

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on July 5, 2006, at 9:00 a.m., County Office Building on McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Ken C. Boyd, Mr. Lindsay G. Dorrier, Jr., Mr. Dennis S. Rooker, Mr. David Slutzky (arrived at 9:09 a.m.), Ms. Sally H. Thomas and Mr. David C. Wyant.

ABSENT: None.

OFFICERS PRESENT: County Executive, Robert W. Tucker, Jr., County Attorney, Larry W. Davis, Acting Clerk, Diane Mullins, and Director of Planning, V. Wayne Cilimberg.

Agenda Item No. 1. The meeting was called to order at 9:07 a.m., by the Chairman, Mr. Rooker.

Agenda Item No. 2. Pledge of Allegiance.
Agenda Item No. 3. Moment of Silence.

Agenda Item No. 4. From the Public: Matters Not Listed on the Agenda.

Mr. Rooker said 14 people signed to speak. He asked them to keep their comments as brief as possible.

Mr. Ed Imhoff addressed the Board, stating he is a resident of Glenmore. He said a residential lake is shown on the plan of the developer of Glen Oaks, but it is really just a farm pond. He believes there should be a professional engineer's examination of the structural integrity and the sustainability of the lake to serve the residents of the development.

Ms. Mary Rice addressed the Board, stating she wants to focus on the process that has brought everyone to this time in Crozet. She said many residents spent a lot of time going to meetings, and were led to believe Crozet would have a population of 12,000 – noting a slide that showed 10,800 people. It was clear to them that the expected population would be 12,000, and the Downtown Task Force report also mentioned a population of 12,000. There are a lot of misunderstandings. There has been no public hearing about this. She urged the Board not to vote for the resolution on the agenda later today, but to take this question back to the people of Crozet, and let them decide how to move forward.

Mr. David Wayland, President of the Crozet Community Association, addressed the Board. He said the Association believes unkempt, poorly controlled density in the build-out area will prevent the County from reaching its goal of making the area attractive, vibrant, and livable and with a quality urban environment. He said family members visiting the Crozet area ask why nothing can be done about it. He said Mr. Wyant ran for election on a no-growth platform, but he has not voted that way. He said the Association is not opposed to growth; it helped develop the Crozet Master Plan directing growth. They are opposed to a rapid rate of growth, high densities, lack of accompanying infrastructure, and poor monitoring of what is being designed and built.

Mr. Jim Stork of Crozet addressed the Board. He has lived in the area for a number of years and thinks the way the Board votes today will affect each and every district in the County. He thinks citizen concerns have fallen on deaf ears, including the people in Crozet who signed the petition. He encouraged the Board to hold off on the vote today.

Mr. Randy O'Neill addressed the Board. He said he is a new resident and hopes to bring his mobile fitness business to the County. He said he is applying for a grant from the Governor's office for his mobile facility. He then read a letter from a teacher who has a student with leg problems who has gained strength through using a stationary bicycle. He indicated that although some superintendents have expressed concern that it would be too costly, \$108,000 would enable him to serve 65,000 students in a 180-day school year.

Ms. Mary Gallo addressed the Board, stating she feels betrayed by the Board in its embracing the higher Crozet population figure, stating that the Master Plan was not designed to address what is happening in Crozet today. It is not even two years into a 20-year plan, and already enough rezonings have been granted to take Crozet over 12,000 people. She indicated that Mr. Tom Frederick, Executive Director of the RWSA, said the County wanted them to plan for a population of 12,500 – the equivalent of 1.1 million gallons per day. She said the Crozet Treatment Plant is currently rated at 1.0 million gallons per day, and at 80 percent capacity the Health Department requires that planning for an upgrade begin. She mentioned that Mr. Frederick said a population estimate of 24,000 would require an entire redesign of the system. The Crozet Master Plan does not and cannot address this kind of growth, and it does not comfort her to hear that the Board will monitor growth in Crozet. She said the citizens need the Board to do more than monitor growth in Crozet; they need the Board to slow it down.

Ms. Barbara Westbrook, a native of Crozet, addressed the Board, stating that many people in Crozet are discouraged with the process and the potential pending outcome.

Mr. Tom Loach addressed the Board, saying it is guilty of sheer hypocrisy by supporting the additional population in Crozet.

Mr. John Martin addressed the Board, stating that he still supports the concept of having the Director of Community Development on the RWSA Board of Directors.

Mr. Bob Miller addressed the Board, stating he wasted countless hours attending meetings along with hundreds of other Crozet residents working on the Crozet Master Plan. He said all of those citizens shared the assumption the Board represented them, and they feel angry and betrayed. He asked Mr. Wyant if he had received money from developers for his campaign.

Mr. Rooker told Mr. Miller the Board does not engage in debate during the meeting.

Mr. Miller said if Mr. Wyant accepted money and is somehow voting because of it, he needs to be replaced. He said perhaps Mr. Wyant was already biased and has been further influenced by developer contributions.

Ms. Karen Arch addressed the Board. She agrees with Mr. Rooker since she thinks he is using a thoughtful approach to rezoning so population growth matches infrastructure. She suggested the Board delay voting on the resolution today.

Mr. Fred Williamson of White Hall addressed the Board. He expressed his outrage about the projected population growth of 24,000 since the figure worked with all along in the Neighborhood Model was 12,000. He said the Old Trail rezoning was stunning, and Crozet is being sold as an "historic town" but will not remain that way.

Ms. Judi Burbes addressed the Board, urging them not to approve the resolution. She worked on the Crozet Master Plan, and has listened to many individuals talk to the Board and present their issues and concerns. She does not understand how elected officials could consider approving the resolution based on what's been said and presented.

Mr. Paul Newland, Treasurer of the Advance Mills Homeowners Association, addressed the Board. He said a permanent closure of the bridge over the North Fork of the Rivanna would cut their Earlysville/Advance Mills community in northern Albemarle in half. In addition to cutting two communities off from one another, it would sever a major travel route in Albemarle County – Route 743, which parallels Route 29. He said the response times for fire and rescue have increased significantly without the bridge. He encouraged the Board to support repair of the bridge in the short-term, and replacement in the long-term – making funds available now for design and planning.

Mr. Jeff Werner addressed the Board, stating that there are two issues with the proposed resolution – Crozet, and the rest of the growth area. When he was a member of the DISC Committee, he heard a lot about denser development, but what needs to be determined is the level of density. He urged the Board to come up with some good instructions to staff so the situation in Crozet is not replicated.

Ms. Anne Mallek addressed the Board, stating that there is a definite need to replace the Advance Mills Bridge. The police reprimanded a citizen for not getting the license plate number of a concrete truck that used the bridge illegally, probably exceeding the three-ton limit. What is needed is a sturdy bridge capable of carrying three tons, as VDOT has indicated this rating allows for three, three-ton vehicles at one time. She also suggested putting up a sign restricting the bridge to one car at a time, and a fixed steel cross-bar at a height above the deck that would prevent concrete trucks and other construction vehicles from using and damaging the bridge. The citizens need support from the County to keep the bridge open.

Agenda Item No. 5. Recognitions. There were none this date.

Agenda Item No. 6. Consent Agenda. Ms. Thomas **moved** that Items 6.1 and 6.3 through 6.9 on the Consent Agenda be approved (removing Item 6.2 from the vote) and that Items 6.10 through 6.12 be accepted as information.

Mr. Boyd asked that the Board take a separate vote on Item 6.2; that vote will show at the end of Item 6.2. Mr. Wyant **seconded** the motion, which passed by the following recorded vote:

AYES: Mr. Boyd, Mr. Dorrier, Mr. Rooker, Mr. Slutzky, Ms. Thomas and Mr. Wyant.
NAYS: None.

Item 6.1. Blue Ridge Farm Road Name Change.

It was noted in the Executive Summary that Part I, Section 6(e) of the Albemarle County Road Naming and Property Numbering Manual states that requests to change road names may be forwarded to the Board for approval upon validation that landowners of more than 50 percent of the parcels served by the road in question signed a petition in favor of a common road name, and the proposed road name is otherwise consistent with road name guidelines outlined in the Manual.

A request to change the road name of Blue Ridge Farm Road to Ortman Drive was made by the sole landowner. The proposed name is a common road name within the meaning of the Manual and is consistent with the Manual's other road name guidelines. There is no anticipated budget impact. The landowner will be responsible for costs associated with new signage.

Staff recommends that the request be approved and that staff be authorized to coordinate/ implement the change.

By the recorded vote set out above, the Board approved the road name change from Blue Ridge Farm Road to Ortman Drive and authorized staff to coordinate/implement the change.

Item 6.2. Proposed 2007 Legislative Priorities for submission to the TJPDC and VACo 2007.

It was noted in the Executive Summary that in July 2005, the Board approved the County's 2006 Legislative Priorities that were submitted to the Virginia Association of Counties (VACo) and the Thomas Jefferson Planning District Commission (TJPDC). In December 2005, the Board approved the TJPDC's legislative program that incorporated the County's 2006 Legislative Priorities. The General Assembly began its session in January, 2006 and while (as of June 16) a biennial budget has not been adopted for the upcoming fiscal years, action on all other legislative matters is complete. Staff is requesting the Board's input and approval before submitting the proposed 2007 Legislative Priorities to the TJPDC and VACo.

For information on how the County's 2006 Legislative Priorities fared in the Legislature, please see the "2006 Legislative Priorities Report" (on file in the Clerk's Office). The report details any action taken on priorities, an assessment of what priorities should be continued in the future and links to the final legislative reports of the TJPDC, VACo and the Virginia Municipal League (VML). Beyond the 2006 Legislative Priorities that are being carried forward or modified, the Board should be aware of several new priorities staff proposes:

Use of Primary Funding on Urban Construction Projects: This request would allow state primary funds to be used for the widening of Route 29 from Hydraulic Road to the Route 250 Bypass and an additional ramp in front of BestBuy. These improvements were the top recommendation from the transportation study completed two years ago that examined traffic in the Route 29, Route 250 and Hydraulic Road area. Without a change to the Code to allow such funding, the aforementioned Route 29 improvements are unlikely to be funded.

Child Care for Low Income Working Families: Due to an expanded mandate that the Federal government did not fully fund and action by the State to not provide funding for this program, funding for childcare assistance for low-income working families has been reduced substantially. Local governments already provide funding for this program, which relies on State support. This program helps working-class parents pay for supervised daycare facilities and supports efforts for families to become self-sufficient. This request asks the State to provide sufficient matching funds for the program. It is important to note that a 10 percent local match will be required for additional matching funds provided by the State. The exact fiscal impact will depend on State funding, if any.

Personal Property Tax Relief: Until the most recent fiscal year, the State has historically provided 70 percent tax relief under the Personal Property Tax Relief Act (PPTRA). With recent action, the Legislature has capped the amount of tax relief to be distributed to localities. However, as the number and value of vehicles increase in a locality, the proportion of tax relief a citizen receives will decrease, resulting in higher personal property tax bills. This request asks the Legislature to fund the PPTRA at the 70 percent relief level.

After the Board's approval, staff will submit the adopted priorities to VACo and the TJPDC for consideration into their respective legislative programs. The Board may request legislation or other priorities at anytime after this date; however, in submitting priorities to VACo, now is the optimal time for consideration of any proposal. The 2007 TJPDC Legislative Program will come back to the Board in the fall for further input and approval.

While there are no specific, identifiable budget impacts, the County's legislative priorities seek to ensure the State adequately funds its mandated responsibilities and does not jeopardize the County's ability to effectively and efficiently implement the policies (including fiscal) and programs that it deems necessary.

Staff recommends that the Board approve the proposed 2007 Legislative Priorities for submission to VACo and the TJPDC. If the Board wishes to add to, omit from or amend the proposed Legislative Priorities, this item should be pulled from the consent agenda for discussion and further direction.

(Discussion: Ms. Thomas said the request for the State to provide more personal property tax relief is politically popular at the State level, but everything else being requested needs more money from the State. It is difficult for the Board to not get critical when it asks the State for more money for projects and priorities and at the same time ask them to put more money into personal property tax relief. Personally, she does not think the Board should ask for more personal property tax relief since the Board is asking that the State more fully fund the mandates it places on local government.

Mr. Rooker said he would support taking that request out of the package.

Mr. Dorrier said the conservation easement tax credit was taken out of the State budget, and was not put back in.

Mr. Rooker said the Legislature lowered the total and put a cap on the total amount they would expend, and in certain instances there is a cap on individual tax credits for contributions.

Mr. Dorrier said the Board wants to encourage conservation easements and tax credits are a way to do it, so he thinks the Board should support having that put back in the budget.

Ms. Thomas said it is roughly included under the words "existing incentives" but it could be made more specific. She said that early in the discussion she had asked if that cap were in place if it would have kept the County from getting any of the significant conservation easement gifts it got in the last year and the answer was a definite "yes." The State is under some promise to put 20 percent of Chesapeake Bay land under some protection, so it can't possibly do that with this kind of cap. This has been the best incentive.

Mr. Rooker said no one really knows how it will work. A person may be sitting here in January trying to decide whether to put his land in conservation easements and it is not clear when he files the application what he will get in the way of tax credits. It is going to be difficult for the planners to sit down with landowners and give them a definite picture of what the tax advantages would be.

Mr. Dorrier said he thinks the 2007 Legislative Program should have been an agenda item instead of being on the consent agenda. Mr. Tucker said this program will come back to the Board for a more in-depth review; this is just a starting point for presentation to VACo.

Mr. Boyd said he has a similar question about transportation funding. For transportation the Board is talking about sustainable transportation dollars and he just wonders how many sustainable dollars are being siphoned off for General Fund projects. He knows there has been discussion that the Transportation Trust Fund is weighted to support the General Fund.

Mr. Rooker said although that occurred in prior years, it is his understanding the siphoning off does not currently happen. He said that over the last four or five years, all the money dedicated to transportation has been spent on transportation adding that the General Assembly passed a resolution of intent to ensure it does not occur. He thinks there is bi-partisan support for making certain that the Transportation Fund does not get raided. He said there was a 30 percent cut in road funds for this area several years ago, and this year there is expected to be another 35 percent cut in Secondary Road allocations. In the meantime, the cost of projects has skyrocketed. He said people today have talked about the Advance Mills bridge project and he does not know what it will cost, but the County's total road allocation for this year will probably be only \$2.7 million.

Mr. Boyd said he is not talking about the need for additional transportation dollars. He had heard there was talk about freezing the Transportation Trust Fund and that was something the Governor did not get approved. If that is not happening, he is not that concerned. He said there has been talk about the concept of passenger rail service to Washington, D.C. and he is concerned about that. He has no problem with rail service to Richmond, but he is concerned about how a connection to D.C. might impact growth in the County. He thinks the Board should flush out all of the issues before endorsing any kind of rail service between Charlottesville and D.C.

Ms. Thomas said she agrees that is a discussion the Board should have.)

Motion was offered by Ms. Thomas to approve the Proposed Legislative Priorities list removing the Personal Property Tax Relief item. Mr. Dorrier seconded the motion, which passed by the following recorded vote:

AYES: Mr. Dorrier, Mr. Rooker, Mr. Slutzky, Ms. Thomas and Mr. Wyant.

NAYS: Mr. Boyd.

Proposed 2007 Legislative Priorities

Land Use and Growth Management

- **Local Authority:** Request that the Legislature 1) Strengthen local authority in land use decisions; 2) Provide high-growth jurisdictions with growth management tools such as adequate public facilities ordinances and impact fees; and, 3) Oppose any preemption or circumvention of existing local authority to regulate land use.

- **Conservation Easements:** Request that the Legislature support and augment local efforts in natural resource protection through 1) Continuing to fund the Virginia Land Conservation Foundation (VLCF) for locally established and funded Purchase of Development Rights programs (e.g. ACE Program in Albemarle County); 2) Retaining current provisions in transient occupancy tax legislation so that funds can continue to be used to protect open-space and resources of historical, cultural, ecological and scenic value that attract tourism; and, 3) Maintaining existing incentives for citizens to create conservation easements.
- **Scenic Protection and Tourist Enhancement:** Request enabling legislation for an Albemarle County pilot program to provide for a scenic protection and tourist enhancement overlay district. As the County pursues options to protect the visual quality of land as an aesthetic and economic resource, this legislation would provide the County with a method to ensure full consideration of visual resources and scenic areas when the County or State makes land use decisions in designated areas.

Transportation

- **Transportation Funding:** Request that the Legislature establish stable and consistent State revenues for Virginia's long-term transportation infrastructure needs. The State should direct its funding efforts at all transportation modes and coordinate planning for transportation and land use, being mindful of local Comprehensive and regional Transportation Plans when planning transportation systems within a locality.
- **Use of Primary Funding on Urban Construction Projects:** Amend Section 33.1-23.2 of the *Code of Virginia* to allow for the application of primary funding to projects maintained by a municipality, without a corresponding decrease in their urban construction allocation, only when the route is on the National Highway System (NHS). This would enable the Commonwealth Transportation Board to allocate primary funding to projects located on a NHS route within an urban municipality to accelerate funding of projects. Routes designated as part of the NHS, by act of Congress, are deemed to have regional or national significance.

Health and Human Services

- **Comprehensive Services Act (CSA):** Request that the Legislature fully fund CSA mandates, including obligations for administrative overhead and children, both of which have been shifted to localities in recent years.
- **Reauthorization of Temporary Assistance to Needy Families (TANF) Program:** Request that the State take advantage of the Federal reauthorization of TANF by streamlining eligibility requirements and providing maximum flexibility to localities so counties can implement the TANF program that best meets local needs. Further, that the State provide sufficient funding to support the expanded VIEW population with funds for childcare, Medicaid, employment services and related administrative expenses.
- **Child Care for Low Income Working Families:** Request that the Legislature provide sufficient matching funds to local governments to assist low-income working and TANF families with childcare costs. This funding helps working-class parents pay for supervised daycare facilities and supports efforts for families to become self-sufficient.

Public Safety

- **Quality E-911 Systems and Service Delivery:** To ensure the safety of Virginia citizens, request support for legislation that would have private branch exchange (PBX) telephone systems report an exact location to the 911 system for each line so that optimal information is provided to responding emergency workers.

Local Government Administration/Laws

- **Full Funding of State Mandates:** Request that the State provide full funding for its mandates in all areas of local government including the Standards of Quality (SOQs), positions approved by the Compensation Board and costs related to jails and juvenile detention centers. These mandates have been shifted to localities in recent years.
- **Local Control of Real Property Taxation:** Request that the Legislature take no action to restrict or limit local control of real property taxation.
- **Personal Property Tax Relief:** Request that the Legislature provide funding for tax relief under the Personal Property Tax Relief Act (PPTRA) at the 70 percent level of relief. Funding provided by the Legislature has not met this level in 2006.

Item 6.3. Appraisals from Round 5 ACE properties (FY 2004-05) and purchase of easements on the top six properties.

It was noted in the Executive Summary that on May 4, 2005, the Board approved the ACE Committee's request to have ten properties appraised from the Round 5 applicant pool (FY 2004-05). At the time, staff and the ACE Committee believed funding was sufficient to purchase most, if not all, of these easements. Furthermore, the Committee generally feels it is prudent to obtain appraisals on more properties than funding might allow in the event that a higher ranking applicant(s) withdraws during the process.

On April 15, 2006, Pape and Company completed its appraisal work on nine properties from Round 5. The tenth property (Ripper) was withdrawn prior to the appraisal because the landowner was unable to resolve a vehicular access issue along the Old Brown's Gap Turnpike. The Appraisal Review Committee reviewed the appraisals to confirm they were consistent with appropriate appraisal guidelines and practices before recommending that the Board accept them as presented. The ACE Committee then reviewed the applications to make a recommendation to the Board as to which property easements should be sought, based on scoring and class rank (according to the ranking evaluation criteria).

As provided under Section A.1-111(A) of the ACE ordinance, the Board shall designate the initial pool of parcels identified for conservation easements to be purchased. The size of the pool is to be based upon the funds available for easement purchases in the current fiscal year and the purchase price of each conservation easement in the pool established under Section A.1-111(B).

Following much discussion and a thorough review of the appraisals, the ACE Appraisal Review Committee unanimously approved all nine Round 5 appraisals. On June 7, the ACE Committee met to decide which properties to recommend for purchase. Their recommendation was based on acquisition costs and the scoring and class rank of individual applicants. Only the top five properties (Davey, Vieille, Metcalf/South, Boyle and Rock Mills Farm) can be fully funded with the ACE Fund Balance that existed at the end of FY 2004-05. Additional funds budgeted in FY 2005-06 (\$1,000,000) are intended to cover the FY 2005-06 applicant pool which has yet to be appraised. The purchase of a sixth easement (Donnelly) would push the total purchase amount (\$1,866,620) over the ACE Fund Balance at the end of FY 2004-05 by approximately \$52,000. The current ACE Fund Balance, which includes the FY 2005-06 funds, would allow for the purchase of all of the aforementioned easements. However, this will require using funds intended for the FY 2005-06 applicant pool.

