>• Jane Kulow</li> <li>• Tom Loach</li> <li>• John Savage</li> <li>• Karl Pomeroy</li> <li>• Tim Tolson</li> </ul> </li> <li>• <u>The following individuals spoke about the proposed Route 29 Western Bypass:</u> <ul style="list-style-type: none"> <li>• Mark Kastan</li> <li>• Elly Tucker</li> <li>• Liz Palmer</li> <li>• George Larie</li> <li>• Milton Moore</li> <li>• Jane Foglemar</li> <li>• Emerald Young</li> <li>• Morgan Butler</li> <li>• Daniel Bowman</li> <li>• Jeff Werner</li> <li>• Tammy Moses</li> <li>• Lainey Kaminer</li> <li>• Neil Williamson</li> <li>• Dr. George Politis</li> </ul> </li> <li>• <u>Charles Battig</u> made a PowerPoint presentation on ICLEI and LCAPP.</li> <li>• <u>Susan Reed</u> spoke about the paved Arden Place path.</li> <li>• <u>Dolores Rogers</u> spoke in support of funding an additional police officer for the Town of Scottsville.</li> <li>• <u>Pete Whitt</u> congratulated Mr. Foley for ending the fiscal year with a surplus.</li> <li>• <u>Duane Snow</u> asked that the Board discuss the Arden Place path at the end of the meeting.</li> </ul>	
<p>6. Recognitions:</p> <p>a. Proclamation recognizing 35<sup>th</sup> Anniversary of AHIP.</p>	(Attachment 1)

	<ul style="list-style-type: none"> <li>Chair read and presented to Jennifer Jacobs.</li> </ul>	
7.2	FY 2011 Budget Amendment and Appropriation. <ul style="list-style-type: none"> <li><b>APPROVED</b> the budget amendment in the amount of \$5,000.00 and <b>APPROVED</b> Appropriation #2011094.</li> </ul>	<u>Clerk:</u> Forward copy of signed appropriations to OMB, Finance and other appropriate individuals.
7.3	Brownfield Assessment EPA Grant Application. <ul style="list-style-type: none"> <li><b>SUPPORTED</b> the TJPDC's grant application and <b>AUTHORIZED</b> the Board Chair to sign a letter of support on behalf of the Board.</li> </ul>	<u>Clerk:</u> After Chair's signature forward letter to TJPDC.
7.4	Resolution of Intent to Amend County Code Section 18-4.18, Noise (Chapter 18, Zoning). <ul style="list-style-type: none"> <li><b>ADOPTED</b> Resolution of Intent.</li> </ul>	<u>Clerk:</u> Forward copy of signed resolution to County Attorney's office and Zoning. (Attachment 2)
7.5	Set public hearing to consider Noise Regulations in Chapter 7 of the County Code (Chapter 7, Health and Safety). <ul style="list-style-type: none"> <li><b>SET</b> public hearing concurrently with Item 7.4.</li> </ul>	<u>Clerk:</u> Advertise and schedule on agenda for public hearing when ready to come back.
7.6	"Watch for Child Playing" Signage for Reas Ford Lane. <ul style="list-style-type: none"> <li><b>ADOPTED</b> resolution approving the installation of "Watch for Child Playing" signage on Reas Ford Lane (Route 661).</li> </ul>	<u>Clerk:</u> Forward copy of signed resolution to County Attorney's office and Planning. (Attachment 3)
7.7	Cancel Board of Supervisors October 12, 2011 night meeting. <ul style="list-style-type: none"> <li><b>CANCELLED</b> Board meeting.</li> </ul>	<u>Clerk:</u> Notify appropriate individuals.
7.8.	VACo Credentials for 2011 Annual Business Meeting of the Virginia Association of Counties. <ul style="list-style-type: none"> <li>Due to time constraints this item was moved to the afternoon session.</li> </ul>	
8.	Pb Hrg: <b><u>SP-2011-00012. Locally Grown Festival (Signs #62&amp;64).</u></b> <ul style="list-style-type: none"> <li><b>APPROVED, by a vote of 6:0</b>, SP-2011-00012, subject to 13 conditions.</li> </ul>	<u>Clerk:</u> Set out conditions of approval. (Attachment 4)
9.	Pb Hrg: <b><u>FY 2012 Budget Amendment and Appropriations.</u></b> <ul style="list-style-type: none"> <li><b>APPROVED</b> the FY 2012 Budget amendment in the amount of \$10,620,331.39 and <b>APPROVED</b> Appropriations #2012024, #2012025, #2012026, #2012027, #2012028, #2012029, #2012030, #2012031, #2012032, and #2012033 to provide funds for various local government and school projects and programs.</li> </ul>	<u>Clerk:</u> Forward copy of signed appropriations to OMB, Finance and other appropriate individuals.
10.	Pb Hrg: <b><u>WPOA-2011-00001. Water Protection.</u></b> <ul style="list-style-type: none"> <li><b>ADOPTED, by a vote of 6:0</b>, ordinance.</li> </ul>	<u>Clerk:</u> Forward copy of signed ordinance to County Attorney's office and Community Development staff (Attachment 5)
11.	Pb Hrg: <b><u>ACSA-2011-0003. Arlin Martin.</u></b> <ul style="list-style-type: none"> <li><b>APPROVED, by a vote of 6:0</b>, to amend the jurisdictional area boundary of the Albemarle County Service Authority to provide "water service to one single-family dwelling only" on Tax Map 56, Parcel 80.</li> </ul>	<u>David Benish:</u> Proceed as approved.
12.	Pb Hrg: <b><u>SP-2011-00004. Eagleburger Property AT&amp;T CV352 Tier III PWSF (Signs</u></b>	<u>Clerk:</u> Set out conditions of approval. (Attachment 4)

