

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on August 1, 2007, at 9:00 a.m., in the Lane Auditorium in the County Office Building on McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Kenneth C. Boyd, Mr. Lindsay G. Dorrier, Jr., Mr. Dennis S. Rooker, Mr. David Slutzky, 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. Jordan, and Senior Deputy Clerk, Meagan Hoy.

Agenda Item No. 1. The meeting was called to order at 9:02 a.m., by the Chairman, Mr. Boyd.

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

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Agenda Item No. 4. Recognitions:

a. Department of Social Services – SPQA Award.

Mr. Boyd said that Albemarle County's Social Services Department received one of only three U.S. Senate Productivity & Quality Awards in the state of Virginia. He said that they received the award for commitment to performance excellence, which is awarded to organizations that demonstrate business approaches to performance excellence across the organization and making progress in the deployment of these approaches. Mr. Boyd said that the SPQA mission is to cultivate continuous organization improvement and growth for the Commonwealth of Virginia through a process of knowledge sharing, evaluation, feedback, and recognition. He stated that the core values include visionary leadership, customer-driven excellence, organizational and personal learning, valuing employees and partners, agility, focus on the future, managing for innovation, management by fact, social responsibilities, and a focus on results and creating value.

Mr. Boyd noted that the assessment process is vigorous and demanding, and the DSS staff put a lot of effort into getting the award. He said that there are over 50 staff members who spent over a year completing self-assessments on seven different categories in order to write and submit the application. Mr. Boyd stated that the award is the culmination of an 11-year journey by the department towards being a true high performing organization and emphasis that customers receive the very highest level of care and service as measures against the best organizations in the state. He commended the department and asked Kathy Ralston to come forward. Attendees applauded.

Ms. Kathy Ralston, Director of Social Services, addressed the Board and recognized DSS staff for their work. She also thanked Mr. Tucker, noting that he introduced the high performance organization concept to the County several years ago and challenged the departments to embrace this concept.

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b. Proclamation recognizing August 26, 2007 as Women's Equality Day. **(Defer until August 8, 2007.)**

Mr. Boyd asked that this item be deferred until next week so that there is time to tailor this to the specifics of the local community. Board members agreed.

Ms. Thomas commented that it is acceptable to tailor the proclamation, but not to water it down to where it is meaningless.

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

Ms. Thomas reported that Albemarle received two awards at the National Association of Counties Annual meeting recently held in Richmond, VA. The presentations will be made at the Board's meeting in September. She noted that nationally some of the major issues are childhood obesity specifically in rural counties; overcoming language barriers; online payment of tax bills; methamphetamine problems; healthcare/discounted prescription plans; and interaction with army bases.

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Mr. Wyant emphasized that the Advance Mills item would be discussed today even though it was not listed as an agenda item on the website.

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

Mr. Boyd noted that there are 21 people signed up to talk about the Advance Mills Bridge, and he suggested that they consolidate their comments.

Mr. David Blount, TJPDC Legislative Liaison, addressed the Board, discussing the regional 2008 legislative program. He will provide the Board with a draft program in September and plan to attend the October 3<sup>rd</sup> meeting to seek approval of the program. He explained that the Mayor and Chairs group has recommended the Comprehensive Services Act as top priority in the program, and they would also be focusing on public education as that has been pegged at \$1.1 billion for the next two-year budget. Mr. Blount said that the priorities forwarded to VaCo would also be included in the draft of the program.

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Father Dennis McAuliffe, speaking on behalf of IMPACT, addressed the Board, urging the County to join the City and University of Virginia on the proposed joint housing task force to look at the problems that affect the poor and working poor in the area. He said that IMPACT believes a regional approach to the problems that affect the County and City equally will have a better chance of resolution than if each entity goes its own way.

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Mr. Brian Wheeler, Executive Director of Charlottesville Tomorrow, a non-partisan community organization focusing on land use, transportation, and community design issues, addressed the Board. He provided Board members with the results of a citizen survey that they conducted. Board members have been provided with a complete copy of the report. Inside the report is a summary of the research. A list of the key findings are shown on page 3. Also included are the complete questions, data results and demographics of the survey. This project got underway late last year with four focus groups and their goal was an in-depth, accurate assessment of the public's feelings about the rural area. They took the feedback from the focus groups that informed the survey instrument; they then interviewed over 1,000 voters in the County, which gives an accuracy rate of +/- three percent. Mr. Wheeler encouraged Board members to look at the concerns related to community infrastructure and transportation and about responsiveness of local government.

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Ms. Barbara Edwards, Principal of Broadus Wood Elementary School and a resident of Earlysville, addressed the Board. She said that there are numerous teachers and families that need to use the Advance Mills Bridge to get to school, and they will have to travel Durrett Ridge or Route 29 to get there while the bridge is out.

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Ms. Mary Kostishak, President of the Advance Mills Homeowners Association, addressed the Board. She said that she lives on the north side of the bridge, and the Association adopted a resolution related to the bridge and called for the construction of a temporary bridge. Ms. Kostishak noted that the petition was signed by 450 people, and many attendees who signed it stood. She said that the bridge would not be built permanently until 2012, and that has been in the budget on and off since 1969. Ms. Kostishak noted that the Association has learned that there is a temporary bridge that does not require piers, so this type of bridge would take away concerns over the piers. She said that a temporary bridge can last from ten to 20 years and is reusable. Ms. Kostishak said that the fastest route for fire trucks, according to Mapquest, involves the bridge, as does the second fastest, and a route not using the bridge takes 21 percent longer.

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Mr. Paul Newland addressed the Board, presenting a resolution adopted by the Advance Mills Homeowners Association on July 19, 2007.

Mr. Rooker noted that Board members have received them and read them already, and he thanked Mr. Newland for presenting them.

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Ms. Mimi Bender addressed the Board, stating that they tried to get a sense of what the community's opinions are. She noted that almost 450 people signed the petition. Ms. Bender said their lives are being affected, and they know that they cannot wait five or six years at minimum for a new bridge. She added that people are angry, frustrated, and worried about their safety because of emergency vehicles and transportation for their kids. Ms. Bender emphasized that Durrett Ridge Road is windy and not entirely paved, and there has been no action on the bridge item even though it has been known for some time.

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Mr. George Ackerman addressed the Board, expressing concern about emergency vehicle response times and stating that the Earlysville Fire and Rescue Department should be the unit to respond as it is closest. He stated that the Board has the information available to make the best decision among imperfect options, and he urged them to act today to set in motion and follow through on construction of a temporary bridge.

