

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on May 2 2007, 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 9:05 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, Clerk, Ella W. Carey, Director of Planning, V. Wayne Cilimberg, Director of Community Development, Mark Graham, and Chief of Planning, David Benish.

Agenda Item No. 1. The meeting was called to order at 9:00 a.m. by the Chairman, Mr. Boyd.

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

Agenda Item No. 4a. Recognitions: Juandiego Wade – 2007 John L. Snook Advocate Award Recipient.

Mr. Boyd recognized Juandiego Wade as the recipient of the 2007 John L. Snook Child Advocacy Award for Children, Youth, and Family Services:

“It is my great pleasure on behalf of the Board of Supervisors to recognize Albemarle County employee Juandiego Wade, who has received the prestigious 2007 John L. Snook Child Advocate Award from Children, Youth and Family Services (CYFS). Juandiego has been employed as a transportation planner by the County since 1991, and his volunteer contributions to the community range from intensive support of individual children to high level public policy development and implementation

While the list of his accomplishments is very long, I would like to highlight a few particularly outstanding achievements. In 1991, Juandiego and several fellow alumni members of the Alpha Phi Alpha Fraternity created Alpha Journeymen, an intensive mentoring program for local boys. Juandiego has been the Director and lead mentor since the Journeymen were created. He has personally mentored five young men for more than twelve years. They are all adults now, either enrolled in school or working full time. His tireless support of the Journeymen has made a real difference in their lives – providing young men with strong male role models, productive and enriching activities, and instilling a sense of hope and pride.

Juandiego also has been a Sunday School teacher and Youth Group leader at Olivet Presbyterian Church for six years. In this capacity, he has supported the development of dozens of children. He has lead youth mission trips to Mexico and Ireland, with another trip to Mexico planned for the coming summer.

In addition to his many hours of service and support to individual children through Alpha Journeymen and Olivet Church, Juandiego has worked tirelessly to improve conditions for local children and their families on a broader level. He has served the Charlottesville/Albemarle Commission on Children and Families in a number of capacities since 1998 – all focused on improving conditions for children and families at the community level.

Juandiego also serves the community on the Boards of Directors of the United Way-Thomas Jefferson Area and Presbyterian Homes and Family Services. He is a member of the NAACP and the Chair of MACAA’s Men who Cook Fundraiser. All of these activities are indicative of his commitment to fairness and equity issues.

In May 2006, Juandiego took his support of local children to yet another level when he was elected to the City of Charlottesville School Board. In that capacity, he provides leadership to meet his stated priority to increase parent/community involvement in academic achievement for all students by eliminating the achievement gap and encouraging success for all students.

When we as a County say that we value and care about children and families, we could not have a more powerful ambassador than Juandiego Wade. Whether it is the intimate moments spent on one-to-one tutoring and mentoring with young boys or the very public venue of School Board meetings, Juan exudes the kind of genuine caring and compassion that touches lives and truly makes a difference.

Please join me in expressing our appreciation and congratulations to Juandiego in receiving this very well-deserved award.”

Mr. Wade thanked the Board for the recognition and also thanked his wife and family.

Item 4b. Recognitions: Emergency Medical Services Week Proclamation.

Mr. Boyd proclaimed on behalf of the Board that May 20-26, 2007 would be "Emergency Medical Services Week" in honor of emergency medical care personnel and their efforts. He then read the following proclamation:

**EMERGENCY MEDICAL SERVICES WEEK
PROCLAMATION**

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of communications officers, emergency medical technicians, firefighters, law enforcement officers, educators, administrators, emergency physicians and nurses, and others; and

WHEREAS, the members of emergency medical services teams, career and volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week;

NOW THEREFORE, BE IT RESOLVED that I, Kenneth C. Boyd, Chairman on behalf of the Albemarle County Board of Supervisors, do hereby proclaim

May 20-26, 2007

as

Emergency Medical Services Week

in Albemarle County, Virginia, and encourage the community to observe this week with appropriate programs, ceremonies, and activities.

Chief Eggleston accepted the award on behalf of the 500+ EMS men and women who serve the county and city.

Mr. Boyd recognized Babs Huckle, Joe Jones, and Bruce Hoge for their service to the community as representatives on the advisory committee, with Mr. Jones serving almost 25 years and the other two individuals serving even longer.

Agenda Item No. 5. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Thomas reported that on May 24th there would be a half-day workshop sponsored by people who work with residents with limited English proficiency. Ms. Thomas said that there are federal laws that require the County to provide services to people with limited proficiency, and she encouraged attendance by Board and staff.

Mr. Rooker mentioned that the Board received a letter on April 24th from the League of Women Voters supporting the ASAP proposal to study and work on creating an optimal size community and to better understand the impacts of long-term population growth. He noted that ASAP brought forth a proposal to fund a study of this nature several months ago and has developed a way with to move forward with this with a limited amount of staff time. Mr. Rooker added that the County needs to include \$25,000 in the budget to match ASAP funds to undertake this.

Mr. Boyd commented that he has some reservations about this approach and perhaps this should be an agenda item.

Mr. Tucker said that the Board could discuss this later as it could come from their reserve funds.

Mr. Rooker stated that he noticed in the VML newsletter that state revenues might be lagging, and he asked for some information on how this might affect localities. He also said that one bulletin mentioned a JLARC compensation study to include local retirement issues and local government compensation, and he would like to learn more about the parameters of the study. Mr. Rooker said that he thought it would be a good idea to provide the *Daily Progress* and other media outlets with a copy of the letter from Mr. Boyd to David Brown relating to transportation issues.

Mr. Rooker said that he came across a set of minutes that included discussion of building an agricultural road near the Franklin subdivision off of Route 20 North that was being built in a way that "contemplated something other than just a farm road." He noted that in this type of situation, developers

use an exemption to claim the roads are for agricultural use, but instead they are built to higher standards to accommodate subdivisions.

Mr. Boyd reminded Board members of the upcoming Thomas Jefferson Planning District Commission summit to talk about land use and transportation issues. He said that it would be held May 31st from 5:30 to 7:30 p.m. at the Comfort Inn on Route 250.

Ms. Thomas added that she and Mr. Dorrier attended the VACO meeting at the Palmyra Courthouse, noting that it's interesting to hear what approach other localities are taking.

Mr. Boyd said that he has been working with the Forest Lakes Homeowner's Association regarding the siltation problems at Lake Hollymead and Arbor Lake, and he asked for an update.

Mr. Slutzky commented that the Board had discussed it and asked Mr. Tucker to have someone get back to them with the broader issue of how to deal with these lakes countywide. Mr. Slutzky commented that he appreciates the effort to get the minutes done more quickly.

Ms. Thomas said that in the ordinances, there is something called an "erosion impact area" that could be declared to be such by the Director of Community Development, and some controls could be imposed by virtue of that.

Mr. Rooker stated that several constituents have expressed concern about farm ponds, as they can create significant environmental impacts without any control measures.

Mr. Boyd pointed out that they had also discussed restructuring the format of the Board for the Rivanna Water and Sewer Authority and whether elected officials were needed on that. He asked that it be put on a future agenda, and the Mayor of Charlottesville has agreed to move forward with re-evaluating that.

Agenda Item No. 6. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. John Martin addressed the Board, stating that this past Saturday was one of RWSA's hazardous and bulk waste days at the Ivy Landfill, which is free for citizens but expensive for the organization. He noted that this program is in jeopardy right now because of the "City's continued refusal to pay service contribution fees in support of the solid waste authority's operating costs." Mr. Martin said that at an RWSA meeting last week, Chairman Mike Gaffney addressed citizens at the meeting and said that for several years a solution to the fee problem has been "very close," but he can no longer make that representation to citizens. Mr. Martin said that Mr. Gaffney also said that citizens might raise this matter with elected officials. Mr. Martin said that he's passed out some documents showing that the city presently owes \$3,098,675 to the RWSA including \$1.8 million in principal and \$1.2 million in finance charges. He indicated that the money that was going to be paid is essentially in general revenues, and he suggested that the Rivanna Solid Waste Authority may want to hire outside legal counsel to pursue the matter.

Mr. L. F. Wood addressed the Board on behalf of the North Charlottesville Business Council, stating that the group felt the need to come up with a position statement regarding problematic areas of the Places29 plan. He said that they feel it is premature to send the plan to the Planning Commission now, citing concerns with pedestrian safety, entering and exiting the businesses along 29, and inability to attain rights-of-way in some areas. Mr. Wood said that another big problem is with the grade-separated intersections, especially at Rio Road and Route 29, with no on and off ramps and traffic winding through Albemarle Square. He added that there are also issues with construction of grade-separated intersections at the corner of Hydraulic Road and Rio Road, noting that you would have to pick up the north and southbound lanes and set them to the side.

Mr. Chuck Lebo addressed the Board on behalf of the North Charlottesville Business Council, which is composed of over 70 members – business and property owners along the Route 29 corridor extending from Hydraulic Road to the Greene County line. Mr. Lebo said that the group is concerned about all of the overpasses included in the plan, as they want to keep the stretch as a shopping corridor for the County and City. He noted that the overpasses are expensive and would disrupt businesses.

Mr. Timothy Holbert, President of the Charlottesville-Albemarle Regional Chamber of Commerce, addressed the Board, stating their support for the Board to consider the pace and direction of the Places29 project. He said that they have participated in the process, and he suggested that the initiative be "paused" until everyone can reach some common ground.

Mr. Jack Marshall, President of ASAP, addressed the Board. Mr. Marshall said that nine years ago the Sustainability Council issued their report which stated that there are limits to growth. He said that ASAP's goal is to help quantify those limits, adding that they want to work toward a new strategic planning tool to help define the big picture. Mr. Marshall said that growth beyond a certain point results in a change in the character of a community, and perhaps land use planning can be used to limit growth. He stated that their concept is supported by the League of Women Voters, the Sierra Club, the Rivanna

Conservation Society, Citizens for Albemarle, numerous neighborhood organizations, etc., and other groups will also support ASAP as it gets rolling.

Mr. Tom Olivier, Conservation Chair for the Sierra Club – Piedmont Group, addressed the Board, stating that the group fully supports the ASAP proposal to identify an optimum sustainable population size for the area. Mr. Olivier said that the Comprehensive Plan contains many very good ideas about things that are necessary for a good future, and the OSPS that ASAP has proposed in the amendment would unify the thinking in the plan and put it forth in active decision-making. He said that the Sierra Club encourages the endorsement of this plan and a way to fund it.

Mr. Jeff Werner of the Piedmont Environmental Council addressed the Board, stating that the PEC has been working on a project to promote local agriculture, and he presented a list of growers/producers in the area. Mr. Werner also said that for years they have been talking about an air quality monitor, and school officials have denied use of the Stony Point Elementary School site.

Mr. Slutzky commented that he can't fathom why they would not allow the site to be used.

Neil Williamson with the Free Enterprise Forum addressed the Board, stating that the group doesn't feel the County should fund the ASAP study and questions the independence of any such study.

Ms. Thomas asked about having Harrison Rue or staff talk about the Places29 study.

Mr. Rue stated that most of the issues raised by the North Charlottesville Business Council are being covered in the Places29 plan itself. He said that they have invited Mike McGowan of NCBC to come present to Places29, but they haven't yet taken them up on that yet. He added that they would have visualizations of the Places29 concepts within the next month.

Mr. Tucker said that the Planning Commission was planning on having the presentation later in May, with the Board having an overview of the process presented to them on June 6th.

Mr. Boyd commented that he has some issue with the way the process has proceeded, adding that he is concerned that there have been a lot of people who didn't understand the Crozet master planning process. He believes they'll need the landowners and business owners to buy into this, because they're going to be needed to finance a lot of it.

Mr. Slutzky said that he's heard a lot from his constituents about this, and his concerns are that perhaps the NCBC representatives haven't had the opportunity to participate. He suggested having staff draft a memo that outlines how the County has reached out to the public, and the only reasons to delay the process would be if there hasn't been an adequate job done of engaging participants in the development of the Places29 plan or in addressing costs.

Mr. Boyd stated that there was going to be a Places29 work session in the Board's June meeting.

Mr. Tucker responded that it was intended to be a presentation and process discussion but not really a work session.

Ms. Catlin explained that they could provide a detailed memo of what the public participation has been to this point, and there is a plan for eight or more work sessions to discuss the plan and provide input.

Mr. Boyd emphasized that the first priority on the Planning Commission's list should be getting the community to buy into this project, and if they can't do that then he is not ready to move forward with it. He added that he doesn't understand moving forward with a plan that the community hasn't bought into yet.

Ms. Catlin said that they haven't seen what there is to buy into yet, and part of this is an iterative process.

Mr. Tucker asked if the Board wants to have the first crack at discussing this without the Planning Commission doing so first.

Mr. Rooker responded that it would be a mistake not to let the Planning Commission look at it first and could even slow the process down.

Ms. Thomas commented that there have been offers made for these groups to be involved in the process, and a lot of businesses may still be in favor of a western bypass. She said that if that is what they are doing, then people are not going to spend hours walking up and down Route 29 and getting it right.

Mr. Boyd said that he is not holding out for a western bypass, and maybe it should be called a western connector.

Mr. Rooker noted that the NCBC representatives left this meeting and did not even stay to hear Harrison Rue's comments. He said that many of these business representatives have not even attended

meetings that they have been invited to, noting that the NCBC was initially formed for the express purpose of stopping interchanges at Rio, Hydraulic, and Greenbrier Roads. Mr. Rooker said that every transportation study that has been done in that area has shown the need for grade-separated interchanges at a minimum at the intersection of Rio and Hydraulic Roads in order for traffic to flow reasonably well. He emphasized that grade-separated interchanges are nothing unusual, adding that the widening of Route 29 was done over the objections of business along the road. He agrees that they need to make certain that the process is open and participatory and that it enables the segments of the community that have an interest in this to provide participation, but at the end of the day they have to make a decision about what goes in the plan and doesn't go in the plan. He believes that they want to get all that feedback before they do that.

Mr. Rooker emphasized that the process has been very open with lots of meetings and invitations for smaller meetings, adding that the County has tremendous support from the Commonwealth Transportation Board and VDOT to do this.

Mr. Wyant commented that they need to move through the process and get to the implementation phase, noting Crozet as an example.

Mr. Dorrier said that Route 29 North is different from other County roads because it is filled with commercial entities, and they should be involved in discussions.

Mr. Slutzky commented that he has asked to meet with the consultant, and he hasn't been given the opportunity to do that.

Agenda Item No. 7. Consent Agenda.

Ms. Thomas **moved** to approve Items 6.1 through 6.8 and to accept the remaining items on the Consent Agenda as information. Mr. Wyant **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

Item 7.1. Approval of Minutes: October 4, 2006 and March 7, 2007.

Mr. Rooker read his portion of the October 4, 2006 minutes and found them to be in order.

Mr. Slutzky read his portion of the October 4, 2006 minutes and found them to be in order.

By the recorded vote set out above, the Board approved the minutes which had been read.

Item 7.2. Authorize County Executive to execute Loan Agreement with Stony Point Volunteer Fire Company, Inc.

It was noted in the Executive Summary that on April 5, 2006, the Board approved a plan to appropriate funding from the FY06/07 CIP fund balance for a \$215,750 no-interest loan to the Stony Point VFD for various building renovation projects needed to maintain or ensure services. The loan was in addition to a County grant to Stony Point VFD for \$239,736 to repair/replace the fire department's roof, parking lot, and HVAC system. Staff recommended that the loan be paid back over twelve years through an annual payment of \$17,980 per year.