	<p><b>#106&amp;107).</b></p> <ul style="list-style-type: none"> <li>• <b>APPROVED, by a vote of 6:0</b>, SP-2011-0004 subject to three conditions.</li> </ul>	
13.	<p>Pb Hrg: <b><u>SP-2010-00055. Southern Albemarle Intergenerational Center (SAIC) - Day Care: SP-2010-00056. Southern Albemarle Intergenerational Center (SAIC) - Community Center (Sign #57).</u></b></p> <ul style="list-style-type: none"> <li>• <b>APPROVED, by a vote of 6:0</b>, SP-2010-00055 and SP-2010-00056 subject to eight conditions.</li> </ul>	Clerk: Set out conditions of approval. (Attachment 4)
14.	<p>Pb Hrg: <b><u>ZMA-2010-00009. Republic Capital Amendment (Sign #86).</u></b></p> <ul style="list-style-type: none"> <li>• <b>APPROVED, by a vote of 6:0</b>, ZMA-2010-0009 as proffered dated September 26, 2011.</li> </ul>	Clerk: Set out proffers. (Attachment 6)
15.	<p>Pb Hrg: <b><u>SP-2010-038. Badger Industrial (Sign #81).</u></b></p> <ul style="list-style-type: none"> <li>• <b>DENIED, by a vote of 5:1(Thomas)</b>, SP-2010-038.</li> </ul>	
16.	<p><b>Appeal:</b> Planning Commission denial of Critical Slopes Waiver Request for SP-2010-038 – Badger Industrial Building.</p> <ul style="list-style-type: none"> <li>• <b>UPHELD, by a vote of 5:1(Thomas)</b>, the Planning Commission’s denial of critical slopes waiver request for SP-2010-038.</li> </ul>	
17.	<p>Town of Scottsville Request for Police Funding.</p> <ul style="list-style-type: none"> <li>• <b>DENIED, by a vote of 5:1(Dorrier)</b>, the Town of Scottsville’s request for police funding.</li> </ul>	
18.	<p>FY 13 VDOT Revenue Sharing Program, Request for Participation and Recommended Projects for Funding.</p> <ul style="list-style-type: none"> <li>• Due to time constraints this item was moved to the afternoon session.</li> </ul>	
19.	<p>FY11/12 and FY 12/13 Revenue Update.</p> <ul style="list-style-type: none"> <li>• Due to time constraints this item was moved to the afternoon session.</li> </ul>	
20.	<p>Closed Session.</p> <ul style="list-style-type: none"> <li>• At 2:24 p.m., the Board went into 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 a department head appointment, under subsection (7) to consult with legal counsel and staff regarding specific legal matters requiring legal advice concerning an interjurisdictional public safety agreement and under subsection (7) to consult with legal counsel and staff regarding specific legal matters requiring legal advice concerning a VDOT road project.</li> </ul>	
21.	<p>Certified Closed Meeting.</p> <ul style="list-style-type: none"> <li>• At 3:35 p.m., the Board reconvened into open meeting and certified the closed meeting.</li> </ul>	
27.	<p>Comprehensive Regional Water Supply Plan</p>	Clerk: Send copy of signed resolution to