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Mr. John Millard of Advance Mills Village addressed the Board. He stated that the same police officer who patrols Earlysville also patrols Advance Mills, and it would take him at least ten minutes to get to his house if he is on the other side of the bridge.

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Mr. Bob Overstreet addressed the Board, expressing concerns for all residents living in the area and having to use the bridge. He said that the County is obligated to provide essential services such as

emergency services and police, and residents cannot wait any longer to get a bridge. Mr. Overstreet encouraged the Board to have the temporary bridge put in immediately.

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Mr. Lodovico (Vic) Terranova addressed the Board, stating that if the County approves subdivisions, it should also provide the necessary infrastructure to serve them.

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Ms. Barbara Stevens of Advance Mills addressed the Board. She said that she wants to make sure that there is a coordinated effort between the school transportation department and the Board when there are roads and bridges that are up for review by the County. Ms. Stevens indicated that school transportation officials refer to this as one of the single worst routes in the County, and on several occasions busses have had to pull over to allow cars to pass.

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Ms. Sharon Ackerman of Advance Mills addressed the Board, stating that the bridge has been an issue since 1969, and the County has known it has been in need of replacement. She said that the residents have waited far too long for a bridge, and they are hopeful that a decision will be made to put up a structure that at least will be able to provide a route for school transportation and emergency vehicles.

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Ms. June Oakley addressed the Board, stating that she lives on the north side of the Advance Mills bridge, and she is concerned about busses using the route. She expressed concern about busses having to back up, noting that they can turn over.

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Mr. Walter Jaeger addressed the Board, emphasizing that this is a fundamental, basic infrastructure.

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Minister H. S. Miller of Mt. Zion Baptist Church addressed the Board, asking that they speed up the red tape so that no family will have to experience yellow police tape around their home because fire and rescue could not get there quickly enough.

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Mr. Jay Sanderford, Pastor of Blue Ridge Presbyterian Church in Ruckersville, addressed the Board. He said that maps dating to the founding of the area show a river crossing at Advance Mills, and there is record of a bridge as early as the 1900s-1910s. Mr. Sanderford said that the bridge and crossing need to be restored now, and the lack of it divides communities, breaks up relationships, ruins business/commerce, and disrupts communities, especially church communities.

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Mr. Bill Tornrose addressed the Board, noting that the bus travel to Broaddus Wood is quite problematic for his daughter. His daughter, Lauren, said that her bus driver has been unable to cross the bridge twice, and the bridge was completely underwater when it was flooded. She said that her bus driver gets very angry, and the students have to go to the back of the bus and guide the bus's direction to make sure he does not go off the side of the road. Lauren also said that her bus driver cannot turn the bus around and has to back up all the way to Route 743.

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Ms. Ann Mallek addressed the Board, stating that she would like the Board to favorably consider declaration of Albemarle as an agricultural disaster area (Item 7.4 on the consent agenda). She noted that this is the first July that her family has had to feed hay, and five acres per cow is still not providing enough pasture for that. Ms. Mallek also encouraged the Board to discuss with VDOT consideration of changing the timing of the Hydraulic Road/Route 29 light as only a few cars can get through when it is green on the morning commute. She said that the breakdown of the Advance Mills bridge is a reflection of a breakdown in local government and leadership. Ms. Mallek said she hopes everyone will all do better.

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Mr. Jim Burns addressed the Board, stating that he has lived in Advance Mills for 30 years, and his property will potentially be the terminus of Alignment A of the permanent bridge. He said that he is generally supportive of the temporary bridge, but he is not supportive of the permanent bridge being on his property.

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Mr. Jeff Werner of Piedmont Environmental Council addressed the Board, stating that they have worked to get several historic district designations, but there is a reason that the Comprehensive Plan designates 95 percent of the County as rural area. He said that what is being seen today is a growth policy in the rural area where people want roads and other amenities. Mr. Werner noted that the bridge is listed as a contributing structure to the Advance Mills Historic District, and VDOT is required to comply with environmental and historic reviews even if it is a temporary bridge. He said it is not the Board's decision on the historic merits of this site, and it is not VDOT's decision on the historic merits of this site. VDOT has to work with the Virginia Department of Historic Resources, and it is his understanding they have not contacted them.

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Mr. Al Daughtry of Advance Mills addressed the Board, stating that DHR is an advisory body, not a regulatory body, that will advise VDOT on this matter. He also said that the historic district is registered on state and federal registries, and local government owns this district.

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Agenda Item No. 7. Consent Agenda

Mr. Rooker **moved** for approval of Items 7.1 (as read) through 7.4 on the Consent Agenda, and to accept the remaining items for information. Mr. Wyant **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

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Item No. 7.1. Approval of Minutes: September 6 and December 6, 2006; January 3, January 10, February 7, March 14 and May 9, 2007.

Mr. Boyd had not read the minutes of September 6, 2006, and asked that they be pulled.

Ms. Thomas had not read the portion of her January 3, 2007 minutes or March 14, 2007, and asked that they be pulled.

Mr. Dorrier had not read the portion of his minutes of January 3 and January 10, 2007, and asked that they be pulled.

Mr. Wyant had not read the minutes of December 6, 2006 and asked that they be pulled.

Mr. Slutzky had read the minutes of February 7 and May 9, 2007, and found them to be in order.

Mr. Rooker had read his portion of the minutes of January 10, 2007 and found them to be in order.

**(By the above recorded votes, the minutes, as read, were approved, and the remaining minutes put on the next agenda.)**

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Item No. 7.2. FY 2007 Appropriations.

The Executive Summary states 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 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 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 Funds, E911, School Self-Sustaining, etc.

In the past, Code of Virginia § 15.2-2507 required a budget amendment public hearing when the amendment exceeded one percent of the total expenditures shown in the currently adopted budget or the sum of \$500,000, whichever is lesser. Effective July 1, 2007, this code section was amended removing the "or the sum of \$500,000 whichever is lesser" from this requirement, therefore, a budget amendment public hearing will only be required after the cumulative appropriations exceed one percent of the currently adopted budget.

The total of this requested FY 2007 appropriation is \$48,400.37. A budget amendment public hearing will be required if future additional cumulative appropriations exceed one percent of the currently adopted budget.

This request involves the approval of one (1) new FY 2007 appropriation as follows:

- One (1) appropriation (#2007089) totaling \$48,400.37 for various school programs and grants.

Staff recommends approval of the FY 2007 Appropriation #2007089.