On June 7, the ACE Committee approved a recommendation for the Board to authorize the purchase of the aforementioned easements. Though purchasing all easements will require using some funds from the FY 2005-06 budget, the ACE Committee believes the Donnelly easement (the lowest ranked among the six FY 2004-05 properties) should be among those purchased because the property contains over 161 acres, has 12 useable development sites, is within the Monticello viewshed, has 3,600 feet of road frontage, has 3,000 feet on woodland creeks, and was given 24.23 total points, less than one point from the next highest ranked property. The acquisition of all easements would provide the following benefits: protection of 1,110 acres of farm and forestland; elimination of 67 development lots; protection of 24,000 feet of State road frontage (including 7,200 feet on a County Scenic Highway); 29,000 feet of protected stream and river frontage; four of the six properties have significant tourism value (through mountaintop protection or location on a major entrance corridor); three of the six properties are working farms.

The Committee also expressed disappointment in being unable to fund the purchase of the remaining properties in the applicant pool (including Rives, Rushia and Jensen/Barnett), all of which offered significant conservation value to the County. Since rising real estate values have greatly outpaced increases in the ACE budget, the program can no longer acquire as much as it could in prior years.

Since the total purchase price for all six easement acquisitions would exceed the Fund Balance at the end of FY 2004-05, approximately \$52,000 must be used from FY 2005-06 funds to cover these purchases. Funding for the purchase of these easements comes from the CIP-Planning-Conservation budget (line-item 9010-81010-580409) and from the CIP-Tourism-Conservation budget (line-item #9010-72030-580416), a budget previously approved by the Board to fund ACE properties with "tourism value".

Staff recommends that the Board: 1) Approve the nine appraisals by Pape and Company for properties in the year 2004-05 applicant pool. 2) Authorize staff to send invitations to offer to sell to the applicants, beginning with Davey, Vieille, Metcalf/South, Boyle and Rock Mills Farm, and continuing through the applicant pool until available funding is exhausted. 3) With the expectation that the acquisition of the five easements listed above plus the Donnelly easement will exceed the ACE Fund Balance at the end of FY 2004-05, authorize the use of FY 2005-06 funds to fully fund the purchase of the Donnelly easement.

(Discussion: Mr. Slutzky asked if this item is on the consent agenda to just acknowledge the appraisals. Mr. Davis said it is for acceptance of those appraisals, and to offer an invitation to sell those parcels to the County at the appraised value.

Ms. Thomas said the ACE Committee is disappointed with not being able to fund the purchase of the remaining properties with the money they currently have. Land prices have gone up. The Committee now has an appraiser who is keeping an accurate view of land prices, which means on the one hand that the County will have more people accepting offers, but on the other hand it means the County will not be able to get as many acres for the dollars spent.

Mr. Rooker said the Board voted to "peg" the contribution to the ACE program to property values this year, so that will help in the future.)

By the recorded vote set out above, the Board approved staff's recommendation to: 1) Approve the nine appraisals by Pape and Company for properties in the year 2004-05 applicant pool. 2) Authorize staff to send invitations to offer to sell to the applicants, beginning with Davey, Vieille, Metcalf/South, Boyle and Rock Mills Farm, and continuing through the applicant pool until

available funding is exhausted. 3) Authorize the use of FY 2005-06 funds to fully fund the purchase of the Donnelly easement.

Item 6.4. Record Retention/Destruction of Tax/Payroll Records.

It was noted in the Executive Summary that the Library of Virginia's Record Retention and Disposition Schedule requires that paid tax tickets for a locality be retained for five years. After five years, such records may be destroyed upon approval by the Finance Director and the County's designated records retention officer and upon authorization by the governing body pursuant to Virginia Code Section 58.1-3129(A). The Finance Director and the Clerk to the Board have approved the destruction of FY 2001 paid tax tickets, categorized on the Certificate of Records Destruction as Cash Reports & Records. Approval from the Board is required to authorize the destruction of these records. Other related records that have met record retention schedule requirements and are shown on the attached Certificate (on file) will also be destroyed. Staff requests that the Board authorize the destruction of the FY 2001 paid tax tickets.

(Discussion: Mr. Slutzky asked if there is an electronic version of County records, or if these records would be gone for good. Mr. Tucker said these are County payroll and tax records, and a digital copy is retained for only the period of time required by law (five years).

Mr. Slutzky said he would like to see the records on electronic media before they are destroyed so information is not lost. Mr. Davis noted that the Library of Virginia sets the standard, and records across the State are destroyed after that time period. Mr. Tucker indicated that land use records do not fall under that category, and they are saved and will soon be digitized under the County's new system.)

By the recorded vote set out above, the Board authorized the destruction of FY 2001 paid tax tickets and related records as noted above.

Item 6.5. Appointment of Diane Mullins as Acting Clerk to the Board of Supervisors.

It was noted that Ms. Ella W. Carey, Clerk to the Board of Supervisors, will be away from the office for several weeks in July and August. So that the operations of the Clerk's Office can continue in a seamless manner, the County Executive recommended that Diane Mullins be appointed as Acting Clerk of the Albemarle Board of County Supervisors effective from July 1, 2006 through August 31, 2006.

By the recorded vote set out above, Diane Mullins was appointed as Acting Board Clerk effective July 1, 2006, through August 31, 2006.

Item 6.6. Resolution to accept road(s) in Dunlora 4B into the State Secondary System of Highways.

At the request of staff, and by the recorded vote set out above, the Board adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Dunlora Subdivision, Phase 4B**, described on the attached Additions Form LA-5(A) dated **July 5, 2006**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Dunlora Subdivision, Phase 4B**, as described on the attached Additions Form LA-5(A) dated **July 5, 2006**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

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The road(s) described on Additions Form LA-5(A) are:

- 1) **Loring Run (State Route 1705)** from the intersection of Route 1706 (Loring Circle) to the end of state maintenance intersection of Route 1711 (Breckenridge Court), as shown on plat recorded 09/27/2001 in the office of the Clerk of the

Circuit Court of Albemarle County in Deed Book 2084, page 734, with a 50-foot right-of-way width, for a length of 0.11 miles.

- 2) **Breckenridge Court (State Route 1711)** from the intersection of Route 1705 (Loring Run) to the cul-de-sac, as shown on plat recorded 09/27/2001 in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 2084, page 734, with a 50-foot right-of-way width, for a length of 0.06 miles.

Total Mileage – 0.17 miles

Item 6.7. Resolution to accept road(s) in Dunlora 4C into the State Secondary System of Highways.

At the request of staff, and by the recorded vote set out above, the Board adopted the following Resolution:

R E S O L U T I O N

WHEREAS, the street(s) in **Dunlora Subdivision, Phase 4C**, described on the attached Additions Form LA-5(A) dated **July 5, 2006**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Dunlora Subdivision, Phase 4C**, as described on the attached Additions Form LA-5(A) dated **July 5, 2006**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

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The road(s) described on Additions Form LA-5(A) is:

- 1) **Pike Place (State Route 1712)** from the intersection of Route 1705 (Loring Run) to the cul-de-sac, as shown on plat recorded 04/10/2003 in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 2428, page 149, with a 50-foot right-of-way width, for a length of 0.04 miles.

Total Mileage – 0.04 miles

Item 6.8. FY 2007-FY 2010 Strategic Plan.

It was noted in the Executive Summary that on September 9, 2005, the Board initiated the County's FY '07-FY '10 strategic planning process. The Board 1) reviewed the County's Vision and Mission statements, 2) identified five goals for inclusion in the FY '07-FY '10 Strategic Plan, and 3) identified and voted on the top strategic priorities for this time period.

Since September, the Board has held five work sessions to provide additional analysis on the priority issues and to give more specific direction to staff, as necessary. The purpose of these efforts was to make the FY '07-FY '10 Strategic Plan statements clear, actionable and results-oriented in order to best focus and drive staff's strategic efforts in the years ahead. In addition to these work sessions, the Board, on April 5, provided guidance regarding the Master Plan schedule and the Rural Area Plan implementation strategic priorities.

Based on the Board's guidance, a draft of the FY '07-FY '10 Strategic Plan was prepared and presented to the Board in June. The draft was also made available to the public and County staff for their review and comments. A summary of comments and suggestions received during the public review period are attached (on file) for the Board's review and consideration. A Board meeting to receive additional public comment on one of the key strategies listed under Goal 4 (protection of the Rural Areas, and the phasing and clustering of rural subdivisions), is scheduled for August 3, 2006. The Board's strategic goal "to develop a comprehensive funding strategy to address the County's growing needs" will be the basis of the Board's September, 2006 Retreat. The FY '07-FY '10 Strategic Plan is ready for the Board's approval. Performance measures will be finalized and action plans will be developed by staff after the Strategic Plan has been approved. Progress reports will be provided to the Board throughout the time period of the Plan.

The County's Strategic Plan is not a static document. Beginning in the fall of 2007 and annually thereafter, the Board will review the County's yearly progress, citizen input and additional data, and will identify any new challenges and opportunities. As necessary, the Board may adjust the Plan to ensure the County reaches its goals and achieves its vision.

By the recorded vote set out above, the Board approved the FY 2007-2010 Strategic Plan (on file in the Clerk's office).

Item 6.9. Resolution to accept the realignment of President's Road (Route 795) into the State Secondary System.

At the request of the Virginia Department of Transportation the Board adopted the following resolution:

RESOLUTION

WHEREAS, the Virginia Department of Transportation has provided the Board of County Supervisors of Albemarle County, Virginia, with a sketch dated July 5, 2006, depicting the additions, discontinuances and abandonments required in the secondary system of state highways; and

WHEREAS, the portions of Route 795 (Presidents Road) identified to be discontinued is deemed to no longer serve public convenience warranting maintenance at public expense; and

WHEREAS, the new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors abandons as part of the secondary system of state highways those portions of Route 795 (Presidents Road), identified as from .96 miles south of State Route 708 to 1.01 miles south of State Route 708, a distance of 0.05 miles, pursuant to Section 33.1-155, of the Code of Virginia; and

BE IT FURTHER RESOLVED, that the Board of Supervisors hereby requests the Virginia Department of Transportation to add to the secondary system of state highways those portions of Route 795 (Presidents Road), identified as from .96 miles south of State Route 708, to 1.0 miles south of State Route 708 and 2.58 miles north of Route 713, a distance of 0.04 miles, pursuant to Section 33.1-229, of the Code of Virginia; and

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

* * * * *

The roads described on Additions Form AM-4.3 are:

Abandonment

- 1) **Presidents Road (State Route 795)** from .96 miles south of State Route 708 to 1.01 miles south of State Route 708, as shown on plat recorded 03/03/2006 in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 2218, page 296, with a 30-foot right-of-way width, for a length of 0.05 miles.

Addition

- 1) **Presidents Road (State Route 795)** from .96 miles south of State Route 708 to 1.0 miles south of State Route 708 and 2.58 miles north of Route 713, as shown on plat recorded 03/03/2006 in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 2218, page 296, with a 40-foot right-of-way width, for a length of 0.04 miles.

Item 6.10. Board-to-Board, *Communications Report of Activities* from the Albemarle County School Board, dated July 5, 2006, **was received as information.**

Item 6.11. Copy of letter dated June 12, 2006, from John Shepherd, Manager of Zoning Administration, to David W. Lewis, re: OFFICIAL DETERMINATION OF PARCELS AND DEVELOPMENT RIGHTS -- Tax Map 49, Parcel 5 (Property of Charles F. Taylor and William F. Taylor) Section 10.3.1, **was received as information.**

Item 6.12. Copy of draft Planning Commission minutes for May 30, 2006, **was received as information.**

Agenda Item No. 7a. Transportation Matters: Discussion of Reopening Advance Mills Bridge.

Mr. Jim Utterback, Resident Engineer, reported that VDOT staff discovered a failure of the Advance Mills bridge during a routine inspection, and there have been a number of issues encountered since then. He indicated that safety of the structure is a top priority. A decision was made by the District Engineer after lots of discussion with other staff to close the bridge for repair. He indicated that school busses and rescue vehicles have been using the bridge, and have probably exceeded the posted weight limit. The first priority is to make immediate repairs to the bridge and then reopen the bridge with the idea of addressing the overweight vehicles that are using it. He said VDOT is looking at signage and traffic counters, adding that if the heavier vehicles continue using the bridge VDOT would have no choice but to close the bridge.

Mr. Tucker said the County is working with the Police Chief to get additional enforcement onsite to help prevent overweight vehicles from using the bridge.

Mr. Rooker asked how one can tell if a vehicle is past the weight limit. Mr. Tucker said law enforcement can tell by sight in most cases, and a scale could be brought in if necessary.

Mr. Boyd asked if a camera could be set up. Mr. Utterback and Mr. Tucker said that could be done.

Mr. Davis pointed out that someone cannot be cited for any misdemeanor not committed in the presence of an officer. Mr. Tucker added that there is a way to determine through counter mechanisms what size vehicles are passing through.

Mr. Rooker wondered if there could be an alarm that sounded when the weight limit was exceeded, similar to the flashing speed limit signs.

In response to a question from Mr. Wyant, Mr. Utterback indicated that VDOT is going to put up additional signs to warn truckers.

Ms. Thomas said this bridge has become a symbol of rural preservation, with some wanting to keep it small, and others viewing it as an impediment to further development.

Mr. Wyant said the bridge ties Advance Mills to Earlysville. He thinks it is critical to keep the bridge open. He asked about maintenance problems with the bridge. Mr. Utterback replied that maintenance of the structure is a concern, as it costs VDOT \$50,000 annually just for inspections.

Mr. David Pierce, VDOT District Engineer for the Culpeper District, said that for the last seven years VDOT has spent approximately \$370,000 on this structure. They have blasted off the old paint and repainted the bridge, but the paint is wearing out because proper cleaning could not be done on the structure. He added that there have been two broken trestles caused by overweight vehicles, and that is the major concern.

Mr. Utterback asked him to elaborate on the inspections. Mr. Pierce responded that the workload was more than the inspectors could handle, and VDOT also wanted a second opinion, so a consultant inspector was hired. He came back with the same information as that of the district office inspectors.

Mr. Slutzky asked what the County could do to get the best outcome. Mr. Utterback replied that this is one of three bridges identified for Federal bridge money. It is in the urban plan for repair, so it will have to be added to the Secondary Six-Year Plan – with the County putting up matching funds.

Mr. Slutzky asked how the bridge would be designed – in its rural form or a larger bridge with higher speeds. Mr. Utterback responded that in order for the project to receive Federal funds it would have to be brought up to standard. Mr. Pierce said that would likely be the case, but that will not be known until the process is started.

Mr. Slutzky asked if the County could just put up money for a lesser bridge, since it would have to provide matching funds anyway. Mr. Pierce said he believes the County would put up much less in a match situation than if it were to rebuild the bridge on its own.

Mr. Rooker said the question is whether the County would want to spend its own money for a bridge that has the same weight limit, when there are not sufficient resources to enforce the three-ton limit.

Mr. Slutzky asked if there would be a way to engineer the bridge in order to prevent heavier vehicles from using it. Mr. Pierce responded that a height restriction might accomplish that, but in his mind that is not a good engineering practice.

Ms. Thomas said she agrees traffic should be diverted to other roads anyway, so development becomes more awkward in the rural area.

Mr. Rooker said he believes development should be controlled through other means, not by building a substandard bridge.

Mr. Dorrier expressed concern about safety on the bridge if it is not improved to better standards. Mr. Pierce said initially the bridge was probably built as a 10 to 12 ton bridge, but due to conditions had to be reduced to a three-ton bridge.

Mr. Utterback said if there is not a Federal project in the Secondary Plan, it is going to be difficult to get State money.

Mr. Slutzky said he just wants to know what the options are, adding that he wants to make sure County vehicles, such as school busses, are not using the bridge. Mr. Tucker agreed that a conversation with truckers should occur.

Ms. Thomas said hopefully getting the word out about the bridge weight limits would serve as a deterrent. Mr. Utterback responded that the signs will also help, but it would be unfortunate to end up in a situation where a vehicle crosses and the bridge fails.

At this time, Mr. Wyant **offered** motion to authorize the County Executive to write a letter to VDOT to proceed with preliminary design for replacing the Advance Mills Bridge over Route 743, considering design and associated costs. The letter should include a commitment to add this project to the Secondary Road Project list in the fall. Also, once the bridge reopens, the Board requests that there be additional enforcement by County Police on vehicles weighing three tons or more. Mr. Boyd **seconded** the motion, which passed by the following recorded vote:

AYES: Mr. Boyd, Mr. Dorrier, Mr. Rooker, Mr. Slutzky, Ms. Thomas and Mr. Wyant.

NAYS: None.

Agenda Item No. 7c. Transportation Matters: Matters not listed on the Agenda.

Mr. Jim Utterback, Resident Engineer, said Route 601 near the Route 250 Bypass has been reduced to one lane due to an accident and subsequent damage to the bridge structure. Mr. Pierce presented pictures of the damage, and stated the beam will need to be replaced, and only one lane will be able to remain open. He indicated that VDOT would like to hire a contractor as soon as possible to make the repair so the road can be opened to two-lane traffic before winter arrives.

Mr. Rooker said the road is heavily traveled, and it would be nice to have the work completed by the start of school.

Mr. Wyant noted that there is no detour option given, unless you go down the ramp onto Route 250. He asked for better signage.

Mr. Utterback reported that his office is trying to get the proposed changes to the Commonwealth Transportation Board, and VDOT will attend a meeting with the County on July 27th.

Mr. Utterback said Proffit Road has been closed for repairs.

Mr. Utterback said repairs to White Mountain Road are being made at this time.

Mr. Utterback said it appears the County's Six-Year Secondary Road Plan budget for 2006-07 will be \$3.7 million. Last year the County's allocation was \$4.3 million.

Mr. Rooker said he believes the allocation was \$3.8 million, and this year it looks like \$2.7 million. The information he received from the CTB meeting showed all localities being cut by 30 percent or more. Mr. Utterback responded that it looks more like \$3.7 million for this year including Federal moneys.

Mr. Utterback said concerning the Jarman's Gap Road project, VDOT is continuing to make plan changes. A community meeting is set for July 27 between VDOT and church officials at Crozet United Methodist Church.

Mr. Wyant said the drainage culvert on Buck Mountain Road is blocked at lower end of road.

Mr. Boyd said he has received positive responses about the light on Polo Grounds Road near the railroad underpass. Some people have suggested that it be made permanent.

Mr. Boyd said he has learned from Mr. Utterback that Maxfield Road qualifies as a Rural Rustic Road project. If so, could its status be changed without losing its priority on the Secondary Road Plan? Mr. Cilimberg said staff will provide information on that when the Board considers the Six-Year Plan this fall.

Mr. Slutzky asked about the intersection at Rio Road and Hillsdale Drive. Mr. Utterback replied that the request concerning Rio/Hillsdale had to be resubmitted; it was overlooked the first time. He is expecting a study within the next 30 to 60 days. He said it was originally sent in February, and now it is back in the system.

Mr. Slutzky asked about the intersection of Route 29 North and Hydraulic Road. Mr. Utterback said he is not recommending the turn from the second lane at Hydraulic, for safety reasons, but he is supportive of putting out education about the turn.

Mr. Slutzky said it might be helpful to put up a sign that contains a clear explanation as to what can and cannot be done. He thinks there is a lot of confusion about what should be done there. He can make suggestions about how the sign could be worded.

Ms. Thomas said it is clear to her as it is, but perhaps the police should come into the discussion as to how the turn is being obeyed.

Mr. Dorrier asked about putting dust control on Route 713. Mr. Utterback said VDOT has put dust control on Route 713 three times this spring and will continue to monitor the road. Mr. Dorrier indicated it is still a problem.

Mr. Rooker commented that there are a few intersections where the grass has gotten high, blocking driver views. He noted the Barracks Road exit off of the Route 250 Bypass as a particular problem. Mr. Utterback responded that VDOT would take a look, noting that the rain has caused the grass to grow quickly.

Agenda Item No. 8. Update on Department of Forestry Activities, Nelson J. Shaw.

Mr. Nelson Shaw with the Virginia Department of Forestry presented information on the department's accomplishments. He said the Department shares the County's vision of protecting rural areas and supporting a healthy living environment. Their mission is to protect and develop healthy and sustainable forest resources for Virginia. They also work to protect citizens, their property, and forest resources from wildfires. Their second goal is to promote and enhance the forest watershed, non-tidal wetlands and the riparian areas along waterways. Their third goal is to conserve forest land, and their fourth goal is to improve stewardship and diversity of forest resources.

Mr. Shaw said the Department has fire prevention measures which include training fire crews on fire prevention and suppression. They use law enforcement to determine the cause of wildfires, and the Department enforces the 4:00 p.m. burn restrictions. Forest land next to streams is protected through water quality laws during logging by preventing sediment from getting into streams; there were 88 logging operations last year totaling 514 hours. Critical areas stabilized amounted to 97 acres, with 40 designated riparian buffer streamside areas totaling 156,000 feet throughout Albemarle County. The Riparian Management Plan is for areas specifically next to streams with hardened plantings along the clear areas of those streams.

Mr. Shaw explained that to meet the goal of improving stewardship and diversity of forest resources, the Department distributes literature, has Arbor Day programs, holds forest management meetings, and holds inquiries for such things as gypsy moths and pine bark beetles. The Department uses prescribed burning for wildlife and reforestation, and also develops management plans to ensure things are done correctly. He uses a working map as part of the stewardship plan and makes recommendations for those parcels based on landowner objectives. He then makes a projection about what each of those forest stands will do.