	<p>Resolution.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b>, by a vote of 6:0, the attached resolution approving the Regional Water Supply Plan including the footnote that was added to Table 8-1.</li> </ul>	RWSA and County Attorney's office. (Attachment 7)
26.	<p>Rivanna Water and Sewer Authority Quarterly Update, Tom Frederick, Executive Director.</p> <ul style="list-style-type: none"> <li>• <b>RECEIVED.</b></li> </ul>	
25.	<p>Albemarle County Service Authority Quarterly Update, Gary O'Connell, Executive Director.</p> <ul style="list-style-type: none"> <li>• <b>RECEIVED.</b></li> </ul>	
22.	<p>Boards and Commissions: Appointments.</p> <ul style="list-style-type: none"> <li>• <b>APPOINTED</b> Miette Michie to the ACE Committee with said term to expire August 1, 2012.</li> <li>• <b>APPOINTED</b> George Emmitt to the Pantops Community Advisory Council with said term to expire June 30, 2013.</li> <li>• <b>REAPPOINTED</b> Clifford Buys and Juan Wade to the JAUNT Board with said terms to expire September 30, 2015.</li> </ul>	<u>Clerk</u> : Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.
18.	<p>FY 13 VDOT Revenue Sharing Program, Request for Participation and Recommended Projects for Funding.</p> <ul style="list-style-type: none"> <li>• <b>Consensus</b> of the Board for staff to bring back additional possibilities/information for consideration.</li> </ul>	<u>Clerk</u> : Schedule on October 12, 2011 Agenda.
19.	<p>FY11/12 and FY 12/13 Revenue Update.</p> <ul style="list-style-type: none"> <li>• <b>Consensus</b> of the Board not to utilize savings from the restructuring of current debt to borrow an additional \$10 Million to support additional capital projects, as discussed during the Davenport presentation in September.</li> </ul>	
24.	<p>Annual Update on Economic Vitality Action Plan.</p> <ul style="list-style-type: none"> <li>• <b>RECEIVED.</b></li> </ul>	
28.	<p>Board of Supervisors' June 30, 2011 Strategic Plan Strategy Session Report.</p> <ul style="list-style-type: none"> <li>• <b>Consensus</b> of the Board to approve the Vision and six Goals, as modified at the Board meeting, for inclusion in the FY 12/13 – FY 16/17 Strategic Plan.</li> </ul>	(Attachment 8)
23.	<p>DIA Update, Phil Roberts, Chief of Field Support Activity:</p> <ul style="list-style-type: none"> <li>• This item was removed from the Agenda.</li> </ul>	
29.	<p>From the Board: Matters Not Listed on the Agenda.</p> <p><u>Ken Boyd</u>:</p> <ul style="list-style-type: none"> <li>• He will address Meadow Creek Parkway at a later date.</li> <li>• The Western Bypass/Northern Terminus task force has completed work, and they have offered four recommendations. He will bring a resolution for consideration to the meeting on October 12, 2011.</li> </ul> <p><u>Ann Mallek</u>:</p> <ul style="list-style-type: none"> <li>• Updated the Board on biosolids.</li> </ul>	

	<p><u>Rodney Thomas:</u></p> <ul style="list-style-type: none"> <li>• He met with Woodbrook residents regarding the walkway near Arden Place, and plans to meet again with the neighbors, the developer, and County staff on Friday at 10:00 a.m.</li> <li>• Updated the Board on Rockydale Quarry.</li> </ul>	
7.8	<p>VACo Credentials for 2011 Annual Business Meeting of the Virginia Association of Counties.</p> <ul style="list-style-type: none"> <li>• <b>AUTHORIZED</b> Ann Mallek as Voting Delegate and Duane Snow as alternate delegate.</li> </ul>	<u>Clerk:</u> Forward information to VACo.
30.	<p>Adjourn to October 14, 2011, 2:00 p.m., Room 241.</p> <ul style="list-style-type: none"> <li>• The meeting was adjourned at 6:31 p.m.</li> </ul>	

ewj/mrh

- Attachment 1 - Proclamation recognizing the 35<sup>th</sup> Anniversary of AHIP
- Attachment 2 – Resolution of Intent – Noise (Chapter 18, Zoning)
- Attachment 3 – Resolution - “Watch for Child Playing” Signage for Reas Ford Lane
- Attachment 4 – Conditions of Approval on Planning items
- Attachment 5 – Ordinance - WPOA-2011-00001. Water Protection
- Attachment 6 – Proffers - ZMA-2010-00009. Republic Capital Amendment
- Attachment 7 – Comprehensive Regional Water Supply Plan Resolution
- Attachment 8 - Vision, Mission, Values and Goals for FY 12/13 – FY 16/17 Strategic Plan

*On behalf of the citizens and the Board of Supervisors of Albemarle County, we recognize and commend:*

***Albemarle Housing Improvement Program***

*in celebrating 35 years of service in our community. AHIP is an independent Home Repair Nonprofit which has helped over 2,000 families have safe, decent, and affordable housing.*

*We are strengthened and enriched as a community by the efforts and dedication of AHIP's staff in providing repairs, rehabilitation, and management of homes for lower-income residents. AHIP's ability to access numerous resources including the use of local volunteers enhances our local investment for this valuable service. As a local government, we could not begin to provide the level of service we receive from the efforts of AHIP.*

*The Albemarle County Board of Supervisors joins in the celebration and congratulates AHIP for its 35 years of service and expresses its thanks for the outstanding work they continue to do in support of our community.*

*Signed and sealed this 5th day of October 2011.*

**RESOLUTION OF INTENT**

**WHEREAS**, the Albemarle County Zoning Ordinance includes regulations pertaining to the regulation of noise; and

**WHEREAS**, it may be desirable to amend the noise regulations in the Zoning Ordinance to better distinguish which sounds are regulated under the Zoning Ordinance and which sounds are regulated under the noise regulations in Chapter 7 of the County Code, and to eliminate any perceived overlap between the two; and

**WHEREAS**, it also may be desirable to amend the noise regulations in the Zoning Ordinance to update the language of the exemptions in County Code § 18-4.18.05 so that it is consistent, to the extent possible, with the language of the exemptions in County Code § 7-106.