**Appropriation #2007089 \$48,400.37**

Revenue Source:	Local Revenue (Grant/Donation)	\$ 4,561.44
	State Revenue (Reimbursement)	3,763.00
	Federal Revenue (Grant)	15,058.24
	Fund Balances (Grants)	25,017.69

At its meeting on June 14, 2007, the School Board approved the following appropriations:

Stone Robinson Elementary School has been awarded a grant in the amount of \$775.00 from the local Childhood Obesity Task Force. These funds will be used to educate students on the new USDA MyPyramid, how to analyze a nutrition label and the importance of daily physical fitness.

Various Shannon Foundation Grants have an unexpended fund balance from FY 05-06. Holders of these grants have been encouraged to expend these balances. This agenda is to reappropriate \$4,007.87 in available funds for use in FY 06-07.

Various Miscellaneous Grants have an unexpended fund balance from FY 05-06. Holders of these grants have been encouraged to expend these balances. This will reappropriate \$21,009.82 in available funds for use in FY 06-07.

The Albemarle County Schools has received The Education Technology Formula Grant Award in the amount of \$14,994.18 for FY 06-07. This grant also has a carryover grant amount of \$64.06. This balance was retained by the Virginia Department of Education and is now available for use by Albemarle County Schools. These funds will be used to improve student academic achievement through the use of technology in schools, providing funds for teachers training and curriculum development.

Jack Jouett Middle School received a donation in the amount of \$1,000.00 from the Charlottesville Area Community Foundation. It has been requested that this donation be used to send 8<sup>th</sup> grade language arts students from Jack Jouett Middle School to local universities and colleges.

Each year, AP exams are administered and the State reimburses individual schools a specific amount for economically disadvantaged students. These fees have been paid by each school and the State is reimbursing \$3,763.00 to them.

At its meeting on June 28, 2007, the School Board approved the following appropriations:

Yancey Elementary School has received a donation in the amount of \$100.00 from the Albemarle/Charlottesville Pilot Club. It has been requested that this donation be used to support Yancey Elementary School's Field Trip Program.

V.L. Murray Elementary School received a donation in the amount of \$2,686.44 from the V.L. Murray PTO. This donation is to reimburse the FICA and wages for the After School SOL Tutoring Sessions at V.L. Murray Elementary School.

**By the recorded vote set out above, the Board approved FY 2007 Appropriation #2007089 in the amount of \$48,400.37.**

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2007089  
**DATE** \_\_\_\_\_  
**BATCH#** \_\_\_\_\_

**EXPLANATION: Education Donations and Grants – School Board Meeting 06/14/2007, 06/28/2007**

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	2000	18100	181109	DONATION	J 2	1,000.00		
2	2000	24000	240285	AP EXAMS	J 2	3,763.00		
2	3104	18000	181222	REVENUE	J 2	775.00		
2	3104	51000	510100	FUND BALANCE	J 2	21,009.82		
2	3131	33000	330125	EDUCATION TECH FORMULA GRANT	J 2	15,058.24		
2	3502	51000	510100	FUND BALANCE	J 2	4,007.87		
1	2253	61101	601300	EDUCATION SUPPLIES	J 1	1,000.00		
1	2301	61101	580000	MISCELLANEOUS	J 1	424.00		
1	2302	61101	580000	MISCELLANEOUS	J 1	159.00		
1	2304	61101	580000	MISCELLANEOUS	J 1	3,180.00		
1	3104	60000	601300	EDUCATION SUPPLIES	J 1	5,192.42		
1	3104	60201	601300	EDUCATION SUPPLIES	J 1	75.00		
1	3104	60203	312500	PROF SERV - INSTRUCTIONAL	J 1	225.00		
1	3104	60203	601300	EDUCATION SUPPLIES	J 1	500.00		

1	3104	60205	601300	EDUCATION SUPPLIES	J	1	941.60		
1	3104	60207	601300	EDUCATION SUPPLIES	J	1	200.00		
1	3104	60209	601300	EDUCATION SUPPLIES	J	1	105.29		
1	3104	60210	601300	EDUCATION SUPPLIES	J	1	1,143.61		
1	3104	60212	601300	EDUCATION SUPPLIES	J	1	587.79		
1	3104	60213	601300	EDUCATION SUPPLIES	J	1	775.00		
1	3104	60213	601300	EDUCATION SUPPLIES	J	1	300.00		
1	3104	60215	132100	PT/WAGES - TEACHERS	J	1	2,684.75		
1	3104	60215	601300	EDUCATION SUPPLIES	J	1	1,050.26		
1	3104	60216	601300	EDUCATION SUPPLIES	J	1	1,298.61		
1	3104	60217	601300	EDUCATION SUPPLIES	J	1	1,035.05		
1	3104	60251	601300	EDUCATION SUPPLIES	J	1	1,545.55		
1	3104	60252	312500	PROF SERV - INSTRUCTIONAL	J	1	2,957.00		
1	3104	60253	601300	EDUCATION SUPPLIES	J	1	437.29		
1	3104	60301	601300	EDUCATION SUPPLIES	J	1	42.28		
1	3104	61311	580500	STAFF DEVELOPMENT	J	1	688.32		
1	3131	61311	160200	STIPENDS	J	1	13,988.00		
1	3131	61311	210000	FICA	J	1	1,070.24		
1	3502	60606	601300	EDUCATION SUPPLIES	J	1	4,007.87		
2	2000	18100	181109	DONATION	J	2	2,786.44		
1	2213	61101	420100	FIELD TRIP MILEAGE	J	1	100.00		
1	2213	61101	152100	SUBSTITUTE WAGES	J	1	2,480.93		
1	2213	61101	210000	FICA	J	1	205.51		
	2000		0501	Est. Revenue				7,549.44	
			0701	Appropriation					7,549.44
	3104		0501	Est. Revenue				21,784.82	
			0701	Appropriation					21,784.82
	3131		0501	Est. Revenue				15,058.24	
			0701	Appropriation					15,058.24
	3502		0501	Est. Revenue				4,007.87	
			0701	Appropriation					4,007.87
<b>TOTAL</b>							<b>96,800.74</b>	<b>48,400.37</b>	<b>48,400.37</b>

Item No. 7.3. FY 2008 Appropriations.

The Executive Summary states 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 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 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 Funds, E911, School Self-Sustaining, etc.

In the past, Code of Virginia § 15.2-2507 required a budget amendment public hearing when the

amendment exceeded one percent of the total expenditures shown in the currently adopted budget or the sum of \$500,000, whichever is lesser. Effective July 1, 2007, this code section was amended removing the "or the sum of \$500,000 whichever is lesser" from this requirement, therefore, a budget amendment public hearing will only be required after the cumulative appropriations exceed one percent of the currently adopted budget.