In response to Mr. Dorrier's question about his involvement with the Agriculture/Forestry District process, Mr. Shaw said he currently does not have input into the process but would like to be a part of it. Mr. Dorrier said he would like to have Mr. Shaw provide input to the County on how to deal with diseased trees, etc.

Mr. Wyant asked if Mr. Shaw has noticed any change in public interest regarding taking care of their land. Mr. Shaw said it seems people are increasingly aware of the need to conserve their land and forestry resources.

Mr. Rooker thanked Mr. Shaw for this report.

Agenda Item No. 9. Appeal: SUB-2006-045, Glenoaks Preliminary Plat. Request for preliminary plat approval to create 19 lots (18 cluster lots and one preservation lot) on 305 acres as a Rural Preservation Development, as well as 11 lots (5 approx two acres in size and 6 approx 21 acres in size) on 115 acres through a by-right division. The property is zoned RA (Rural Areas). The property, described as Tax Map 94, Parcels 15, 16 and 16A is located at the terminus of Running Deer Road (Route 808) approx 1.14 miles from Route 250. The Comprehensive Plan designates this property as RA in RA-4. Scottsville District.

Mr. David Pennock, Planner, addressed the Board. He said this is an appeal of a subdivision plat by the Planning Commission of the proposed Glenoaks Subdivision which is at the terminus of Running Deer Road, and consists of an 11-lot by-right development of 136 acres, and a 19-lot Rural Preservation Development, on land totaling 305 acres. Both are zoned rural areas. Staff reviewed the preliminary subdivision plat and recommended to the Commission approval of the plat for the 19-lot development. In addition, the Site Review Committee reviewed the proposal for the by-right 11-lot subdivision. He said the Commission reviewed the parcel because it was a rural parcel and because adjacent landowners called up the project. Based on the revised plan, staff was able to adequately address the provisions of Section 10.3.3.2 and 10.3.3.3 of the Zoning Ordinance that specifically deal with design requirements for Rural Preservation Developments.

Mr. Pennock said after some discussion the Commission denied the request because the development lots within the rural preservation proposal included areas of critical slopes. Also, the proposal did not better forward the rural preservation option for the public purpose than a conventional option on the same property may have.

Mr. Rooker asked about the size of the by-right parcels. Mr. Pennock said Parcels 16 and 16A are the by-right pieces, and they total 136 acres.

Mr. Rooker asked Mr. Davis for clarification as to the Board's authority in this matter. Mr. Davis said the appeal of the subdivision plat is more complicated than what it needed to be because the rural preservation development and the conventional subdivision are on a single plat; therefore, the Commission denied the entire plat. He said part of it is a by-right development, and ministerial review by the Board would determine whether the proposed plat meets the criteria for approval under the Subdivision Ordinance and Zoning Ordinance. The unique characteristic for the rural preservation development is that a series of findings need to be made by the Board, including a finding that the proposed plat forwards the purposes of the rural preservation development and that the public purpose to be served would not be equally or better served than conventional development. He said the landowner can submit a conventional subdivision plat, and if it meets the criteria of the Zoning and Subdivision Ordinances, it would have to be approved as a conventional subdivision.

Mr. Don Franco with KG Associates addressed the Board on behalf of Glenmore Associates. He distributed a response to the Commission's concerns, leaving it open for discussion as to what alterations could be made for the development. He said the Comprehensive Plan objective is to extend the greenway from Glenmore to the eastern property line – 12 to 20 acres of land would be taken by the greenway. If it becomes a conventional form of development, it is possible one to three lots could be lost.

Mr. Rooker asked if it is possible to grant easements for greenway use instead. Mr. Davis said the preference is for dedicated land.

Mr. Franco agreed that was the developers' preference as well. He also said a friendly taking could occur where the lots are created and the County could take land from those parcels. Mr. Davis said the County would have to condemn the property and pay market value.

Mr. Franco said most of that land lies in the floodplain and has limited value. Creation of the rural preservation development puts the developer in conflict potentially with the County's Public Recreational Facilities Authority as their goal is to promote agricultural uses and the active recreation of the greenway is in conflict with that goal. He is not sure how to resolve that conflict.

Mr. Franco said because of groundwater concerns and critical slopes there are environmental constraints as well as an adjacent conservation tract. That is why they want to cluster the majority of the units on the western side of Limestone Creek. He said there are roughly 30 theoretical development rights on these parcels, and the plan is to divide off 54 acres from the development parcel. He explained that early in 2001-02, the developer submitted a plan for a conventional form of development that required approval of a special use permit which would have produced 30 lots, 12 on the western side of Limestone Creek, and 18 on the other side. The plan before the Board today clusters 27 lots on the western side of Limestone Creek with three on the east side. There is an existing stream crossing that looks like a dam and has a wooden bridge over the top of it.

Mr. Rooker commented that some of those lots may experience water problems in a cluster development. Mr. Franco said the Groundwater Ordinance will help mitigate that issue, as it requires wells to be drilled ahead of development.

Mr. Rooker said the Running Deer development started experiencing problems only a few years after the homes were built. Mr. Franco replied that reports done in 2003 and 2006 indicate that recharge in the area should be sufficient – 30 lots on 440 acres, adding that they have also discussed the possibility of drilling a central well. Mr. Pennock noted that the Board can approve central wells anywhere.

Ms. Thomas said when the Rural Areas section of the Comprehensive Plan was done last year, it was decided that central wells would be dealt with on a case-by-case basis. She encouraged Board members to go out to Peacock Hill and Earlysville Forest and speak with residents there before another central well is approved in the rural areas. There have been bad experiences which led to trucking in water. It has been the experience in Albemarle that central wells are not a good idea.

Mr. Dorrier said there are good arguments on both sides with this development, and he thinks there should be some discussion as to whether it would be better to have a central well or 30 individual wells.

Mr. Rooker said the applicant can seek a central well permit if he feels it is advantageous to the development, but the decision here today is whether to allow the proposal to go forward as a rural preservation development, or to say it is better pursued as a by-right development. That is the only issue before the Board today.

Mr. Slutzky said he understands the water consultant has advised that a central well closer to Limestone Farm is more likely to yield a higher level of water. Mr. Franco said it is less likely to have an impact on adjacent properties based on the geologic characteristics of that location, and it is also likely to have a higher yield.

Mr. Slutzky said unless the Board is convinced it wants to allow 30 units, regardless of the well situation, he would prefer that it go as a by-right development in the 18/4 configuration described. He surmises the Board would deny the proposal for clustering.

Mr. Davis said the groundwater issue is really not before the Board, and the Board does not have clear authority to deny this type of development on that basis. The Board needs to decide whether or not the form of this development as a rural preservation development is appropriate in furthering rural areas goals, or whether a conventional subdivision would serve those purposes just as well. He said that would be a basis for denying the plat, and the developer would have the right to submit a conventional development proposal. The decision today is simply whether the rural preservation development is an appropriate subdivision of this property.

Mr. Slutzky said Section 10.3.3.2 says "it shall be reviewed for, among other things, water supply protection." Mr. Davis said the intent of that sentence was for the public water supply, but it could perhaps be construed to apply to adjacent wells.

Mr. Rooker said the Board has grounds to uphold the Commission's decision, and the developer has indicated he would come back with an 18/4 by-right configuration.

Mr. Boyd asked on what he was basing that decision.

Mr. Rooker said there are a number of things in the Rural Areas Plan that deal with groundwater, and approving a cluster development in an area where wells are likely to fail based upon past experience is something the Board can take into consideration. He added that clustering the wells will likely increase the chance of their failure, and said the request might not come back with 30 lots.

Mr. Slutzky asked Mr. Franco if the developer would challenge it in court if it were denied, or if he would come back with an 18/4 configuration. Mr. Franco said he is not sure. It would be helpful to get some guidance from the Board at this time. He has dealt with each issue raised by staff, noting that one point for denial was that there were critical slopes areas in the development lots, which is in conflict with another section of the ordinance which says the preservation tract shouldn't go in between the development areas. He chose to increase the size of the buffer around the stream to include the critical slopes and the drainage swales that go up and through there.

Mr. Rooker said the applicant has done a nice job working with staff on this request, but some of the goals of the rural areas are in conflict with each other. In his mind, a conventional subdivision works best on this site, and he would look more favorably at a 22-lot development that spreads the lots out in order to accommodate reliable wells.

Mr. Boyd said there are conflicting issues, noting that staff had recommended this as a clustered development. He asked if there were any successful central well systems in the County.

Mr. Rooker said there may be, but that issue is not before the Board at this time. Mr. Franco said if the Board would support it, he would come back with a different form of development.

Mr. Rooker said this area of the County already has a challenging water situation. Mr. Tucker commented that when wells fail, homeowners look to the County to fix the problem, and subdivisions like this are too far out to make water service practical.

Mr. Boyd said Running Deer Subdivision, for example, might eventually need County water.

Mr. Rooker said they intend to make this part of the Glenmore development. Mr. Franco agreed that he wants to make it a rural part of the overall development.

Mr. Boyd said his concern is using more land under a by-right development. Mr. Franco explained that the preservation tract is 220 acres, and a conventional form of development would divide that up into two or three tracts.

Ms. Thomas said she is still weighing what is better, because clustering would allow for a large preservation tract. She asked Mr. Davis about the greenway the applicant suggested, and dam safety being put in the hands of a homeowners association. She asked if there was a way to describe on the plat for potential purchasers that the area will not have access to public water.

Mr. Slutzky said if water is taken out to Running Deer, it is likely it would go through this parcel. Mr. Davis responded that any deed restrictions or notes put on the plat would have to be done voluntarily by the subdivider. He added that under State disclosure laws, the issue would have to be connected to an identifiable hazard. He does not think this situation would do that.

Mr. Rooker asked how much of the rural preservation tract would be in the floodplain. Mr. Franco said about half of it, or 150 acres, is in the floodplain.

Ms. Thomas asked if the safety issue with the dam could be addressed today. Mr. Davis said from what he learned from the engineering staff, it does not qualify for regulation under the Dam Safety Act.

Mr. Pennock said the applicant presented information about the dam saying it qualifies as a dam regulated by the Department of Conservation Resources, and right now they are showing the entirety of the dam on one single lot, with one property owner.

Mr. Franco said if you take the embankment away, there is still a five-acre lake there, and the embankment itself is an old road crossing with a 12-foot wide, 10-foot tall "bridge" across it. They are not sure it is regulated and have asked Dam Safety about that. The impoundment itself does not hold back water of the normal pool, but would act like any other stream crossing during a big storm and back water up. Mr. Davis noted that there are no dangers below this because it dumps into the floodplain and the river, but to the extent that it is part of the improvements of the subdivision, it would have to be engineered and properly certified as a condition of final site plan approval.

Ms. Thomas said she also had a question about the greenway. She asks what the Board can do to make that happen. She is enthusiastic about the greenway and happy that the applicant is interested in furthering that but is not eager to give up several lots to do so.

Mr. Franco said that is true, but if they go with the scenario for a conventional plan of development (18 and 4), then they will have extra development rights, so the developer would be happy to work with the County on the greenway. Even if they went to all 21-acre lots with 10 and 12 which would require a special use permit, they would still have the extra development rights and would be happy to work with the County on the greenway.

Mr. Slutzky said he thinks the Board has given the applicant a fair amount of feedback. He asked if the Board needs a motion. Mr. Davis said if the consensus of the Board is that a conventional development be done, it could defer the appeal and let the developer re-submit a revised plat, so there would not have to be a denial. The Board could even direct that the plat go back to staff review subject to the Commission calling it up or it could be left at the Board level to determine sufficiency of the plat. He would recommend that the Board let it go back through the process. That is a more efficient way to do it.

Mr. Rooker said there is no reason to make this an inefficient process and would recommend that the Board allow the developer to defer if he is open to doing that and that he submit a by-right plan to staff and then let it take its course from that point.

Mr. Dorrier said there are some other people in the audience and even though this is not a public hearing, he asked if the Board would hear comments from them.

Mr. Rooker asked if there was a spokesperson present representing the Running Deer neighborhood who would like to speak.

Mr. Sterling Proffit of White Tail Lane in the Running Deer neighborhood addressed the Board, stating there may be a State Code Section that could help everyone regarding groundwater availability. He explained that Section 62.1-257 involves the State Water Control Board, which could do a specific study of the area because it meets the criteria that would cause them to get involved – such as declining groundwater levels, wells in the area interfering with one another, and the groundwater supply has been overdrawn. He said the area could be declared a groundwater management area by regulation, which could include a definition of the boundaries of the area.

Mr. Rooker said a conventional plan would move a substantial number of lots away from the area most challenged for water, and away from the neighborhood, adding that what Mr. Proffit is mentioning is probably out of the scope of what the County is considering, but might be worth looking into. He asked Mr. Davis for an opinion on that. Mr. Davis said he has not reviewed that Code section recently, but recalls that it only regulates substantial withdrawals of water and would not restrict individual wells within that management area. He said staff would have to review whether or not that would have any useful purpose in addressing water issues in this area.

Mr. Slutzky said even though this appeal will go back to Planning, the developer also asked for feedback. There are two competing scenarios being discussed. The developer could come back with 18/4 which would move concentration of the development toward Glenmore and the growth area and away from the Limestone tract which is in conservation easement. That might have some appeal, but on the other hand, that would concentrate the withdrawal of water closest to the nearby neighbors who already have a serious water supply problem. He thinks it might be useful for the Board to indicate to the developer whether it is strident about the idea of 18/4 or amendable to the idea of having these more evenly distributed than the 10/12 type of configuration and recognize that between the conservation easement property of 400+ acres next door and the floodplain component of this property, that there will still be a substantial buffer up against more densified land. He is open to having both of those options played out. He is not biased toward the 18/4.

Mr. Rooker said he has no opinion one way or the other. There are probably positive aspects to both designs, and he would want staff to work with the developer to come up with a design that takes all the factors into consideration. Mr. Davis said the only reason this appeal would need to come back

before this Board is if a stream crossing special use permit were required. He is not sure whether or not a redesign would require that.

Mr. Slutzky said if a stream crossing were required by a more even split, he thinks it would helpful to everyone involved to know on which side of the stream the Board would prefer to have the concentration of development. He asked if anyone objected to having a more balanced development if it makes sense to staff and the developer to do that.

Mr. Rooker said he does not.

Ms. Thomas said it is hard to say because there are lots of elements involved. She is generally not in favor of stream crossings if they are not totally necessary and this one would be totally optional. The 18/4 scenario is predicated on there not needing to be a stream crossing. Just on that one criteria that seems better, but there may be other criteria that need to be considered.

Mr. Slutzky said there is the groundwater to be considered. On the other side of the stream is a different hydro-geological system, so if the lots were balanced more on the other side it would likely have less of an impact on the existing neighbors.

Mr. Dorrier said he thinks the Board should look into what Mr. Proffit brought up.

Mr. Rooker said the County Attorney will look into that question. He asked if the Board members had any other guidance to provide at this time. He asked if the Board needed to take action to defer the request. Mr. Davis said a simple motion to allow the developer to defer and resubmit his plans is sufficient.

At this time, Mr. Dorrier **moved** for deferral of this appeal to allow the developer to resubmit his plans. Mr. Wyant **seconded** the motion, which passed by the following recorded vote:

AYES: Mr. Boyd, Mr. Dorrier, Mr. Rooker, Mr. Slutzky, Ms. Thomas and Mr. Wyant.

NAYS: None.

(Note: At 12:04 p.m., the Board recessed and reconvened at 12:14 p.m.)

Agenda Item No. 10. Resolution – Crozet Master Plan Population Estimates.

Mr. Cilimberg said staff would like very much to reach some closure on this matter so the Crozet Master Plan can be implemented. The staff's report follows:

"The Crozet Master Plan was adopted by the Board of Supervisors on December 1, 2004. The first major rezoning approved under the guidance of the Crozet Master Plan was ZMA-2004-024, Old Trail Village, which was approved on September 14, 2005, as a Neighborhood Model District with the potential of up to 2,275 residential units. Following that rezoning, the Crozet Community raised a number of questions regarding the density/maximum number of dwelling units that were approved with Old Trail and questioned its consistency with the Crozet Master Plan. To respond to these continued concerns from the community, the Board of Supervisors requested that build-out information provided by the consultants as part of their master plan report be fully examined and explained by staff.

"Staff provided the requested analysis to the Board for its January 4, 2006, meeting. After reviewing that analysis, and following an in-depth discussion by Board members on the population build-out issue, the Board affirmed its understanding with regard to the 2024 population estimate of the Crozet Master Plan as the basis for meeting infrastructure and service needs.

"In response to continued concern from community representatives related to population and build-out, the Board, at its meeting on June 7, 2006, expressed its desire to formally adopt a statement clearly stating its position on this issue.

"A very detailed discussion of population and build-out related to the Crozet Master Plan was prepared and presented to the Board as part of its January 4, 2006, meeting. Discussion focused on an intensive analysis of the density possibilities contained in the adopted plan based on digitized mapping that was unavailable at the time of the Crozet Master Plan's adoption or the Old Trail rezoning review. That analysis showed the plan's ultimate build-out density possibilities – likely extending well beyond the 20-year planning horizon of the approved Crozet Master Plan – could significantly exceed a population of 12,000. The discussion also highlighted the confusion that had been caused by using the term "build-out" in reference to what staff understood the plan intended as a 20-year planning horizon, which is consistent with the standard planning period for the Comprehensive Plan. A few key highlights of the January 4 discussion are repeated below:

The Crozet Master Plan is based on several basic assumptions that are articulated on Page 4 of the Plan as follows: *"Service Planning standards form the analytical basis for evaluating needs within the community. In most cases, this analysis ties directly to population which is projected to reach 11,200 – 12,000 in a twenty-year build-out. This*

build-out number compares with the current population of 3,000 within the Crozet Development Area, and a by-right population build-out under current zoning of 12,500.”

“This presumes a population figure of 12,000 by the Year 2024, which is the planning horizon for the Crozet Master Plan. It does not presume that this population of Crozet will be an absolute ceiling in perpetuity.

“This is an important point of clarity for the future implementation of the Crozet Master Plan. Establishing the build-out of 12,000 as an absolute ceiling for Crozet’s maximum population in perpetuity is not consistent with possible densities recommended in the 1996 Land Use Plan for Crozet that existed prior to the adoption of the Crozet Master Plan, nor is it consistent with the Crozet Master Plan densities as they have been determined to exist based on digitized mapping. Furthermore, establishing that ceiling would not permit any increase in density beyond what would be achieved through by-right development under zoning that existed at the time of the Crozet Master Plan’s approval.

“As a reference, the 1996 Land Use Plan for Crozet which was in effect prior to the adoption of the Crozet Master Plan established an added population for Crozet of between 7,114 and 17,300 (resulting in a total population of between approximately 9,300 and 19,500 based on the existing population in Crozet at the time). (The added population figures are contained in Table II: Albemarle County Development Areas – Total Developable Acres in the Land Use Section of the Comprehensive Plan.)

“Also noted in the January staff analysis for the Board, the Crozet Master Plan utilizes net density possibilities for each land use designation rather than gross density as was used in the 1996 Land Use Plan for Crozet. Therefore, in applying the net residential multipliers to determine development under the plan, the gross acreage in each land use category should not be used. Staff estimates that, on average, about 80 percent of gross acreage is developable after subtracting undevelopable land, open space, amenities, roads and infrastructure. Also, there are several mixed-use land use categories in the Crozet Master Plan. In these areas, additional acreage being developed in non-residential uses should be subtracted before applying the net residential multipliers. Applying these factors, the following ultimate build-out estimates are derived:

Dwelling Unit (DU) / Population Build-Out Estimates (Undeveloped Areas of Crozet, Units in Developed Areas, and Old Trail Approvals)	Min DU's	Min Pop.	Mid DU's	Mid Pop.	Max DU's'	Max Pop.
Crozet Master Plan Land Use - 80% Net Developable Area, 50% CT-5, 25% CT-6	2828	7441	4894	12236	7071	16334
Old Trail Area Land Use Application Approvals - 80% Net Developable Area, 50% CT-5, Approved By-right	802	2110	1677	4191	1819	4201
Existing Dwelling Units in Crozet (December, 2005)	1389	3504	1389	3504	1389	3504
Totals	4941	13055	7960	19931	10279	24039

“As the table indicates, estimated population at the high end of the range does significantly exceed the 2024 planning horizon figure of 12,000. It is important to note that these figures represent a theoretical final build-out scenario, not just what is expected to be achieved in the Crozet Master Plan’s 20-year horizon.

“Finally, it was noted in January that the County’s experience with large-scale developments in the development areas is that they tend to develop at a lesser density than that approved for. As an example, if Old Trail follows these trends, that development is more likely to be in the range of 1,400 to 1,600 units than the approved 2,275 units. This trend indicates that the development of Crozet is not likely to be at the maximum population level. And, while each project that occurs under the Crozet Master Plan will experience different build-out conditions, the flexibility for higher density under the Crozet Master Plan increases the possibility of reaching mid-range densities which is consistent with the County’s goals for its development areas. Furthermore, a different form of development can result than might have occurred through by-right development, which is consistent with both the Neighborhood Model principles for the development areas and an important objective of the Crozet Master Plan to create a better form of development for Crozet.