**NOW, THEREFORE, BE IT RESOLVED THAT** for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code § 18-4.18, Noise, and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein; and

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

**RESOLUTION TO APPROVE REQUEST FOR  
VIRGINIA DEPARTMENT OF TRANSPORTATION  
TO INSTALL WATCH FOR CHILD PLAYING SIGN ON  
REAS FORD LANE (ROUTE 661)**

**WHEREAS**, the residents of Reas Ford Lane are concerned about traffic in their neighborhood and the potential hazard it creates for the numerous children that live and play in the neighborhood; and

**WHEREAS**, children live and play on Reas Ford Lane and the residents believe that a “Watch for Child Playing” sign would help alleviate some of the safety concerns; and

**WHEREAS**, the residents of Reas Ford Lane have requested that the County take the necessary steps to have a “Watch for Child Playing” sign installed.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves the community’s request for VDOT to install “Watch for Child Playing” sign(s) on Reas Ford Lane.



**CONDITONS OF APPROVAL ON PLANNING ITEMS**

**SP-2011-00012. Locally Grown Festival (Signs #62&64).**

1. Development of the use shall be in general accord with the Concept Plan entitled Locally Grown: A Festival of Organic Proportions for SP2011-12, prepared by Albemarle County Office of Geographic Data Services, and signed by Peter Larson and dated April 18, 2011, (hereinafter, the "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator.

To be in general accord with the plan, development shall reflect the following central features essential to the design of the development:

- location of the temporary parking area
- location of temporary stage

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance;

2. A maximum of fifteen (15) vendors shall be allowed to operate during the temporary event;
3. Written approval from the Police Department, Fire and Rescue, and the Health Department shall be required prior to the issuance of a zoning clearance to allow the temporary event use;
4. No tree removal, grading, or disturbance shall take place within the driplines of the trees as shown on the Conceptual Plan. Any grading or disturbance within ten (10) feet of any dripline shall necessitate submittal of a "Tree Protection Plan" in accord with Section 32.7.9.4 of the Zoning Ordinance. No grading or disturbance within ten (10) feet of any dripline shall be permitted until a) a survey and fencing have been completed and b) the Planning Director approves a plan which shows the grading or disturbance and the surveyed dripline of the existing trees;
5. The hours of operation for the music shall not begin earlier than 1:00 PM and shall end not later than sunset;
6. Off-site parking shall not be permitted;
7. The maximum number of attendees allowed on the site for the temporary event shall not exceed seven hundred (700) persons;
8. A minimum of twenty (20) private security, parking, and traffic control staff members shall be required on site on the day of the temporary event;
9. Overnight camping shall be prohibited;
10. Artificial lighting shall not be permitted, provided that flashlights may be used while the site is restored and cleared as provided in Condition 14;
11. The applicant shall reseed and restore the parking area as required by the zoning administrator within thirty (30) days of the temporary event;
12. The site shall be restored and cleared of all trash, debris, and structures associated with the event within three (3) days after the temporary event; and
13. Special use permit 2011-12 shall be valid for a temporary event to be held not later than December 2012.

**SP-2011-00004. Eagleburger Property AT&T CV352 Tier III PWSF (Signs #106&107).**

1. The monopole shall not exceed one hundred fifty-five (155) feet seven (7) inches at a ground elevation of 649.0+/- feet;
2. The monopole, antenna, ground equipment and landscaping shall be constructed and installed in general accord with the plans entitled "Eagleburger Property CV352 Meriwether Lewis Elementary School 1450 Owensville Road Charlottesville, VA 22901 with an Engineer's seal and revised zoning drawings dated 4/12/2011"; and
3. Landscaping to screen the base of the tower shall be provided to reasonably screen the visual impacts of the tower if such screening is reasonably possible on the subject property. The screening proposal shall be subject to approval of the site plan agent and installed as a condition of the plan for the wireless facility.

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**SP-2010-00055. Southern Albemarle Intergenerational Center (SAIC) - Day Care; SP-2010-00056. Southern Albemarle Intergenerational Center (SAIC) - Community Center (Sign #57).**

1. Development of the use shall be in general accord with the Concept Plan entitled Southern Albemarle Intergenerational Center for SP2010-55 and SP2010-56, prepared by Meridian Planning Group, LLC, and dated December 17, 2010, (hereinafter, the "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator.

To be in general accord with the plan, development shall reflect the following central features essential to the design of the development:

- The size and location of the proposed building
- The location of the parking area

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. The hours of operation for the child day care shall not begin earlier than 7:00 AM and shall end not later than 6:00 PM, Monday through Friday;
3. The hours of operation for the community center and the adult daycare shall not begin earlier than 9:00 AM and shall end not later than 9:00 PM, Monday through Saturday;
4. The hours of operation for the dental office shall not begin earlier than 8:00 AM and shall end not later than 5:00 PM, Monday through Friday;
5. The maximum number of employees for the child day care, the community center, and the dental office shall not exceed a total of fifteen (15) on any given day;
6. The maximum number of people allowed the site at any given time shall not exceed one hundred (150);
7. Any 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; and
8. If the use, structure, or activity for which this special use permit is issued is not commenced by October 1, 2016, the permit shall be deemed abandoned and the authority granted there under shall thereupon terminate.