On June 7, 2006, the Board adopted a resolution appropriating the funds. Prior to transferring the loan funds, a Service Agreement is necessary to define the terms and conditions of the loan.

General Services is in the process of implementing the projects associated with the grant funding and planning work has been completed on the projects associated with the no-interest loan. However, before the work can proceed on the projects associated with the loan, a service agreement is necessary to define the terms and conditions of the loan.

Staff prepared the attached Service Agreement which was shared with Stony Point VFD's chief and administration staff. The agreement defines the basic terms of the loan: \$215,750 no-interest loan, paid back over twelve years through an annual payment of \$17,980 per year. The Agreement was reviewed and signed by Stony Point VFD's chief.

Staff recommends that the Board authorize the County Executive to sign the loan agreement on behalf of the County.

By the recorded vote set out above, the Board approved the Loan Agreement with the Stony Point Volunteer Fire Company.

SERVICE AGREEMENT

WHEREAS, the Fire Company agrees to continue to provide valuable fire suppression services in Albemarle County in its delineated service area as set forth on the Response Area Maps located at the Emergency Communications Center ("Service Area"); and

WHEREAS, the Fire Company desires the County to contribute Two Hundred Fifteen Thousand Seven Hundred Fifty Dollars (\$215,750.00) to provide for renovations and improvements to their building and property located at 3827 Stony Point Road, Charlottesville, Virginia (County Tax Map 48 Parcel 18D) that are necessary to provide fire suppression services.

NOW, THEREFORE, for and in consideration of the above stated premises, the County and Fire Company agree, as follows:

1. The County shall contribute to the Fire Company Two Hundred Fifteen Thousand Seven Hundred Fifty Dollars (\$215,750.00) to be used to fund building improvements as identified in Attachment A of this agreement. The funds shall be allocated from the County's Capital Improvements Fund and will be appropriated to a County budget code dedicated to these projects. The County will work with the Fire Company to procure and manage the projects as stated in the Volunteer Fire Rescue Building Maintenance Funding Policy (Attachment B).
2. The Fire Company agrees that the County will withhold Seventeen Thousand Nine Hundred Eighty Dollars (\$17,980.00) from the County's annual appropriation to the Fire Company's operating budget beginning July 2006 through July 2016 and Seventeen Thousand Nine Hundred Seventy Dollars (\$17,970.00) in July 2017. Thus at the end of twelve (12) years, which is the term of this Agreement, a total of \$215,750.00 shall be withheld. The Fire Company agrees that any amount of this repayment that may exceed the County's annual appropriation will be remitted to the County no later than July 31 of each repayment year.
3. The Fire Company agrees that it shall not convey any of the improved property or any interest therein to any party other than the County without the County's prior written consent during the term of this Service Agreement. In addition, the Fire Company agrees that any insurance proceeds received from a claim related to any damage to the property shall be used entirely for the immediate repair and improvement of the property unless the County expressly authorizes in writing a different use for such funds.
4. The Fire Company agrees that at such time as it no longer provides volunteer fire suppression in Albemarle County while operating under the jurisdiction of the County that it shall convey all of its interest in the property to the County at no additional cost to the County upon the County's request.
5. Nothing contained herein shall be construed to prevent additional appropriations by the County to the Fire Company, at the discretion of the County Board of Supervisors, to support, enhance, or augment the services to be provided by the Fire Company.

Item 7.3. Adopt resolution authorizing Chairman to sign revised Darden Towe Park Agreement.
(**Note:** removed from agenda)

Item 7.4. Authorize County Executive to execute Regional Police Mutual Aid Agreement.

It was noted in the Executive Summary that over the years, it has become evident to law enforcement leadership that combining regional law enforcement resources is prudent when confronting disasters and emergency situations. With this in mind, the Albemarle County Police Department has reached out to neighboring jurisdictions in an effort to formalize agreements of mutual aid in accordance with Va. Code 15.2-1726 and 15.2-1730.1. The attached mutual aid agreement between the County of Albemarle and the Sheriffs of the Counties of Greene and Fluvanna, and the Town of Gordonsville will serve to mutually benefit all involved and provide an increased level of public safety. The County Attorney has reviewed the document and approved it for execution.

This agreement authorizes the participating jurisdictions to share resources and manpower in emergency situations involving immediate threats to life or public safety. This agreement sets forth instructions for appropriate measured responses for specific instances and provides safeguards and clear guidelines to be followed.

The Albemarle County Police Department currently has a regional agreement with the City of Charlottesville and the UVA Police Department, and feels strongly that a regional agreement needs to be expanded to bordering counties and towns that we interact with on a regular basis.

Staff recommends that the Board authorize the County Executive to execute the attached agreement.

By the recorded vote set out above, the Board approved the Regional Police Mutual Aid Agreement below:

REGIONAL MUTUAL AID AGREEMENT

WHEREAS, Va. Code §§ 15.2-1726 and 15.2-1730.1 authorize the governing bodies of a County and Town and Sheriffs to enter into reciprocal agreements for mutual aid for emergency purposes, for maintenance of peace and good order and for cooperation in the furnishing of police services;

WHEREAS, the County, Town and the Sheriffs have determined that the provision of police aid across jurisdictional lines will increase their ability to respond to law enforcement emergencies involving immediate threats to life or public safety in their respective jurisdictions, and will assist them in the preservation of public safety and welfare of the entire area;

WHEREAS, it is deemed to be mutually beneficial to the parties hereto to enter into an agreement concerning mutual aid and cooperation with regard to law enforcement; and

WHEREAS, the parties hereto desire that the terms and conditions of the Regional Mutual Aid Agreement (the "Agreement") be established.

NOW THEREFORE, for and in consideration of the mutual benefits to be derived from this Agreement, the parties hereto covenant and agree as follows:

1. Each party will endeavor to provide police support to the parties to this Agreement within the capabilities available at the time the request for such support is made and within the terms of this Agreement.
2. Requests for assistance pursuant to the terms and conditions of this Agreement shall be initiated by the requesting party's on-duty commander, bureau commander, their respective designees or the highest-ranking officer on-duty at the time of the request.
3. To the extent feasible, the requesting party shall be responsible for designating a communications system for use by the requested party.
4. The personnel of the requested party shall render such assistance under the direction of the Chief of Police/Sheriff or other principal law enforcement officer of the requested party, or their designees.
5. Law enforcement support provided pursuant to this Agreement shall include, but not be limited to, the following resources: uniformed officers, canine officers, forensic support, plainclothes officers, special operations personnel, and related equipment.
6. The decision whether to provide law enforcement support under this Agreement shall at all times remain within the discretion of the requested agency. Nothing contained in this Agreement should in any manner be construed to compel any of the parties hereto to respond to a request for law enforcement support when the personnel of the party to whom the request is made are, in the opinion of the requested party, needed or are being used within the boundaries of their jurisdiction, nor shall any such request compel the requested party to continue to provide police support to another party when its police personnel or equipment, in the opinion of the requested party, are needed for other duties within the boundaries of its own jurisdiction.
7. The responsibility for investigation and subsequent actions within the requesting jurisdiction shall remain with the law enforcement agency of the requesting party. Entering law enforcement personnel shall promptly notify the agency of the entered jurisdiction upon discovery of a crime in the jurisdiction where the offense occurred.
8. Officers acting pursuant to this Agreement shall be granted authority to enforce the laws of the Commonwealth of Virginia and to perform the other duties of a law enforcement officer, such authority shall be in conformance with Va. Code §§ 15.2-1724, 15.2-1726, 15.2-1730 and 15.2-1730.1 as may be applicable; however, law enforcement officers of any jurisdiction who might be casually present in any other jurisdiction shall have power to apprehend and make arrests only in such instances where an apparent, immediate threat to public safety precludes the option of deferring action to the local law enforcement agency.
9. When performing police duties in a requesting jurisdiction pursuant to the provisions of this Agreement, each law enforcement officer, agent, and other employee of the parties hereto shall have the same police powers, rights and privileges, including the authority to make arrests, as the officers, agents or employees have in the jurisdiction where they were appointed.
10. Pursuant to Va. Code § 15.2-1724, the services performed and expenditures made under this Agreement shall be deemed to be for public and governmental purposes and all immunities afforded to the requested jurisdiction when acting within its boundaries shall extend to its participation in rendering assistance outside its boundaries to a requesting jurisdiction. For the purposes of this Agreement, the requested party that responds to a request for assistance is rendering aid once it has entered the jurisdictional boundaries of the requesting party pursuant to the provisions herein.

11. All immunities from liability, exemptions from laws, ordinances and regulations, pension, relief, disability, worker's compensation, life and health insurance, and other benefits enjoyed by law enforcement officers, agents and other employees of each party shall extend to the services they perform under this Agreement outside their respective jurisdictions. Each party agrees that the provision of these benefits shall remain the responsibility of the primary employing party.
12. To the extent permitted by the laws of the Commonwealth of Virginia, each party hereto, in activities involving the rendering of assistance to a requesting party pursuant to this Agreement, shall (i) waive any and all claims against all other parties to this Agreement which may arise out of such parties' activities outside their respective jurisdictions, and (ii) be responsible for the acts or omissions of its law enforcement officers, agents and other employees causing harm to persons not a party to this Agreement. Nothing herein shall be deemed as an expressed or implied waiver of the sovereign immunity of the parties to this Agreement.
13. The parties to this Agreement shall not be liable to each other for reimbursement for injuries to personnel or damage to equipment incurred when going to or returning from another jurisdiction. Neither shall the parties hereto be liable to each other for any other costs associated with, or arising out of, the rendering of assistance pursuant to this Agreement, unless the parties expressly agree otherwise in advance of the provision of assistance under this Agreement.
14. This Agreement sets forth the complete agreement relating to the provision of mutual police services among the parties hereto. However, nothing herein shall affect the enforceability of separate mutual aid agreements entered into by the County.
15. Any of the parties hereto may withdraw from this Agreement by giving ninety (90) days written notice to that effect to the other parties.
16. This Agreement is subject to the approval of the governing bodies of the County of Albemarle and Town of Gordonsville and the Sheriffs of the County of Fluvanna and the County of Greene.

WHEREBY, the parties hereto have executed this Regional Mutual Aid Agreement, by their authorized representatives, whose signatures are set forth following below as of the day and year first set forth above.

Item 7.5. Resolution to accept road(s) in Oak Hill Subdivision into the State Secondary System of Highways.

(Discussion: Mr. Wyant asked if it would be possible to get information on which district certain roads fall in.

Mr. Tucker agreed to provide that.)

By the recorded vote set out above, the Board adopted the resolution for the incorporation of roads within the Oak Hill Subdivision.

R E S O L U T I O N

WHEREAS, the street(s) in **Oak Hill Subdivision**, as described on the attached Additions Form AM-4.3 dated **May 2, 2007**, 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 **Oak Hill Subdivision**, as described on the attached Additions Form AM-4.3 dated **May 2, 2007**, to the secondary system of state highways, pursuant to §33.1-229 and to §33.1-82, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

Item 7.6. Resolution to accept road(s) in Logan's Run Subdivision into the State Secondary System of Highways.

By the recorded vote set out above, the Board adopted the resolution for the acceptance of the Logan's Run Subdivision into the State Secondary System of Highways.

RESOLUTION

WHEREAS, the street(s) in **Logan's Run Subdivision**, as described on the attached Additions Form AM-4.3 dated **May 2, 2007**, 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 **Logan's Run Subdivision**, as described on the attached Additions Form AM-4.3 dated **May 2, 2007**, to the secondary system of state highways, pursuant to §33.1-229 and to §33.1-82, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

Item 7.7. Cancel May 9, 2007 Night Board Meeting.

(**Discussion:** In response to Mr. Slutzky's question, Mr. Tucker explained that there is an afternoon work session on May 9th, but there are no public meeting items at night.)

By the recorded vote set out above, the Board cancelled the May 9, 2007 Night Board Meeting.

Item 7.8. 2006 Annual Report of the Board of Zoning Appeals.

In a memorandum to the Board of Supervisors, Amelia G. McCulley, Zoning Administrator, stated that State Code Section 15.2-2308 requires the Board of Zoning Appeals (BZA) to keep a full public record of its proceedings and to submit a report of its activities to the governing body. The full 2006 BZA annual report is attached for your information.

The Board of Zoning Appeals hears variances from the Zoning Ordinance and appeals from decisions of the Zoning Administrator or other administrative officer. These appeals can include determinations of zoning violation.

The number of appeals in 2006 decreased by eleven, from thirteen received in 2005 to two in 2006. The two appeals received in 2006 were withdrawn. Three appeals were pending from 2005. Of these three, one was withdrawn, and two Zoning Administrators' decisions were affirmed by the Board.

The number of variances in 2006 increased by five, from nine in 2005 to fourteen in 2006. Six variances were approved: one was denied, two were withdrawn, two were void, and three were pending (as of December 31, 2006). These three pending variances were withdrawn at the April 10, 2007 public hearing. The number of variance requests related to setbacks was the same in 2006 and 2005.

The number of special use permits for off-site signs increased by four, from zero in 2005 to four in 2006. Three were approved, and one was still pending (as of December 31, 2006). This pending special use permit was denied at the March 6, 2007 public hearing.

The following court cases are still pending as of December 31, 2006:

1. Barry Schmidt v. Board of Zoning Appeals. Appeal of zoning determination.
2. Paul Begin, et al. v. Board of Zoning Appeals and Planned Parenthood.
3. Scott W. and Caroline F. Watkins v. Board of Zoning Appeals. Appeal of determination of zoning violation.

(**Discussion:** Ms. Thomas asked who the legal counsel is for the Board of Zoning Appeals.

Mr. Davis replied that the County Attorney's office has typically represented the Zoning Administrator, and when there is no conflict of interest between the Zoning Administrator and the Board of Zoning Appeals, they also represent the BZA. He added that if there is a difference of interest then the

BZA would have outside counsel, although that hasn't occurred since he's been County Attorney. Mr. Davis noted that other localities occasionally have outside legal counsel.)

By the recorded vote set out above, the Board approved the 2006 Annual Report of the Board of Zoning Appeals.

Item 7.9. Board to Board, *Communications report of activities from the Albemarle County School Board, dated May 2, 2007, was received as information.*

(Discussion: Ms. Thomas commented that it might be helpful to have an update on the Baldrige process of evaluation as several departments such as Social Services have been through it.

In response to Mr. Boyd's question about the cost impact, Mr. Tucker replied that it has been done within existing staff as part of their workload and said it's the "Senate Productive Quality Assessment" model that's being used.)

Item 7.10. FY2007 Third Quarter Financial Report.

It was noted in the Executive Summary that the attached Quarterly Financial Report provides information on the County's General Fund operations and Fund Balance as of March 31, 2007. The Financial Report includes a bar chart that compares current fiscal year revenue and expenditure data with data from the previous Fiscal Year.

(\$ in Millions)

A. Attachment A: Financial Report:

1. Revenues:

General Fund revenues are estimated to be \$2.221 million, 1.1%, less than appropriations, a \$4.403 million decrease from the last Financial Report. Transfers from other funds will exceed appropriations by \$0.027 million. Total revenue, use of other funds, and use of fund balance is estimated to be \$2.195 million, 1.1%, less than appropriations.