The total of this requested FY 2008 appropriation is \$257,780.16. A budget amendment public hearing will be required if future additional cumulative appropriations exceed one percent of the currently adopted budget.

This request involves the approval of six (6) new FY 2008 appropriations as follows:

- One (1) appropriation (#2008006) totaling \$18,946.00 for the State Criminal Alien Assistance Program;
- One (1) appropriation (#2008008) reappropriating \$49,976.16 for Community Relations;
- One (1) appropriation (#2008009) transferring \$82,200.00 for additional motor vehicles from the General Fund to the Motor Vehicle Replacement Fund;
- One (1) appropriation (#2008010) in the amount of \$100,000.00 for the Commission on Children and Families' Family Functional Therapy Grant;
- One (1) appropriation (#2008011) in the amount of \$4,793.00 for minor operating budget adjustments; and
- One (1) appropriation (#2008012) reappropriating \$1,865.00 in donated funds for Woodbrook Elementary School.

Staff recommends approval of the FY 2008 Appropriations #2008006, #2008008, #2008009, #2008010, #2008011, and #2008012.

**Appropriation #2008006** **\$18,946.00**

Revenue Source: Federal Revenue \$ 18,946.00

The State Criminal Alien Assistance Program (SCAAP) reimburses localities for compensation expenses incurred by correctional officers supervising aliens in local and regional jail facilities. Reimbursement is given to localities even though the expenses are incurred by the correctional facility. This is the second year of the program and actual reimbursements have been delayed.

The County of Albemarle is scheduled to receive \$18,946.00 for FY06. The City of Charlottesville's reimbursement has not been finalized. Both localities will be sending their respective reimbursements to the Albemarle-Charlottesville Regional Jail to reimburse it for its expenses.

The program is operated by the United States Department of Justice, Bureau of Justice Administration. We have applied for a FY07 grant, however, the amount and date of reimbursement is unknown at this time.

**Appropriation #2008008** **\$ 49,976.16**

Revenue Source: General Fund Balance \$ 49,976.16

The Community Relations Division has requested the reappropriation of \$49,976.16 in unexpended FY07 funds:

- \$19,976.16 is planned to support several initiatives this summer for marketing of the ACE Program.
- The County's website is planned to undergo an enhancement project to procure a more technologically advanced content management system as well as to procure the services of a consultant to assist with a graphical redesign of the website to improve functionality and navigability. It is anticipated that this project will require \$30,000.00 in funding which will include the cost of consultant services, purchase of a content management system, and ongoing system upgrade and maintenance expense.

**Appropriation #2008009** **\$ 82,200.00**

Revenue Source: Transfer from General Fund \$ 82,200.00

Three departments had funds appropriated in their operating budget for the purchase of additional motor vehicles that were a result of approved FY 2008 initiatives. To streamline and simplify the purchasing process, this appropriation will transfer these funds from the General Fund to the Motor Vehicle Replacement Fund.

**Appropriation #2008010** **\$100,000.00**

Revenue Source: Federal Revenue (Grant) \$100,000.00

The Department of Criminal Justice Services has awarded the Commission on Children and Families a grant in the amount of \$100,000.00. This grant will provide training and the continued services of the Family Functional Therapy program. This will include staff training, manuals, and treatment services for the participants. There is no local match.

**Appropriation #2008011** **\$ 4,793.00**

Revenue Source: Board Contingency \$ 4,793.00

Several minor budget adjustments occurred after the FY08 budget was officially appropriated by the Board. These include an additional \$3,240.00 in office supplies for Information Technology, an additional \$1,553.00 for T.J. Soil and Water Conservation, and a reallocation of Total Rewards between the Office of Facilities Development and General Services.

**Appropriation #2008012** **\$ 1,865.00**

Revenue Source: School Fund Balance \$ 1,865.00

Woodbrook Elementary School received a donation from various donors totaling \$1,865.00. These donations were made specifically to erect a bookroom in the memory of Ann Watson. The room will be called the Ann Watson Bookroom at Woodbrook Elementary School. These monies were received in FY2006/07 and are requested for appropriation in FY2007/08.

**By the recorded vote set out above, the Board approved FY 2007 Appropriations #2008006, #2008008, #2008009, #2008010, #2008011, and #2008012.**

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

APP # 2008006  
 DATE \_\_\_\_\_  
 BATCH# \_\_\_\_\_

**EXPLANATION: State Criminal Alien Assistance Program**

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1000	33000	330085	Federal Revenue - SCAAP	J 2	18,946.00		
1	1000	33020	700002	Regional Jail	J 1	18,946.00		
	1000		0501	Est. Revenue			18,946.00	
			0701	Appropriation				18,946.00
<b>TOTAL</b>						<b>37,892.00</b>	<b>18,946.00</b>	<b>18,946.00</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

APP # 2008008  
 DATE \_\_\_\_\_  
 BATCH# \_\_\_\_\_

**EXPLANATION: Reappropriation Request - Community Relations**

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	1000	12013	312102	ACE Publicity & Promotion	J 1	19,976.16		
1	1000	12013	301200	Contract Services-Other	J 1	30,000.00		
2	1000	51000	510100	Appropriation - F/B	J 2	49,976.16		
	1000		0501	Est. Revenue			49,976.16	
			0701	Appropriation				49,976.16
<b>TOTAL</b>						<b>99,952.32</b>	<b>49,976.16</b>	<b>49,976.16</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

APP # 2008009  
 DATE \_\_\_\_\_  
 BATCH# \_\_\_\_\_

**EXPLANATION: Transfer of Appropriation for additional motor vehicles from General Fund to Motor Vehicle Replacement Fund**

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
1	1000	31013	800500	Police	J	1	(46,000.00)		
1	1000	43001	800500	General Services	J	1	(19,600.00)		
1	1000	53013	800500	Social Services	J	1	(16,600.00)		
1	9200	31013	800500	Police	J	1	46,000.00		
1	9200	43001	800500	General Services	J	1	19,600.00		
1	9200	53013	800500	Social Services	J	1	16,600.00		
1	1000	93010	939999	Transfer to Other Funds	J	1	82,200.00		
2	9200	51000	512004	Transfer from G/F	J	2	82,200.00		
	9200		0501	Est. Revenue				82,200.00	
			0701	Appropriation					82,200.00
<b>TOTAL</b>							<b>164,400.00</b>	<b>82,200.00</b>	<b>82,200.00</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2008010  
**DATE** \_\_\_\_\_  
**BATCH#** \_\_\_\_\_