**ORDINANCE NO. 11-17(1)**

AN ORDINANCE TO AMEND CHAPTER 17, WATER PROTECTION, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA, BY AMENDING 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 II, Erosion and Sediment Control, and Article III, Stormwater Management and Water Quality, are amended and reordained as follows:

**By Amending:**

- Sec. 17-209 Fees
- Sec. 17-304 Review and approval of stormwater management/BMP plan
- Sec. 17-310 Fees
- Sec. 17-321 Types of development which may be allowed in stream buffer by program authority
- Sec. 17-322 Mitigation plan if development allowed in stream buffer

**Chapter 17. Water Protection**

**Article II. Erosion and Sediment Control**

**Sec. 17-209 Fees.**

Each owner seeking approval of an erosion and sediment control plan or entering into an agreement in lieu of a plan shall pay a fee upon submittal of such plan, and shall pay a fee for each reinspection, in amounts according to the schedule set forth below. Each fee shall be in the form of cash or a check payable to the "County of Albemarle."

- A. Land disturbing activity pertaining to single family dwelling unit:
  - 1. Agreement in lieu of a plan if single family dwelling unit located in a residential development: \$150
  - 2. Agreement in lieu of a plan if single family dwelling unit not located in a residential development: \$150
  - 3. Plan review for a single family dwelling unit: \$150
  - 4. Permit and first year inspection fees for a single family dwelling unit: \$150
  - 5. Annual permit renewal and inspection fees for a single family dwelling unit, starting with second year: \$150
  - 6. Each reinspection: \$150
- B. Land disturbing activity pertaining to non-exempt agricultural land:
  - 1. Plan review: \$150 per review
  - 2. Permit and first year inspection fees: \$150
  - 3. Each reinspection: \$150
  - 4. Annual permit renewal and inspection fees, starting with second year: \$150
- C. All other land disturbing activity:
  - 1. Plan review, disturbed area less than one acre: \$150 per review

2.	Permit and first year inspection fees, disturbed area less than one acre:	\$200
3.	Annual permit renewal and inspection fee, disturbed area less than one acre:	\$200
4.	Plan review, disturbed area one acre or larger:	\$300 per review
5.	Permit and first year inspection fees, disturbed area one acre or larger:	\$100 per disturbed acre
6.	Annual permit renewal and inspection fee, disturbed area one acre or larger, starting with second year:	\$100 per disturbed acre
7.	Each reinspection:	\$250
8.	Amendment to approved plan:	\$180 per plan review
D. Variances:		\$150 per request

(§ 7-4, 6-18-75, § 6, 10-22-75, 4-21-76, 11-10-76, 3-2-77, 4-17-85, 2-11-87, 12-11-91, 3-18-92; § 19.3-17, 2-11-98; Code 1988, §§ 7-4, 19.3-17; Ord. 98-A(1), 8-5-98; Ord. 98-17(1), 11-11-98; Ord. 02-17(1), 7-3-02; Ord. 08-17(3), 8-6-08)

**State law reference**--Va. Code § 10.1-562.

### **Article III. Stormwater Management and Water Quality**

#### **Sec. 17-304 Review and approval of stormwater management/BMP plan.**

Each stormwater management/BMP plan submitted pursuant to this article shall be reviewed and approved as provided herein:

A. The plan shall be reviewed by the program authority to determine whether it complies with the requirements of section 17-303 and all other requirements of this article.

B. During its review of the plan, the program authority may meet with the owner from time to time to review and discuss the plan with the owner, and shall inform the owner in writing of any modifications, terms, or conditions required to be included in the plan in order for it to be approved.

C. The program authority shall approve or disapprove a plan within sixty (60) days from the date the application was accepted for review; provided that the program authority shall act on any plan that was previously approved within forty-five (45) days after the plan was revised, resubmitted to the program authority, and accepted for review. The decision of the program authority shall be based on the plan's compliance with this article. The decision shall be in writing and shall be served by first class mail to the address provided by the owner in the application for approval of the plan or by personal delivery to the owner. The date of the decision shall be either the date that it is deposited for mailing or the date that it is personally delivered to the owner. If the plan is disapproved, the reasons for such disapproval shall be stated in the decision.