“Staff prepared a resolution to reflect the Board’s intent regarding this issue as expressed on January 4, 2006, and reiterated on June 7, 2006. Staff recommends that the Board adopt the resolution to reaffirm its position relating to the density envisioned by the Crozet Master Plan.”

Mr. Boyd asked about the rezonings already approved which, according to the public, would bring the Crozet population to 12,000. Mr. Cilimberg said the combination of by-right and rezoning developments is generating a figure of close to 12,000, some of these have been approved and some are still “in the pipeline.” He emphasized that the market will determine how fast development takes place, adding that what has happened in Crozet up to this time is that there has been more by-right development. Staff has just received the first plan for development in the rezoned area of Old Trail.

Mr. Boyd said he would like to look at this as build-out numbers, not population numbers. He is totally opposed to any kind of legislated population control. Mr. Cilimberg said given in this report are the dwelling units proposed or approved which could be translated into population.

Mr. Rooker said population figures are just projections. Before the Crozet Master Plan was approved, the County's Comprehensive Plan provided for an additional population of 17,000 in Crozet, but that was based on virtually every piece of land being built-out to its maximum density. That will never happen. The recent Old Trail development was under the by-right category and the population numbers ended up being 750 less based on that approval. To his mind that is unfortunate. Public comments indicate there's a presumption there will suddenly be 12,000 people moving into Crozet. He said current zoning in Crozet would allow for a population of 12,500, but it is unlikely that every parcel would be built to its maximum. If the Board says the maximum population of Crozet is going to be 12,500 that will be the maximum. The Crozet Master Plan will not be realized because the Board will not be able to require anybody to do anything since they're not seeking rezonings. That is the dilemma.

Ms. Thomas said sometimes the Crozet Master Plan is talked about as if it were some developer's dream. It was not a developer's dream, but the community's dream. The colors on the map resulted from people drawing pictures saying what kind of community they wanted to live in and what they would like to see Crozet become. They wanted population centers and they wanted a walkable community. That was the embodiment of the dream, but at the same time there was the overriding conversation about the number 12,500. The fact that the two things don't fit together has given rise to the discrepancy in the population figures, and the feeling that somebody "pulled a fast one" somewhere. It also presents the Board with a huge dilemma.

Ms. Thomas said if there is a request for a rezoning in a place that is purple on the map (which is what the community wanted), and the Board approves a rezoning for a mixed-use with a greater density of housing, it could go against the Crozet Master Plan because it might increase the population beyond 12,000, so the Board is caught in an impossible situation. Because the Board is caught in this situation, she has heard that developers are having second thoughts about applying for anything following the Master Plan feeling they will be met by a room of people accusing the Board of breaking the master plan. This resolution she has proposed today does not come up with a nice tidy solution. It embodies her thoughts about what the problem created by this discrepancy is and how the Board will continue to deal with that discrepancy. It does not solve anything by itself except to publicly recognize there is a discrepancy and the Board will have to deal with it. It has not been put forward as a cure-all in terms of being a solution and it may not be written in words the other Board members would use. She felt the need to put into words some of the things which are dilemmas in front of the Board, recognize them publicly and see where the Board goes from here.

Mr. Slutzky said this focuses on many of the fundamental challenges this Board faces in light of what is clearly a disconnect in the master plan. There is another piece he does not want the Board to lose sight of, and that is the relationship of the Crozet growth areas to the rural areas. He said a number of years ago the Board could have chosen to downzone the rural areas in order to preserve the rural areas as they were at that time. Instead, the Board decided to encourage good design of growth in a number of growth areas totally only five percent of the County's acres. By doing so they wanted to draw development into those growth areas and keep it from the rural areas. That was done and a study based on the maximum build-out based on existing zoning for the area indicated a huge population could be brought into the County without the Board doing anything and that was found to be an undesirable outcome. In order to keep that from happening, it was decided to develop growth areas concentrating infrastructure and population in those areas in order to preserve the rural areas but not to downzone them. Now this dilemma is impacting that dilemma. He understands existing zoning in the Crozet growth area before the master plan was adopted would have allowed for 12,000 people.

Mr. Rooker read from Page 4 of the Crozet Master Plan: "In most cases this analysis ties directly to population which is projected to reach 11,200 to 12,000 in a 20-year build-out. This build-out number compares with the current population of 3,000 within the Crozet development area and a by-right population build-out under current zoning of 12,500." The debate is over whether this was intended to be a 20-year number or a forever number. He does not think anybody ever envisioned that after 20 years there would never be another house built in Crozet. Assuming the by-right population of current build-out at the time the master plan was adopted was 12,500, if that is interpreted as a 12,500 cap then the Board should never rezone a piece of land in Crozet to match the Master Plan or otherwise.

Mr. Slutzky said that reinforces the point he was making. When the Board decided to create the growth area in Crozet, and to go through a master planning exercise, there were a couple of fundamentals to consider. One was the fundamental question of form and design. The community reached a consensus around those issues and that is what the master plan reflects. Also, by having the upper density possibilities go as high as 24,000, the Master Plan also provided for some densification of the Crozet area relative to what it had been by-right prior to this exercise, and he assumes that because the potential zoning was for more than 12,000 people, there was an understanding the County might, through the reconfigured form and function of the community, have a potential population greater than 12,000. He knows some of the citizens are perturbed and frustrated and angry at the idea of Crozet building out much beyond 12,000 people. On the other hand, he is very concerned about preserving the rural areas of the County. He does not want the Board to make the mistake, out of deference to the concerns voiced by the citizens of Crozet, to cap the population in Crozet at anything close to 12,000 without a reciprocal rural area protection strategy being implemented. In the fall, the Board will consider serious rural area protection ideas. He thinks there are ideas the Board might also consider such as downzoning. Absent having anything beyond the current rural area protections in place, he fears that if the Board puts a ceiling in any form, even a resolution of intent, it will be electing to limit the population density in Crozet. Given the fact that the already existing by-right developments would aggregate greater than 12,000 the Board would be profoundly limiting the opportunity to support any development activity in the growth area of Crozet. He fears the County would have the unintended consequence of having more proliferation of growth in the rural areas surrounding Crozet and in the rest of the County. He thinks that

is a major concern. He said this issue of the population limits on Crozet is important and needs to be considered as the County goes forward with developing other master plans, and when it gets time to review the Crozet Master Plan, go back to the community to resolve the issue of the maximum population density of Crozet. He does not want to get involved in that issue until the Board has attended to rural area protection side of the issue.

Mr. Dorrier said he did not believe the Board can legally set a population cap on an area. He asked Mr. Davis for an answer.

Mr. Slutzky said the Board could say it is going to behave that way and then through its actions support that outcome even if it is not legally binding.

Mr. Wyant said the question he has heard from a lot of people in Crozet is the rate of growth. He said there are restrictors, such as the water supply. He said infrastructure must be improved before the population can grow beyond the 12,500.

Mr. Rooker said the question of infrastructure was raised. He said the plan in Crozet is to increase infrastructure for the population as it is occurring. He added that if more sewer capacity is needed in the Crozet area, it will be added as needed. Even if it agreed that the 20-year number is the 12,500, how will the Board approve anymore rezonings beyond what has already been approved. Assuming this number was accurate when the Master Plan was done, he thinks the number today would be 14,000 if everything was built to its maximum density. How would the Board "keep the lid on" the 20-year number if there is a by-right build-out that keeps increasing beyond that number.

Mr. Dorrier said for the last ten years, the County has grown by two percent, or 600 building units per year. He asked if that is not what is projected for the future.

Mr. Rooker said for the whole County in three years, the projection is between 500 and 1,000.

Mr. Wyant said if the Crozet population at the beginning of the master planning exercise was 3,000 and it is expected to increase to 12,000 which is a 450 increase per year in the population over the 20-year period, or 190 households. He asked staff months ago to provide a list of what has been approved to date. When the Board considered the Liberty Hall petition, staff provided a listing of by-right developments, and those in the approval process. That number came to a little less than 12,000 but it didn't take into account other by-right possibilities.

Mr. Rooker said the Board will be considering a petition from Poplar Glen later today, which is a proposed development with 28 townhouse units, and staff's biggest objection to the request was that it is way below the maximum density shown in the Comprehensive Plan for that property. He said the applicant could have four or five times the number of units requested. On the ground, that is what happens. When projecting population, that property could have 700 people, but it will end up with only 65 people. It is difficult to determine population, because it is never known how people will exercise their rights.

Mr. Dorrier said land put into conservation easements and the ACE Program, is taken out of development.

Ms. Thomas said Mr. Slutzky has spoken about the rural area, but she would like to return to consideration of the Crozet Master Plan itself. She said the color splotches on the map have in effect led to this problem because if they were totally built-out as shown, the larger population figure would be created. She said an incentive for having the master planning process was to create areas so there would not be mindless subdivisions created across the countryside, even in the development areas. A large part of the master planning process was to create a real community in Crozet with real neighborhood centers. She said the Board had a proposal for Liberty Hall which is unfortunately not in the center of Crozet, but is in an area where the citizens said it could be an Urban 4 neighborhood, but there was real discussion as to whether that could be adopted because it was raising the population in Crozet. She thinks the community wants things the developer will bring forward such as the Eastern Avenue which the County will never be able to build. This road will never be built unless some developers have development requests for a rezoning, and if the County scares them off that part of the infrastructure will never be built. She said the more the Board and the community recognize that in the process of trying to get a Crozet developed that matches the Crozet Master Plan, there will appear to be times when the Board is not "toeing the 12,500 line." She thinks the population limit will turn out to be close to that number anyway. She does not know a way to give the public the comfort they want.

Mr. Wyant said he thinks the plan is great, but the one thing he keeps hearing from citizens in Crozet is that they want to maintain Crozet. He is concerned this will not look like the Crozet he knew a year or more ago. He thinks the Board needs to discuss how this will keep the old "downtown" Crozet. He does not think this plan will accomplish that.

Mr. Rooker said most areas of the County which are designated as growth areas will change. Over a 20-year period things are going to change. The idea of master planning was to develop a vision of what people wanted things to look like. The citizens spent a lot of time developing that vision, and there is now a dichotomy between this issue of ultimate build-out population and the Crozet Master Plan. He said there are a lot of reasons why ultimate build-out population does not get realized. He said before the master plan was adopted, the number was close to 20,000 and nobody in Crozet was upset that the Comprehensive Plan provided for that population if all the land was developed according to that plan. It is only because of the master planning process that there is suddenly a leap in what the Comprehensive

Plan says about that area. He said everybody wants to draw the conclusion that the maximum number that could be realized if every piece of land was rezoned according to its highest potential density, is the number and people believe there will be that many people in Crozet within three or four years. Even if the Board says the 20-year build-out number will be 12,500, it needs to be cognizant of the fact that when rezonings are approved, it's taking it over that potential number over a 20-year period, and is the Board approving rezonings contributing to the fabric of this community first. He has argued for a while that when projects are approved on Route 250, even if that little pocket matches the little pocket on the map, is the population number being run up without creating a sense of place, or assuring that the infrastructure is being built. He thinks the Board needs to make certain that the rezonings it is approving, over the next 10 to 20 years contribute significantly to the fabric of the plan primarily from the inside out. He said if there is a developed corridor along Route 250 that takes up all the population numbers for the next 10 or more years, what has been accomplished?

Mr. Boyd said if that is what is going to be done, that should be made clear to the community. He was trying to make a point earlier that this whole discussion is bigger than just Crozet. A plan was put into motion several years ago as to how this community was to be developed and how growth would be handled in this area. He said there are situations in other parts of the County. In his district in the Pantops area, it is growing without a master plan. The people in that area are not happy that their area has been designated for high density growth. Yet, that is the plan embarked on years ago. There are provisions in the plan to revisit it in future years because it will not happen overnight. In five years, the Crozet Master Plan will be looked at again by this Board. He thinks the Board is listening to the public, but cannot change anything over night. He cannot say what the County will look like in 20 years, but can say what the vision is. He said the County needs to move forward with master planning other areas of the county. There are people in the northern part of the County on Route 29 North who have communities which are evolving without a master plan. It is a complex issue. He said he thinks every member of the Board is listening to what the Crozet community is saying. They are talking with staff and trying to figure out a way to grow the community with the overall vision which was developed. He said the Board could scrap the Crozet Master Plan and decide not to have master plans at all. He thinks the Board could just restrict growth in the rural areas by downzoning, but that is not what the Board decided to do. He is not willing to give up on the Board's long-range plan. He is concerned that the people in Crozet think the Board is trying to do something behind closed doors, but that is not the case. He emphasized that there is really no way to put a cap on population. He said the Board has a very detailed plan which will not be easily accomplished. The Board is listening, and there is no secret plan to run the population to 24,000 in Crozet. The intent of the Board is to monitor that, and to deliberate this in every zoning request.

Mr. Slutzky said some useful comments have been offered here today. He thinks it is important for the Board to make some statement of intent and the proposed resolutions are a way to do it. However, there are no shackles on rural area growth other than the enticement the growth areas represent. He is concerned that when the public met in Crozet to work on the master plan, and addressed the form and design issues they wanted the community to look like, the designed place as written if built out to the extreme could be 24,000 people which were the form the community gave the County. He thinks that in 2009 when the review is to be done, the community may want to revisit both the form and the aggregate because it has implications for population and build-out that were not fully understood by everybody at the time. He fears that in the interim until the plan is revisited almost never approve projects in the growth area because it would put the population over 12,000. That would result in things neither the Board nor the public favor. He said there is still a significant growth problem in the rural areas, and by making it more difficult to develop in the growth areas, he is fearful of the implication so that on the rural area. He cautioned the Board to be differential to the community's concerns about a population explosion in Crozet. He thinks the appropriate way to do that absent tight rural area protections, it would probably be best to honor the form and design and the densities contemplated in the master plan and not shackle ourselves by also limiting the population to 12,000 even though the plan might in some ways contemplate doubling that population. He would also be reluctant to say he is against a proposal in Crozet that meets all the design criteria the community asked for just because it also bumps up against the 12,000 person population. That is what he does not want the Board to commit to doing, and that is why he is wary of the two resolutions before the Board today. He fears they imply the Board is committing to that.

Mr. Rooker said there is only so much demand for housing county-wide, and only so much of that is going toward Crozet. He said the Board has already approved rezonings that provide for a large number of additional units in Crozet. In fact, the builder in Old Trail now projects a 30-year build-out for that development. Given the fact that demand for units is limited, perhaps rezonings should only be approved when the Board knows they will contribute significantly to the fabric of what the Board is trying to create in Crozet rather than creating isolated pockets of potential development around Crozet that do not tie together and in and of themselves contribute little to the overall infrastructure of Crozet that is expected in the master plan. If the Board approves the isolated pocket developments that do not add a whole lot to the fabric of Crozet, that demand that will be in Crozet is going to be utilized in creating areas that do not create the overall fabric of the community.

Mr. Slutzky said he thinks that would be making a mistake. By limiting development in the growth areas and being silent in the rural areas, he thinks it will create real sprawl. That is what he does not want to see happen. That is his concern about the strategy Mr. Rooker just proposed.

Mr. Rooker said a lot of the housing being built now in the growth areas is attached, not detached. When you combine the two the percentage of dwelling units being approved in the growth area is in excess of those in the rural area. He said it is roughly the same percentage as it has always been. He thinks that percentage has been improved over the past few years.

Mr. Slutzky asked if Mr. Rooker is suggesting that by telling developers they cannot come into the growth areas except by right that they will not develop. He does not understand the logic.

Mr. Rooker said the logic is that there are about 3,000 units which have been rezoned in Crozet and not built. How much more should be put in there before that gets built-out? How many rezonings is the Board going to approve? He said he will probably support a rezoning request if he thinks it contributes significantly to the infrastructure in Crozet and adds something significant to the community. In the absence of that, he does not think it helps the rural area when there are already 3,000 developable units in Crozet that someone can use in addition to other areas in the County. He does not think that even one additional unit will be built in the rural area by approving 1,000+ units in Crozet that are unbuilt.

Mr. Boyd said if you follow that kind of logic, the best thing the Board could do to control development in Crozet would be to push through requests for Cascadia, North Pointe, and all the other developments waiting approval in order to create competition for housing. He said there are 1,600 people moving to Albemarle each year. He does not think that number has expanded because there is a supply of approved zoning.

Mr. Rooker said there are 5,000 units of approved housing in the development area now. Belvedere has not been built-out and that is 800 units, along with Albemarle Place and Hollymead Towncenter. That is a 10 year supply of units in the development area, and it is scattered around the County. Other proposals are coming before the Board soon. Given the current inventory of units in the growth area, the argument today that people will be chased out to the rural area is specious.

Mr. Slutzky said he does not consider his view specious. First of all the Board should separate the rural area part of this from inside the Crozet designated growth area. If the community envisioned the totality for their community, at the time they did the master plan, they did not choose to phase the development within that growth area. They decided to establish a form of design in a cohesive vision for the end point of their build-out such that the Board would know the targets. What has happened is that the marketplace has jumped in a couple of discreet spots such as Old Trail. A couple of people have jumped in and asked for zoning in a certain section, and then others have asked for zoning along Route 250. The Board approved those to shut down the rest of the vision of the people in Crozet because it has concluded there is a sufficient supply of development potential in Crozet is incompatible with what he understood was the purpose of the Crozet master planning exercise. He did not read that planning exercise to talk about phasing and doing it in stages and stopping at a certain point and taking a breathe which is what he thinks Mr. Rooker is proposing to do. That is independent of the rural area argument.

Mr. Rooker said the pace at which the Board approves rezonings and where they are located has always been in its control. That is something the Board can exercise as a matter of discretion based upon what it thinks is best for the community. The idea of phasing in Crozet was not raised with the community during the Crozet Master Planning process; maybe it should have been.

Mr. Wyant said there is a lot of by-right development occurring in Crozet at this time. This is creating some pressure points at critical intersections. He said that is why development will not come out as envisioned by those who did the master plan.

Mr. Boyd said he is at a place now where he is not in favor of any kind of resolution. He thinks this has been a good discussion today. Hopefully, the people who have stayed to hear this discussion have gotten some good ideas. He sees this all as being decided as individual cases.

Mr. Dorrier emphasized that the master planning process is part of the Comprehensive Plan process. The Comprehensive Plan is supposed to be a guide. It is not as strict as the zoning process which creates legal rights and legal restrictions. He said the master planning process is supposed to be a guide. That being said, it can be amended and changed every five years. Mr. Davis said State Code envisions that the Comprehensive Plan will be looked at every five years, at least in part, to determine if it should be amended. There are no vested right in the Comprehensive Plan. The Crozet Master Plan is simply a part of the Comprehensive Plan, a more detailed master planning exercise than what typically is found.

Mr. Dorrier said he thinks the Board can deal with this issue by scheduling a public hearing on it.

Mr. Rooker said the Board has virtually held a public hearing today. It was listed as an agenda item. The Board has received numerous e-mails on the subject, and heard a lot of public comment about it earlier from people in Crozet. He thinks most Board members have attended meetings or spoken individually with people in Crozet and gotten feedback. He said that in 2009 the Crozet Master Plan will come up for review again.

Mr. Davis said the Board cannot amend the Crozet Master Plan without having a public process. It goes back to the Planning Commission and then to the Board to make any changes, but as Mr. Dorrier pointed out, this master plan is simply a guide. It does not compel the Board to approve rezonings.

Mr. Dorrier said he thinks the Board has missed the point because the Board can deal with the issues on an individual zoning-by-zoning basis.

Mr. Rooker said that is correct and he would suggest that this is a 20-year plan document and the Board needs to be thoughtful about approving too much, too fast and when things are approved make sure they contribute enough to the fabric of the community that they are worthy of being approved. He

thinks that level of scrutiny should be provided to assure the people in Crozet that they will get a plan that develops over a period of time in a reasonable way as opposed to a hodgepodge.

Mr. Dorrier said he does not think the County even needs to come up with a number. It is not said about any other area of the County. He said there are 2,000 people in Scottsville, but that is not written down.

Mr. Rooker said someone could do this same type of planning for Scottsville.

Mr. Dorrier said total numbers are not used in other parts of the County, so why should they be used in Crozet. He does not think it is necessary. The Board only needs to abolish the 12,000 and 24,000 from the plan, and let it go as it goes.

Ms. Thomas said one reason to use them is as a way to figure out capital improvement costs. An amount of \$25.0 million-plus has been derived for the capital improvements that will be necessary for 12,000 people in Crozet. That is an important and useful figure to have and reminds the Board of the cost of growth. She said it sure has turned into an issue all by itself, divorced from the other aspects of the master plan. She thinks this conversation has been useful because it reminds the Board and others that there are several aspects to this planning.

Mr. Rooker said it sounds to him that there is no desire of the Board to move forward with passing a resolution on this issue at this time. He said it might be helpful for the Crozet Advisory Committee to provide some feedback to the Board on how it views whether things are moving toward realization of the master plan, and whether it matches community expectations, and provide specific recommendations. That is a reason why that committee was created – to serve as a liaison between the community and the County in a structured form.

Mr. Wyant said he is meeting tomorrow with the co-chair of that Committee. He had a reason to vote for the Liberty Hall petition and that was to help get the Eastern Avenue Connector built. But, right now, he thinks the Board needs to take care of development in the “downtown” area. All six members of this Board may have different visions about where development should go in Crozet. He would like to have some input from the citizens.