**EXPLANATION:** CCF - Family Functional Therapy Grant

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	1575	33000	330001	Federal Revenue	J	2	100,000.00		
					J				
1	1575	53157	312105	Consulting	J	1	95,400.00		
1	1575	53157	550100	Travel/Training	J	1	1,600.00		
1	1575	53157	600100	Supplies	J	1	3,000.00		
	1575		0501	Est. Revenue				100,000.00	
			0701	Appropriation					100,000.00
<b>TOTAL</b>							<b>200,000.00</b>	<b>100,000.00</b>	<b>100,000.00</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2008011  
**DATE** \_\_\_\_\_  
**BATCH#** \_\_\_\_\_

**EXPLANATION:** FY08 Miscellaneous Budget Adjustments

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
1	1000	12200	600100	IT - Office Supplies	J	1	3,240.00		
1	1000	95000	999990	Budget Contingency	J	1	(3,240.00)		
					J				
1	1000	82030	580410	TJ Soil & Water Conservation	J	1	1,553.00		
1	1000	95000	999990	Budget Contingency	J	1	(1,553.00)		

1	1000	41110	282040	OFD - Total Rewards	J	1	(752.00)		
1	1000	43001	282040	General Serv. - Total Rewards	J	1	752.00		
<b>TOTAL</b>							<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2008012  
**DATE** \_\_\_\_\_  
**BATCH#** \_\_\_\_\_

**EXPLANATION:** Education Donation – Approved by School Board 07/12/2007

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	2000	51000	510100	APPROPRIATION - F/B	J	2	1,865.00		
1	2212	61411	800200	FURNITURE/FIXTURES	J	1	1,865.00		
	2000		0501	EST. REVENUE				1,865.00	
			0701	APPROPRIATION				1,865.00	
<b>TOTAL</b>							<b>3,730.00</b>	<b>1,865.00</b>	<b>1,865.00</b>

Item No. 7.4. Resolution: Disaster Declaration Due to Drought Conditions.

**By the recorded vote set out above, the Board adopted the following resolution requesting that Albemarle County be declared an Agricultural Disaster Area due to drought conditions:**

**Resolution Requesting that Albemarle County  
 Be Declared an Agricultural Disaster Area  
 Due to Drought Conditions**

**WHEREAS**, the drought conditions in the County of Albemarle have severely affected farmers; and

**WHEREAS**, during the growing season of this year the County of Albemarle has received considerably less rain than normal while experiencing unseasonably high temperatures; and

**WHEREAS**, the Albemarle/Charlottesville Extension Agent of the Virginia Cooperative Extension has reported that corn, hay and pasture crops have suffered between 35 percent and 50 percent losses and that water is in short supply for livestock.

**NOW, THEREFORE, BE IT RESOLVED**, that the Albemarle County Board of Supervisors hereby requests that the County of Albemarle, Virginia be declared a drought disaster area as recommended by the Virginia Cooperative Extension in accordance with the Virginia Farmer Major Drought, Flood and Hurricane Disaster Act due to drought conditions.

**BE IT FURTHER RESOLVED**, that the County Executive forward this Resolution to the Governor of Virginia with a request that he takes all necessary steps to effect the disaster declaration.

Item No. 7.5. Board-to-Board, August 2007, A Monthly Communications report from the Albemarle County School Board to the Albemarle County Board of Supervisors **was received by the for information.**

Item No. 7.6. Copy of letter dated July 16, 2007, from Ronald L. Higgins, Manager of Zoning Administration, to Brian S. Ray, *re: OFFICIAL DETERMINATION OF PARCELS -- Tax Map 93, Parcels 1 & 4 (Property of Eastwind Properties LLC) Section 10.3.1. – Scottsville Magisterial District* **was received for information.**

Agenda Item No. 8a. Transportation Matters: VDOT Monthly Report.

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Agenda Item No. 8b. Transportation Matters not Listed on the Agenda.

Mr. Boyd asked about the delay in Rocky Hollow Road.

Mr. Alan Sumpter addressed the Board, stating that VDOT was concerned about going forward while the logging operations were occurring. VDOT and the logger have worked out an agreement that will allow VDOT to proceed with surface treatment of the entire roadway and some cure time before the logger starts his operations.

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Mr. Slutzky asked for an update on the quarry issue in the next month or so.

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Mr. Rooker mentioned the sequence of the light on Hydraulic Road and Route 29, as mentioned by a member from the public earlier. The light does not allow an adequate number of cars to get through in the mornings.

Mr. Sumpter responded that VDOT has been working to improve synchronization, and new staff has been hired, at the regional office, specifically toward that effort. He said that they are trying to move as diligently as they can. Mr. Sumpter noted that some upgrades are needed to tie all the lights together.

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Mr. Wyant asked that VDOT keep him informed about White Mountain Road.

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In response to Mr. Wyant's question about the status of Jarman's Gap Road, Mr. Sumpter replied that the survey party has been out there, and they are working on updating their design. He does not have a timeframe.

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Ms. Thomas asked for information about Sunset Road in the Red Hills Subdivision.

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She said also has received some complaints that the hedge is growing so tall on Reas Ford Road and Woodland Road that visibility is difficult. She drove the area and confirmed that it is true.

Mr. Sumpter said that they put a stop bar there, but it is still hard to see. It is on private property and depends on cooperation from the property owner. He will meet with the property owner to see if there is something that can be done.

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Ms. Thomas asked about the "blue" signs for agricultural businesses, like Nelson County has.

Mr. Sumpter replied that he would provide details, as that is part of VDOT's logo program.

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Mr. Dorrier said that he had been approached about a traffic problem at Routes 712 and 720 in Keene near Greene Mountain Country Store. It is difficult to determine if drivers are turning into the store or turning onto Route 712. He also noted that if they turn there and shoot across going into the store that puts them there at about 50 miles per hour.

Mr. Sumpter agreed to look into it.

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Mr. Sumpter reported that VDOT is committed to the Advance Mills project that is in the Six-Year Plan, which includes a permanent bridge structure. He stated that there has been preliminary work done on the environmental and historical impacts, and there have been two alignments established. Mr. Sumpter said that an on-call consultant has come up with a plan and timeline for the design services, and there is a goal set to have a community information meeting this fall to seek input on the permanent alignments, with a public hearing in spring of 2008. He reported that the environmental permitting process will include the design, right of way acquisition, and funding; the advertisement date for that is anticipated to be June – July 2010 for a permanent structure.