- a) Real Estate Tax revenues are estimated to be \$3.958 million, 3.9%, less than appropriations, a \$4.656 million decrease from the last Financial Report. The decrease is primarily due to the \$0.06 reduction in the 2007 tax rate from the budgeted \$0.74 per \$100 to the adopted \$0.68 per \$100 tax rate.
- b) Personal Property Tax revenues are estimated to exceed appropriations by \$0.393 million, 2.4%, a \$0.350 million decrease from the last Financial Report. The decrease is due to less than anticipated second half tax bills.
- c) Sales Tax revenues are estimated to exceed appropriations by \$0.100 million, 0.7%, a \$0.150 million increase from the last Financial Report. The increase reflects the continued strong local economy.
- d) Business License Tax revenues are estimated to exceed appropriations by \$0.244 million, 2.7%, no change from the last Financial Report.
- e) Utility Taxes are estimated to be \$0.270 million, 3.5%, less than appropriations, a \$0.029 million decrease from the last Financial Report. The decrease is due to the continued mild weather conditions. Weather conditions are volatile and can change unexpectedly, significantly affecting revenues.
- f) Food and Beverage Tax revenues are estimated to exceed appropriations by \$0.225 million, 4.4%, a \$0.025 million increase over the last Financial Report. The increase is attributed to the continued growth in convenience food preparation.
- g) Other Local taxes are expected to exceed appropriations by \$0.328 million, 3.5%, a \$0.019 million decrease from the last Financial Report. The decrease is due to the reduced real estate tax rate levied on mobile homes and public service property.
- h) Other Local revenues are expected to exceed appropriations by \$0.635 million, 12.8%, a \$0.095 million increase from the last Financial Report. The increase is primarily due to unanticipated interest earnings resulting from greater than anticipated yields and larger cash balances. This source of revenue will decrease as real estate revenues are reduced due to the lowered tax rate.
- i) State revenues are expected to exceed appropriations by \$0.128 million, 0.5%, a \$0.275 million increase over the last Financial Report. The increase is due to anticipated additional reimbursements for Social Service expenditures.
- j) Categories which vary less than \$0.100 million are not analyzed in this report.

2. Expenditures:

Total Expenditures, including transfers, are within appropriate levels at 73.0 % for the first nine months.

- a) Departmental expenditures are at 67.6% of appropriations.
- b) Revised departmental expenditures are estimated to generate savings of \$0.500 million.
- c) Jail operations are projected to exceed appropriations by \$0.600 million. This over-expenditure will be absorbed by the available \$1.098 million Board reserve

for contingencies. This will leave a balance of \$0.498 million available in the Board reserve for contingencies category as well as \$0.102 million in other revenues.

3. Revised Revenues less Revised Expenditure Appropriations:

- a) Revised revenues are projected to be \$1.695 million less than expenditures based on the March revenue update adjusted for the adoption of the \$0.68 per \$100 tax rate as well as an estimated \$0.500 million in departmental savings.
- b) Fund Balance available May 02, 2007 is \$2.317 million. This is net the proposed transfer of an estimated \$7.225 CIP transfer based on the FY06 surplus and a \$0.465 FY06 CSA over-expenditure transfer that was not made last year. The original proposed CIP transfer of \$9.225 million was reduced by \$2.000 million during the FY08 Budget process.
- c) Projected End-of-Year Available Funds are projected to be \$0.621 million.

B. Attachment B: Budget Comparison Report:

The bar-chart report tracks changes in revenue and expenditure changes over time.

1. Only two revenue categories, Utility Taxes and Other Local Taxes, project decreases from FY06 actual.
2. Expenditures in all categories except Non-School Transfers are expected to increase over FY06 actual.

C. Attachment C: Fund Balance Report:

The report indicates that the County:

1. Has an Audited FY06 Fund Balance of \$25.079 million as of June 30, 2006,
2. Appropriated \$2.072 million for FY07 projects,
3. Has a remaining FY06 Fund Balance of \$23.007 million at March 31, 2007,
4. Reserved \$13.000 million for cash flow purposes,
5. Has proposed commitments of \$7.690 million, and
6. Has Unobligated Funds Available of \$2.317 million at May 2, 2007.

This report is based on audited financial data for FY 06 and nine months of operations for FY 07. The next report, to be presented to the Board in October, 2007, will contain preliminary year-end information for FY 07.

This report was received for information.

Agenda Item No. 8a. Transportation Matters: VDOT Monthly Report and Agenda Item No. 8b. Transportation Matters: Transportation Matters not Listed on the Agenda

Mr. Darin Simpson, Assistant Residency Administrator for VDOT in Charlottesville, addressed the Board in place of Alan Sumpter.

Mr. Slutzky commented on the new sidewalks on Rio Road, which he is grateful for, adding that one of the ramps was not built correctly and would likely be a sheet of ice in the winter.

Mr. Simpson agreed to look into it.

Mr. Rooker said that there were trees down in Roslyn Ridge that had hit the guard rails.

In response to Mr. Wyant's question about the Advance Mills Bridge, Mr. Simpson said it would be closed for a while so that damaged pieces can be retrofitted.

Mr. Rooker pointed out that there is no money in the six-year budget for replacement, and if repairs are going to be so expensive that the bridge would be better off replaced, then the County needs to move forward with some accelerated funding for the project.

Ms. Thomas and Mr. Wyant discussed the paving of White Mountain Road, noting that perhaps seeing an example would allay some citizen concerns. Ms. Thomas said that if VDOT can find a model for them to look at, they would then hold a community meeting to discuss it.

Mr. Simpson said that this project started out as a spot improvement and just evolved.

Mr. Dorrier asked about looking at Route 713 near Keene, stating that is unpaved but has a lot of pressure from Route 712 and Route 795. He said that a school bus driver mentioned to him that it needs to be scraped, adding that perhaps the traffic count should be considered as well.

Mr. Boyd asked about Gilbert Station Road, wondering if the Rural Rustic Road program would complete paving of that road.

Mr. Simpson replied that he thinks the developer or homeowners pitched in to pave that road.

Mr. Wyant noted that that's a good example of a road with a combination of paved and unpaved.

Mr. Boyd asked about Rocky Hollow Road. Mr. Simpson said that the recent wind has been problematic, but it should move fairly rapidly now that the pipe-laying and tree-removal stages are underway.

Mr. Wyant thanked the residency for their work on the Bargamin project to resolve the issues with homeowners there.

Mr. Rooker commented on the graph that showed the secondary road allocations versus actual allocations.

Mr. Wade noted that he had asked Ms. Carey to put it in his packet.

Mr. Rooker said that the Roslyn Ridge Road where the church is being built needs to be patched temporarily.

Mr. Simpson responded that they can make them do that through the permitting process.

Agenda Item No. 9. Presentation: Comcast, Paul Comes, Director of Government & Community Affairs.

Mr. Paul Combs of Comcast addressed the Board, stating that it has been about nine months since the company took over the Adelphia franchise, and Comcast is doing an upgrade in the County. He said that the "Video on Demand" would soon be available, and ninety percent of that programming would be free. Mr. Combs said that they would continue with the high-speed internet upgrading and the addition of a digital voice product.

Mr. Combs reported that Comcast is working with the Boys & Girls Club and United Way and has sponsored a \$1,000 "Leaders & Achievers" scholarship program for seniors in any City or County school.

Mr. Tucker commented that there has already been a very positive difference in communications since Comcast took over.

In response to Mr. Dorrier's question, Mr. Combs explained that Comcast runs cable lines through telephone poles, electric poles, or underground in subdivisions.

Mr. Rooker echoed Mr. Tucker's comments about the positive service they are receiving from Comcast.

In response to Ms. Thomas' question about the ease of customer hook-ups now, Mr. Combs replied that they are working very hard to provide service wherever possible.

Mr. Slutzky asked about the possibility of having the Board of Supervisors meetings broadcast on cable without a franchise agreement. Mr. Combs responded that he would look into that possibility.

Other Board members agreed that that would be a good idea.

The Board took a brief recess at 11:05 a.m. and reconvened at 11:16 a.m. with Mr. Wyant serving as Chair.

Agenda Item No. 10. Presentation: Development Review Task Force Report.

Mr. Boyd made the presentation, as he chaired this group, and recognized that the project turned out to be one year long instead of six months as planned. Mr. Boyd acknowledged Michael Barnes, Valerie Long, Anne Malleck, Marcia Joseph, David Wyant, Bruce Dotson, David Bowerman, Michael Hancocks, Eric Strucko, Bob Tucker, and Bob Sveckman of the Darden School.

He stated that the charge of the committee was to improve the development process, noting that there is an ongoing effort with staff to look at possible improvements. Mr. Boyd said that the group agreed that a public survey would be helpful in determining what is necessary in this process and reviewed current processes.

Mr. Boyd outlined the priorities established by the group: a two-phased ZMA process with the developer envisioning what he would want the project to look like, and a report back from the Planning Commission addressing the appropriateness of use for that piece of property, which would save staff a lot of time. He then detailed the design for a Zoning Map Amendment.

Mr. Rooker asked about a process where the Board could call up the report and look at it. Mr. Boyd responded that the Board would get a copy of it.

Ms. Thomas commented that she thinks developers would likely plow ahead regardless of what staff says if they feel they can get four votes from the Board. She emphasized the importance of the Board sticking to the Comprehensive Plan.

Mr. Boyd noted that essentially the intent is for an understanding of what would be accepted conceptually, not what buildings and amenities would go in. He said that the next priority is to improve the ARB, Planning Commission, and Board coordination and clarify the roles of each agency and their interaction with each other. Mr. Boyd said that the group extensively reviewed how the process flows and the role of each entity in that.

Mr. Rooker commented that it gets tricky with large projects. He said that there needs to be a way to smoothly handle the problem of the ARB feeling locked in by an approved plan that includes building locations they wouldn't have approved.

Mr. Boyd said that the third priority item is to detail the process of documentation and create consistent application review.

He stated that the fourth priority is to establish staff authority for waivers and modifications in development areas. The committee clearly felt that there are minor issues that come to the Planning Commission and Board that could be handled by staff if there were clear definition. Mr. Boyd added that some of those things might require ordinance changes.

Ms. Thomas noted that the first thing was the public input process, so that every time staff does things without that process, the impact on the public would be considered. She said that issues like critical slopes have been the most frustrating for the public because people felt they could use them for leverage to stop a project. She added that while she is in favor of the general idea, she wanted to know where the public fits into the process.

Mr. Boyd emphasized that there were four members of the public on the Task Force and agreed that staff should bring back specific items that could be put through the automatic review process.

Mr. Rooker said that perhaps the Board could provide staff with policy overlays ahead of time so that they know what the Board would decide anyway.

Mr. Boyd stated that the next priority was to establish a proffer policy that clearly identifies what's expected from developers so that they can make a decision from the very beginning whether this project will work for them.

Mr. Boyd said that another miscellaneous priority was having a website for neighborhood associations so that contact information can be kept current, and starting a comprehensive citizen's guide for the development process that would fit into the existing work plan. He added that the group also discussed expanding the project area for letters of notification with larger projects such as SOCA and Biscuit Run. Mr. Boyd said that another priority is updating the proffer, code, and development language on the website.

Mr. Boyd outlined the recommendations of the task force that the Board: direct staff to move forward with the five highest priorities which are detailed in the packets; address any of those things that exist in the current work plans; develop performance measures to track the process of the measures; move forward with the alternate engineering review and public application of County-View; create a project display area at the COB; and support the Community Engagement position.

He added that other ideas include changing the submission dates for rezoning and special use permits, and looking into an internship program where an engineer from a private firm in the County would review plans. Mr. Boyd also said that they looked at guides to connect terminology so that it becomes more user-friendly, early letters to applicants, and outsourcing to private contractors for engineering review. He added that they discussed increased use of A-Mail, better coordination with neighborhood groups, and holding academies on a regular basis on what's involved in the development process.

Ms. Thomas asked if the group discussed neighborhood input as some associations seem to feel that they are dropped out of the loop during the review process.

Mr. Tucker said that the group talked about having the developers get involved in communication in the very early phases so that the neighborhoods don't feel that a project is already finished by the time they weigh in on it.

Mr. Graham commented that the County View system is good for expert users but not for novices, and staff is trying to develop some better documentation on how to use the system. He said that the County is starting to use it for inspections and for permits.

Mr. Rooker suggested offering a one-hour course at PVCC.

Mr. Graham replied that it might not require that, but some in-house training would be appropriate.

Mr. Rooker asked about staff's recommendations to shorten review times, such as limiting time for actions, and asked how many of those things ended up in this report.

Mr. Graham replied that that was an attempt to force the issue, but staff didn't feel that there was a lot of support for that. He said that the splitting of the process into conceptual issues and project specifics is a positive step in moving things along more quickly.

Ms. Marcia Joseph commented that one thing that came about from this task force is that work sessions in the Planning Commission meetings are all open to public comments. She added that a lot of firms are using engineering certification and want to use it as a marketing tool now, so it seems to be working.

In response to Mr. Boyd's question on whether Board members were agreeable to move forward with the recommendations, it was the consensus that staff move forward with the five highest priority actions and make minor adjustments in the current Community Development Work Plan, as follows:

- o two phase ZMA process;
- o improve ARB/PC/Board coordination, clarify role of ARB;
- o detailed process documentation to create consistent application and review;
- o establish staff authority for waivers and modifications in development areas; and
- o develop a proffer policy to include elements beyond cash amount.

Mr. Boyd thanked Board members for their support.

(At this point, Mr. Boyd resumed the position of Chair.)

Agenda Item No. 11. Presentation: Proffers Report from the Fiscal Impact Advisory Committee.

Mr. Steve Allshouse, County Fiscal Impact Analyst, addressed the Board. Mr. Allshouse showed a slide of the three staff members and seven non-staff members of the committee. He reported that the Board had asked the group to calculate the cash value of proffers, adding that this is only one revenue source for the County to help fund the future as stated in their Strategic Plan goal #5.

Mr. Allshouse said that they looked at counties such as Greene, Chesterfield, Hanover, Loudoun, Spotsylvania, Stafford, and Prince William to get a sense of what other localities were doing. He noted that Chesterfield's model was very attractive because it is very logical and has survived at least one legal challenge. Mr. Allshouse said that the County took the Chesterfield model structure and put in assumptions from Albemarle's cost revenue impact model (CRIM), which the Board adopted in the mid-90s.

He added that the dollar amounts do not represent a proffers policy in themselves and that would be the next step for the Board and staff in conjunction with the committee. Mr. Allshouse noted that the proffer amounts relate only to the capital costs of residential development because non-residential costs are not addressed in most proffer models. He said that these do not include dollar amounts for affordable housing, and the County's housing office is working on that in a parallel analysis. Mr. Allshouse said that they also do not take into account water and sewer costs because the Service Authority gets its revenue from user fees. Mr. Allshouse stated that these dollar amounts are current for this year, but if the developer would not tender the proffer amount until years later then the amount would have to be adjusted for inflation per some cost or price index.

Mr. Allshouse reported that the committee took six steps, dividing items into cost and revenue categories. Within the cost category, they divided things into transportation and non-transportation costs. He said that this takes into account total budgeted costs in transportation at the current time, and the costs have not been fleshed out yet. Mr. Allshouse said that staff took everything and translated it into a per-unit cost, with the revenue being looked at to offset capital cost generated by that dwelling unit. He confirmed that this does not take into account operating costs as they are covered by operating revenues.