Mr. Rooker said he knows a lot of people who spoke earlier today are not at the meeting now, but the personal attacks are not a good way to approach this. There were some personal attacks made by at least one speaker earlier. He said the public comment guidelines ask the public not to do that, and second, he can assure the citizens that everyone on the Board is working in the best interests of the community as they view it. He said that all Board members may have different views about what they think is in the best interest of the community from time to time, but some things were said about Mr. Wyant. He said that he and Mr. Wyant were on different ends of the political spectrum at the beginning, but he has never seen Mr. Wyant do anything that he did not believe he was doing in the best interest of the community as he saw it, and he has worked hard and made himself available for meetings over and above what might normally be required of a Board member. He asks that this be focused on the issues not on personalities.

Mr. Wyant said he appreciates those remarks.

Mr. Rooker said that will end this conversation, and the Board will proceed to other agenda items at this time.

Agenda Item No. 11. Overview of Master Planning Process and Schedule, Lee Catlin.

This item was skipped temporarily.

Agenda Item No. 12. ~~Rivanna Water and Sewer Authority (RWSA) Drought Watch Declaration.~~
This item had been removed from the agenda.

Agenda Item No. 13. Closed Session. At 1:15 p.m., **motion** was offered by Mr. Slutzky that the Board adjourn into closed session 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 (1) to discuss an administrative evaluation.

The motion was **seconded** by Mr. Boyd. Roll was called, and the motion carried by the following recorded vote:

AYES: Mr. Boyd, Mr. Dorrier, Mr. Rooker, Mr. Slutzky, Ms. Thomas and Mr. Wyant.
NAYS: None.

Agenda Item No. 14. Certify Closed Session. At 2:06 p.m., the Board reconvened into open session.

Motion was immediately offered by Mr. Slutzky that the Board certify by a recorded vote that to the best of each Board member’s knowledge only public business matters lawfully exempted from the

open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed session were heard, discussed or considered in the closed session.

The motion was **seconded** by Mr. Boyd. Roll was called, and the motion carried by the following recorded vote:

AYES: Mr. Boyd, Mr. Dorrier, Mr. Rooker, Mr. Slutzky, Ms. Thomas and Mr. Wyant.

NAYS: None.

Agenda Item No. 15. Boards and Commissions – Appointments.

Motion was offered by Mr. Boyd to:

Appoint Mr. George Noteman to the Jefferson Area Community Criminal Justice Board with said term to expire on June 30, 2009.

Appoint Ms. Jamie Hughes to the JAUNT Board with said term to expire on September 30, 2009.

Appoint Ms. Tonya Brockett to the Crozet Community Advisory Committee with said term to expire on March 31, 2008.

Appoint Ms. Gloria Johnson to the Crozet Community Advisory Committee with said term to expire on March 31, 2008.

Appoint Mr. Robert Bakalian to the Route 250 West Task Force with said term to expire on September 5, 2009.

Appoint Ms. Barbara Franko to the Route 250 West Task Force with said term to expire on September 5, 2009.

The motion was **seconded** by Mr. Wyant. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Boyd, Mr. Dorrier, Mr. Rooker, Mr. Slutzky, Ms. Thomas and Mr. Wyant.

NAYS: None.

Agenda Item No. 11. Overview of Master Planning Process and Schedule, Lee Catlin.

Ms. Lee Catlin, Community Relations Manager, said the County has embraced master planning. This has brought on some challenges and different ways of doing business as an organization for the community to understand. She will talk through a strategic way of approaching master planning from a global perspective. This is just to make the Board aware of some of the issues and impacts that will be coming, and to share staff's thinking about master planning. She said the Board approved the Strategic Plan this morning and it contains a Strategic Objective that talks about master planning. It says that "by June 30, 2010, increase citizen satisfaction with the County's development areas by completing master plans for all of the County's development areas." She said this sets the County on a course for master planning in the four or five years. It has some significant impacts on the County as an organization, and on the community. Staff has put together this presentation to highlight impacts and realities it will have to think and work through in order to make this Objective a success for the community and the organization.

Ms. Catlin outlined the master plan schedule. She said there are three phases to this planning. First is the master planning process itself, then there is the early implementation stage, and then when the plan is adopted it moves to the beginning stages of getting it to work. Next is the plan review stage, and then a new form. Hopefully, five or six years into the future, these communities will take on the urban look that is being promoted. She said that in FY '05-06 Crozet was in the early implementation stage and Pantops and Places29 were in the planning stages. Moving out a year, Crozet and Pantops will move into early implementation, and with Places29, Rivanna will be added to the planning stages. Sometime in FY '07-08, Rivanna and Places29 will move into early implementation, and the Southern Urban Areas will be happening in terms of planning. In FY '08-09, all five of those will be in early implementation, and Neighborhood 6 & 7 will be in the planning stage.

Mr. Boyd asked which one of these master plans Biscuit Run is in. Ms. Catlin said Biscuit Run falls into the Southern Urban Area. She said in FY '09-10, Crozet will move into the plan review urban new form stage, and the rest of them are in early implementation.

Ms. Catlin said she will speak about the plan development and adoption stage. The organization must be looked at when thinking about this process strategically. Who is impacted by this process, where does the work fall, what will it take to make these plans successful? Looking at the plan development and adoption stage, the Community Development Department and Community Relations share a major portion of the work. Other departments, such as Parks & Recreation, General Services, and Business Development get brought into the picture. She said the whole organization is impacted in all stages so everybody is involved with master planning at some level. Looking at the tasks and activities happening during plan development and adoption, things like hold public information and communication, the meeting planning and facilitation, preparing the actual plan document and materials, the ongoing

community interaction with the community advisory committees, stakeholder groups, etc., and then the actual Planning Commission and Board of Supervisors' process that it takes to get the plans adopted.

Ms. Catlin said as an example, in this state in Crozet, there were 12 public meetings, two Planning Commission and Board presentations, five Planning Commission work sessions, three Board work sessions, one Planning Commission public hearing, and one Board public hearing. For Places 29 to this point, there have been eight public meetings, and eight work sessions with the Planning Commission and the Board or with both.

Ms. Catlin said plans moving into the early implementation stage (scheduled for about five years) keep the Community Development Department and Community Relations engaged. General Services, Business Development, Parks & Recreation, the County Attorney's Office and Financial Services are also engaged in the process. There is also important supporting work by Human Services and Public Safety. She said tasks during this period involve things such as ordinance changes, zoning and overlays; it takes to make the things happen that the plan calls for. Then there is the research and cost estimating it takes to put items in the Capital Improvements Program (CIP). Establishing the public-private partnerships it will take to make some of these things happen, securing funding sources, fostering business support, and getting the initial infrastructure projects prioritized and underway in these communities also happens during the early implementation stage.

Ms. Catlin said when moving into the third stage, it will be time to update the plan. Also, hopefully by this time some new urban form can be seen developing in these communities. There may be some mixed-use communities and higher densities by this time. She said there will be some of the same players involved in this stage. This is where Human Services and Parks & Recreation and Public Safety are impacted because there may be denser communities with people living in different ways than in the past. In this stage, activities which are important are: keeping the infrastructure projects prioritized and making sure they are getting done as needed, meeting public sector responsibilities for infrastructure after it is completed, i.e., creating and maintaining public parks, sidewalks, roads. As all of these master plans are completed, they create the potential to have 35 square miles of master planned development area to be managing, compared to the 10 square miles of the City, which is a significant urban area to be managed.

Ms. Catlin said the County needs to look at the five-year workload impacts of these plans, so it will know what is expected of the organization. She said there will be continuing involvement with these master plans in the plan review and implementation stages. She said that at the Board's Strategic Planning Retreat, there will be discussion as to how to gear up to be successful once the County moves into some different areas of what master planning will mean to Albemarle. One thing that has been identified is that there may be a need for staff with skill sets which present staff does not have. The Board has talked about project management, community engagement, and other things which may be outside of the expertise of current County staff. She said this is an organization cultural shift for the County toward being more proactive (in the way of obtaining rights-of-way and securing property for public facilities) than in the past. When a community is master planned, and citizens are asked to be involved and engaged, you get citizens who are involved and engaged and they stay that way. There are communities where the citizens are more aware of what is going on, and they have more questions and concerns and more need to interact and discuss issues because they are more aware of the possibilities for the future of their community.

Ms. Catlin said there is no action required by the Board on this report. Staff wanted the Board to know that it is thinking through some of these challenges and decide what the community is being well served by the master planning process, and ultimately some of this will come to the Board in the form of recommendations. She then offered to answer questions.

Mr. Boyd said the timeframe shown made him realize that this planning is about a three-year process. It has been difficult for him to deal with the question of what the Board does about the ongoing development while the planning process is underway. He has mentioned Pantops several times because there is a lot of development taking place there when that master plan is not complete. He asked if there is some way for the Board to deal with this situation better. Ms. Catlin said to the point the Comprehensive Plan as it exists is used to assess projects in areas where there is not yet a master plan. He said the Comprehensive Plan gives some guidance for an area, but not to the level that a master planning does.

Mr. Boyd said he has seen that some developers are willing to suspend their projects until a plan is complete, but other developers are not able to do that. Ms. Catlin said there was a definitive discussion about not giving any impression that things would wait until a master plan caught up. She said the Comprehensive Plan is a guide, but it is challenging since there are some plans which are several years from completion.

Mr. Boyd asked if staff would give some thought to whether there is a better way to do it. Mr. Tucker said that legally the developments cannot be stopped. Unless there is a willing developer, it is hard to postpone or delay any plan in progress. He said the Comprehensive Plan is the basis for even the master plan.

Mr. Boyd wondered how the plans could be incorporated into an accelerated master plan.

Mr. Dorrier said a major part of infrastructure development is that it relies on entities which are outside of the County such as VDOT and Rivanna Water and Sewer Authority. Even though the Board has some input on those, they are separate from the County. Ms. Catlin said the County has much less

control there. She said the County is about to hire a Transportation Engineer who might exert some pressure to make some things happen. There are outside entities the County depends on.

Ms. Thomas said the County has gone through one major master planning exercise with a lot of public involvement, and yet that community feels it is not their plan, it got taken over by the County or developers. She was naïve and thought the community would feel it had an ownership in the plan. She has talked with someone who drafts these plans and asked how to get ownership. He suggested that it is sometimes physical ownership. If the community has the maps on cardboard and they carry them around to the Lions Club meetings, etc. there is something to almost physically owning the maps. It has also been suggested that the maps be posted in public places or distributed so they can be held onto by the community. She said this is a problem; it is not happening automatically. Ms. Catlin said one lesson learned in Crozet, is that the County let too much time go by from adoption of the plan to getting back to the community and get them engaged. She said for Places29 staff is thinking about having a community advisory council appointed much earlier in the process, even before the plan is adopted so there is a group that is available to be the bridge and liaison immediately. She said that any ideas the Board members may have about ownership are important to consider.

Ms. Thomas said it will be a shame if the County goes through these exercises and they all fail in the mind of the communities.

Mr. Rooker asked about distributing an abbreviated form of the master plan to realtors throughout the area and request that copies be given to clients when looking at property.

Ms. Thomas said the Board has suggested that it be easily accessible on the County's webpage.

Mr. Slutzky asked if the Board had the legal authority to require disclosure at the point of sale.

Ms. Thomas said a citizen sent the Board a State Code section which allows the Board to require the developer to have in his office a copy of the plans. The Board discussed that through e-mails and she thinks it was decided that webpage would be more accessible and more reliable than keeping track of whether every developer's office had a copy.

Ms. Catlin said one problem with having it on the website is that the maps are so big and so complex that to get a meaningful sense of Places29 on their computer screen is hard to do.

Mr. Rooker said when the plans are completed the County needs to develop a summary with a map and a few explanation pages to be handed out. He said the statute mentioned only applies to the development the developer is working on. He said most developers with a development of any size have that information as a marketing tool.

Mr. Slutzky said the schedule presented will be helpful to him. He has been struggling with the integration of the transportation planning process and the land use planning process. He said there was a challenge with the Ruckersville Parkway issue in Places29, but the Board was able to get it out of the process. He said the Board also mentioned that UNJAM acknowledges there is the idea of an Eastern Connector. In Places29 there has been a "dipping of the hat" in the process to an Eastern Connector, but it is not an integrated component of the land use planning exercise, at least not down to a connecting point level. There will be this same type of exercise in Pantops, and there is some relationship between Pantops and the Eastern Connector. Because transportation planning is on a more regional scale, as each of these subsets of growth area planning, he thinks everyone involved with these master planning exercises makes sure that each discreet master planning exercise relates to the broader transportation planning exercise.

Mr. Rooker said he thinks that is a good point. He said that the Places29 master plan is a combined transportation/land use planning exercise and to some extent the additional master plans will try to incorporate the goals in the Places29 master plan. He said funding was received from VDOT for the transportation component of Places29. He does not know if it is intended that transportation be incorporated into the plans for Pantops and Rivanna to the same extent, and whether the County might get some VDOT planning money for that exercise. He said the State passed a statute that talk about incorporating land use/transportation planning.

Mr. Cilimberg said staff has been talking to the Planning District Commission regarding some VDOT funding they have for Fluvanna and Louisa and the eastern area and getting an additional study of roads in eastern Albemarle that could be used with the new Rivanna plan update. He said it was a challenge to figure out how to incorporate the Eastern Connector because of the timing. He said it is a question of where to start and where to stop in terms of the different studies taking place. For Pantops, staff tried to look at the Eastern Connector in terms of what was in the UNJAM plan as to a general location. It cannot be decided where the road would be until the Eastern Connector study is completed. Modeling is a component to be included.

Mr. Slutzky said there was the same challenge for Places29 where there was a general notion of it connecting in a couple of places. Absent the locational study there was the reluctance to "trump" that study. If locational issues are considered in the context of land use planning, it might inform the location studies and not undermine them. Mr. Cilimberg said if what might happen with a road can be modeled and find in the land use analysis that there is only one logical location for it, then the Board has to be willing to say that will be the location. In the case of the Eastern Connector, its location is uncertain at this time. He said there may be good land use reasons for a road to go in a particular location.

Mr. Slutzky said staff is doing a fabulous job on master planning.

Agenda Item No. 16. Public Hearing: FY 2006 Budget Amendment. (Notice of this public hearing was advertised in the Daily Progress on June 27, 2006.)

Mr. Melvin Breeden, Budget Manager, said this amendment totals \$728,041.96 and includes four appropriations approved at the Board's June 14, 2006, meeting, plus six additional appropriations. Approved on June 14, 2006, was one appropriation (No. 2006-081) totaling \$99,077.39 for education donations and programs; two appropriations (No. 2006-082 and No. 2006-084) totaling \$33,753.84 for Police Department grants; and, one appropriation (No. 2006-083) appropriating \$33,298.98 in funds for three drug-seized asset accounts. The six new appropriations are as follows: two appropriations (No. 2006-085 and No. 2006-090) totaling \$334,047.75 for education donations and programs; one appropriation (No. 2006-086) in the amount of \$116,364.00 for the Nextel/800 MHz radio interface at the Emergency Communications Center (ECC); one appropriation (No. 2006-087) totaling \$66,000.00 for a Police Department grant; one appropriation (No. 2006-088) in the amount of \$45,500.00 to purchase additional user licenses for ECC; and one appropriation (No. 2006-089) to adjust the School Capital Improvements Program. After the public hearing, staff recommends that the Board approve the FY 2006 Budget Amendment in the amount of \$728,041.96 and approve Appropriations No. 2006-085, No. 2006-086, No. 2006-087, No. 2006-088, No. 2006-089, and No. 2006-090 to provide funds for various General Government, School, ECC and Capital Improvement programs as described in Attachment A which follows:

Appropriation No. 2006-085, \$330,127.75. At its Board meeting on May 25, 2006, the School Board approved the following appropriation:

- The Department of School Technology received an anonymous donation of \$20.00. It has been requested that this donation be used toward the needs in School Technology.
- Title I is a Federally-funded program designed to help children meet challenging content and performance standards. It supplements, not supplants, local funding in providing services to students in Albemarle County. The program utilizes strategies that focus on improving teaching and learning, and building stronger partnerships between schools and communities to support the achievement of all children who are served. Title I supports reading/language arts instruction for students whose achievements do not meet expected standards in the elementary schools whose free/reduced lunch percentages are above the County average. Expenditures have exceeded appropriations for FY '05-06 due to an increase in the Federal allocation and mandated expenses related to the County's second year of division level school improvement. There is a fund balance retained by the State in the amount of \$165,697.85 from FY '04-05 which may be reappropriated for FY '05-06. The funds will be spent on salaries and benefits, educational materials, and telephone charges.
- Various Miscellaneous Grants have an unexpended fund balance from FY '04-05. Holders of these grants have been encouraged to expend these small balances. This request is to reappropriate available funds for use in FY '05-06.
- Various Shannon Foundation Grants have an unexpended fund balance from FY '04-05. Holders of these grants have been encouraged to expend these small balances. This agenda is to re-appropriate available funds for use in FY '05-06.
- Albemarle County Schools has been operating a 21st Century Community Learning Centers grant for B.F. Yancey Elementary. Club Yancey is a jointly-operated program through The Saint John the Baptist in the Woods Foundation and Albemarle County Schools. There is a fund balance retained by the State in the amount of \$123,696.83 from FY '04-05 which may be reappropriated for FY '05-06. In addition to the fund balance, the State has awarded Albemarle County Schools \$145,000.00 for FY '05-06 through FY '06-07. It is estimated that \$150,000.00 will be expended for total FY '05-06 expenses. This is to request reappropriation of the FY '04-05 fund balance and appropriation of a portion of the later grant award.

Appropriation No. 2006-086, \$116,364.00. The Emergency Communications Center requested an appropriation totaling \$116,364.00 to purchase equipment and installation services for five Nextel dispatch consoles to interface to the ECC Regional 800 MHz system. Funding for the equipment and installation services will be provided from the interoperability grant monies and will require no local match.

Appropriation No. 2006-087, \$66,000.00. The U.S. Department of Justice awarded Albemarle County a grant in the amount of \$66,000.00 to update the video monitoring system for Albemarle High School. This includes cameras, recorders, a viewing monitor and antennas. The School Resource Office will share responsibility for the system with school administration. This new system will serve as a deterrent, a monitor for immediate response, and a record of people and events for use in enhancing future safety. There is a 50 percent local match. The School System will provide \$25,000.00 and the Police Department will provide the remaining \$8,000.00 from funds currently appropriated in their Capital Improvement Fund for technology upgrades.

Appropriation No. 2006-088, \$45,500.00. The ECC Management Board has authorized the transfer of funds in the amount of \$45,500.00 from the ECC Fund Balance to purchase 225 additional

user licenses for the police records management system and to convert the system to a regional status. The vendor has offered a one-time offer to sell the licenses at this reduced price, saving \$292,000.00.

Appropriation No. 2006-089, \$-0-. The School Division has requested a reallocation of funds for several capital improvement projects for both FY '06 and FY '07. A detailed discussion regarding this request is contained in the FY '07 Budget Amendment Request. The FY '06 amendment delays approximately \$156,000 in projects and allocates this amount to projects that have incurred minor over-expenditures in FY '06 and partially to those projects that will require additional funding in FY '07.

Appropriation No. 2006-090, \$3,920.00. At its meeting on June 8, 2006, the School Board approved the following appropriations:

- V.L. Murray Elementary School received four donations totaling \$1,120.00. Eldred and Jeanne Runkle donated \$500.00, Mark and Brenda Miller donated \$50.00, Mr. Vic Dandridge with Wycliffe Capital Management donated \$550.00 and Christa Livermon donated \$20.00. It has been requested that these donations go toward helping with expenses when their fourth grade D.I. Globals team participates at Tennessee later this month.
- Crozet Elementary School received a donation in the amount of \$2,200.00 from the Crozet Elementary PTO. It has been requested that this donation be used to help purchase a document camera/projector and a smartboard for classroom use at Crozet Elementary School.
- V.L. Murray Elementary School received a donation in the amount of \$600.00 from Dr. Jeffrey Barth. It has been requested that this donation go toward the needs of the students at the school.

Mr. Boyd said he thinks the Board has already discussed the shift in the CIP, but he wonders if there is anything new in the School CIP. Mr. Breeden said for the 2006 amendment there is some impact on the School's CIP. A lot of it is in adjustments for projects that are either over-expended or under-expended.

Mr. Boyd asked if some projects are being moved from '06 to '07. Mr. Breeden said that several projects which are being delayed are being left in their general maintenance money with the assumption it will be reappropriated in the fall. Then it will be used in '07.

Mr. Slutzky asked if the savings of \$299,000 saved in the ECC project had been assumed in the budget. Mr. Breeden said this particular project was not in the ECC's budget, but apparently they had an opportunity with the vendor of that product to go regional with the system, and got a great deal on the cost.

Ms. Thomas asked if the Nextel dispatch consoles were part of the original arrangement. Mr. Breeden said when the original was done, about \$4.5 million was for the radio system, about \$0.5 million was for the mobile data, and another \$1.0 million that the City was going to be the fiscal agent on and this was one of those projects. It was decided that the ECC would manage this portion of that project. Mr. Tucker said the problems with Nextel have been straightened out as far as he knows. There was an issue with the 800 MHz but it has been corrected so there is not the problem they thought there would be with the 800 MHz system and Nextel.