Mr. Sumpter reported that Alternate A was originally estimated to take around six months more to construct than Alternate C, but VDOT believes they would both take 12 to 18 months to construct, and the cost would be relatively similar. He explained that this is due to the fact that much of the same grade work would need to be done, and some of the water depths are different between the two alignments that would affect the substructure components slightly. Mr. Sumpter explained that an advertisement in June 2010 would open it up for contract bids in that month, with bids received in July; in August the low bid would go to the transportation board and would be awarded the contract in fall of 2010. He emphasized that the new permanent bridge would be open to traffic sometime in early to mid- 2012.

Regarding the temporary alternative, Mr. Sumpter said that bridge staff is confident that a temporary structure would be posted at a capacity of 15 to 20 tons, and based on the condition of the

substructure components they would likely not be useable for the long term. He presented the underwater report, which shows a large crack that is four to six inches wide and missing rock. Mr. Sumpter said that if a temporary bridge is chosen to go and Alignment A, it would be able to remain in service until the new bridge was open; if Alternate C was chosen then it would take around six months to have the bridge open as a temporary bridge. He also noted that if Alternate C was chosen, including the six months it would take to get a temporary bridge, August 2007 to Spring 2012 would still include a timeframe of 18 to 24 months with no bridge at all.

Mr. Sumpter explained that in order to put the temporary structure on the existing substructure, there are no aquatic issues from an environmental review standpoint with Alignment C; it would minimize the amount of actual construction gradework, and using the existing alignment would allow the existing right of way to be used. He also said that it would make the environmental process more complicated to use the other alignment because an archeological review would need to be done.

Mr. Sumpter noted that there will be times when the bridge is flooded and impassable, and they will try to get detour signs up so that the bus does not travel all the way to the bridge before finding that out. He also said that improvements to Durrett Ridge Road are not in the Six-Year Plan. Mr. Sumpter said that the State's portion of the funding would be for maintenance funding, and a permanent structure is federally funded. He explained that because it is in the historic district, the two projects cannot be fully separated. Mr. Sumpter clarified that a temporary bridge would take six months; then it would be open until construction started and then it would be taken back out.

Mr. Boyd asked why the temporary bridge cannot be put beside the existing one.

Mr. Sumpter responded that it could be, and that brings up the issues of right of way and additional impact to the district.

Mr. Slutzky commented that VDOT determined that it would be much more of an impact on the historic district to have the permanent bridge right next to the temporary one, but if the permanent bridge is put in, Alignment C the impact would be less.

Mr. Sumpter replied that what they are looking at is what would have the most minimal impact on the district.

Mr. Boyd said that the most important thing to do is restore service and leave that uninterrupted while the new bridge is being built.

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Ms. Helen Ross, Cultural Resources Manager for VDOT, addressed the Board. She explained that if the Board decides they want to go with a temporary structure, VDOT will be working with the Section 106 process so the project is not segmented, which means they will work with the Department of Historic Resources, the Federal Highway Administration, and any other consulting parties. Ms. Ross noted that they are likely looking at a six-month time frame, with three to four months of that being paperwork, working with consulting parties, and establishing a programmatic agreement. She said that they would be looking at measures to reduce impact and incorporate appropriate mitigation. Ms. Ross said it is a fairly easy process. In response to Mr. Slutzky, she stated that she would not advise having two separate review processes as it could complicate matters and jeopardize federal funding on the permanent structure.

Mr. Rooker added that it would be jeopardized if you ignore the process for the temporary bridge. He noted that there has not been money to repair bridges, and it is State and Federal money that pays for this project, not County money. Mr. Rooker said we have been waiting on the federal money in order to be able to have a permanent solution to that bridge, and without the federal money, we may not have a project.

Mr. Slutzky asked if it would be required to do the historic review on the temporary bridge even if the permanent bridge goes in Alignment A.

Ms. Ross responded that if there were a standalone project for a temporary bridge on an existing location, it would be funded with State maintenance funds and would be exempt from the State environmental review process because there are no in-water activities. She added that because it is a historic district, the department should follow the Section 106 process even for the temporary structure.

Mr. Sumpter explained that the other alternative requires an archeological review if the temporary bridge is put in a new location.

Ms. Ross said that any construction staging areas, temporary or permanent construction easements would be considered the footprint of the proposed project so there would need to be an archeological assessment. She emphasized that VDOT has been suggesting putting the temporary bridge on the existing abutments and does not anticipate any archeological work being done in that scenario.

Mr. Sumpter commented that they can review some other scenarios rather quickly, but VDOT has to go through the Section 106 review process. He explained that they need to know whether the County is willing to remove the existing bridge or the project would leave a black eye on VDOT and possibly jeopardize Federal funding.

Mr. Rooker said that the Board could pass a resolution supporting removal of the bridge as a last resort, which gives VDOT the authority to go forward and study the options. He asked if there is a possibility to go through the process and conclude that the bridge should or should not be removed due to the impact on the historic resources.

Ms. Ross replied that there will be mitigation, and there could be aesthetic treatment to the permanent structure. She added that VDOT has had to demolish contributing elements to historic districts before, and VDOT does abide by the legally binding Memorandum of Agreement to mitigate, avoid, and minimize the adverse effects to the affected properties.

Mr. Sumpter emphasized that VDOT is sensitive to both sides of the issue as expressed by the community, and he presented some images of parts of the bridge that are in disrepair. He said that it has reached its life expectancy, and as for being a bridge to serve the traveling public VDOT cannot continue to maintain it for that purpose. Mr. Sumpter said that they would like the County to assist with the cost, but are prepared to move forward without that, adding that VDOT has done over 30 repairs to the bridge at a total cost of over \$438,000.

Mr. Wyant commented that it is a dangerous situation for school busses, and the site distance is quite concerning, noting that these issues were raised in 1999.

At this time, Mr. Wyant **moved** for VDOT to move forward with a temporary bridge, with removal of the existing bridge to be the last resort alternative. Mr. Dorrier **seconded** the motion.

Ms. Thomas noted that the County needs to decide if it is going to provide funding for the project.

Mr. Rooker responded that VDOT has indicated they would move forward with the bridge with or without a contribution from the County, and the County is making substantial contributions to other transportation projects in the area. He said he would like to see a staff report with a recommendation from staff.

Ms. Thomas stated that there is an assumption that the money put into the temporary bridge does not then apply later to the permanent bridge structure, and if VDOT says some of that money does apply to the permanent project, then that should count.