Mr. Allshouse said that what is in the CIP project-wise is meant to accommodate ten years of growth, and staff has projected what the County could expect to gain in that time-period, including calculations of transportation costs per vehicle trip. He noted that the cost is \$3,700 per single-family dwelling unit detached, \$2,200 per single-family townhouse attached, \$2,600 per multi-family unit, and a little over \$1,900 per mobile home. Mr. Allshouse said that they used the same methodology on the non-transportation side, assuming they are serving demand units for things like population and pupils. On the residential side, there would not be jobs created by residential developments, although that may change as people work out of their homes more.

Mr. Allshouse said that the way the committee looked at dwelling units was each one being a bundle of demand units: so many people/so many students. Given what is budgeted, the total cost for debt-financed, non-transportation projects comes to \$18,700 for a single-family detached, \$13,200 for a single-family attached, with \$11,148 per multi-family townhouse, and over \$18,000 for a mobile home. He stated that looking at the revenue side, each unit generates an amount for things such as real estate and personal property taxes.

Mr. Allshouse noted that the capital costs per unit are assumed to be debt-financed with payment terms equal to twenty years. He said that the underlying assumption for repayment is that certain revenues would be generated, and ten percent would go toward paying off debt to finance the

infrastructure associated with those units, based on the County's debt-service ceiling. The remaining ninety percent would go into operating costs. He said that the revenues would accrue over the twenty-year payment period and that needs to be translated into present dollars - \$8,000 for single-family detached. Mr. Allshouse said that interest rates tend to vary, but the discount rate is usually below five percent, and the proffer calculation involves taking the net present value of the rolling units revenues and subtracting those from the gross costs calculated earlier, resulting in the proffer amount per dwelling unit.

Mr. Allshouse explained that the amount derived is approximately \$14,200 per single-family detached residence, \$9,400 for single-family attached townhouse (including owner-occupied condominiums), \$11,400 for multi-family units, and \$17,700 for mobile homes. He added that there would likely be fewer mobile homes built because of land costs.

In response to Mr. Rooker's question about Chesterfield proffer amounts, Mr. Allshouse said that they were looking at \$15,600 per dwelling unit; Hanover was \$11,246. He said that many of these figures have increased per jurisdiction, and Northern Virginia numbers are much higher because they are given leeway due to transportation costs.

Mr. Davis said that effective July 1, Albemarle will have the option to operate under the same proffer authority as Northern Virginia.

Given the time, the Board decided to table the remainder of the discussion until later.

Agenda Item No. 12. Closed Session.

At 12:23 p.m., Mr. Slutzky **moved** that the Board go into closed session pursuant to Section 2.2-3.711 (A) of the Code of Virginia under Subsection 1 to consider appointments to boards, committees, and commissions, under Subsection 3 to consider the acquisition of real property for a potential park facility, under Subsection 7 to consult with legal counsel and staff regarding pending litigation related to a real estate assessment appeal, and under Subsection 7 to consult with legal counsel and staff regarding specific matters requiring legal advice related to an inter-jurisdictional agreement.

Mr. Rooker **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

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

Agenda Item No. 13. Certify Closed Session.

At 2:20 p.m., Mr. Slutzky **moved** that the Board certify by 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.

Mr. Rooker **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

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

Agenda Item No. 14. Appointments.

Mr. Wyant **moved** to appointment of Mr. Ralph Chester to the Commission on Children and Families, with said term to expire June 30, 2010. Mr. Rooker **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

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

Agenda Item No. 15. **Public Hearing:** FY 2007 Budget Amendment. ((Notice of this public hearing was advertised in the *Daily Progress* on April 2, 2007.))

Ms. Laura Vinzant, of the Office of Management and Budget, noted from the Executive Summary that the Code of Virginia §15.2-2507 stipulates that any locality may amend its budget to adjust the aggregate amount to be appropriated during the current fiscal year as shown in the currently adopted budget. However, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget or the sum of \$500,000, whichever is lesser, must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Fund, E-911, School Self-Sustaining, etc.

The proposed increase of this FY 2007 Budget Amendment totals \$1,305,573.96. The estimated expenses and revenues included in the proposed amendment are shown below:

ESTIMATED EXPENDITURES

General Fund	\$	9,080.66
Special Revenue Funds	\$	656,832.05
School Fund	\$	270,833.30
School Program Funds	\$	176,652.95
Emergency Communications Center	\$	171,841.00
Capital Fund	\$	11,000.00
Storm Water Fund	\$	<u>9,334.00</u>
TOTAL ESTIMATED EXPENDITURES – All Funds	\$	1,305,573.96

ESTIMATED REVENUES

Local Revenues (Fees, Contributions, Donations, Proffers)	\$	147,790.00
State Revenue	\$	196,517.05
Federal Revenue	\$	224,115.48
General Fund Balance	\$	466,868.66
Other Fund Balances	\$	<u>270,282.77</u>
TOTAL ESTIMATED REVENUES – All Funds	\$	1,305,573.96

The budget amendment is comprised of twenty-two (22) separate appropriations, ten (10) of which have already been approved by the Board as indicated below:

Approved March 7, 2007:

- Two (2) appropriations (#2007027 and #2007059) totaling \$15,477.05 for grants received by the Commission on Children and Families;
- Two (2) appropriations (#2007056 and #2007058) totaling \$170,809.52 for various Education programs and grants;
- One (1) appropriation (#2007057) provides \$50,000.00 for funding of the Regional Transit Authority Plan from the Board's contingency;
- One (1) appropriation (#2007060) in the amount of \$18,105.00 for a Police Department grant; and
- One (1) appropriation (#2007061) to refund \$2,080.66 insurance proceeds to Stony Point Volunteer Fire Company

Approved April 4, 2007:

- Two (2) appropriations (#2007062 and #2007064) totaling \$15,334.00 appropriating proffered funds for the 29N Corridor Study and storm water improvements; and
- One (1) appropriation (#2007063) provides \$22,993.43 for various education programs and grants

The twelve (12) new appropriations are as follows:

- One (1) appropriation (#2007065) provides \$253,683.30 in funds for various Education programs;
- Five (5) appropriations (#2007066, #2007067, #2007068, #2007069 and #2007075) totaling \$174,276.57 for Social Service grants;
- One (1) appropriation (#2007070) provides \$18,362.00 in funding for a Department of Criminal Justice Grant for the Commission on Children and Families;
- One (1) appropriation (#2007071) providing \$7,000.00 in state funds for Police Department overtime relating to the Foxfield Races;
- One (1) appropriation (#2007072) transferring unused funds in the amount of \$71,121.84 from the Fire Billing Fund to the General Fund;
- One (1) appropriation (#2007073) providing \$464,788.00 in funds for FY05/06 CSA overexpenditures;
- One (1) appropriation (#2007074) for a \$5,000.00 donation from the Meriwether Lewis PTO for playground equipment replacement; and
- One (1) appropriation (#2007076) totaling \$171,841.00 for projects at the Emergency Communications Center.

A detailed description of these requests is provided on Attachment A.

Ms. Vinzant said staff recommends approval of the FY 2007 Budget Amendment in the amount of \$1,305,573.96 after the public hearing, and then approval of the requested appropriations as described.

Mr. Boyd expressed surprise over the \$200,000 plus in building rental fees for the schools. Ms. Vinzant explained that when those monies are shown in the next year, they are not included in the original appropriation, and the comparison is from the original appropriated budget.

Ms. Thomas asked about the federal government stipend for the Childcare Quality Initiative, noting that the JAG School is given a grant to assist with childcare quality because they are not finding certified childcare personnel to reimburse.

Mr. Rooker asked what percentage of the Foxfield police costs were covered by grants. Mr. Tucker agreed to get that information.

Public comment was invited. None was offered. The public hearing was closed, and the matter was placed before the Board.

Mr. Rooker **moved** for approval of the proposed FY 2007 Budget Amendment in the amount of \$1,305,573.96, and approval of Appropriations #2007065, #2007066, #2007067, #2007068, #2007069, #2007070, #2007071, #2007072, #2007073, #2007074, #2007075, and #2007076 to provide funds for various local government, school, and capital projects and programs as described by staff. Ms. Thomas **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2007065
 DATE _____
 BATCH# _____

**EXPLANATION: Education Donations and Use of Fund Balance
 School Board Meeting 03/22/07**

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	2000	18100	181109	DONATION	J	2	200.00		
2	2000	51000	510100	APPROP-FUND BALANCE	J	2	253,483.30		
1	2201	61101	601300	ED & REC SUPPLIES	J	1	10,135.00		
1	2202	61101	601300	ED & REC SUPPLIES	J	1	3,904.00		
1	2203	61101	601300	ED & REC SUPPLIES	J	1	1,606.00		
1	2204	61101	601300	ED & REC SUPPLIES	J	1	11,427.80		
1	2205	61101	601300	ED & REC SUPPLIES	J	1	4,246.40		
1	2206	61101	601300	ED & REC SUPPLIES	J	1	11,499.00		
1	2207	61101	601300	ED & REC SUPPLIES	J	1	6,396.00		
1	2209	61101	601300	ED & REC SUPPLIES	J	1	5,957.00		
1	2210	61101	601300	ED & REC SUPPLIES	J	1	2,074.00		
1	2211	61101	601300	ED & REC SUPPLIES	J	1	8,152.00		
1	2212	61101	601300	ED & REC SUPPLIES	J	1	11,097.80		
1	2213	61101	601300	ED & REC SUPPLIES	J	1	3,788.00		
1	2214	61101	601300	ED & REC SUPPLIES	J	1	365.70		
1	2215	61101	601300	ED & REC SUPPLIES	J	1	8,983.00		
1	2216	61101	601300	ED & REC SUPPLIES	J	1	33.60		
1	2217	61101	601300	ED & REC SUPPLIES	J	1	2,649.60		
1	2251	61101	601300	ED & REC SUPPLIES	J	1	8,300.20		
1	2252	61101	601300	ED & REC SUPPLIES	J	1	18,091.00		
1	2253	61101	601300	ED & REC SUPPLIES	J	1	15,750.00		
1	2254	61101	601300	ED & REC SUPPLIES	J	1	20,494.40		
1	2255	61101	601300	ED & REC SUPPLIES	J	1	31,325.20		
1	2301	61101	601300	ED & REC SUPPLIES	J	1	490.40		
1	2302	61101	601300	ED & REC SUPPLIES	J	1	9,629.20		
1	2303	61101	601300	ED & REC SUPPLIES	J	1	8,447.00		
1	2304	61101	601300	ED & REC SUPPLIES	J	1	48,641.00		
1	2301	61105	580000	MISCELLANEOUS EXP.	J	1	200.00		
	2000		0501	EST. REVENUE				253,683.30	
			0701	APPROPRIATION					253,683.30
TOTAL							507,366.60	253,683.30	253,683.30

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2007066
 DATE _____
 BATCH# _____

EXPLANATION: Mental Health and Substance Abuse Grant

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1660	33000	330027	Mental Health Substance	J 2	1,500.00		
1	1660	53014	332104	Maint. Contract - DP	J 1	450.00		
1	1660	53014	550100	Travel/Training/Education	J 1	250.00		
1	1660	53014	520300	Telecommunications	J 1	450.00		
1	1660	53014	600100	Office Supplies	J 1	350.00		
	1660		0501	Est. Revenue			1,500.00	
			0701	Appropriation				1,500.00
TOTAL						3,000.00	1,500.00	1,500.00

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2007067
 DATE _____
 BATCH# _____

EXPLANATION: Child Care Quality Grant

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1561	33000	330001	Federal Grant Revenue	J 2	25,127.00		
1	1561	53115	110000	Salaries - Regular	J 1	22,296.33		
			210000	FICA	J 1	1,705.67		
			312100	Prof. Services - Legal	J 1	1,000.00		
			600100	Office Supplies	J 1	125.00		
	1561		0501	Est. Revenue			25,127.00	
			0701	Appropriation				25,127.00
TOTAL						50,254.00	25,127.00	25,127.00

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2007068
 DATE _____
 BATCH# _____

EXPLANATION: Americorps Grant

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1566	33000	330001	Federal Revenue	J 2	9,786.28		
1	1566	51000	512004	Transfer from G/F	J 2	1,997.57		
1	1566	53156	110000	Salaries	J 1	10,900.00		
1	1566	53156	210000	FICA	J 1	883.85		

	1566		0501	Est. Revenue				11,783.85	
			0701	Appropriation					11,783.85
1	1000	53013	570600	ADC - Foster Care	J	1	(1,997.57)		
1	1000	53013	939999	Transfer to Grants	J	1	1,997.57		
TOTAL							23,567.70	11,783.85	11,783.85

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2007069
 DATE _____
 BATCH# _____

EXPLANATION: Social Services - Child and Family Services Review - Program Improvement

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	1568	33000	330020	Administration-Social Serv	J	2	54,600.00		
2	1568	51000	512004	Trs. Fr. General Fund	J	2	13,650.00		
1	1568	53013	110000	Salaries - Regular	J	1	39,890.00		
1	1568	53013	210000	FICA	J	1	3,052.00		
1	1568	53013	221000	VRS	J	1	5,170.00		
1	1568	53013	231000	Health Insurance	J	1	5,860.00		
1	1568	53013	232000	Dental Insurance	J	1	200.00		
1	1568	53013	241000	VRS Life	J	1	451.00		
1	1568	53013	270000	Worker's Compensation	J	1	168.00		
1	1568	53013	332104	Maint. Contract - DP Equip	J	1	580.00		
1	1568	53013	520100	Postal Services	J	1	354.00		
1	1568	53013	520300	Telecommunications	J	1	625.00		
1	1568	53013	540200	Lease/Rent-Buildings	J	1	1,550.00		
1	1568	53013	550100	Travel/Training/Education	J	1	2,500.00		
1	1568	53013	600100	Office Supplies	J	1	700.00		
1	1568	53013	601700	Copy Expenses	J	1	650.00		
1	1568	53013	800200	Furniture & Fixtures	J	1	2,500.00		
1	1568	53013	800700	ADP Equipment	J	1	4,000.00		
	1568		0501	Est. Revenue				68,250.00	
			0701	Appropriation					68,250.00
1	1000	53013	570600	ADC - Foster Care	J	1	(13,650.00)		
1	1000	53013	939999	Transfer to Other Funds	J	1	13,650.00		
TOTAL							136,500.00	68,250.00	68,250.00

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2007070
 DATE _____
 BATCH# _____

EXPLANATION: CCF Grant - DCJS

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
2	1574	33000	330001	Federal Revenue	J 2	16,526.00		
2	1574	51000	512001	Transfer from Other Funds	J 2	1,836.00		
1	1574	53161	110000	Salaries	J 1	13,355.65		
1	1574	53161	210000	FICA	J 1	1,106.35		
1	1574	53161	550100	Travel/Training	J 1	1,750.00		
1	1574	53161	800120	Equipment/Materials	J 1	2,150.00		
	1574		0501	Est. Revenue			18,362.00	
			0701	Appropriation				18,362.00
1	4400	54105	110000	CCF - Salaries	J 1	(1,836.00)		
1	4400	93010	930200	Transfer to Grant Projects	J 1	1,836.00		
TOTAL						36,724.00	18,362.00	18,362.00