Ms. Thomas asked for an update on the 800 MHz system soon. Mr. Tucker agreed to provide a written update on the status of the system in the near future.

Mr. Wyant said he understands there are some dead spots. Mr. Tucker there will be dead areas, but compared to the previous system, it is much better than what the consultants projected. He confirmed that the City and the University are already on the system.

At this time, Mr. Rooker opened the public hearing. With no one from the public rising to speak, the hearing was closed and the matter placed before the Board.

Mr. Wyant immediately **moved** to approve the FY 2006 Budget Amendment in the amount of \$728,041.96, and to approve Appropriations No. 2006085, No. 2006086, No. 2006087, No. 2006088, No. 2006089, and No. 2006090 to provide funds for various General Government, School, ECC and Capital Improvement Programs. Mr. Dorrier **seconded** the motion, which passed by the following recorded vote:

AYES: Mr. Boyd, Mr. Dorrier, Mr. Rooker, Mr. Slutzky, Ms. Thomas and Mr. Wyant.

NAYS: None.

COUNTY OF ALBEMARLE
APPROPRIATION NO. 2006-085
DATE:
EXPLANATION: Various Education Appropriations

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	2000	18100	181109	Donation	J2	20.00		
2	3101	33000	330101	Title I Grant	J2	165,697.85		
2	3104	51000	510100	Fund Balance	J2	13,209.91		
2	3502	51000	510100	Fund Balance	J2	1,199.99		
2	3219	33000	330001	Revenue	J2	150,000.00		

1	2000	61320	312712	Technical Training	J1	20.00			
1	3101	61101	111400	Salaries-Other Mgt	J1	8,616.36			
1	3101	61101	112100	Salaries-Teacher	J1	88,513.22			
1	3101	61101	114100	Salaries-Teacher Aide	J1	4,938.08			
1	3101	61101	152100	Sub/Wages-Teacher	J1	70.00			
1	3101	61101	210000	FICA	J1	8,931.41			
1	3101	61101	221000	Virginia Retirement System	J1	23,662.14			
1	3101	61101	231000	Health Insurance	J1	25,871.44			
1	3101	61101	232000	Dental Insurance	J1	493.00			
1	3101	61101	601300	Educ & Recreation Supp	J1	1,957.96			
1	3101	61311	115000	Salaries-Office Clerical	J1	1,925.52			
1	3101	61311	210000	FICA	J1	137.70			
1	3101	61311	221000	Virginia Retirement System	J1	234.34			
1	3101	61311	231000	Health Insurance	J1	293.00			
1	3101	61311	232000	Dental Insurance	J1	10.00			
1	3101	62420	520301	Telephone - Local	J1	43.68			
1	3104	60201	601300	Educ & Recreation Supp.	J1	80.75			
1	3104	60203	601300	Educ & Recreation Supp	J1	500.00			
1	3104	60205	601300	Educ & Recreation Supp	J1	316.43			
1	3104	60206	601300	Educ & Recreation Supp	J1	30.66			
1	3104	60207	601300	Educ & Recreation Supp	J1	200.00			
1	3104	60209	601300	Educ & Recreation Supp	J1	105.29			
1	3104	60210	601300	Educ & Recreation Supp	J1	1,143.61			
1	3104	60211	601300	Educ & Recreation Supp	J1	142.49			
1	3104	60212	601300	Educ & Recreation Supp	J1	392.08			
1	3104	60213	601300	Educ & Recreation Supp	J1	300.00			
1	3104	60215	601300	Educ & Recreation Supp	J1	1,050.26			
1	3104	60216	601300	Educ & Recreation Supp	J1	1,306.71			
1	3104	60217	601300	Educ & Recreation Supp	J1	1,248.76			
1	3104	60251	601300	Educ & Recreation Supp	J1	1,045.55			
1	3104	60252	312500	Prof Services - Instructional	J1	2,489.67			
1	3104	60252	601300	Educ & Recreation Supp	J1	500.00			
1	3104	60253	601300	Educ & Recreation Supp	J1	26.12			
1	3104	60254	601300	Educ & Recreation Supp	J1	24.65			
1	3104	60255	601300	Educ & Recreation Supp	J1	6.53			
1	3104	60301	601300	Educ & Recreation Supp	J1	64.31			
1	3104	60302	601300	Educ & Recreation Supp	J1	9.13			
1	3104	60304	601300	Educ & Recreation Supp	J1	6.25			
1	3104	61311	580500	Staff Development	J1	2,220.66			
1	3502	60606	601300	Educ & Recreation Supp	J1	1,199.99			
1	3219	60213	111400	Salaries-Other Management	J1	45,030.59			
1	3219	60213	119400	Salaries-Teacher	J1	16,062.00			
1	3219	60213	119401	Salaries-T.A..	J1	24,034.26			
1	3219	60213	210000	FICA	J1	8,209.60			
1	3219	60213	221000	VRS	J1	6,000.00			
1	3219	60213	231000	Health Insurance	J1	11,500.00			
1	3219	60213	232000	Dental Insurance	J1	500.00			
1	3219	60213	242000	Group Life - PT	J1	200.00			
1	3219	60213	312700	Contracted Services	J1	13,639.95			
1	3219	60213	420100	Field Trips	J1	3,000.00			
1	3219	60213	420110	Transportation - Schools	J1	2,000.00			
1	3219	60213	520301	Telephone - Local	J1	444.00			
1	3219	60213	520302	Telephone - Long Distance	J1	100.00			
1	3219	60213	550100	Travel - Mileage	J1	500.00			
1	3219	60213	580500	Professional Development	J1	3,395.95			
1	3219	60213	600100	Office Supplies	J1	1,000.00			
1	3219	60213	600200	Food Supplies	J1	8,949.90			
1	3219	60213	601300	Educ. & Recreation Supp	J1	5,433.75			
	2000		0501	Est. Revenue			20.00		
			0701	Appropriation				20.00	
	3101		0501	Est. Revenue		165,697.85			
			0701	Appropriation				165,697.85	
	3104		0501	Est. Revenue		13,209.91			
			0701	Appropriation				13,209.91	
	3502		0501	Est. Revenue		1,199.99			
			0701	Appropriation				1,199.99	
	3219		0501	Est. Revenue		150,000.00			
			0701	Appropriation				150,000.00	
						Total	660,255.50	330,127.75	330,127.75

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2006-086
 DATE: 07-05-06
 EXPLANATION: Nextel / 800 MHz Radio Interface

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	4100	33000	330325	Interoperability Grant	J2	116,364.00		
1	4100	31042	800301	Communications Equip	J1	116,364.00		
			0501	Est Revenue			116,364.00	
			0701	Appropriation				116,364.00
TOTAL						232,728.00	116,364.00	116,364.00

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2006-087
 DATE: 07-05-06
 EXPLANATION: AHS Video Monitoring System

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1549	33000	330001	Federal Grant Revenue	J2	33,000.00		
2	1549	51000	512001	Trsf From School Fund	J2	25,000.00		
2	1549	51000	512031	Trsf From Gen Fund/CIP	J2	8,000.00		
1	1549	62420	800100	Mach & Equip-Replace	J1	66,000.00		

	1549		0501				66,000.00	
			0701					66,000.00
1	9010	31010	800714	PD - Tech Upgrade	J1	(8,000.00)		
1	9010	93010	930200	Trs To Grant Projects	J1	8,000.00		
						TOTAL	132,000.00	66,000.00 66,000.00

APPROPRIATION NO. 2006-088
 DATE: 07-05-06
 EXPLANATION: Additional User Licenses for ECC

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	4100	51000	510100	Appropriation- F/B	J2	45,500.00		
1	4100	31046	800712	ECC-RCIN	J1	45,500.00		
		4100	0501	Est Revenue			45,500.00	
			0701	Appropriation				45,500.00
						TOTAL	91,000.00	45,500.00 45,500.00

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2006-089
 DATE: 07-05-06
 EXPLANATION: Adjustments to School CIP

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	9000	60100	800665	School Board	J1	(24,000.00)		
1	9000	60202	312350	Brownsville Elem	J1	(2,000.00)		
1	9000	60202	800605	Brownsville Elem	J1	(126,000.00)		
1	9000	60203	312350	Crozet Elem	J1	(17,000.00)		
1	9000	60203	800901	Crozet Elem	J1	(17,000.00)		
1	9000	60209	312350	Scottsville Elem	J1	378.00		
1	9000	60209	800200	Scottsville Elem	J1	391.56		
1	9000	60209	800605	Scottsville Elem	J1	649.93		
1	9000	60212	312350	Woodbrook Elem	J1	(50,000.00)		
1	9000	60212	800901	Woodbrook Elem	J1	(12,000.00)		
1	9000	62420	130000	Facility Maint-Bldg Servc	J1	1,200.00		
1	9000	62420	312310	Facility Maint-Bldg Servc	J1	2,865.00		
1	9000	62420	800949	Facility Maint-Bldg	J1	199,978.19		
1	9000	62420	950144	Facility Maint-Bldg	J1	11,597.36		
1	9000	62420	950185	Facility Maint-Bldg	J1	30,899.33		
1	9000	62420	950187	Facility Maint-Bldg	J1	40.63		
						TOTAL	(0.00)	0.00 0.00

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2006-090
 DATE: 07-05-06
 EXPLANATION: Appropriation - Education Donations

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	2000	18100	181109	Donations	J2	3,920.00		
1	2203	61101	601300	Inst/Rec Supplies	J1	2,200.00		
1	2215	61411	580000	Inst Support-Principal/	J1	1,720.00		
		2000	0501	Est Revenue			3,920.00	
			0701	Appropriation				3,920.00
						TOTAL	7,840.00	3,920.00 3,920.00

Agenda Item No. 17. Public Hearing: FY 2007 Budget Amendment. (Notice of this public hearing was advertised in the Daily Progress on June 25, 2006.)

Mr. Breeden said the 2007 budget amendment totals \$3,953,538.00. The budget amendment is comprised of two separate appropriations: One appropriation (No. 2007-001) totaling \$265,538.00 for the Circuit Court Clerk's Office Technology Trust Fund; and one appropriation (No. 2007-002) in the amount of \$3,688,000 for adjustments to the School Capital Improvements Program to cover inflationary increases on four significant projects, including the addition at Cale Elementary, the reconfiguration of the site at Jouett and Greer, an upgrade to the Jouett HVAC, and the Monticello Auditorium improvements. These projects were originally anticipated to cost \$11.6 million, but they now total \$17.6 million which increases the budget by over \$6.0 million. A detailed description of these requests is provided on Attachment A which follows:

Appropriation No. 2007-001, \$265,538.00. The Circuit Court Clerk's Office currently has \$175,538.00 in funding available through the Commonwealth of Virginia's Technology Trust Fund and anticipates an additional \$90,000 in FY '07. These funds will be used to purchase equipment in the Clerk's Office and to begin the next phase of back-file conversion for deeds and wills.

Appropriation No. 2007-002, \$3,688,000.00. The current adopted School CIP budget for FY '07 totals \$13.375 million. This amount for FY '07 and the amounts planned for the remaining eight years of the CIP were based on an agreement between Local Government and the Schools that they would maintain an agreed upon level of debt service. The targeted debt service level was intended to keep the County's total debt service at a level comparable to other AAA rated localities and at a level acceptable to the bond rating agencies.

Both the School Division and Local Government, as you have previously been informed, are experiencing an unprecedented escalation in construction costs. Based on actual bids across the

State, the Virginia Department of Education has reported a 24 percent increase in school construction costs over the last 18 months. Based on bids received for the Cale renovation and the Monticello auditorium projects, Albemarle is experiencing a 30+ percent increase over the cost projections made last year.

In an effort to retain targeted debt service levels, the School Division has proposed a restructuring of their projects by delaying approximately \$6.0 million in projects planned for FY '06, FY '07 and FY '08. These delays will also require a substantial restructuring in the out years of the CIP which will be reviewed this fall when preparing the next capital budget.

In the short term, this plan will retain targeted debt service levels; however, it will require an increase of \$3.688 million in debt to be issued in FY '07 with an equal reduction in FY '08 debt. The actual debt to be issued for FY '08 will be an issue for review this fall when preparing the next capital budget which will include an update of available revenues and updated project costs for all projects.

This appropriation will authorize the issuance of an additional \$3.688 million in Virginia Public School Authority (VPSA) debt in FY '07 and the reallocation of \$2.3 million in existing FY '07 School CIP funds. Debt Service will not increase until FY '08. In addition, the County has recently been advised by VPSA that several previous issues have been refinanced and the County will see an approximate \$800,000 decrease in FY '07 Debt Service. Official notice of the exact amount should be received in the near future. A schedule of projects being delayed with this restructuring are detailed in Attachment B (on file).

Mr. Slutzky asked how much of the increase is in the Cale addition. Mr. Breeden said Cale is up by \$2.6 million.

Mr. Slutzky asked why there is such a dramatic difference from budget. Mr. Breeden said all of the projects are faced with an increase in materials costs and with the demand in this area for contractors, they have had a hard time getting someone to do the work, and they received a minimal number of bids. The area is suffering from the impact of the Katrina Hurricane on the costs of materials.

Mr. Slutzky said the price of single-family home construction prices have not changed that dramatically. In his business they just built 6,000 square feet of commercial space and although they were told there would be delays and cost overruns with steel, but the difference was from five to eight percent across the items. He is surprised that the County has this dramatic change. Maybe the difference between when the budget is decided and when the bids come in is a bigger time span. Mr. Tucker said it is the types of materials that have driven the costs up. There is more steel and concrete used in a school than in a single-family home. Steel is one of the items which have risen drastically in price.

Mr. Boyd said contingencies and inflationary factors are built into these projects. He asked how much has already been built into these projects. Mr. Breeden typically for the CIP, staff tries to price things at today's values and then add three to five percent per year.

Mr. Slutzky asked if it will be made 30 to 50 percent. Mr. Breeden said staff is just getting ready to start the process for this fall, and it has debated that question quite a bit so far. First, they will have to update all projects to today's price. Now, they are looking at using a three to seven percent increase.

Mr. Wyant asked if these projects have been bid and the bids are high. Mr. Breeden said he believes that to be the case.

Mr. Rooker said some of the projects don't involve steel, etc. The Greer/Jouett reconfiguration of the parking lot surprised him to see the cost going up 55 percent. Mr. Breeden said some of that is due to asphalt, and oil company prices. A lot of this is demand. The project was actually delayed because no bid was received. He said there are no vendors available because of the local demand.

Mr. Slutzky asked if RFPs are marketed locally. Mr. Breeden said "yes" and also statewide and nationwide.

Mr. Boyd asked if some of the CIP deferrals are going to another year, or are they from '04-05 that are being deferred to '05-06. Mr. Breeden said these projects were originally scheduled last fiscal year which either will not be done at all or will be carried forward to some future year. A lot of these projects are not going away and they will be back in the CIP requests this fall at upgraded prices.

Mr. Boyd said he thinks that some of the projects which the Schools are moving forward at the 40 to 50 percent increases are somewhat discretionary. The Monticello High School Auditorium could be put off, but he does not think maintenance projects can be put off. That is why he is wondering about the Schools thought processes. He said Monticello has gone all these years without an auditorium; it was built originally without an auditorium, but all of a sudden it has become a priority over what appear to be significant maintenance projects. Mr. Breeden said part of the problem is that the project was funded partly last year and partly this year. It has already begun.

Mr. Wyant asked if the Schools value engineer these projects. Mr. Breeden said he does not have an answer to that question. Most of this is coordinated with General Services Division so he guesses that they have. He said that basically this request is to increase the funding for those four major

projects by about \$3.6 million, delaying the other projects. The only way to finance them at this time is to increase the VPSA loan amount.

Mr. Rooker asked if staff had checked with other jurisdictions to see if they are seeing the same kind of inflationary increases. Mr. Breeden said the Department of Education has done a statewide survey and they are showing a 28+ percent average of increases.

Mr. Rooker asked if that was a year-to-year increase. Mr. Breeden said the projects that have been bid came in above what had been budgeted for them. He said a number of the projects that have been delayed may have delayed anyway such as the one at Western Albemarle High School because it is likely there will be the need for an addition there in the near future.

Mr. Wyant asked if any of the projects deferred might create a safety hazard. Mr. Breeden said he had talked with Mr. Al Reaser about that, and nothing that might have those consequences has been delayed.

With no further questions for staff, the public hearing was opened. With no one from the public rising to speak, the public hearing was closed, and the matter placed before the Board.

Mr. Dorrier offered **motion** to approve the Fiscal Year 2007 Budget Amendment in the amount of \$3,953,538 and to approve Appropriations No. 2007-001 and No. 2007-002. Ms. Thomas **seconded** the motion, which passed by the following recorded vote:

AYES: Mr. Boyd, Mr. Dorrier, Mr. Rooker, Mr. Slutzky, Ms. Thomas and Mr. Wyant.
 NAYS: None.

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2007-001
 DATE: 07/05/06
 EXPLANATION: Circuit Court Clerk's Office Technology Trust Fund

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER CODE	AMOUNT	GENERAL LEDGER	
							DEBIT	CREDIT
2	9010	24000	240800	Clerk's Tech. Trust Fund	J2	265,538.00		
1	9010	21060	800708	Document Imaging System	J1	265,538.00		
		9010	0501	Est Revenue			265,538.00	
			0701	Appropriation				265,538.00
TOTAL						531,076.00	265,538.00	265,538.00

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2007-002
 DATE: 07/05/06
 EXPLANATION: Adjustments to School CIP due to cost increase and
 To provide funding by issuing additional debt to VPSA

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER CODE	AMOUNT	GENERAL LEDGER	
							DEBIT	CREDIT
1	9000	62420	800949	Facility Maint-Bldg	J1	(1,525,000.00)		
1	9000	60302	800605	W Albemarle High	J1	(390,000.00)		
1	9000	62420	950190	Jouett/Greer Site	J1	265,000.00		
1	9000	60214	800605	Cale Construction	J1	2,649,000.00		
1	9000	60214	800605	Cale Construction	J1	2,863,000.00		
1	9000	60214	800901	Cale Renovations	J1	(2,863,000.00)		
1	9000	60304	950179	Monticello Auditor	J1	2,689,000.00		
1	9000	62420	800949	Facility Maint-Bldg	J1	(1,350,000.00)		
1	9000	62420	950193	Jouett-HVAC	J1	1,350,000.00		
2	9000	41000	410500	VPSA	J2	3,688,000.00		
	9000		0501	Est. Revenue			3,688,000.00	
	9000		0701	Appropriation				3,688,000.00
TOTAL						7,376,000.00	3,688,000.00	3,688,000.00

Agenda Item No. 18. **Public Hearing:** SP-2005-029. PRO Distribution (Sign #9).
Proposed: Retail tire sales/service.
Zoning Category/General Usage: LI-Light Industrial - industrial, office, and limited commercial uses (no residential use).
Section: 18.27.2.2.13, Subordinate retail sales exceeding 15% of floor area of the main use.
Comprehensive Plan Land Use/Density: Crozet Master Plan designates CT1 Development Area preservation of open space, CT3 Urban Edge: single-family residential (net 3.5 to 6.5 units/acre) supporting uses such as religious institutions and schools and other small-scale non-residential uses, and CT4 Urban General: residential (net 4.5 units/acre single-family, net 12 units/acre townhouses/apartments, net 18 units/acre mixed use) with supporting uses such as religious institutions and schools and mixed uses including retail/office.
Entrance Corridor: Yes.
Location: Tax Map 56, Parcel 87, located at 5155 Three Notched Road/Route 240.
Magisterial District: White Hall.
 (Notice of this public hearing was advertised in the Daily Progress on June 19 and June 26, 2006.)

Mr. Cilimberg said the Pro Distribution site is a 3.8 acre parcel zoned Light Industrial (LI) and located on Three Notch'd Road in Crozet, just west of the entrance to Western Ridge and the Martha

Jefferson medical building. There are currently four businesses operated from the property: trucking/distribution business which wholesales tires, retail tire sales, self-storage, and most recently a home improvement contractor. The Zoning Ordinance allows limited retail sales by-right if the floor area of retail sales is less than 15 percent of the floor area of the main use by-right in the LI Zoning District. A special use permit is required to increase the floor area of retail sales beyond 15 percent of the floor area of the main use (wholesale tires). Pro Distribution would like to increase the area for retail sales of tires to 54 percent of the floor area devoted to the wholesale tire business or 35 percent of the total area devoted to the tire business.

Mr. Cilimberg said this request went to the Planning Commission for a public hearing on May 30, 2006, with an initial recommendation for approval. Prior to the Commission meeting, but following distribution of the staff report to the Commission, new zoning violations were found on the Pro Distribution site and it was also discovered that the square footages and calculations in the staff report were not accurate. Staff recommended deferral of the public hearing to allow time to sort through the recently discovered zoning violations and to ensure that staff had the correct square footages and other information regarding the request. The applicant declined to defer and as a result the Commission recommended denial of the special use permit.