Mr. Slutzky said that needs to be resolved, as does the idea of putting in a "bank to bank" bridge that would cost slightly more than the existing proposal. He suggested holding off on making an economic determination until those issues are resolved.

Mr. Rooker agreed, noting that it would not slow down the process.

Mr. Sumpter replied that VDOT would like to have a dialogue about funds and would like to know which direction the County wants to go in. He said that there would be no funds for the temporary bridge that would deter the permanent bridge project from going forward. Mr. Sumpter said the permanent bridge funding is a totally separate issue.

Mr. Rooker commented on the possibility of using the old bridge for a pedestrian and bicycle travel way.

Ms. Thomas responded that there are lead paint issues, and there are also very high standards for pedestrian bridges in terms of structural soundness.

Mr. Boyd added that VDOT should move forward with this as expeditiously as possible, and that in his mind trumps the need to preserve the old bridge.

At Mr. Sumpter's suggestion, Mr. Wyant added the statement to his motion that if it necessitates the removal of the existing bridge, that that be authorized.

Mr. Davis suggested that the motion should be to "expeditiously advance a temporary replacement bridge with the caveat that the existing bridge can be replaced if there is no practicable alternative."

Mr. Sumpter said that that is satisfactory, and the most important point is knowing the direction the County wants to go in.

At this time, Mr. Wyant **amended** his motion to expeditiously advance a temporary replacement bridge with the caveat that the existing bridge can be replaced if there is no practicable alternative. Mr. Dorrier **seconded** the amended motion.

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

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

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(Note: At 11:03 a.m., the Board took a recess and reconvened at 11:14 a.m.)

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Agenda Item No. 9. Albemarle Housing Improvement Program's Treesdale Project.

Mr. Ron White, Director of Housing summarized the following executive summary which was provided to Board members:

Since 1976, the County of Albemarle has provided funding for the staffing and operation of AHIP in order to assist this organization provide low-income County residents with safe, decent, and affordable housing. Since its inception, AHIP has completed approximately 900 housing rehabilitation projects and 1,100 emergency home repairs to 2,000 of the County's neediest families.

In recent years, AHIP has undertaken affordable housing development initiatives including the Park's Edge Apartment Complex and development of approximately 20 single family units. In 2007, AHIP submitted a funding request to the County including \$50,043 for administrative staff and operational costs associated with its Treesdale project; a property located near Rio Road and on which AHIP is proposing to develop 80 new affordable units. Despite initial reservations by staff related to the timing and feasibility of AHIP completing preliminary work on this project during the FY07 budget period; including obtaining low-income housing tax credits, \$50,043 was allocated by the County to fund AHIP's affordable housing development activities. AHIP's FY08 funding request to the County included a \$58,140 request to underwrite its housing development initiatives. After reviewing this request, staff recommended that the requested \$58,140 not be funded and the Board approved AHIP's budget based on staff's recommendation.

In considering AHIP's FY08 budget request, staff evaluated the progress made by AHIP in obtaining tax credits and rezoning of the property. At the time of this review, it appeared that little progress had been made on obtaining necessary regulatory as well as financing for the Treesdale Project beyond the acquisition of the property and securing a Planning Grant from Virginia's Commonwealth Housing Equity Fund.

Subsequent to adoption of the FY08 budget, AHIP appealed staff's decision and has submitted a timeline for submittal of its rezoning proposal to the County in a manner that will meet established deadlines for applying for tax credits. This timeline establishes specific goals and benchmarks to be accomplished by AHIP with any approved funds being released as mutually-agreed upon benchmarks are met. AHIP's timeline for its Treesdale Project is attached. All activities have been successfully completed to date.

Since the funding requested by AHIP was not appropriated in the FY08 budget, the Board will have to consider allocating reserves to meet this request. There will likely be sufficient funding remaining in the Housing Office's FY07 operating budget and an unobligated cash balance from administrative funds associated with the Whitewood (Park's Edge) CDBG project.

Based on AHIP's ability to meet a number of the items on their timeline in the past couple of months and that specific tasks have been identified to be completed by certain dates, staff recommends approval of Appropriation #2008007, appropriating \$24,881.10 in available funds from the Whitewood (Park's Edge) CDBG project and \$25,161.90 from the Board's contingency to AHIP specifically to fund activities associated with the Treesdale project. This amount assures funding for this activity equal to FY07 funding. Staff further recommends that the funding is not made a part of AHIP's annual appropriation but is administered by the Office of Housing through a Memorandum of Agreement which sets forth responsibilities and procedures/timing for disbursements.

Mr. Boyd asked Mr. Tucker if there were adequate funds available.

Mr. Tucker replied that there is about \$400,000 in that fund now.

At this time, Mr. Rooker **moved** for approval of the staff recommendation to approve Appropriation #2008007, appropriating \$24,881.10 in available funds from the Whitewood (Park's Edge) CDBG project and \$25,161.90 from the Board's contingency to AHIP specifically to fund activities associated with the Treesdale project; and that the funding is not made a part of AHIP's annual appropriation but is administered by the Office of Housing through a Memorandum of Agreement which sets forth responsibilities and procedures/timing for disbursements. Mr. Wyant **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

Ms. Thomas asked what the rent would be for the Treesdale Apartments.

Ms. Joyce Dudek said that they would be similar to Section 8 rents or below, in the \$800 range for three bedrooms and \$700 for two bedrooms.

COUNTY OF ALBEMARLE  
APPROPRIATION

APP # 2008007  
DATE \_\_\_\_\_  
BATCH# \_\_\_\_\_

EXPLANATION: AHIP – Housing Development

TYPE	FUND	DEPT	OBJEC T	DESCRIPTION	SUB LEDGER			GENERAL LEDGER	
					COD E		AMOUNT	DEBIT	CREDIT
1	1000	95000	999990	Contingency	J	1	(25,161.90)		
1	1000	81030	563100	Housing - AHIP	J	1	50,043.00		
2	1000	51000	512000	Transfer: Other Funds	J	2	24,881.10		
2	1221	51000	510100	Appropriation - F/B	J	2	24,881.10		
1	1221	81030	930009	Transfer to G/F	J	1	24,881.10		
	1000		0501	Est. Revenue				24,881.10	
			0701	Appropriation					24,881.10
	1221		0501	Est. Revenue				24,881.10	
			0701	Appropriation					24,881.10
<b>TOTAL</b>							<b>99,524.40</b>	<b>49,762.20</b>	<b>49,762.20</b>

Agenda Item No. 10. Jefferson Institute for Life Long Learning (JILL) Proposal at Albemarle High School.