D. Each stormwater management/BMP plan approved by the program authority shall be subject to the following:

1. The owner shall comply with all applicable requirements of the approved plan, this article, the Virginia Stormwater Management Act (Virginia Code §§ 10.1-603.2 et seq.), and the state stormwater management regulations set forth in 4 VAC 50-60-10 et seq.;

2. The owner shall certify that all land clearing, construction, land development and drainage will be done according to the approved plan;

3. Land development shall be conducted only within the area specified in the approved plan;

4. The rights granted by virtue of the approved plan shall not be transferred, assigned or sold unless a written notice of transfer, assignment or sale is filed with the program authority and the recipient of such rights provides the certification required by paragraph (D)(2);

5. The program authority may require, in conjunction with its approval of a plan, that the owner first enter into a stormwater management/BMP facilities maintenance agreement as provided in section 17-323;

6. The program authority shall be allowed, after giving reasonable notice to the owner, occupier or operator of the land development, to conduct periodic inspections as provided in section 17-324; and

7. The program authority may require, as a condition of plan approval, that the owner enter into a right of entry agreement or grant an easement for purposes of inspection and maintenance. If such agreement or easement is required, the program authority shall not be required to give notice prior to conducting an inspection.

E. Nothing in this section shall require approval of a plan or part thereof that is determined by the program authority to pose a danger to the public health, safety, or general welfare or to deviate from sound engineering practices.

F. An application for a stormwater management/BMP plan that requires modifications, terms or conditions to be included in order for it to be approved as provided in paragraph (B) shall be deemed to be withdrawn if the owner fails to submit a revised plan addressing the omitted modifications, terms or conditions within six (6) months after the owner is informed of the omitted information as provided in paragraph (B); provided that any application for which the program authority informed the owner of omitted modifications, terms or conditions prior to October 5, 2011 shall be deemed withdrawn if the owner fails to submit a revised plan addressing the omitted modifications, terms or conditions by April 5, 2012.

G. An approved stormwater management/BMP plan shall be void if the owner fails to obtain a grading, building or other permit for activities involving land disturbing activities to implement the plan (the "permit") within two (2) years after the date of its approval; provided that any stormwater management/BMP plan approved prior to October 5, 2011 shall be void if the owner fails to obtain a permit by October 5, 2013; and further provided that any stormwater management/BMP plan associated with a subdivision plat or site plan whose period of validity is extended by Virginia Code § 15.2-2209.1(A) shall likewise be extended for the same time period.

(§ 19.1-7, 9-29-77, art. II, § 2, 7-11-90; § 19.1-8, 9-29-77, art. II, § 3, 7-11-90; § 19.3-28, 2-11-98; Code 1988, §§ 19.1-7, 19.1-8, 19.3-28; Ord. 98-A(1), 8-5-98; Ord. 09-17(1), 8-5-09, effective 9-5-09)

**State law reference**--Va. Code § 10.1-603.8.

### **Sec. 17-310 Fees.**

Each owner seeking approval of a stormwater management/BMP plan shall pay a fee upon submittal of such plan, and shall pay a fee for each inspection, in amounts according to the schedule set forth below. Each fee shall be in the form of cash or a check payable to the "County of Albemarle."

1. Plan review: \$300 per plan review
2. Amendment to approved plan: \$180 per plan review
3. Request for exception (section 17-308): \$240.
4. Each inspection or reinspection: \$60.
5. Mitigation plan (section 17-322): \$150

(§ 19.3-34, 2-11-98; § 19.1-8, 9-29-77, art. II, § 3, 7-11-90; Code 1988, §§ 19.1-8, 19.3-34; Ord. 98-A(1), 8-5-98; Ord. 02-17(1), 7-3-02; Ord. 08-17(3), 8-6-08)

**State law reference**--Va. Code § 10.1-603.10.

**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 within the fifty (50) horizontal feet of stream buffer that is the most landward (furthest from the stream) for necessary infrastructure to allow reasonable use of the lot. In all cases under this paragraph, any new building site and sewage disposal system shall be located outside the stream buffer;
2. on a lot on which the development in the stream buffer will consist of a lake, pond, or ecological/wetland restoration project;
3. on a lot on which the development in the stream buffer will consist of the construction and maintenance of a road, street or driveway that would not satisfy the requirements of section 17-320(D) and the program authority determines that the stream buffer would prohibit access to the lot necessary for the lot to be used and developed as permitted in the underlying zoning district and under the applicable regulations of the subdivision ordinance, or to establish more than one stream crossing;
4. 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
5. 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; Ord. 08-17(2), 5-7-08)

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

**Sec. 17-322 Mitigation plan if development allowed in stream buffer.**

Each owner who seeks to develop in a stream buffer pursuant to section 17-321 shall submit to the program authority for review and approval a mitigation plan as provided herein:

- A. The owner shall submit a mitigation plan that satisfies the applicable requirements of this section, the fee required by section 17-310, and a certification stating that all requirements of the approved plan will be complied with.
- B. The mitigation plan shall be reviewed by the program authority to determine whether it complies with the requirements of this section and all other requirements of this article. The program authority shall approve or disapprove a mitigation plan within forty-five (45) days that a complete plan was accepted for review. The decision shall be in writing and shall be communicated to the owner. If the plan is disapproved, the reasons for such disapproval shall be stated in the decision.
- C. Each mitigation plan shall:
  1. identify the impacts of proposed development on water quality and lands within the stream buffer;