Mr. Cilimberg said since the Commission meeting, Community Development staff met with the applicant several times, including on-site, to discuss the zoning violations and to clarify square footage related to the special use permit request. The applicant provided new information regarding the floor area of retail and wholesale uses on the site. Zoning has outlined the necessary steps for the applicant to comply with the Zoning Ordinance and the applicant has been cooperative in discussing compliance and has begun taking measures to address the violations.

Mr. Cilimberg said retail sales would be conducted from an existing building on the property, which is Building "F". Staff now supports the request since no negative impacts from the requested increase in retail sales have been identified. In the staff's report to the Board, it recommended approval with six conditions. Since that recommendation, it has been determined by the County Attorney's office that the second condition: "Retail tire sales may not be expanded until the site is entirely in compliance with the Zoning Ordinance," cannot be included in the Board's action, since the violations do not directly pertain to the retail sales special use permit request. He said staff's recommendation now is that the Board is approval with five conditions. He noted that the proposed Condition No. 1 should read somewhat differently: "Site plan approval of the proposed retail tire sales use if required". He handed to the Board a copy of the revised recommended conditions.

Mr. Slutzky asked why the County could not deny this application because of the violations. Mr. Cilimberg said he would let Mr. Davis answer that question, but the Commission recommended denial because they did not feel the facts related to the special use permit, particularly the square footage calculations, had not been resolved. He said the Commission did receive a copy of the violations, and they were concerned about them as well.

Mr. Davis said if the property owner already has a reasonable use of his property, the Board can deny the special use permit request. However, if the Board is going to approve the permit, the conditions themselves must be reasonably related to the use itself to address impacts of that use. Since the zoning violations in this instance are not related to the use itself, it would not be appropriate to have that type of condition. If the zoning violations were related to the retail part of the distribution center, the Zoning Administrator would not issue an applicable permit until the violations had been corrected.

Mr. Slutzky asked if the Board still had the discretion to deny the permit because the applicant is not in compliance with the Zoning Ordinance. Mr. Davis said it would have to be a broader legislative review than that. Generally, the Board has a great deal of discretion as to whether to approve a special use permit, because in most instances there are reasonable uses of the property by-right. That is basically the finding the Board has to make.

Mr. Slutzky asked if the Board cannot deny narrowly based on the fact that the applicant is not compliant with the ordinance. Mr. Davis said he would not recommend that action to the Board. Mr. Tucker said the violations have to be dealt with regardless of whether this permit is approved or denied. Mr. Cilimberg said this has been discussed with the applicant.

Mr. Slutzky asked if the Board is obligated to make a decision on this request today. Mr. Davis said the Board has up to 12 months from the date of the application to consider the permit.

Ms. Amelia McCulley, Zoning Administrator, said the violations themselves are relatively minor, and relate primarily to site plan violations – such as a sidewalk being in a different place, and a new driveway entrance has been made off of the main road. She said what precipitated Zoning's visit before the Commission meeting was that a new occupant had been moved into the building on the Route 240 side. In assessing whether a zoning clearance could be given to that business, they realized there would need to a site plan amendment for other reasons in addition to providing parking for that business, and a porch had been added to the building without a permit or ARB approval. They have since applied for all of these things except for the site plan amendment. The applicant is in the process of doing that.

Mr. Slutzky asked if they are compliant as they can be absent ARB approval. Ms. McCulley said they are, and at this time staff has suggested it be an "as-built" plan because there are discrepancies between the existing plan and the site.

Mr. Slutzky asked if this rewards bad behavior, or if this a reasonable solution to having an "as-built" plan. Ms. McCulley said even the as-built plan will have to meet all County requirements and the applicant will still have to make some changes on site, i.e., install new parking, and drainage in the area of new parking. Staff will not relax any ordinance requirements to allow them to submit an "as-built" plan. It is a matter of getting a plan that accurately reflects the site as it exists.

Mr. Slutzky asked if it would impose a hardship on the applicant if the Board shelved this petition for a while until the applicant has brought the property into compliance. Ms. McCulley suggested asking the applicant that question, noting that they feel staff has not communicated as clearly as it should have with them. She said some violations have already been resolved, but some have not. Staff discovered the most recent violation at the last minute; it should have been discovered sooner. The applicant is moving toward compliance.

With no further questions for staff at this time, the Chairman asked the applicant for comments.

Mr. Bill Masselli, the applicant, thanked zoning staff for their assistance with the petition. He said he has no problems with the conditions of approval recommended, and the violations are being worked on diligently right now. He has agreed to what needs to be corrected. He met with his architect Friday concerning the new site plan, and they will do whatever is necessary to get the plans as they should be. He commented that as Crozet's population increases, they will need more services in the area, and local residents have welcomed his existing business.

Mr. Wyant asked about the diagram showing square footage for retail space, emphasizing that the retail space needs to meet the required percentage limit. Mr. Masselli agreed, stating that it might be helpful to word the percentage limits so they are understood. He is comfortable with what has been agreed upon with staff as the proper way to calculate those percentages.

Mr. Wyant said the ordinance states the percentage is based on the ratio of retail to wholesale, not a ratio of retail to the entire building. He understands the applicant now understands this, and has been working to rectify the situation.

Mr. Rooker commented that this special permit is essentially a way for him to increase that percentage. Mr. Wyant said that is correct.

The public hearing was opened. No one came forward to speak, and the public hearing was closed.

Mr. Wyant said this property is located in his district. He did not know this business offered tire service and oil changes, and this is a necessary service in Crozet. He then **moved** for approval of SP-2005-029 subject to the five conditions as stated by Mr. Cilimberg. Mr. Boyd **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Boyd, Mr. Dorrier, Mr. Rooker, Mr. Slutzky, Ms. Thomas and Mr. Wyant.

NAYS: None.

(The conditions of approval are set out below.)

1. Site plan approval of the proposed retail tire sales use if required;
2. Retail tire sales shall be limited to the building labeled as Office/Storage Building "F" as shown on the approved SDP #03-043 for that building;
3. The floor area devoted to tire sales within Building "F" shall not exceed one thousand six hundred fifty-four (1654) square feet of floor area in that building;
4. Hours of operation for the retail tire sales business shall be between 7:30 a.m. and 6:00 p.m.; and
5. There shall be no outdoor storage of tires or equipment associated with the wholesale or retail tire sales business.

Agenda Item No. 19. **Public Hearing:** SP-2006-007, Thomas Jefferson Parkway Parking Signs #57, 58, 65.

Proposed: Construction of additional parking at the intersection of Thomas Jefferson Parkway (Rt 53) and Scottsville Road (Rt 20) to serve the pedestrian trail accessing Monticello.

Zoning Category/General Usage: RA-Rural Areas: agricultural, forestal and fishery uses; residential density (0.5 unit/acre); EC, Entrance Corridor Overlay to EC, Entrance Corridor/overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access.

Section: 10.2.2(46) which permits off-site parking for historic structures or sites.

Comprehensive Plan Land Use/Density: Institutional uses allow for a range of public uses including schools, universities and public recreational facilities.

Location: The proposed parking is located on the north side of Thomas Jefferson Parkway (Rt 53) across from the existing parking area for the pedestrian.

(Notice of this public hearing was advertised in the Daily Progress on June 19 and June 26, 2006.)

Mr. Cilimberg said this request is for a parking area to serve the Monticello-Saunders Trail and Kemper Park adjacent to Route 53 near the intersection of Route 20. He said it will be on the Blue Ridge Hospital property and would be accessed from Route 20. The Thomas Jefferson Foundation with Rieley

& Associates consulting is the applicant and the property is owned by the University of Virginia Foundation. This special use permit request went before the Commission on June 13, 2006, for a public hearing. The Commission recommended approval of the request with the conditions of approval recommended by staff. They requested that the following additional information be provided prior to the Board of Supervisors public hearing: An easier to read version of the concept plan to more clearly show where important features of the proposal are located; and, information regarding how visitors would be directed to the proposed parking lot.

Mr. Cilimberg said the applicant submitted a letter outlining their approach to advising trail users of where the park is located. This would include press releases, announcements and maps in the Parkway newsletter, signage at both the existing and proposed trail parking lots, and information on Monticello's website. Staff feels this is a comprehensive approach that should work well to advise visitors and that signage requirements would be an appropriate condition of approval for the special use permit. A full-color illustrative version of the concept plan has also been provided that clearly shows the limits of the proposed parking and wooded areas.

Mr. Cilimberg said staff and the Commission recommended approval of SP-2006-007 with conditions. There is additional Condition No. 8 to respond to the Commission's concerns for better directional signage. The condition would read: "Directional signage shall be provided (to identify the new parking lot), at both the existing trailhead parking lot and the proposed parking lot, prior to the issuance of a zoning compliance clearance for the new parking lot."

Mr. Boyd asked Mr. Cilimberg to clarify the discussion by the Commission of access to this new lot by going into the existing parking lot and turning around. Mr. Cilimberg said it was described as a temporary entrance because under the Blue Ridge Area "B" plan it is intended that entrance to the property be gained through use of the traffic light at Piedmont College (PVCC). For the interim the entrance will be between the Route 53 intersection and the traffic light for PVCC. He said it is a U-turn situation, adding that VDOT is planning to signalize the intersection next year to make it easier to manage. He said there are neighbors across from the intersection who utilize the blinking light and felt it had been more of a detriment than a help. He confirmed that there would not that particular entry into the property from Route 53.

Mr. Rooker said it seems likely everyone would go to the first parking lot, and wondered if any thought had been given to having a connection from Route 53. Mr. Cilimberg said it had been discussed with the University, but it is not going to be pursued.

Mr. Dorrier said that entrance seems difficult to navigate, given the U-turn situation.

Mr. Rooker said he thought most people would be making their turn by going into the lot on the south side of Route 53, and then find out there was not a parking space in that lot.

Mr. Wyant said the only U-turn would be coming on Route 20 North, and going to the present lot and turning back around if there is no space in the lot.

Mr. Rooker said once a light is located on Route 53 that will not become an issue.

Mr. Dorrier said the intersection is already a problem with cars turning from Route 53 onto Route 20.

With no further questions for staff, Mr. Rooker asked the applicant to speak.

Mr. Peter Hatch, Director of Gardens and Grounds at Monticello, addressed the Board. He introduced Roxanne Brouse from Riley & Associates, who designed the parkway and prepared the 50-car overflow parking lot request that is before the Board today. He noted that that parking has been a serious issue since the Monticello Trail opened in 2000. When Monticello purchased the 89-acre tract south of Route 53 in 1992, the deed restricted the size of the parking lot to 13 cars and prohibited Monticello from putting up any type of structure on the property. He said the idea was to put up a pedestrian crossway, but there wasn't enough funding initially to accomplish that. The plans for a visitors' center dissolved, and safety concerns about an on-grade crossing at the traffic light emerged. Effectively, there was a tunnel that went nowhere.

Mr. Hatch explained that the entrance would be temporary, and would be located at the dairy barn driveway halfway between Route 53 and the present traffic light. The University will be building an entrance at the current traffic light. He noted that they think some people will actually choose to go to the overflow parking lot for the beginning of their hike to Monticello because it extends the trail and includes passing a centuries old Osage orange tree. VDOT at one point talked about prohibiting a U-turn as you come down Route 20 in order to get back to the parking entrance, and he is not sure how they will resolve it with the traffic light. He expects people to come to the present trailhead parking lot, turn around, and take the right turn to the dairy barn entrance.

Mr. Rooker asked about people leaving the lot and wanting to go south onto Route 20. Mr. Hatch said it is fairly convenient as a U-turn compared to the left-hand turn onto Route 20 from Route 53.

Ms. Thomas said she counted 75 cars in that parking lot yesterday. Mr. Hatch said there was the big Fourth of July event at Monticello yesterday. He counts on there being 50,000 to 60,000 people using the trail and Kemper Park each year.

With no one else from the public rising to speak, the hearing was closed, and the matter placed before the Board.

Mr. Dorrier **moved** for approval of SP-2006-0007, Thomas Jefferson Parkway Site Plan and Waiver, with the conditions as recommended by the Planning Commission, adding No. 8 reading: "Directional signage shall be provided (to identify the new parking lot), at both the existing trailhead parking lot and the proposed parking lot, prior to the issuance of a zoning compliance clearance for the new parking lot. Ms. Thomas **seconded** the motion, which passed by the following recorded vote:

AYES: Mr. Boyd, Mr. Dorrier, Mr. Rooker, Mr. Slutzky, Ms. Thomas and Mr. Wyant.

NAYS: None.

(**Note:** The conditions of approval are set out in full below.)

1. The site shall be developed in general accord with the plan entitled "Concept Plan-Thomas Jefferson Parkway Parking" including the "Existing Conditions & Demolition Plan", prepared by Rieley & Associates, revised April 2006;
2. The parking area shall be limited to fifty (50) spaces;
3. The parking area shall not be expanded without prior approval of a new special use permit;
4. No lighting shall be permitted in the parking area;
5. The parking area shall be closed and access restricted while the park is closed by Thomas Jefferson Parkway staff. The parking area shall be opened at dawn and closed at dusk;
6. The applicants shall secure VDOT approval of the entrance from Route 20, prior to the issuance of a zoning compliance clearance for use of the site;
7. Approval by the Architectural Review Board of final plans is required and supplemental plantings may be required to screen the parking lot from Route 20 and Route 53; and
8. Directional signage shall be provided (to identify the new parking lot), at both the existing trailhead parking lot and the proposed parking lot, prior to the issuance of a zoning compliance clearance for the new parking lot.

Agenda Item No. 20. **Public Hearing:** ZMA-2005-014, Poplar Glen Phase II, Signs #81, 83).
Proposal: Rezone approx. 3.636 acres from R-1 Residential zoning district which allows (1 unit/acre) to PRD Planned Residential District zoning district which allows residential 3-34 units per acre with limited commercial uses. Approximately 28 townhouse units proposed.

Proffers: Yes.

Existing Comprehensive Plan Land Use/Density: Neighborhood Density Residential - residential (3-6 units/acre) and supporting uses such as religious institutions and schools and other small-scale non-residential uses and Urban Density Residential - residential (6.01-34 units/acre) and supporting uses such as religious institutions, schools, commercial, office and service uses in Neighborhood 6.

Entrance Corridor: No.

Location: The south side Ivy Road (Rt 250) approx 1/4 mile from intersection of 29/250 Bypass and Rt 250 West.

Tax Map/Parcel: 60H/A2.

Magisterial District: Jack Jouett.

(Notice of this public hearing was advertised in the Daily Progress on June 19 and June 26, 2006.)

Mr. Cilimberg reported that this request is for the rezoning of a little more than 3.5 acres from R-1 to Planned Residential Development on the south side of Ivy Road, approximately one-quarter mile from the intersection of the Route 29/250 Bypass and Route 250 West. He said the Commission held a work session on this project which is for 28 townhouse units. Three topics discussed during the work session needing to be resolved were drainage issues, provision of a pedestrian path in a different location, and increased contributions for affordable housing. The applicant worked with the adjacent property owner and was able to reach an agreement to help resolve runoff issues as a result of other existing projects. The applicant showed the revised path location, and the revised proffers reflect the increase in cash contributions for affordable housing programs.

Mr. Cilimberg said staff found a number of favorable factors in this application. A couple of unfavorable factors were: under-utilization of development possibilities for this site as stipulated in the Comprehensive Plan, and impact on critical slopes. The proposal is generally in keeping with what would be sensitive to development of this land considering its constraints, and staff recommended approval at the Commission's hearing; the Commission unanimously recommended approval with the following changes:

- The final application plan will reflect a pedestrian path in the location discussed during the Planning Commission work session and shown on a revised plan at the June 6, 2006, Commission meeting.
- Approval of the proffers as to form by the County Attorney.
- The affordable housing proffer will state that the cash proffer is initiated at the beginning of construction of every seventh unit.

Mr. Cilimberg said the Commission did not agree that providing affordable housing would be cost-prohibitive, but they did agree that a cash proffer toward affordable housing programs was acceptable given the few number of units that could be provided at the 15 percent of 28 to meet the policy. He concluded that staff and the Commission have both recommended approval.

Mr. Rooker asked if the drainage issues have been resolved. Mr. Cilimberg replied that an agreement has been signed.

Mr. Rooker said the applicant would handle about four acres of offsite drainage. Mr. Cilimberg said that amount exceeds what is actually required.

Mr. Boyd asked about the affordable housing proffer. Mr. Cilimberg said there is \$89,600 cash proffered for the 28 units at \$3,200 each, and there is \$66,000 in cash in lieu of four affordable units.

Ms. Thomas asked if the pedestrian path could be used for bikes. Mr. Cilimberg said it could be, but the grade is very steep.

Ms. Thomas said she is very pleased with the pedestrian path, and there is bus transportation to University Heights. She asked how one might walk to University Heights. Mr. Cilimberg pointed out that there is currently no way to walk to University Heights.

Ms. Claudette Grant, Senior Planner, said there is an interconnection that could lead from the northern part of Poplar Glen II to the University Heights site.

Mr. Rooker asked about the right of people to walk there because it is private property. Ms. Grant responded that it is allowed until stopped.

With no further questions for staff, Mr. Rooker asked the applicant to speak.

Mr. Vito Cetta, the applicant, addressed the Board. He explained that Poplar Glen I is now under construction, and the units are selling well with prices ranging from \$600,000 to \$700,000 to an average buyer age in the 50's. He presented a PowerPoint presentation which showed the development features, noting the square footage of the homes is between 2,700 and 3,200. He said the resident would park their vehicle, walk through a courtyard with a private patio, to access the dwelling which has the living room on the second level and the bedrooms on the third level.

Mr. Rooker asked how far the project is set back from the small road. Mr. Cetta said the property is several feet away, and there would be a wall and some landscaping in front. He pointed out where Vivace restaurant is located, adding that people who buy these homes might not be likely to use bus service.

Mr. Cetta briefly reviewed the affordable housing contributions Mr. Cilimberg had mentioned.

Ms. Valerie Long addressed the Board, briefly summarizing the proffers.

Mr. Rooker commented that he did not feel the need for her to read through them all, as the Board had been provided a written copy.

Ms. Long said the pedestrian path is not intended for bicycles, and there would be some steps included.

Ms. Thomas asked about tree protection assurance for the stands that are in the back of the property. Mr. Cetta said it is hard to save trees when there are high densities, but this site does not have a lot of trees. Areas would have to be fenced in order to preserve trees, but these trees are in a spot trucks can't get to anyway as they are up higher on the property.

Mr. Rooker asked if Mr. Cetta would commit to taking steps to protect them. Mr. Cetta replied that they definitely would, it adds value to the community.

With no further questions of the applicant, the public hearing was opened.

Mr. Jeff Werner of the Piedmont Environmental Council addressed the Board. He said that on the surface this development looks good. It has 7.5 dwelling units per acre, is on a bus line, and has high priced homes. However, this proposal continues a disturbing trend in affordable housing; this project presents affordable units as being cost-prohibitive. He said the buyers are only paying \$2,357 toward keeping affordable housing away from them. Somewhere in the County there have to be four homes that this \$16,500 per unit will help someone get into. He said there is a troubling trend with developers buying their way out of building affordable units.

Mr. Rooker agreed somewhat with what Mr. Werner said, but said Mr. Ron White, Housing Director, has indicated there are more affordable units available than money available to buy them right now. County downpayment funds are needed to match with potential users over the next few years.

Ms. Thomas said this developer has provided real units in other proposals. She said the contribution this developer has made to affordable housing has influenced her decision.

Mr. Boyd agreed the supply of affordable homes does need to be monitored, as that may not be where the need is right now.

Mr. Slutzky emphasized that he is not voting for this because of the cash proffers made in lieu of provision of affordable units, but the developer has made a good case as to why the units are not being offered here.

Mr. Wyant said each development will have its own set of issues to deal with related to affordable housing. He thinks the Board can address them on a case-by-case basis.

Ms. Thomas **moved** for approval of ZMA-2005-014, Poplar Glen, with the proffers as presented. Mr. Wyant **seconded** the motion, which passed by the following recorded vote:

AYES: Mr. Boyd, Mr. Dorrier, Mr. Rooker, Mr. Slutzky, Ms. Thomas and Mr. Wyant.

NAYS: None.

(Note: The proffers are set out in full below.)

PROFFER FORM

Date of Proffer Signature: June 22, 2006
ZMA #2005-014
Tax Map 60H Parcel Number A2

3.636 Acres to be rezoned from R-1 (Residential) to PRD (Planned Residential Development) in accordance with the General Development Plan dated August 29, 2005 w/latest revision dated June 6, 2006

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the owner, or its duly authorized agent, hereby voluntarily proffers the conditions listed below which shall be applied to the property, if rezoned with the offered plans approved for development. These conditions are proffered as a part of the requested rezoning and it is agreed that: (1) the rezoning itself gives rise to the need for the conditions; and (2) such conditions have a reasonable relation to the rezoning request.