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2007071
 DATE _____
 BATCH# _____

EXPLANATION: Police Department Overtime - Foxfield Races

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
2	1000	24000	240501	State Revenue	J 2	7,000.00		
1	1000	31013	120310	Overtime/Special Events	J 1	6,541.00		
			210000	FICA	J 1	459.00		
	1000		0501	Est. Revenue			7,000.00	
			0701	Appropriation				7,000.00
TOTAL						14,000.00	7,000.00	7,000.00

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2007072
 DATE _____
 BATCH# _____

EXPLANATION: Transfer from Fire Billing Fund to General Fund

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
2	1802	51000	510100	Appropriation - F/B	J 2	71,121.84		
1	1802	93010	930009	Transfer to General Fund	J 1	71,121.84		

2	1000	51000	512000	Transfer fr. Other Funds	J	2	71,121.84		
2	1000	51000	510100	Appropriation - F/B	J	2	(71,121.84)		
	1802		0501	Est. Revenue				71,121.84	
			0701	Appropriation					71,121.84
TOTAL							142,243.68	71,121.84	71,121.84

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2007073
 DATE _____
 BATCH# _____

EXPLANATION: CSA Overexpenditure

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	1000	51000	510100	Appropriation - F/B	J	2	464,788.00		
1	1000	53013	930206	Transfer to CSA Fund	J	1	464,788.00		
2	1551	51000	512016	CSA - G/F Transfer	J	2	464,788.00		
1	1551	53120	999999	Contingency	J	1	464,788.00		
	1000		0501	Est. Revenue				464,788.00	
			0701	Appropriation					464,788.00
	1551		0501	Est. Revenue				464,788.00	
			0701	Appropriation					464,788.00
TOTAL							1,859,152.00	929,576.00	929,576.00

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2007074
 DATE _____
 BATCH# _____

EXPLANATION: Donation - Meriwether Lewis PTO

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	9010	18110	181128	Donation - MWL PTO	J	2	5,000.00		
1	9010	71000	800949	Parks - Maintenance	J	1	5,000.00		
	9010		0501	Est. Revenue				5,000.00	
			0701	Appropriation					5,000.00
TOTAL							10,000.00	5,000.00	5,000.00

COUNTY OF ALBEMARLE
 APPROPRIATION

APP # 2007075
 DATE _____
 BATCH# _____

EXPLANATION: Family Treatment Court Grant

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	1562	33000	330029	Federal Revenues	J	2	55,448.72		
2	1562	51000	512004	Transfer from G/F	J	2	12,167.00		
1	1562	53158	110000	Salaries - Regular	J	1	54,384.33		
1	1562	53158	210000	FICA	J	1	4,160.31		
1	1562	53158	242000	Group Life	J	1	430.08		
1	1562	53158	332104	Maint. Contract - DP	J	1	1,555.00		
1	1562	53158	520300	Telecommunications	J	1	1,820.00		
1	1562	53158	540200	Lease/Rent-Buildings	J	1	2,746.68		
1	1562	53158	600100	Office Supplies	J	1	1,363.32		
1	1562	53158	800700	ADP Equipment	J	1	1,156.00		
	1562		0501	Est. Revenue				67,615.72	
			0701	Appropriation					67,615.72
1	1000	53013	570600	ADC - Foster Care	J	1	(12,167.00)		
1	1000	53013	939999	Transfer to Other Funds	J	1	12,167.00		
TOTAL							135,231.44	67,615.72	67,615.72

COUNTY OF ALBEMARLE
 APPROPRIATION

APP # 2007076
 DATE _____
 BATCH# _____

EXPLANATION: ECC Initiatives

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	4100	24000	240424	State Revenue -911 Wireless	J	2	171,841.00		
1	4100	31041	331800	ECC-Adm - R/M Building	J	1	100,000.00		
1	4100	31041	800700	ECC-Adm - ADP Equip	J	1	20,000.00		
1	4100	31045	600200	ECC-Emerg. Svc-Food Suppli	J	1	1,841.00		
1	4100	31046	312210	ECC Prof. Services	J	1	50,000.00		
	4100		0501	Est. Revenue				171,841.00	
			0701	Appropriation					171,841.00
TOTAL							343,682.00	171,841.00	171,841.00

Agenda Item No. 16. **Public Hearing:** PROJECT: SP-2004-050. Flow Automotive Companies Sales and Display (Sign #60). PROPOSED: Expansion of the Flow Volkswagen-Audi-Mazda dealership, including outdoor display and sale of automobiles in the Entrance Corridor. LOCATION: 1307-09 and 1313 Richmond Road, south side of Rt 250 East, approximately 1060' east of Riverbend Drive. TAX MAP/PARCEL: 78/15E and 78/15D. MAGISTERIAL DISTRICT: Rivanna. (Notice of this public hearing was advertised in the *Daily Progress* on April 16 and April 23, 2007.)

Mr. Cilimberg reported that Flow Automotive is expanding their facilities on Route 250 East and would have an outdoor display that requires a special use permit under the ordinance for sales and display in the Entrance Corridor. He showed a diagram of the existing building and where the new building would go on the adjacent property to the west as well as placement of vehicle display and parking. Mr. Cilimberg noted that this is a by-right use, and the ARB has recommended approval provided the conditions are included as part of the action. He said that staff and the Planning Commission have recommended approval with six conditions as noted in the revised staff report.

Mr. Rooker asked if this affected the service area. Mr. Cilimberg replied that the service area is not incorporated in the plan.

Mr. Slutzky asked whether Flow had full cut-off lights, noting the glow on Pantops Ridge. Mr. Cilimberg noted that the original approval for the dealership preceded the lighting ordinance.

Mr. Slutzky asked if it would be appropriate to put a condition requiring re-doing the lighting. Mr. Cilimberg replied that the site plan is subject to ARB approval of the lighting plan and that will entail all of the area covered by the plan. He said that would be addressed as part of the plan approval with the condition that the area in the rear would be left as part of the old approval.

Mr. Davis said that this special use permit only includes outdoor storage, so the conditions must reasonably relate to that aspect of the plan.

Mr. Slutzky stated that it could be argued that this results in a net increase in the total lumens from the site. Mr. Davis said that he doesn't know if staff has analyzed that.

Mr. Cilimberg said that the ARB would evaluate the site plan, but planning staff is only looking at the outdoor display that is part of this specific request.

Mr. Rooker agreed that the area adjoining Route 250 is subject to this application, stating that it seems the entire area along that road has the most lights.

Mr. Cilimberg noted that Condition #6 was intended to apply to the entire front that is covered by the site plan.

Public comment was invited.

The applicant, Mr. Peter Sheeran, the architect representing Flow, addressed the Board. Mr. Sheeran said that the existing lighting is being removed, and all new site-lighting is being installed with a foot-candle level of thirty or less for the field area and no more than half foot-candle on all the boundaries. He confirmed that they are all full cut-off, adding that the lighting in the back maintenance area is actually limited to some lights that are mounted on the building itself. Mr. Sheeran added that VDOT has requested twelve feet for a deceleration lane along Route 250 and that has been granted; he said that Flow has upgraded the landscaping to exceed ARB requirements.

There being no other public comment, the Chairman closed the public hearing.

Ms. Thomas asked about getting full cut-off lighting in the service area. Mr. Davis responded that it would be a stretch given the parameters of this application.

Mr. Slutzky asked if it would be possible to have Mr. Davis do an evaluation of whether that type of demand could be made with future applications. Mr. Davis replied that it would depend on the type of application – if it was a rezoning or a special use permit for the entire use there is much more flexibility; when it is an SP just for outdoor storage, it is going to be fact-specific to that request.

Mr. Cilimberg noted that the rear service parcel is a separate parcel.

Mr. Rooker **moved** for approval of SP 2004-0050 with the conditions recommended by staff and approved by the Planning Commission. Mr. Wyant **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

(Note: The conditions for approval are set out below.)

1. Vehicles shall not be elevated anywhere on site.
2. Vehicles shall be displayed only in areas indicated for display shown on the site plan entitled "Flow Automotive," prepared by the Collins Engineering, dated April 2, 2007.
3. Display parking shall be only in designated striped parking spaces as identified on this plan.
4. Final site plan approval is subject to ARB approval of the landscape plan (submitted with the site plan). Landscaping shown on the plan may be required to be in excess of the minimum requirements of ARB guidelines or the Zoning Ordinance to compensate for the negative visual impact of the proposed use, particularly regarding the retaining wall on the west side of the property.
5. Final site plan approval is subject to the recordation of easements for ingress/egress, as well as the installation, maintenance and use of parking spaces, planter islands, and landscaping on adjacent parcels (Tax Map 78, Parcels 15D and 15E).

6. Final site plan approval is subject to ARB approval of the lighting plan (which shall be submitted with the site plan). Maximum light levels on site shall not exceed 30 foot candles. Maximum spillover lighting requirements must also be met.

Agenda Item No. 17. **Public Hearing:** PROJECT: SP 2007-009. Little Keswick School Amendment (Signs #101&102). PROPOSED: Amend SP-06-13 to increase the size of the New Dorm from 45' X 90' to 56'8" X 100'. No additional students or staff would result. LOCATION: 505 Little Keswick Lane; Rt 731 1/10th of a mile SE of Rt 22. TAX MAP/PARCEL: TM 80 Parcels 110, 110A, 110A2, 112, 117A, 118, 119. MAGISTERIAL DISTRICT: Rivanna. (Notice of this public hearing was advertised in the *Daily Progress* on April 16 and April 23, 2007.)

Mr. Cilimberg noted that the school had an approval last year that specified a particular size for a two-story dorm at 45 feet by 95 feet, and the applicant is requesting an amendment which would allow the footprint to be larger. He said that they anticipate needing an additional 500 square feet, but the height of the dorm would stay the same so it applies to conditions that relate to the dorm's overall square footage and footprint.

Mr. Cilimberg pointed out the location on a diagram and said that one neighbor has expressed concern about the visibility of activities at the school from his property. Mr. Cilimberg noted that because of that, the Planning Commission recommended modifications of the conditions, deleting any dorm size restrictions on the new dorm but adding conditions regarding things such as landscaping and screening along the boundary of the school property along the neighbor's property. He said that the applicants have all met onsite and have come up with a mutual agreement as referenced in the report, and they have generated two new conditions that reflect the screening on the school property.

Mr. Cilimberg said staff believes conditions five and six below, in addition to staff's four original conditions contained in its staff report, address the Planning Commission's direction and, therefore, recommend approval with the following conditions:

1. Special Use Permit ~~2006-13~~ 2007-09 shall be limited to the ~~construction~~ use of a maximum two-story ~~45' by 95'~~ residential facility the "New Dorm" for students enrolled in the Little Keswick School and for the conversion of the existing "Barn Dorm" to non-residential uses, such as office, recreational, storage, meeting area, or other similar uses. The "New Dorm" shall be located and developed in general accord with the concept plan, titled, "Little Keswick School, Concept Plan" (Attachment A.) ~~and dated June 22, 2006~~ February 16, 2007 (last revision date) (the "Concept Plan"). However, the Zoning Administrator may approve revisions to the ~~e Concept p Plan~~ Concept Plan to allow compliance with the Zoning Ordinance.
2. Maximum enrollment of students shall be limited to thirty-five (35). Any increase in enrollment shall require an amendment to this special use permit and may require entrance improvements subject to Virginia Department of Transportation requirements.
3. The existing dorm, labeled "Barn Dorm" on the concept plan (Attachment A) shall be subject to review by the Building Official prior to conversion of the existing use to any other use.
4. Construction shall commence within five (5) years of the date of approval of ~~the special use permit SP-2006-013~~ SP 2007-09.
5. Along the shared property line of Tax Map 80-118 and TMP 80-114A (the adjacent neighbor), between the soccer field and the fence, a planting material screen of approximately one hundred twenty four (124) feet in length and seventeen (17) feet in width shall be established and maintained on TMP 80-118. The planting materials shall consist of a minimum of seventeen (17) Leyland Cypress, each a minimum of eight (8) feet in height, and shall be planted approximately six (6) feet on center.
6. Along the shared property line of Tax Map 80-110, TMP 80-110A and TMP 80-114A (the adjacent neighbor), a plant material screen of approximately three hundred forty (340) feet in length and forty (40) feet in width between the existing gym building and TMP 80-110A shall be established and maintained on TMP 80-110 and a portion of TMP 80-110A. Starting at the gym and proceeding toward TMP 80-110A, the first two hundred sixty (260) feet in length shall be planted with a minimum of forty-five (45) *Juniperus virginiana*, each a minimum of eight (8) feet in height, and shall be planted approximately six (6) feet on center. The remaining eighty (80) feet in length shall be planted with a minimum of thirteen (13) Leyland Cypress, each a minimum of six (6) feet in height, and shall be planted approximately six (6) feet on center.

Mr. Dorrier asked how many students would live here. Mr. Cilimberg responded that they are approved for thirty-five and are not asking for an increase in enrollment.

In response to Mr. Wyant's question about whether the footprint includes porches, Mr. Cilimberg responded that they do not get into details of measuring in that way but just are deciding on the dimensions and site location. Mr. Cilimberg added that there are no longer dimensions mentioned as part of the conditions.

The Chairman opened the public hearing, and asked the applicant to come forward.

The applicant Mr. Mark Columbus, Headmaster of the school, addressed the Board. Mr. Columbus said that the building plan went from a 45' x 95' structure to a 56.8' x 100' structure. He stated that there is a small front porch and amending to reflect that square footage would be helpful.

Mr. Cilimberg said that the Planning Commission's recommendation is for approval of a two-story structure in general accord with the concept plan.

Mr. Columbus said that they have already planted cypress trees along the soccer field side so there would essentially be a double layer of buffering.

Mr. Davis said that the Zoning Administrator has more flexibility with the language "in general accord with the concept plan."

Mr. Columbus noted that the State Department of Education has approved the plans as well.

There being no other public comments, the public hearing was closed.

Mr. Rooker **moved** for approval of SP 2007-009 Little Keswick School with the conditions as presented. Mr. Wyant **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

(The conditions of approval are set out below:)

1. Special Use Permit 2007-09 shall be limited to the use of a maximum two (2)-story residential facility the "New Dorm" for students enrolled in the Little Keswick School and for the conversion of the existing "Barn Dorm" to non-residential uses, such as office, recreational, storage, meeting area, or other similar uses. The "New Dorm" shall be located and developed in general accord with the concept plan, titled, "Little Keswick School, Concept Plan" (Attachment A-copy on file in Clerk's office) dated February 16, 2007 (last revision date) (the "Concept Plan"). However, the Zoning Administrator may approve revisions to the Concept Plan to allow compliance with the Zoning Ordinance;
2. Maximum enrollment of students shall be limited to thirty-five (35). Any increase in enrollment shall require an amendment to this special use permit and may require entrance improvements subject to Virginia Department of Transportation requirements;
3. The existing dorm, labeled "Barn Dorm" on the concept plan (Attachment A) shall be subject to review by the Building Official prior to conversion of the existing use to any other use;
4. Construction shall commence within five (5) years of the date of approval of SP-2007-09;
5. Along the shared property line of Tax Map 80-118 and TMP 80-114A (the adjacent neighbor), between the soccer field and the fence, a planting material screen of approximately one hundred twenty-four (124) feet in length and seventeen (17) feet in width shall be established and maintained on TMP 80-118. The planting materials shall consist of a minimum of seventeen (17) Leyland Cypress, each a minimum of eight (8) feet in height, and shall be planted approximately six (6) feet on center; and
6. Along the shared property line of Tax Map 80-110, TMP 80-110A and TMP 80-114A (the adjacent neighbor), a plant material screen of approximately three hundred forty (340) feet in length and forty (40) feet in width between the existing gym building and TMP 80-110A shall be established and maintained on TMP 80-110 and a portion of TMP 80-110A. Starting at the gym and proceeding toward TMP 80-110A, the first two hundred sixty (260) feet in length shall be planted with a minimum of forty-five (45) Juniperus Virginiana, each a minimum of eight (8) feet in height, and shall be planted approximately six (6) feet on center. The remaining eighty (80) feet in length shall be planted with a minimum of thirteen (13) Leyland Cypress, each a minimum of six (6) feet in height, and shall be planted approximately six (6) feet on center.