2. ensure that, where development takes place within a stream buffer: (i) the proposed development shall be located on those portions of a site and in a manner that will be least disruptive to the natural functions of the stream buffer; (ii) no more land shall be disturbed than is necessary to allow a development that is permitted in the underlying zoning district under the applicable regulations of the subdivision ordinance; (iii) indigenous vegetation shall be preserved to the maximum extent practicable, consistent with the proposed development; and (iv) the impervious cover shall be minimized consistent with the proposed development;

3. demonstrate and assure that development will be conducted using best management practices; where best management practices require regular or periodic maintenance in order to continue their functions, the program authority may require that the owner enter into an agreement providing for the ongoing maintenance of the plantings in the stream buffer, and may require a bond with surety or other acceptable instrument, which agreement and bond with surety or other acceptable instrument shall be of a substance and in a form approved by the program authority and the county attorney;

4. specify mitigation which will address water quality and stream buffer impacts;

5. contain all other information requested by the program authority; and

6. where an owner seeks to establish more than one stream crossing as provided in section 17-320(D)(6), demonstrate that the environmental impacts from the entire road, street or driveway necessitated by a single stream crossing would be greater than the environmental impacts caused by an additional crossing and its associated road, street or driveway. For the purposes of this subsection, the environmental impacts considered by the program authority include, but are not limited to, impacts to soil, soil erosion, stormwater quantity, water quality, loss of vegetated stream buffer, impacts to stream beds and stream banks, the creation of impervious surfaces, and the disturbance of slopes of twenty-five (25) percent or greater.

D. Each mitigation plan shall be evaluated by the program authority based on the following criteria:

1. whether all reasonable alternatives to development in the stream buffer have been explored and exhausted;

2. whether the development in the stream buffer is the minimum necessary and is conducted in a manner that will be least disruptive to the natural functions of the stream buffer;

3. whether best management practices will effectively mitigate adverse impacts from the encroachment on the stream buffer and its natural functions;

4. whether the design and construction of the development will satisfy the criteria in subsections 17-322(C)(2) and (C)(3); and

5. for driveways, roads and streets, whether their alignment and design are optimized, consistent with all other applicable requirements, to minimize encroachment in the stream buffer and adverse effects on water quality.

E. An application for a mitigation plan that requires modifications to be made in order for it to be approved shall be deemed to be withdrawn if the owner fails to submit a revised plan addressing the omitted modifications within six (6) months after the owner is informed of the omitted information; provided that any application for which the program authority informed the owner of omitted modifications prior to October 5, 2011 shall be deemed withdrawn if the owner fails to submit a revised plan addressing the omitted modifications by April 5, 2012.

F. An approved mitigation plan shall be void if the owner fails to obtain a grading, building or other permit for activities involving land disturbing activities to implement the plan (the "permit") within two (2) years after the date of its approval; provided that any mitigation plan approved prior to October 5, 2011 shall be void if the owner fails to obtain a permit by October 5, 2013; and further provided that any mitigation plan

associated with a subdivision plat or site plan whose period of validity is extended by Virginia Code § 15.2-2209.1(A) shall likewise be extended for the same time period.

(§ 19.3-46, 2-11-98; § 19.2-8, 6-19-91, § 8; § 19.1-13, 6-19-91, § 13; Code 1988, §§ 19.1-13, 19.2-8, 19.3-46; Ord. 98-A(1), 8-5-98; Ord. 08-17(2), 5-7-08)

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



## PROFFER STATEMENT

ZMA No. 2010 - 0009

Tax Map and Parcel Number(s): 03200-00-00-02200

Owner(s) of Record: Northside Drive LLC

Date of Proffer Signature: September 26, 2011

Northside Drive LLC is the owner (the "Owner") of Tax Map and Parcel Number 03200-00-00-02200 (the "Property") which is the subject of an amended rezoning application ZMA No. 2010 -0009 a project known as Republic Capital Amendment (the "Project").

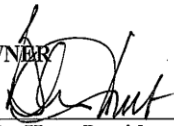
Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the Owner hereby voluntarily amends the existing proffers as listed below which shall be applied to the Property identified above. These conditions are proffered as a part of the requested proffer and rezoning amendment and the Owner acknowledges that the conditions are reasonable.