- (1) The owner shall make cash contributions totaling \$155,600 as follows: \$89,600 cash (28 units x \$3,200/unit = \$89,600) to the County for funding Capital Improvements, and \$66,000 cash in lieu of 4 affordable units (4 units x \$16,500/unit = \$66,000) for the affordable housing program. The cash contributions will be paid to the County in four (4) installments of \$38,900 (4 x \$38,900 = \$155,600) as follows: \$38,900 shall be paid at the issuance of the 7th, 14th, 21st and 28th Building Permits. Contribution shall not be refundable.
- (2) Owner shall record a Supplemental Declaration of Covenants, Conditions, Restrictions and Easements for Poplar Glen Townhomes to include the Property within Poplar Glen Owners' Association, Inc. pursuant to Art. II Section 2 of the Declaration of Covenants, Conditions, Restrictions and Easements for Poplar Glen Townhomes recorded in the Clerk's Office for the Circuit Court of Albemarle County in Deed Book 3125 Page 346.
- (3) In addition to treating and attenuating runoff from the Poplar Glen 2 development as required by County Ordinance, 4 or more acres of off-site drainage from the University Heights property [Tax Parcel ID: 06000-00-00-040C5 and 40C7] will be captured within the on-site detention system to improve the downstream drainage condition for the two (2) and ten (10)-yr storm events. These storm events will be routed with runoff reduced below the undeveloped condition for the 4-acre offsite area, in addition to the undeveloped condition for the Poplar Glen 2 development.

_____ Signature of All Owners	_____ Marc C. Powell, Manager Weather Hill Development, L.L.C.	<u>6/22/06</u> Date
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Agenda Item No. 21. **Public Hearing:** ZMA-2006-004, Albemarle County Service Authority-Crozet Property (Sign #72).

Proposal: Request to amend a proffer to extend the sunset date from 2006 to 2016, for use of a contractor's equipment storage yard and warehouse facilities at the site.

Proffers: Yes.

Existing Comprehensive Plan Land Use/Density: Crozet Master Plan Hamlet CT4 - mixed residential and commercial uses (net 4.5 units per acre for single-family detached and attached units and duplexes; net 12 units per acre for townhouses and apartments; net 18 units per acre for mixed use).

Entrance Corridor: Yes.

Location: 4675 Three Notch'd Road.

Tax Map/Parcel: TM 57, Parcel 29B.

Magisterial District: White Hall.

(Notice of this public hearing was advertised in the Daily Progress on June 19 and June 26, 2006.)

Mr. Cilimberg said this is a request to amend a prior rezoning to extend a proffer for the sunset date of the allowed use from 2006 to 2016 for a contractor's equipment storage yard and warehouse facility on property owned by the Albemarle County Service Authority (ACSA) in Crozet. He said the property is on the south side of Route 240 to the west of the intersection of Routes 240/250. In 1996 a rezoning was approved with proffers; at that time the ACSA was using some but not all of the buildings on the site. The ACSA would like to continue leasing these buildings, and staff could not find any unfavorable factors; the Planning Commission has recommended approval.

Mr. Cilimberg said there had been some initial concerns about having a non-authority use onsite, and also having a use that was not in keeping with the overall plan for Crozet, so it would be re-evaluated in 10 years to see if it fit in or not.

Mr. Davis noted that the sunset has reached its end, and is what prompted this application.

With no questions for staff, Mr. Rooker asked the applicant to speak.

Mr. Gary Fern, representing the ACSA, offered to answer questions. There were none.

Mr. Rooker opened the public hearing. With no one from the public rising to speak, the public hearing was closed and the matter placed before the Board.

Mr. Wyant **moved** for approval of ZMA-2006-004 with the amended proffers. Mr. Boyd **seconded** the motion, which passed by the following recorded vote:

AYES: Mr. Boyd, Mr. Dorrier, Mr. Rooker, Mr. Slutzky, Ms. Thomas and Mr. Wyant.

NAYS: None.

(Note: The proffers are set out in full below.)

PROFFER FORM

Date: May 24, 2006

ZMA: #2006-004

Tax Map and Parcel Number(s) 57-29B

4.01 Acres to be rezoned from LI to LI

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the owner, or its duly authorized agent, hereby voluntarily proffers the conditions listed below which shall be applied to the property, if rezoned. These conditions are proffered as a part of the requested rezoning and it is agreed that: (1) the rezoning itself gives rise to the need for the conditions; and (2) such conditions have a reasonable relation to the rezoning request.

(1) Permitted uses of the property, and/or uses authorized by special use permit, shall include only the following sections of Albemarle County Zoning Ordinance in effect on May 24, 2006; a copy of the sections being attached hereto (on file):

27.2.1.2 Fire and rescue squad stations (reference 5.1.9).

27.2.1.9 Contractor's office and equipment storage yard.

27.2.1.11 Electric, gas, oil and communication facilities excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformance with Chapter 10 of the Code of Albemarle and all other applicable law. (Amended 5/12/93)

27.2.1.12 Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (Reference 31.2.5); public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority (Reference 31.2.5; 5.1.12). (Amended 11/1/89)

27.2.1.17 Warehouse facilities and wholesale businesses not involving storage of gasoline, kerosene or other volatile materials; dynamite blasting caps and other explosives; pesticides and poisons; and other materials which could be hazardous to life in the event of accident. (Added 12/2/87)

(2) Notwithstanding Proffer #1, on and after October 1, 2016, the following uses shall not be permitted:

27.2.1.9 Contractor's office and equipment storage yard.

27.2.1.17 Warehouse facilities and wholesale businesses not involving storage of gasoline, kerosene or other volatile materials; dynamite blasting caps and other explosives; pesticides and poisons; and other materials which could be hazardous to life in the event of accident. (Added 12/2/87)

<u>Signatures of All Owners</u>	<u>Printed Names of All Owners</u>	<u>Date</u>
<u>Gary W. Fern, PE</u>	<u>May 24, 2006</u>	

Agenda Item No. 22. **Public Hearing:** ZTA-2006-002, Civil Penalties. Ordinance to Amend Section 37.2, Civil penalty, of Chapter 18, Zoning, of the Albemarle County Code, to combine the two civil penalty schedules for zoning violations in Section 37.2(A) and Section 37.2(B) into a single civil penalty schedule, and increase the civil penalty for the first violation from one hundred dollars (\$100) (current Section 37.2(A)) and fifty dollars (\$50) (current Section 37.2(B)) to two hundred dollars (\$200), and increase the civil penalty for each violation subsequent to the first violation arising under the same operative set of facts from two hundred fifty dollars (\$250) to five hundred dollars (\$500). (Notice of this public hearing was advertised in the Daily Progress on June 19 and June 26, 2006.)

Ms. Louise Wyatt, Manager of Zoning Enforcement, said use of civil penalties has been an effective enforcement tool both as a deterrent and as a consequence for non-compliance. At this time, for 45 percent of the County's unresolved zoning cases, staff is seeking civil penalties. She said through a revision to the State Code, the proposed ordinance would increase the civil penalties for an initial zoning violation from \$50/\$100 to \$200, and would increase the penalty for subsequent violations from \$250 to \$500. Raising these penalties will assist the County in the enforcement of the Zoning Ordinance, as many violators do not cooperate until they get the Warrant in Debt. She said the higher fines should encourage swifter cooperation and allow the County to come closer to recouping actual costs associated with enforcement. She said staff addressed the three criteria the Board previously asked be addressed when discussing zoning text amendments:

1. **Administrative/Review Process:** Combining the two schedules of violations will improve the administration of civil penalties, and, therefore, will improve zoning enforcement.
2. **Housing Affordability:** The proposed amendment will not affect housing affordability.
3. **Implications to Staffing/Staffing Costs:** The proposed amendment has the potential to reduce staff's workload if it results in more timely abatement of zoning violations. Increased civil penalties will not increase the workload and will further recoup actual staff costs for enforcement.

Ms. Wyatt said the Planning Commission unanimously recommended approval of the ordinance at its meeting on May 30, with very little discussion. Staff recommends adoption of the ordinance as advertised.

Ms. Thomas said fairness is not listed as one of the three criteria to be considered when reviewing zoning text amendments. It appears to her that when drafting zoning text amendments only things which affect government are considered, rather than how it affects the public. She has no problem with raising the penalties, so it is a philosophical comment. She suggested that fairness be added to the criteria which are considered. Ms. Wyatt said staff usually issues a warning to the violator, and gives them a month or so to respond depending on the situation. When they have not made the deadline or shown compliance, a notice of violation is issued. If they do not comply at that point, the County imposes penalties.

Mr. Boyd agreed that fairness is an important issue, but also thinks that in this amendment, fairness is imbedded in staff's reply. What caught his eye is that there are a lot of warnings given before any action is taken so that is fair to the public.

Mr. Slutzky asked if the issue is whether the Board will formally acknowledge that the issue of fairness be added as one of the criteria. Mr. Cilimberg said if that is the case, staff will need some real guidance as to what "fairness" means, adding that is always embodied in staff considerations of issues.

Ms. Thomas said she thinks it looks bad not to have fairness reflected. She is not talking about how staff behaves, but she is talking about a criterion for making zoning text amendments.

Mr. Rooker said it is unclear whether fairness means fair to the violator, or fairness to the neighbors. Mr. Cilimberg said staff had hoped the public purpose to be served covered that because there is no reason to adopt an ordinance that does not serve a public purpose. He said it might help if the public purpose to be served were identified in that part of the report. He said it would then be more obvious that staff was using the three which have already been identified, as well as this additional one.

Ms. Thomas and Mr. Rooker agreed.

With no further questions for staff, Mr. Rooker opened the public hearing. With no one from the public rising to speak, the hearing was closed and the matter placed before the Board.

Mr. Wyant **moved** to approve ZTA-2006-002 by adopting An Ordinance To Amend Chapter 18, Zoning, Article V, Violation and Penalty, of the Code of the County of Albemarle, Virginia, By Amending: Sec. 37.2, Civil penalty. Ms. Thomas **seconded** the motion, which passed by the following recorded vote:

AYES: Mr. Boyd, Mr. Dorrier, Mr. Rooker, Mr. Slutzky, Ms. Thomas and Mr. Wyant.
NAYS: None.

(Note: The ordinance as adopted is set out in full below.)

ORDINANCE NO. 06-18(1)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE V, VIOLATION AND PENALTY, 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 V, Violation and Penalty, is hereby amended and reordained as follows:

By Amending: Sec. 37.2, Civil penalty

Chapter 18. Zoning

Article V. Violation and Penalty

Sec. 37.2 Civil penalty.

Any person, whether owner, lessee, principal, agent, employee or otherwise, who violates any provision of this chapter, or permits any such violation, or fails to comply with any of the requirements hereof, or who erects any building or structure or uses any building, structure or land in violation of this chapter or any site plan or other detailed statement or plan submitted by him and approved under the provisions of this chapter, shall be subject to the following:

- A. Any violation of this chapter shall be subject to a civil penalty of two hundred dollars (\$200.00) for the first violation, and a civil penalty of five hundred dollars (\$500.00) for each subsequent violation arising from the same set of operative facts (Amended 3-16-05).
- B. Each day during which a violation is found to exist shall be a separate offense. However, the same scheduled violation arising from the same operative set of facts may be charged not more than once in a ten (10) day period, and the total civil penalties from a series of such violations arising from the same set of operative facts shall not exceed five thousand dollars (\$5,000.00) (Amended 3-16-05).
- C. Any person summoned for a scheduled violation may elect to pay the civil penalty by making an appearance in person or in writing by mail to the department of finance prior to the date fixed for trial in court. A person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. A signature to an admission of liability shall have the same force and effect as a judgment of court. However, such an admission shall not be deemed a criminal conviction for any purpose. If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided by law. A finding of liability shall not be deemed a criminal conviction for any purpose.
- D. A violation enforced under section 37.2 shall be in lieu of any criminal penalty and, except for any violation resulting in injury to persons, such a designation shall preclude the prosecution of the particular violation as a criminal misdemeanor, but shall not preclude any other remedy available under this chapter.
- E. Section 37.2 shall not be construed to allow the imposition of civil penalties: (i) for activities related to land development within the meaning of Virginia Code § 10.1-603.2; or (ii) for violation of any provision of the zoning ordinance relating to the posting of signs on public property or public rights-of-way.

(Ord. 00-18(5), 6-14-00; Ord. 02-18(3), 2-13-02; Ord. 05-18(3), 3-16-05)

State law reference – Va. Code § 15.2-2209.

Agenda Item No. 23. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Thomas asked about the concept of a drought watch for groundwater in situations where people rely on wells. Perhaps giving some information dealing with conservation of public water could be shared with those homes as well.

Mr. Slutzky said given the varying hydrogeology of the County, it would be difficult to provide landowners with accurate information, as their well situation might be vastly different from their neighbors'.

Mr. Mark Graham said staff is currently trying to correlate information of wells that have been monitored. Staff is looking for general trends. He added that the Mechums River gauge is actually a good predictor of the groundwater levels. Well conditions recently were not stressed as severely as they were in 2002, but there are wells that have been stressed. He said there have been a few glitches in the drought management system – such as inconsistency with watches versus warnings – but the County has been working cooperatively with the City and the RWSA. There was a call to lift the emergency at the end of May 2002, but the Board did not lift it, which presented a mixed message to the public. There were two or three wells a day going dry, but he believes that type of discrepancy in message has been worked out.

Mr. Davis said the Board has the ability to implement public water emergencies, and mandatory restrictions on that water, but not for groundwater until the Governor declares a state of emergency.

Mr. Graham said the concept now is to have a well that is not in use. The one in Key West has been monitored by the USGS for years. The idea is to get one in each of the distinctive groundwater recharge areas, and preferably get a monitoring well as a new development goes in so conditions are known prior to development. Afterward, development impacts can be measured.

Mr. Slutzky said he wouldn't want to be panicking people or false encouragement; it will be hard to provide a standard answer for everyone.

Mr. Rooker said based on the minutes reflecting their discussion about Running Deer, the Planning Commission did not have a good understanding of how the Groundwater Ordinance got to where it is now. Mr. Davis mentioned that Mr. Graham made a presentation at their last meeting to help provide some clarification. Mr. Graham said only two out of seven Commissioners were serving at the time the Groundwater Ordinance was adopted.

Mr. Dorrier said Mr. John Martin has recommended that a Development Department employee be a member of the Rivanna Water & Sewer Authority Board of Directors. He asked what staff thought about that suggestion. Mr. Tucker said Mr. Graham serves on the Rivanna Solid Waste Authority. The County Engineer used to serve on the RWSA but that was changed when the Albemarle County Service Authority was deemed to be the agency to represent the County. He emphasized that the ACSA and City are the sole customers for the RWSA, and he doesn't feel the City would support Mr. Graham being on the Board. There has been some confusion about the water situation in Crozet and the impact on Beaver Creek is to be determined. He added that Mr. Tom Frederick, RWSA Executive Director, had a 50-year plan, and staff only had a 20-year plan, so they didn't mesh well. Beaver Creek is in good shape, and perhaps the treatment facility will need to be expanded in Crozet, but as a water supply entity it is probably in pretty good shape.

Mr. Rooker said there is also the possibility of connecting the urban system with Crozet. Mr. Graham noted that it was a finished water connection. Mr. Tucker commented that the initial stage was just to do the raw water release from Beaver Creek, but ultimately it would be a finished connection. Mr. Graham pointed out that the idea is to have a water source if something happened to the treatment plant.

Mr. Slutzky said Mr. Martin stated the County told the RWSA that the Crozet population totals 12,000 and he wondered why Crozet was specifically targeted.

Mr. Rooker replied that the entire area is being studied, but there was a focus on areas where there would be population growth. He suggested that perhaps the issue of the makeup of the RWSA Board should be discussed as a separate item by the Board.

Mr. Davis pointed out that it is in the Board's discretion as to whether the ACSA Director or a County person is appointed to the RWSA Board.

Mr. Tucker said the RWSA had the same discussion as the Board, looking at combining the wholesale side of RWSA and the retail side of ACSA, as was done in Roanoke.

Mr. Boyd **moved** to adopt a Resolution to set the FY '07 Compensation and Benefits of the County Executive. Mr. Wyant **seconded** the motion, which passed by the following recorded vote:

AYES: Mr. Boyd, Mr. Dorrier, Mr. Rooker, Mr. Slutzky, Ms. Thomas and Mr. Wyant.

NAYS: None.

(Note: The resolution is set out in full below.)

RESOLUTION TO SET FY '07 COMPENSATION & BENEFITS FOR THE COUNTY EXECUTIVE

WHEREAS, the County of Albemarle operates under the County Executive Form of Government; and

WHEREAS, the Board of Supervisors determines the compensation and benefits to be paid to the County Executive for the performance of his duties and responsibilities.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby finds that Robert W. Tucker, Jr., County Executive, shall receive the following compensation and benefits for FY 07, beginning July 1, 2006:

- 1) Annual salary of \$165,000.
- 2) Annual vehicle allowance of \$9,000.
- 3) Deferred Compensation paid by the County in the amount of 19,000.
- 4) Benefits provided to all County employees in the Personnel Policy & Procedures Manual.
- 5) VERIPlus benefits to consist of the VERIP benefits provided to County employees under the Personnel Policy & Procedures Manual with the following additions and modifications:
 - a) VERIPlus benefits shall extend for a period of 10 years from the date of retirement regardless of age;
 - b) VERIPlus benefits shall be equal to the base VERIP benefits plus on the following vesting dates the Virginia Retirement System (hereinafter "VRS") component of the benefits shall increase to the designated percentages of the base VERIP benefits:

June 30, 2007	111%
June 30, 2008	123%
June 30, 2009	136%
June 30, 2010	150%

 The vesting percentage shall be set at the designated percentage as of June 30th prior to the date of retirement if retirement occurs before the next vesting date. Attachment A provides an example of the possible VRS component of the VERIPlus benefits.
 - c) The retirement requirement for VERIPlus will be met if retirement is approved under any of the retirement plans of the VRS, including any disability retirement provision.
 - d) VERIPlus benefits shall accrue to the benefit of a designated survivor, as designated for purposes of VRS, if death should occur prior to receiving ten years of VERIPlus benefits.

As of:	Vesting Ratio	Monthly VERIP Benefit	+	Monthly Additional Benefit for VERIPlus	=	Monthly Benefit to be Paid for 10 years for VERIPlus
June 30, 2006	100%	\$1,188	+	\$0	=	\$1,188
June 30, 2007	111%	\$1,319	+	\$131	=	\$1,450
June 30, 2008	123%	\$1,461	+	\$273	=	\$1,734
June 30, 2009	136%	\$1,616	+	\$428	=	\$2,044
June 30, 2010	150%	\$1,782	+	\$594	=	\$2,376

Mr. Slutzky said there have been concerns among his constituents about adequate signage for lands subject to rezoning, specifically in the case of Liberty Hall.

Ms. Thomas commented that for some new developments, the signs are set too far back on the property to be seen from major roads.

Mr. Boyd asked if the signs are intended to notify adjacent owners.

Mr. Davis said it is a local requirement identified in the Zoning Ordinance, to notify the general public, but there has to be permission from VDOT to put signs in their rights-of-way, or from other landowners to put signs on their land.

Mr. Rooker suggested the Clerk set aside 15 to 30 minutes on a future agenda to discuss the makeup of the Board of Directors of the Rivanna Water & Sewer Authority.

Mr. Rooker said it is difficult to understand what action needs to be taken concerning the total maximum daily loads on streams related to the 2006 Virginia Water Quality Assessment Integrated Report. He said it is hard to deduce whether the streams are dirtier or cleaner. Mr. Graham replied that someone from DEQ is coming to a September meeting to explain what is being done.

Mr. Rooker said there have been several incidences of shooting in subdivisions – such as the high-profile cat incident – and the Commonwealth’s Attorney, Jim Camblos, has suggested that the Board consider an ordinance to limit where firing of weapons can take place. There is currently no statute prohibiting that, and he has also had complaints from other subdivisions about shooting in an area surrounded by housing. He said no one can be prevented from carrying a firearm anywhere in the

County except maybe a school. He said the gun must be visible unless the person has a concealed weapons permit. Mr. Davis indicated that some problems arise because of issues with subdivision boundaries, but shooting firearms outside of the perimeter can be just as dangerous as firing them within.

Mr. Rooker said in Orange County's Land Use Plan, they have two things that go along with what is being discussed in Crozet – existing subdivisions should be developed prior to the approval of new developments; and new residential development will be based on a demonstrated need to serve the residents of the County. He emphasized that Albemarle is not necessarily doing any analysis to see if additional residential development is actually needed.

Ms. Thomas said the Red Hill Quarry is expanding, and the topping and blasting is visually impacting neighborhoods near there. Mr. Graham said staff is looking at that operation, but it seems to be grandfathered. He said staff is trying to get a copy of their mining permit. Mr. Tucker said it is probably part of a natural resources overlay zoning district

Ms. Thomas mentioned the need for a definition of "contractor's offices and storage yards" in the Zoning Ordinance. Mr. Cilimberg said that was on the list of work items that were deferred due to the Development Review Process currently being discussed.

Agenda Item No. 24. Adjourn.

At 4:58 p.m., with no further business to come before the Board, **motion** was offered by Mr. Wyant, **seconded** by Mr. Boyd, to adjourn this meeting until July 12, 2006, at 5:30 p.m.

Roll was called, and the motion carried by the following recorded vote:

AYES: Mr. Boyd, Mr. Dorrier, Mr. Rooker, Mr. Slutzky, Ms. Thomas and Mr. Wyant.

NAYS: None.

Chairman

Approved by the Board of County Supervisors
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Date: 02/07/2007

Initials: EWC