Agenda Item No. 18. **Public Hearing:** SP-2006-043. Field School (Signs #35,36&39). PROPOSED: Middle School for boys of approximately 70 students max to be located in the existing community building at Claudius Crozet Park. LOCATION: 22 acre parcel at Claudius Crozet Park, north side of Park St, 1500 feet east of High Street. TAX MAP/PARCEL: 56A2-01-72 and 72A. MAGISTERIAL DISTRICT: White Hall. (Notice of this public hearing was advertised in the *Daily Progress* on April 16 and April 23, 2007.)

Mr. Cilimberg reported that this would utilize an existing building at Claudius Crozet Park as a middle school for up to seventy students. He said that the area in the request is the existing community building, and there would be parking provided to accommodate the school's activities. Mr. Cilimberg explained that initially there would be sixteen students in grades five and six, with an addition of grades seven and eight in the following two years of operation for a maximum school size of seventy. He said that the school would use existing athletic fields for recess and sports, and no construction is proposed except for minor alterations in the building's interior. Mr. Cilimberg noted that potential traffic impacts to Park Road were considered as part of this review but given the limited size of the school and use of the busses limit those impacts.

Mr. Cilimberg stated that favorable factors include the provision of additional educational opportunities in a developing area near residential areas. He said that the unfavorable factor was expressed by a nearby resident that the school use would deter from public use of the park and that became part of the Planning Commission's review. Mr. Cilimberg stated that three new conditions were added with the recommendation for approval: ensure compliance with the covenants and restrictions for Crozet Park; permit valid only until June 30, 2009 to allow the school to operate and have the County evaluate impacts; and shuttle-bus service shall be provided each school day. He also said that the Commission recommended a maximum enrollment of forty-eight students and restrictions on hours of operation.

Mr. Wyant asked what the school calendar would be.

Mr. Cilimberg replied that the application could confirm this, but the August to June calendar is likely.

Mr. Davis noted that covenants specified for the park were negotiated in 1997 when the County funded some improvements there, and while they do not expressly allow this type of school they do state that other uses could be allowed if they are jointly agreed to by the County and Crozet Park. He added that he initially felt it would be better to amend the covenants, but the Planning Commission's approval is temporary. Mr. Davis said he feels that it would be better just to strike an agreement and remove the word "expressly" from the covenants.

Mr. Slutzky said that he is torn because he wants to support educational opportunities, but he is concerned about the precedent set by the County providing a school site as such.

Mr. Rooker replied that the County does not own the park and has only provided limited funding for repairs there. He said the Park Board owns it and could actually gain rental money for the use of the building, which is currently under-used and in disrepair.

Mr. Slutzky stated that he has had constituents who have expressed concern about the County's provision of the site (or its repairs).

Mr. Todd Barnett addressed the Board, noting that he is opening a boys' middle school inspired by the Village School model for girls, with sixteen students each in grades five through eight starting in 2007 and adding more over the next two years. He commented that the Village School has been very successful with their program, and his efforts with the Field School have been inspired by parents who have encouraged him to start it. Mr. Barnett said that the school will focus on developing well-rounded boys of character and accomplishment and thanked supporters for coming to the meeting.

Mr. Barnett explained that the park site is beneficial because it is a private community organization open to the public under the approval of the Crozet Park Board. He said that the Board liked his proposal when he presented it in the fall, and the students would volunteer at the Arts & Crafts festival, help maintain the park, and provide a year-round presence there. Mr. Barnett said that the fee would be well below many schools in the area, and they would also provide scholarships. He said that they would add a laminate floor and eco-friendly skylights. Mr. Barnett said that the school would start with twenty students next year and cap out at seventy, with an average of about forty-two students per year if enrollment increases at the same pace as the Village School's enrollment has. Mr. Barnett said that the school day is 9 a.m. to 4 p.m. He stated that Brian Campbell, who is responsible for the building rental, could not recall a building rental during these times over the last six years. Mr. Barnett said that the Field School space would be available on weekends, and students would ride a shuttle bus in and out of school. He added that he has run "Field Camp" in Free Union every summer since 2000, and about three-fourths of those participants use the shuttle. Mr. Barnett said that their classrooms will be able to be broken down when the building is used for community events, and the Park Board and the school have agreed to review the arrangement every year. He added that his plan is for a future permanent space, and this location would only be temporary. Mr. Barnett said that the Planning Commission approved the plan with a condition for reapplication of the special use permit in two years.

Mr. Barnett stated that he has made an effort to get in touch with people through two community meetings and information in the *Crozet Gazette*. He said that he plans to use the connections he has developed through Field Camp as well, and he wants to be a good neighbor on the park site.

Mr. Amil Groth addressed the Board, stating that he has also sent letters and emails expressing details and concerns about the approval of this facility. He emphasized his concerns about the legality of the arrangements, adding that the covenants are in perpetuity, and this is the only facility in the area that provides this type of space.

Mr. Kelly Strickland, a member of the Claudius Crozet Park Board, addressed the Board. He said that initially his board was extremely hesitant to accept Mr. Barnett's proposal, citing concerns about maintenance and use of the building. But Mr. Strickland stated that they came around to the Field School idea, and the permit which would still allow for the grounds to be open to the community with the building still available for rentals. He noted that they have been very impressed with Mr. Barnett's presentation. He said that the current middle school in Crozet is getting ready to expand to one thousand students so a smaller school is a good option to have. Mr. Strickland noted that the school would be located in the center of the growth area and would be a walkable distance.

Ms. Thomas asked about insurance changes needed to accommodate the school.

Mr. Strickland responded that the park would cover liability insurance, and the school would deal with the operations of the school.

Ms. Thomas also said that it is important for them to work out an agreement for any structural impact from school operations.

Mr. Strickland said that they spend about \$5,000 a year for building repairs and get very little in return, so they are looking for ways to make the park more self-sufficient. He added that they would make sure that whatever repair work done is done properly.

In response to Ms. Thomas' question about water and sewer to the site, Pat Mullaney said that the Park Board needs to dedicate the line to the service authority and that is in the works with the park attorney. Mr. Mullaney also said that he does not feel that the school would significantly impact the playing fields and create additional expense. He added that any money that comes into the Crozet Park Board might not have to come from the County anymore. Mr. Mullaney also said that they considered the public use of the park, and the Park Board weighed that decision carefully determining that the public would still have full use. He said that he feels like there is plenty of space to accommodate this use and the general public use. He added that the school can not use the facility on weekends or after 4:00 p.m. on weekdays.

Mr. Dorrier commented that he admires Mr. Barnett and his project and that it looks like a win-win situation for the community.

In response to Mr. Wyant's question about condition #8, Mr. Davis said that he recommends striking the word "expressly" so that the covenants do not have to be changed. Mr. Davis also said that it is good that this is a temporary use and within the scope of the covenant.

Ms. Thomas agreed that having the permit be temporary has persuaded her to support it.

Mr. Wyant noted that he worked at Camp Albemarle on the grounds, and he is very impressed with Mr. Barnett.

Mr. Wyant **moved** for approval of SP 2006-043 with the change in condition #8 to strike the word "expressly." Mr. Dorrier **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

(Note: The conditions for approval are set out below.)

1. Maximum enrollment shall be forty-eight students.
2. Hours of operation for the school shall be from 7:30 a.m. to 6:00 p.m., Monday through Friday.
3. The school is limited to existing buildings and park grounds as indicated on the concept plan (Attachment C). Any additional building or site changes for the school use will require an amendment to this Special Use Permit (SP-2006-043).
4. Prior to issuance of a Zoning Clearance for the private school use, water line dedications to the satisfaction of the Albemarle County Service Authority are required.
5. The playgrounds and the park grounds, with the exception of the Community Building, will remain open and available for public use during the hours of school operation.
6. The athletic fields at the park shall not be available for the school's use after 4 p.m. on weekdays and shall not be available on weekends.
7. The athletic fields shall not be available for school use when closed by the Department of Parks and Recreation for inclement weather, overuse, fields restoration, or when any other scheduled use is authorized by the Department of Parks and Recreation.
8. The school use may begin and continue only if the Crozet Park covenants and restrictions expressly allow the use.
9. Special Use Permit 2006-043 shall be valid until June 30, 2009.
10. Shuttle bus service for students to and from school shall be provided each school day.

(**Note:** At this time, the Board went back to Agenda Item # 11: Proffers Report.)

Mr. Slutzky asked if the transportation impacts are rooted in what the County has decided to put in the CIP.

Mr. Allshouse replied that they are, and the committee is fully aware of increasing transportation costs as final numbers become available.

Mr. Boyd added that it is also impacted by strategic planning numbers.

Mr. Davis said that the number being used consists of local dollars to be used for roads, adding that cash proffers are a potential source of revenue. He added that the CIP number would be driven higher because additional projects are contemplated as proffer monies are estimated. Mr. Davis stated that the Board revisits the CIP every two years in a substantial way and adopts it every year so there is an opportunity to revisit that issue.

Mr. Rooker noted that it could be amended at any time.

Mr. Slutzky said that he wants to make sure that the cart does not come before the horse, and perhaps he would support putting this forward to referendum. He added that the policy could be revisited.

Mr. Rooker stated that the Board has been passing rezoning after rezoning with inadequate contributions to public infrastructure. He said that there are numbers proposed here that have gone through a sound methodology, and the CIP component will, of course, change. He believes that if anything that number is going to get higher, not lower. He added that the current level of contributions is woefully inadequate.

Mr. Slutzky said that he feels that a work session would be helpful in looking at the assumptions, and perhaps the CIP could be adjusted to reflect the increased costs.

Mr. Boyd said that the committee recognizes the CIP changes every year, and the new numbers would be automatically calculated in a spreadsheet-type format with variables changed as needed. He said that what they really want to get approved is the formula with the methodology and to recognize the fact that they would change.

Mr. Allshouse stated that they are looking for approval for the methodology, and the numbers presented are the logical end of that process. In response to Mr. Dorrier's question, he explained that mobile homes assume that you bring in as many students into schools but do not provide as much in tax revenue.

Mr. Boyd noted that the proffer policies across the state do not apply to mobile homes.

Mr. Rooker said that they could fall under affordable homes which hopefully would be exempt.

Ms. Thomas expressed concern that there should not be a perception that the proffers would cover all of the transportation costs. She also said that there should be some recognition of transit, and if a developer today wants to proffer a bus route, that is one way to deal with transportation and could be reflected in their impact fee.

Mr. Allshouse said that mass transit would have to become a part of the CIP for it to be included.

Mr. Davis clarified that it would have to be based on real projects, but there is flexibility in how it is looked at under the enabling legislation. In response to Ms. Thomas' question about why specific projects are not in the CIP, Mr. Davis explained that they are not because they are anticipated to be funded by state dollars. He said that the system is somewhat in a state of flux and is flawed at this point. He added that the new enabling authority effective July 1st would no longer expressly limit localities to things in the CIP, and the County could develop reasonable conditions to reflect development impacts.

Mr. Rooker said that he would like to move forward with that amendment to the ordinance. He also said that cash proffers are only going to be available on rezoned property. He noted that in a way it is unfair because it only takes from certain units in the community.

Mr. Davis stated that there is a state law that specifically prohibits a locality from accepting a proffer that has any escalating factor greater than the cost of living as determined by two indexes.

Mr. Boyd emphasized that the point of this part of the meeting today is approval of the methodology.

Mr. Dorrier commented that developers have to put proffers forward and this seems like a reverse with the County making requirements.

Mr. Davis responded that proffers have to be voluntary, but there can be a policy established to assign a cost to per-unit impact to capital facilities to the county over a period of time.

Mr. Dorrier said that the Board had this discussion several years ago, and he was under the impression that the developer made the proffers.

Mr. Rooker replied that one reason a development can be rejected is that you do not think it is making adequate contributions to offset its impact on infrastructure. He emphasized that it is important to go through an objective approach that has withstood legal challenge to determine what that number is.

Mr. Wyant said that this is really a guide and helps developers understand what is expected.

Mr. Rooker noted that the County did not have cash proffers until five years ago or so with places like Hollymead or Old Trail. He said that the Board discussed it and sent it to the Fiscal Impact Committee and that is what is before them today.

Mr. Boyd said that this could be the basis for moving onto the next step.

In response to Mr. Slutzky's question about increasing costs, Mr. Foley said that all of the numbers have been adjusted up by that thirty (30) percent increase and made the assumption that they would increase by the five (5) percent moving forward. Mr. Foley said that the Board is having a CIP meeting next week and could address the numbers then.

Ms. Thomas commented that there has been quite a change going on in which the RWSA Director has said he is interested in having water and sewer costs be the subject of proffers. She said that she was under the assumption that hook-up fees were covering the costs, but new requirements and crumbling infrastructure are causing that to no longer be the case.

Mr. Graham noted that water and sewer is one of the few areas where you can actually recover capital costs through impact fees and that is a better mechanism than the proffers

Ms. Thomas said that she does not want to create the impression that new development is going to fully pay its way.

Mr. Allshouse replied that they are looking at capital costs.

Mr. Rooker stated that there could be an assumption that there is no net revenue stream, and using the CRIM model you can determine whether that house contributes positively to operating so that there is not the ten (10) percent excess that drops out that can be applied to capital. He added that in the best case scenario, a house breaks even, and perhaps that number should be zero. Mr. Rooker also said that residential is the loser from an operating standpoint, and commercial is a net positive. He said that fiscal impact analysis shows that to be the case every time.

Mr. Slutzky commented that the more expensive dwelling units are going to be by-right in the rural area and not subject to the proffer policy and thus would not contribute to the CIP.

Mr. Wyant said that a sensitivity analysis could be done where variables are changed to note their effect, to help provide more accuracy.

Mr. Allshouse said that you could eliminate that ten (10) percent assumption and that would show the new proffer amount.

Mr. Rooker stated that that number would be closer to peer communities. He said that they are trying to get the most accurate depiction of what the actual cost of the unit is. He said that for policy reasons they may decide that they do not look for that full number or they give credit for certain things that they are trying to accomplish that are policy directions.

Mr. Slutzky added that Chesterfield is a great model as far as methodology, but other localities such as Stafford and Spotsylvania are higher.

Mr. Rooker said that he would support this methodology without the ten (10) percent.

Mr. Allshouse noted that the numbers would apply to this year.

Mr. Slutzky said that his recommendation would be that between now and proffer policy adoption, the Board hold a work session to address the CIP as it relates to proffers.