1. Prior to the installation of public sewer the uses that will be allowed will be those that do not require public sewer and which can be served by domestic septic fields. The buildings which will be constructed will have less than a total of 225,000 square feet until such public sewer is available.
2. The uses of the Property permitted by right shall be all of those uses allowed by right under section 28.2.1 of Chapter 18, Zoning, of the Albemarle County Code, as that section is in effect on October 5, 2011, a copy of which is attached hereto and incorporated herein as Attachment A, except for:
  - a. Brick Manufacturing (Section 28.2.1(2))
  - b. Concrete Mixing Plants (Section 28.2.1(3))
  - c. Manufacturing of Sewage Disposal Systems (Section 28.2.1(9))
  - d. Manufacturing and Recycling of Tires (Section 28.2.1(10))
  - e. Petroleum, Gasoline, Natural Gas and Manufactured Gas Storage (Section 28.2.1(14))
  - f. Sawmills, and Wood Preserving Operations (Section 28.2.1(16))
3. In the way of road improvements, we proffer to limit development of the property to not exceed the capacity of Northside Drive until such time as the road is improved to accommodate the additional traffic generated by the added development of this rezoning. The capacity of Northside Drive is that capacity which will accommodate the traffic from the contiguous properties if fully developed under the existing zoning.
4. The undisturbed buffer area shall be expanded from the required thirty (30) foot width to a fifty (50) foot width along the boundary line abutting the lots of Airport Acres. Along the

shared boundary line from the southeast corner of the property measuring one thousand forty (1,040) feet to the west, in addition to the fifty (50) foot undisturbed buffer, a four (4) foot high berm planted with a double staggered row of four (4) foot to six (6) foot high evergreen trees and shrubs planted fifteen (15) feet on center will be provided. Building setback from the boundary line abutting Airport Acres will be seventy-five (75) feet.

The vegetated berm shall be designed with the first site plan for development on Tax Map 32, Parcel 22 within one hundred fifty (150) feet of the boundary with Airport Acres. The vegetated berm may be installed in phases and shall be completed prior to the issuance of a Certificate of Occupancy for the first building in that phase.

5. If the Owner's final site plans do not include a road connection to the future extension of Lewis and Clark Drive, then the Owner shall reserve a twenty-five (25) foot strip of land along the Property boundary with Tax Map 32 Parcel 22C5 for dedication upon demand by the County for the purpose of constructing a road that extends from Northside Drive to the future extension of Lewis and Clark Drive. The Owner shall dedicate right-of-way within six (6) months following written notice of demand by the County. Such reservation shall remain in place through October 5, 2036. The County must accept the dedication within twelve (12) months following its demand for the dedication. Should this road be removed from the Albemarle County Comprehensive Plan, said reservation shall become null and void, and the Owner or Successors shall retain fee simple ownership of the Parcel.

OWNER  
  
\_\_\_\_\_  
Blake Hurt, President  
Northside Drive LLC

RECEIVED  
YORK COUNTY  
MEETING ROOM

**A RESOLUTION APPROVING THE COUNTY OF ALBEMARLE, CITY OF CHARLOTTESVILLE AND TOWN OF SCOTTSVILLE REGIONAL WATER SUPPLY PLAN**

**WHEREAS**, Virginia State Water Control Board Regulation 9 VAC 25-780, Local and Regional Water Supply Planning, requires all counties, cities and towns in the Commonwealth of Virginia to prepare and submit a water supply plan to the Department of Environmental Quality (DEQ); and,

**WHEREAS**, the County of Albemarle is a participant in the County of Albemarle, City of Charlottesville and Town of Scottsville Regional Water Supply Planning Group as reported to DEQ by letter before the November 2, 2008 deadline; and,

**WHEREAS**, on Tuesday, September 13, 2011 the County of Albemarle held a public hearing to accept public comment on the Regional Water Supply Plan for Albemarle County, City of Charlottesville, and Town of Scottsville (Regional Water Supply Plan); and,

**WHEREAS**, the adopted Regional Water Supply Plan will be submitted to the DEQ on or before November 2, 2011.

**NOW, THEREFORE BE IT RESOLVED** that the Board of Supervisors of Albemarle County, Virginia hereby adopts the Regional Water Supply Plan as it pertains to the County of Albemarle. Approval and adoption of this regional plan indicates support for and general agreement with the regional planning approach, but does not indicate approval or disapproval of conclusions and recommendations presented in the plan as they pertain to other localities. The County of Albemarle reserves the right to comment on specific water supply alternatives in the future even though such alternatives may be recommended in this adopted plan. The County of Albemarle will not be limited to specific water supply alternatives in this adopted plan and reserves the right to recommend additional alternatives for consideration in the future.

**BE IT FURTHER RESOLVED** that the Board of Supervisors intends that the Regional Water Supply Plan shall be revised to reflect changes in relevant data at least once every five years and resubmitted to DEQ every ten years in accordance with the regulation and sound planning practice.

Vision, Mission, Values and Goals for FY 12/13 – FY 16/17 Strategic Plan

**Vision Statement:** A thriving county, anchored by a strong economy and excellent education system that honors its rural heritage, scenic beauty and natural and historic resources while fostering attractive and vibrant communities.

**Mission Statement:** To enhance the well-being and quality of life for all citizens through the provision of the highest level of public service consistent with the prudent use of public funds.

**Values:** Integrity, Innovation, Stewardship and Learning

**Goal Statements:**

- Provide excellent educational opportunities to all Albemarle County residents
- Provide community facilities that meet existing and future needs
- Encourage a diverse and vibrant local economy
- Protect the County's natural, historic, and scenic resources
- Ensure the health and safety of the community
- Promote individual responsibility and citizen ownership of community challenges