Mr. Davis said that the adoption of what is presented would allow for a fiscal impact number based on a typical housing unit, and even without the policy it is a tool that can be looked at with analysis done on a case by case basis. He emphasized that jurisdictions create an expectation in the policy of how the analysis would be undertaken, the maximum amount expected of a developer to come in and address the impacts, and a known cost that the developers could use to build their financial model as well as a locality having that figure to use when a rezoning comes forward. He said that in the meantime, you have a number that addresses impacts that you do not have to disregard when rezoning applications come forward; it is a starting point to analyze the impacts.

Mr. Rooker **moved** to adopt the proffers methodology presented today and the resulting proffer values without the ten percent revenue credit, that are contained in the memorandum to direct staff to begin the process of developing a complete proffer policy. Mr. Slutzky **seconded** the motion.

Mr. Dorrier asked what the ten percent was.

Mr. Rooker replied that it was a revenue credit number that presumes a unit of housing would be profitable from an operating standpoint to the extent of ten percent of its tax revenues. He indicated that it is not the case as illustrated by fiscal impact analyses, and he would like that component to come out. Mr. Rooker noted that affordable homes would not be subject to this. He said that they have to have a starting point, and a starting point would be to adopt a methodology and some numbers that they can then overlay on other policy decisions they make.

Ms. Thomas noted that this plugs in transportation and works through a lot more elements, and it is better than what is in place now.

Mr. Boyd said that he does not like using the higher number as a starting point, and he would like to have a conversation about that before an applicant comes forward.

Mr. Tucker commented that taking transportation into account is going to require a much broader review, adding that these things just have not been adopted as a Board policy yet.

Mr. Slutzky recommended that he would like to adopt a proffer policy with a methodology that is based on the CIP, even though it understates the transportation infrastructure.

Mr. Foley noted that anything added to the CIP has to fall within policy guidelines, and financials have to be run.

Mr. Slutzky said that as the CIP is revisited in the fall, the Board should be prepared to seriously consider what projects will or will not be funded by the State.

Mr. Boyd commented that he is reluctant to put millions of dollars in projects on the backs of property owners.

Mr. Dorrier stated that he supports proffers but not this formula because he is not sure it's the correct one.

Mr. Rooker said that the Fiscal Impact Committee had six months to come back and make a recommendation at the Board's request.

Mr. Slutzky noted that homeowners' associations were a part of this discussion.

Mr. Boyd stated that Mr. Rooker's motion changes a key component, the ten percent.

Mr. Rooker emphasized that he wants the methodology to be accurate.

Mr. Wyant said that he would like something to support the ten percent removal.

Mr. Rooker asked Mr. Allshouse if residential developments brought forward a deficit when using the CRIM model.

Mr. Allshouse confirmed that it is the case, adding that the Chesterfield model says that the revenue might not pay for the debt associated with the development but that ten percent would go toward debt repayment.

Mr. Cilimberg said that it is revenue allocation.

Mr. Slutzky noted that they asked the Fiscal Impact Committee to form to analyze the existing methodologies in other places, and to recommend to the Board one to use for the purpose of providing as accurate a number as possible. He said that several components have inherent inaccuracies, and it is acceptable to refine those policies.

Mr. Boyd stated that the numbers have to be based on actual CIP projects.

Mr. Davis clarified that the assumption under what Mr. Allshouse has presented is that ten percent of the tax revenue would be applied to capital projects as being part of debt service operating expenses, and the argument on the other side is that there is not ten percent of revenue generated from residential uses that is left to apply to those capital projects so it should not be a discount. He said that he thinks it can be looked at either way.

Mr. Slutzky asked for staff to come back with an opinion as to whether that ten percent figure is accurate.

Ms. Thomas replied that if they have been looking at the CRIM reports with the developments presented, then the answer is there.

Mr. Allshouse noted that the ten percent is based on the ceiling for debt service.

Mr. Rooker emphasized that there is no reason to assume that residential makes a positive contribution to debt service.

Mr. Boyd commented that he is not going to vote for this, but he is a hundred percent behind having growth pay for itself.

Ms. Thomas asked what he would prefer.

Mr. Boyd stated that he never would have supported the affordable housing policy because there was no description on what that meant.

Mr. Rooker responded that the policy has produced six hundred units of affordable housing.

Mr. Boyd said that there is no affordable housing policy.

Mr. Rooker disagreed.

Mr. Tucker stated that there are a lot of issues related to policy, and staff would not have all the information pulled together for these issues by next Wednesday.

Mr. Rooker said that they have to have a place to start.

Mr. Slutzky said that it was brought to them by Mr. Boyd.

Mr. Boyd said that there has been no rational explanation for the higher proffer number.

Mr. Rooker replied that it is the number that is derived without the ten percent figure for residential.

Mr. Slutzky emphasized that there is a Fiscal Impact Committee recommendation in front of the Board tonight.

Mr. Wyant asked how the ten percent was arrived at.

Mr. Allshouse replied that it is the ceiling the Board has placed on debt service payments and the Chesterfield proffer calculation model.

Mr. Rooker said that it assumes that a residential unit generates ten percent of its tax revenue over and above its operating costs. He said that they know that is not the case from their own fiscal impact reports. He also said that the ten percent number was high to start with, as six percent is the current level of debt service.

Mr. Slutzky added that the proffers are only supposed to cover residential impacts and not be subsidized by the commercial side.

In response to Mr. Boyd's comments, Mr. Rooker explained that CRIM includes revenues from households for sales tax and other revenue sources that are spinoffs from that house. He added that there is commercial property that is profitable unto itself.

Mr. Wyant asked about using the six percent figure.

Ms. Thomas said that it still assumes a net profit from a new residential unit, and CRIM has been telling the Board for many years that that is not the case.

Mr. Tucker stated that if the Board settles on a number, the development community will submit that as a proffer amount even if there is not a policy in place. He said that the policy will be coming forward and that number may change because all of the things such as credits will be fleshed out.

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

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

NAYS: Mr. Wyant, Mr. Boyd, and Mr. Dorrier.

Mr. Rooker then **moved** to adopt the proffers methodology and the resulting proffer values based on a debt service level of six percent that are contained in the memorandum and directed staff to begin the process of developing a complete proffer policy. Mr. Slutzky **seconded** the motion. Roll was called, and the motion **carried** by the following recorded vote:

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

NAYS: None.

Board members then briefly discussed three issues to be addressed in future discussions: whether proffers are expected on an affordable unit, whether additional credit is given for affordable units, and what constitutes an affordable unit.

Mr. Tucker said that staff could come back with a recommendation for another date in May to hold a work session.

Mr. Slutzky said that they might get through a lot of this in the meeting.

(Note: The Board took a brief recess at 4:54 p.m. and reconvened at 5:03 p.m.)

Agenda Item No. 19. Work Session: CPA 2005-009. Southern Urban Area B Study Amendment and CPA 2005-005, Granger Tract CPA.

Mr. Benish noted from the Executive Summary that the purpose of the work session is to receive comment from the Board on the above noted Comprehensive Plan Amendments. The Planning Commission has held three work sessions and a public hearing on these proposals, recommending approval of the draft amendment language and land use map originally included as Attachments A, B and C of the March 13, 2007 staff report. That report and its attachments are included with this Executive Summary. Page 2 of the March 13th report provides an overview of the subsequent attachments. Please note that Attachments D and E are staff reports from earlier Planning Commission work sessions. Also enclosed are copies of the "Southern Urban Area B Study" and the applicant's proposal (booklet) for the Granger Tract CPA.

The Albemarle County Planning Commission recommended approval with the following comments/ direction. The status of staff's response to this direction is included after each comment.

- 1. Remove the reference/recommendation to develop the Stadium Road connection pending further discussion with PACC representatives regarding the form and specificity of that recommendation.**

Concern was raised by the University at the Planning Commission public hearing regarding the specificity of the recommendation calling for the construction of the Stadium Road Connector and its consistency with the intent of the Area B Study. The Commission recommended deleting the language from the draft amendment at this time to allow PACC representatives (County, City, and University) to further discuss consistent and acceptable language for this concept.

Staff is in the process of working with PACC representatives from the City and University to develop alternative language for this recommendation. The Executive Committee of the PACC Technical

Committee has discussed some of the issues of concern and is currently working on alternative language for a recommendation regarding the Stadium Road Connector. The direction at this time focuses on revised language calling for a future study of a possible stadium road connector concept, recognizing the need for more analysis of the need, benefit and impact of such a concept and to consider possible design concepts and alternatives. Once completed, the proposed revision may be forwarded to the PACC Technical and/or Policy Board for discussion and comment. At this time the previously recommended language has been deleted (strikethrough type) as recommended by the Planning Commission.

2. Provide more clarification on water and sewer.

The Rivanna Water and Sewer Authority is in the process of completing an assessment of water and, more specifically, sewer infrastructure needs. Final information is not available at this time. Staff will provide additional amendment language utility needs and recommendations as information becomes available.

3. Provide for the specific road improvements that are the minimum necessary for the timing and the capacity expectations.

The Commission has recommended amendment language related to the Granger Tract and Fontaine Research Park that states:

Any rezoning approval and/or development of the site should be timed with the construction of recommended/planned or necessary improvements to the road network which provide an adequate level of service to support development in this area.

There was a desire to provide more specificity regarding what would be considered an adequate level of service for the road network, what roads were expected to meet this LOS, and what improvements were expected to address road network LOS. The following language has been added to the proposed amendment to address this issue. (Other specific road improvements were already identified in the draft amendment language):

Adequate level of service (LOS) is considered D or better (or the LOS acceptable to VDOT) for network roads in the County and City, including Fontaine Avenue, the Fontaine Avenue/U.S. 29 Bypass interchange, Sunset Avenue, Old Lynchburg Road, and Fifth Street.

The changes made to the proposed amendment language in response to the Commission's direction are highlighted in red and italic type in Attachments A and C.

Mr. Benish said the purpose of this work session is to receive comment from the Board on proposed amendments to the Comprehensive Plan. No action is necessary at this work session. The next step in the process would be to schedule a Public Hearing to receive public comment on the proposed amendments.

Mr. Benish also said that the Granger Tract has made an impact on the recommendations, and the City is considering incorporating the recommendations as they update their Comprehensive Plan. Mr. Benish said that the study area consists of Jefferson Park Avenue, the Frye Springs area in the City, with the Redfields boundary creating the southern boundary; over to the west it includes Fontaine, the Buckingham Circle area, Birdwood, and Bellair.

Mr. Rooker asked what traffic modeling is available to show the impact of Granger being built out and Fontaine being expanded with and without the Stadium Road connector.

Mr. Benish replied that the Area B study actually has some numbers that show the implications of Stadium Road, and those modeling numbers go back to at least 2002. They showed 4,000 to 6,000 vehicle trips per day on Stadium Road depending on options. He said that the city has been generally supportive of that road concept although U.Va. has expressed concerns about its impact on the neighborhoods there.

Ms. Thomas said that none of these are taking into account Biscuit Run.

Mr. Benish said that the analysis used in the Area B study was based on the regional transportation model which included impacts of growth for the traffic zones. He said that the Biscuit Run developers have submitted some numbers as a revision to their model that included the Fontaine-Sunset connector road, but staff has not completed analysis of it yet. Mr. Benish stated that the Area B Study did not assume a significant level of growth in that area, but it would have been based on the Comprehensive Plan designations. He added that the other two recommendations from the Commission included the need for more detail in the amendment language reflecting the utility needs in the neighborhoods and the Service Authority to complete their work on the analysis of the regional sewer system. Mr. Benish said that staff did the recommendation for the Granger Tract and Fontaine Research Park, which addressed timing the development with improvements needing to be provided. He stated that the County Attorney and Commission felt more specificity was needed in that language.

Ms. Thomas asked if that is where some concern about transit ought to be.

Mr. Benish said that it did not recommend specific standards of service, but there are recommendations in the Neighborhood Six conditions for service to the Research Park.

Mr. Boyd asked if there was a definition of "transit-ready."

Mr. Benish responded that there are some fairly standard planning practices that cover that now.

Mr. Rooker replied that there is not a one-size-fits-all situation, and staff would need to provide input into layout and features that accommodate transit in the community. He added that a combination of certain components makes it work, and the Comprehensive Plan needs to be somewhat general in nature.

Mr. Wyant commented that if these developments to the south had a transit lane it might encourage people to use it rather than driving. He said that much of the traffic is going towards the University, and he would encourage something along those lines.

Ms. Thomas said that she would also support transit-using roads, because if it is not put in the plan it is less likely to be done.

Mr. Benish stated that the Avon Street connector road is intended to be two lanes, and the CTS has expressed concern about circular routes in those neighborhoods. He said that Fontaine Avenue is a road that is failing and that is what makes the other connections in transit so important to making that system work.

Mr. Boyd asked what the next steps are.

Mr. Benish replied that the schedule for the public hearing is in mid-August.

Ms. Thomas noted that there will be a walkway from the Fontaine Townhouses to the Research Park, and it is a model for what the County would like to have. She said that it would be helpful to get safe walkways in places where there will be bus service.

Mr. Rooker said that it is clear from the language that was added that approval of new land-use decisions in this area is contingent upon the traffic system being capable of having them, having the improvements necessary for those to occur, and ensuring at least a "D" level of service. He said that he would not support this without those things in it.

Mr. Benish said that there is a caveat from VDOT that roads would need to be a level "C".

Ms. Thomas stated that it would be good if they could reach as many of the neighborhoods in this area as possible before the public hearing on August 2nd.

Mr. Benish suggested something such as an open house at COB-South.

Agenda Item No. 20. Work Session: Rural Areas Resource Protection.

Mr. Cilimberg noted that the Executive Summary states that following the Mountain Overlay District (MOD) Committee's presentation of their proposal, the Board of Supervisors and Planning Commission held two public input meetings and three work sessions to discuss issues related to those recommendations (See Attachments A & B). As a result of the public input received, the Board requested that staff present an alternative proposal that would apply some provisions of the MOD Committee's proposal to the entire Rural Areas. That alternative proposal was discussed with the Board at December 13th and January 10th work sessions (Attachments C & D). At the conclusion of the January 10th work session, the Board directed staff to prepare a summary of the Board's preference with respect to a proposal. This work session is to verify the Board's position, allowing ordinance amendments in support of that position to move forward.

This discussion will present a summary of staff's understanding of each element with respect to the proposal. The term "Rural Areas Resource Protection" was suggested to replace Mountain Overlay District, recognizing the proposal now encompasses the entire Rural Areas. The Board also directed staff to add the extension of ownership requirements of family divisions as an issue to include in the review. Therefore, the discussion has been expanded to include all of the Rural Areas land use designation and Family Divisions.

1. **Critical Slopes** – The Board agreed to reduce the impact on natural resources from Rural Areas development by removing the exemption for access ways (roads and driveways) across critical slopes. Waivers, as described below, would be available to prevent property owners from being denied reasonable use of their property. This provision would be implemented by amending §4.2. of the Zoning Ordinance to remove the access ways exemption from critical slope requirements. Staff believes the administrative burden of this provision can be minimal for the County and applicants by providing digital maps depicting critical slopes in the Rural Areas. This mapping has already been prepared and made available to the public using the GIS Web.
2. **Stream Buffers** – The Board agreed to reduce the impact on natural resources from Rural Areas development by providing uniform stream buffer standards throughout the entire Rural Areas and expanded buffers in the MOD. This would be accomplished by having stream buffers that extend 100' on each side of all streams within the Rural Areas and 200' on each side of all streams in the MOD. Rural Areas property within the Water Supply Areas already have all stream protected by 100' buffers. Thus, this change would simply apply the same standard to all Rural Areas property outside of the MOD and provide an expanded stream buffer in the MOD. The Board expressed

interest in hearing from Stream Watch or others on the potential benefit of this buffer standard or even greater buffers. John Murphy, Director of Stream Watch, and Ridge Schuyler, Director of The Nature Conservancy Piedmont Program and a contributor to the Rivanna River Commission, have expressed support of the proposed buffer regulations (Attachments E and F). This provision would be implemented by amending §17-301, §17-302, and §17-317 of the Water Protection Ordinance. Staff believes this change would reduce the administrative burden by applying the same standard to all Rural Areas property.

3. **Safe and Convenient Access** – To assure public safety, the Board agreed that safe and convenient access, as currently required by the Zoning Ordinance, would include assuring fire and rescue vehicles could safely access the residence. As a requirement for safe and convenient access already exists in the Zoning Ordinance, this simply requires an affirmation by the Board that this access requirement should include emergency vehicles and staff can rely on Fire/Rescue to define what they believe is needed with their vehicles.
4. **Erosion and Sediment Control** – To assure the three provisions described above were enforced, the Board agreed that Erosion and Sediment Control plans, rather than Agreements in Lieu of a Plan, would be required for all new single family houses in the Rural Areas. This plan would allow staff to verify that critical slopes and stream buffers are not being disturbed as well as assuring the driveway is properly designed. Staff believes this provision could require applicants to spend upwards of an additional \$1,000 per new house for preparation of plans and an increased permit fee. This change would require an additional Erosion Control Inspector/Reviewer to manage the increased workload.
5. **Waivers and/or Modifications** - The ability to waive or modify the above requirements would be necessary for circumstances where no alternatives are available for a reasonable use of the property. To simplify the administration of this process, the Board agreed that waivers or modifications could be granted through a staff administered process with appeals to the Planning Commission. This process was part of the original MOD Committee's recommendation.
6. **Family Divisions** – While outside of the original MOD recommendation, the Board asked that this be brought back for review. The length of ownership (both before and after family division) was an issue discussed with the RA clustering and phasing initiatives as family divisions would have been exempted from those regulations. Staff believes the Board consensus supported ownership for five years before and after the family division. The Commonwealth of Virginia has enabled localities to require family ownership of parcels fifteen years before and after the division.
7. **MOD recommendations not being pursued** - The Board agreed not to further consider the recommendations related to height of buildings related to the ridgeline and clustering with Rural Preservation Development.
8. **MOD recommendations pursued outside of ordinance changes** - Through its Strategic Plan, the Board has an objective of adding at least thirty thousand acres in conservation easements or qualified parkland and agreed to increase the budget for the Acquisition of Conservation Easements program.

Staff does not anticipate this proposal would impact property assessments, but some Rural Areas property may become more difficult to subdivide. Staff has determined the primary fiscal impact of this proposal would be associated with the required Erosion and Sediment Control plan and the need for an additional Erosion and Sediment Control Inspector / Plan Reviewer to support this change. That position would have a first year expense of approximately \$78,000 and subsequent year expenses of approximately \$58,000. That cost could be offset by additional fees. By switching from Agreements in Lieu of a Plan to Erosion and Sediment Control Plans, the current fees would increase by approximately \$29,000 (assuming an average of two hundred ninety (290) new houses per year in the Rural Areas). The Erosion Control Permit fee for a single family house would need to be raised from the current \$130 to \$205 for the new position to be fully supported by fees. It should be noted that the currently used Agreements in Lieu of a Plan requires a fee of only \$30 while staff estimates the administrative cost of this permit is several times higher than the fee. Thus, this fee change could eliminate some General Tax support for administration of the Erosion and Sediment Control Program.

Mr. Cilimberg said staff recommends that the Board of Supervisors review the discussion summary and, if no changes to the direction are required, adopt the attached Resolutions of Intent for the Zoning and Subdivision text amendments that will allow staff to bring forward the ordinance amendments. The amendments to the Water Protection Ordinance do not require a Resolution of Intent.

Mr. Cilimberg emphasized that all of this has been discussed at length in work sessions.

Mr. Davis noted that in order to adopt the stream buffers in the Mountain Overlay District, the district itself would need to be adopted.

Mr. Slutzky said that he recalled having that discussion previously anyway.

Mr. Rooker stated that hopefully the Board can agree on these general principles, and he would like to move forward without the process of creating a separate zoning district.

Mr. Boyd commented that he is starting to get some feedback, and the question is whether to take this to the ordinance phase and then take it to public hearing or not.

Mr. Slutzky said that it is probably safe to move forward with the ordinance and take it to public hearing.

Mr. Davis stated that the stream buffer process would be simpler without the Zoning Map Amendment because those restrictions are actually in the water protection ordinance. He said that the Zoning Ordinance would require property owner notification.

Mr. Rooker noted that each component here has an adoption requirement, and they are really just amendments of existing ordinances, making it a shorter process.

Mr. Slutzky commented that the fifteen-year restrictions on the family subdivisions seem irrelevant for homesteads.

Mr. Boyd said that he would support going to fifteen years afterwards and leaving beforehand where it is.

Mr. Slutzky said that he is fine with that.

Mr. Rooker commented that the back end restrictions are most important as they discourage someone from using the family subdivision provisions and then selling off all of the lots.

Ms. Thomas emphasized that family subdivisions are already an exception as they are not technically allowed under the letter of the ordinance. She stated that it is a privilege that is being handed out to a family so she thinks that it is fair to require something of them. She added that you do have to think of the ways that the exception can be abused, as it has happened in the past.

Mr. Wyant said that he still does not see the need for an Erosion and Sediment Control Plan, unless there is a situation where there is a critical slopes waiver.

Ms. Thomas responded that there is no other way to verify that erosion and sediment control are being done. It is a verification tool.

Mr. Rooker said that it is the only way these other things can be implemented because otherwise you do not have the information to base the judgment.

Mr. Graham said that the Erosion and Sediment Control Plan is the only thing that would show the actual grading performed on site and that is the only way staff knows that critical slopes are being disturbed. He said that perhaps it could be modified just to show grading and erosion and sediment control measures, and that is within staff's purview.

Mr. Graham explained that an Erosion and Sediment Control Plan has existing and proposed elevation contours on it showing where they are deviating from each other. He said that they do not get that information with an agreement. He added that things included in a full plan that might not be critical are things such as narratives on construction techniques. Mr. Graham noted that MS-19 is "Minimum Standard 19", a list of twenty benchmarks that must be met. He said that with an agreement there is no requirement to demonstrate how you are going to accomplish them, just that you will.

Mr. Rooker added that he would be supportive of administratively having staff develop a plan that eliminates things they do not really need to see.

Mr. Rooker **moved** to adopt the proposed Resolution of Intent in Attachment G-1 for the critical slopes. Mr. Slutzky **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

RESOLUTION OF INTENT

WHEREAS, the purposes of Section 4.2, Critical Slopes, of the Zoning Ordinance are to direct development away from critical slopes to more suitable terrain in order to protect and conserve critical slopes, public drinking water supplies and flood plain areas, and to reduce soil erosion, sedimentation, water pollution and septic disposal problems associated with the disturbance of critical slopes; and

WHEREAS, Section 4.2 establishes minimum requirements for the location of improvements and delineates several exemptions, including an exemption in Section 4.2.6 for accessways (driveways and roads) where no reasonable alternative location or alignment exists; and

WHEREAS, Section 4.2.5 allows modifications and waivers to be granted from the critical slopes requirements under prescribed circumstances, subject to reasonable conditions designed to mitigate the adverse impacts otherwise resulting from the disturbance of critical slopes; and

WHEREAS, in order to better achieve the purposes of Section 4.2, it is desired to allow the disturbance of critical slopes to establish an accessway only if the landowner obtains a modification or waiver, with reasonable conditions, rather than an exemption.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Planning Commission hereby adopts a resolution of intent to amend Section 4 and any other regulations of the Zoning Ordinance as described herein; and

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

Mr. Rooker **moved** to adopt the proposed Resolution of Intent in Attachment G-2 for safe and convenient access requirements. Mr. Slutzky **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

RESOLUTION OF INTENT

WHEREAS, although the Zoning Ordinance requires safe and convenient access for developments subject to a site plan (Section 32) and parking lots (Section 4.12), and the Subdivision Ordinance imposes minimum design standards for public and private streets to allow safe travel, there are no such minimum standards for driveways to residences in the Rural Areas zoning district; and

WHEREAS, in order to better protect the public safety, it is desired to require that driveways in the Rural Areas zoning district be designed and constructed to assure that fire and rescue vehicles can safely access a residence.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Planning Commission hereby adopts a resolution of intent to amend Section 4 and any other regulations of the Zoning Ordinance as described herein; and

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

Mr. Rooker **moved** to adopt the proposed Resolution of Intent in Attachment G-3 for family subdivision requirements with the length of time a family member must hold property after subdivision is for 15 years. Mr. Davis clarified that the resolution is written with flexibility to allow for 15 years required on the back end and none on the front end. Mr. Wyant **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

RESOLUTION OF INTENT

WHEREAS, one of the key purposes of the family subdivision regulations is to promote the cohesiveness of the family; and

WHEREAS, the Rural Areas Plan (the "Plan") was adopted by the Board of Supervisors as part of the Albemarle County Comprehensive Plan on March 2, 2005, and it states that one way to discourage the transfer of lots created by a family subdivision to someone who is not a member of the immediate family is to increase the period the parcel to be subdivided must be owned by the family member before it may be subdivided, and to increase the period each family subdivision lot must be owned by the grantee of a lot created by a family subdivision before it may be transferred to someone who is not a member of the immediate family; and

WHEREAS, Albemarle County Code § 14-212 requires that the grantee of a lot created by a family subdivision not transfer the lot to someone who is not a member of the immediate family for two years from the date of recordation of the plat; and

WHEREAS, in order to better promote the purposes of the family subdivision regulations and to discourage their abuse, it is desired to amend the Subdivision Ordinance to establish a period by which a landowner must own a parcel before it may be subdivided by family subdivision, to extend the period prohibiting the transfer of a lot created by family subdivision to someone who is not a member of the immediate family beyond the current two-year period, and to adopt such other regulations to assure that these requirements are satisfied.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good land development practices, the Board of Supervisors hereby adopts a resolution of intent to amend Albemarle County Code § 14-212 and any other regulations of the Subdivision Ordinance deemed appropriate to achieve the purposes described herein; and

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

Mr. Cilimberg said the other two issues requiring Board direction is proceeding with amendments to the Water Protection Ordinance for stream buffers. That may require the staff coming back with a resolution of intent for the overlay district for the different buffers in the mountain area.

Mr. Slutzky said the Board has determined that it is in agreement with moving forward with the 100 foot setback from all perennial and intermittent streams in the rural areas.

Mr. Davis clarified that the erosion and sediment control measure could be handled administratively and that the Board would need to authorize a public hearing for the Water Protection Ordinance to address the stream buffer item.

Agenda Item No. 21. From the Board: Committee Reports and Matters not Listed on the Agenda.

Mr. Slutzky noted that the ASAP proposal looks at the ability of ecological infrastructure to support population plus three other elements, but he is not sure if the Board wants to get bogged down in them now. He said that he supports what they propose but would prefer to support it in a more narrow fashion that focuses specifically on population. He commented that traditional land-use planning activity starts with intention for accommodation of human activity and that is how master planning is done, with density coming out of that plan. Mr. Slutzky said that what is evolving now in the urban planning community is first starting with an inventory of the ecological systems that provide service value to the community. Next, they identify what specific places on the map are particularly sensitive to the encroachment of human activity, and then they calibrate the maximum sustainable population that could be absorbed before ecosystem service values start to decline. He said that it is ultimately based on ecological or environmental considerations and not on social science issues such as how many people they want to have.

Mr. Rooker said that it would be important to the community to get that done, as that is the most important component and would be objectively based.

Mr. Slutzky noted that a lot of the raw data already exists because of the work of the Natural Heritage Committee. He said that there is a lot of discussion around the country about the upper bounds, and there are places that are just starting to do this although none have actually done it yet.

Ms. Thomas asked if he is talking about ecological considerations or broader environmental factors.

Mr. Slutzky responded that there would be natural resource sensitive spots identified through this initiative and that would in turn show the ecological systems and how building would impact them.

Mr. Rooker said that impacts on air quality and water quality would also be important to know.

Ms. Thomas commented that you could support any population as long as you were willing to deal with the cost. She said that it is a good idea to remove the social costs as they tend to be the most subjective.

Mr. Wyant stated that there are areas in the County where he would not approve development because of the water situation, such as the Keswick area where the soils are very rocky.

Mr. Rooker noted that if it is done right there can be a lot of information gathered from it.

Mr. Slutzky said that there is a lot of cutting-edge methodology available although it is not the easiest thing to implement and extrapolate information from. He mentioned that there are tradeoff decisions, such as those related to nitrogen emissions, that need to be made, but they can not be made without information about the impact of human activities on ecological disturbance. He said that it is not just about picking a number out of the sky.

Mr. Boyd expressed concern about staff time being spent on this.

Mr. Graham said that the staff support for this would primarily be providing maps and copies of the GIS database.

Mr. Tucker stated that he can not imagine how this would only cost ASAP \$25,000 or \$50,000.

Mr. Rooker noted that they will have to come back with bids from consultants.

Seeing that Mr. Bryan Wheeler, a School Board member was present, Mr. Slutzky asked for clarification about the School Board turning down the Stony Point site for air quality monitoring.

Mr. Wheeler responded that as far as he knows, this has never come before the School Board.

Mr. Slutzky said he believes that DEQ should work with County staff to find a proper location.

Mr. Wyant said that committee on emergency transport has met twice, and it is proceeding along. They had an emergency transport consultant come in from Virginia Beach to discuss the services they provide.

Ms. Thomas suggested that Board members read the TJPDC's Summary of Activities.

Ms. Thomas commented that the Rivanna River Commission had its first meeting and adopted a charter.

Ms. Thomas said that the Historic Preservation Committee will be coming to the Board soon with a report.

Ms. Thomas said the ACE Committee is coming to the Board with a report on the point system to reflect changes the Board has suggested.

Ms. Thomas said on May 10th, there will be a "light" dinner at Sage Moon which will include information about the AIDS services group.

Mr. Dorrier mentioned the recently sponsored VACO meeting at the Fluvanna Courthouse, noting that things such as affordable housing, assessments, and budgets were discussed, making it a very fruitful meeting.

Mr. Boyd said that the Mayor has contacted him about participating with the Emergency Services Task Force, and they are discussing what the make-up of that group would be.

Mr. Tucker said that Mr. Wyant has been representing the Board.

Agenda Item No. 22. Adjourn to May 9, 2007 at 1:30 p.m.

At 6:26 p.m., Mr. Slutzky **moved** to adjourn the meeting to May 9, 2007 at 1:30 p.m. in this location. Mr. Wyant **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

Chairman

Approved by the Board of County Supervisors
Date
Initials