Mr. Tucker summarized the executive summary which was provided to Board members:

The School Board received a concept proposal on November 29, 2006, from Dr. Pam Moran that detailed an opportunity to explore a partnership between Albemarle High School and the Jefferson Institute for Lifelong Learning (JILL). At the February 14, 2007, Joint Board meeting between the Board of Supervisors and School Board there was consensus to explore the concept of co-located and co-developed facilities and have staff identify the process for this to occur. Attached is a proposal submitted on behalf of JILL that explains the need for additional space, the opportunity for collaboration with Albemarle High School, and a financing proposal. The concept as presented would potentially create a site and facility model that shifts schools from being viewed as primarily school/local government facilities to one that includes private and non-profit use as well.

Currently, a school design committee is meeting with the architects to plan for the renovation at Albemarle High School. The additional cost for architectural/engineering fees to include the scope of the JILL proposal will be \$109,100 based on the statement of probable cost. Additional discussions with the architects indicate they are prepared to begin the programming and schematic design phase for the JILL Center based on a partial scope of services. It is proposed that the School Board expend a portion of the Schematic Design Fees to help establish the concept and design of how the Center may be integrated into AHS while maintaining its independence for JILL. A fee of \$10,000 would be needed to conduct the programming interviews with JILL representatives and ACPS and AHS representatives, finalize the program for the new space(s), evaluate appropriate relationships between the JILL space and the AHS programs and spaces, and develop conceptual plans illustrating the design options. Once this effort is concluded and there is consensus among JILL and ACPS, preliminary budget estimates would be prepared allowing both parties to reach a conclusion on inclusion or exclusion from the overall additions/alterations of the project. If the work proceeds with the overall project simultaneously, based on the schematic design developed under this arrangement, these fees would be credited against the full schematic design fee.

For many years the County has successfully utilized its facilities for more than one public purpose. Regarding the use of school facilities, local government has partnered with the School system in the use of its facilities after normal school hours to conduct County recreation programs, public meetings and other community functions. In addition, schools and local government are currently partnering in the proposed development of a School Office/Joint Storage Facility. Beyond the use of school facilities, the County has supported the co-location of public facilities by including police satellite offices and community meeting rooms in all new fire rescue stations and is planning to provide other community uses in the construction of new libraries. An additional innovation currently planned in the construction of the new Hollymead Fire Rescue station is the inclusion of student dorms in the facility to encourage volunteer staffing through the use of college students. As previously mentioned, the concept

as presented for the JILL facility would potentially create a site and facility model that shifts schools from being viewed as primarily school/local government facilities to one that includes private and non-profit use as well. However, it is not a new concept with regard to co-location, co-development and joint use of facilities.

There is currently no commitment of the \$10,000 by either JILL or the school system to conduct the initial phase of schematic design and the school system is continuing to move forward with the AHS project so that it will remain on schedule to deliver a schematic design for the school addition in September. A decision to proceed with the \$10,000 initial phase of schematic design to determine if and how the JILL proposal may be incorporated is needed by August 15.

The County as a whole will need to consider a number of issues prior to ultimately proceeding with a project of this nature including its implications for other potential requests in the future from other private/non-profit organizations. Is it appropriate for the County to borrow on behalf of a private/non-profit organization? Given the County's current challenges with the capital program and unmet needs, should the County commit its current debt capacity to private/non-profit projects? What financial commitment would be needed from any private/non-profit partner if the County agrees to borrow money on its behalf? Should private/non-profit organizations have to follow the same CIP process and timelines as other identified County school and government project proposals? How would such a partnership between the County/School Board and a private/non-profit be structured legally? Because the JILL proposal is being considered outside of the normal CIP process, is the County or School Board willing to delay other approved projects or reduce the current CIP reserve to fund the project?

Because this proposal calls for an addition to a school facility and would be located on school property, staff believes the Board of Supervisors should determine if the proposal is supported by the School Board prior to proceeding. Regardless of the Board of Supervisors position on this matter, the School Board ultimately must approve this proposal for it to proceed. The following are a few of the important questions staff anticipates the School Board will need to consider initially in making a decision regarding whether or not to support this proposal.

- Is the School Board willing to have adults potentially interacting on site with students?
- What safety precautions must be in place to insure the safety of the students?
- Are there any parking concerns with the additional number of adults at the building during the day?
- Would the School Board be willing to consider other non-profit groups co-locating on school sites?
- Would the School Board be willing to delay other projects to move this one forward?
- Is funding available to support this proposal?

This project would require an initial cost of \$10,000 for a schematic design and, based on initial estimates, a final A & E cost of \$109,100 and total construction cost of \$1,600,000.

Staff recommends that the Board request the School Board to indicate its position on the proposal before taking any further action. If the School Board supports this project, funds the \$10,000 required to complete the initial phase of the schematic design, and decides to move this project forward, the School Board could then bring back a proposal to amend the CIP to fund the entire JILL project.

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Mr. Leigh Middleditch, Chair of JILL, addressed the Board. He explained that Jill began in 2007 after Jim McGrath visited William & Mary's Lifelong Learning Center. Mr. Middleditch explained that the first class had about 175 senior citizens and taught 17 courses; the spring semester this year has over 800 participants and 53 courses. He noted that JILL became affiliated with UVA in 2005 as a formal university foundation with a 19-member board, and the organization is run primarily with volunteers with the primary location at Meadows Presbyterian Church near Best Buy. Mr. Middleditch said that some courses have been taught at the Senior Center and other locations around the community. He noted that their budget is about \$113,000 annually funded mostly with \$100 tuition payments, and the faculty includes retired and active U.Va. professors and faculty from other universities and backgrounds.

Mr. Middleditch explained that it was Gordon Walker's idea to have JILL located in the high school, and JILL could afford about \$40,000 per year in lease payments. He mentioned that the facility could be used by other groups when JILL is not using it. Mr. Middleditch said that JILL will be awarded a grant from OSHER for \$100,000 in the first year, and there may be more money available if more students enroll.

Mr. Chris Murray addressed the Board. He stated that JABA believes in promoting intergenerational activity and having public space for this use is a wonderful idea. Mr. Murray said that it would be a County-owned asset funded with non-taxpayer money, and tenants could be limited in the future. He said that there are grants that can be secured through JABA, and JILL is willing to sign a five-year lease with PVCC using the space in the evening. Mr. Murray stated that JABA could come up with \$5,000 towards the \$10,000 needed for design.

Mr. Boyd asked if JILL representatives had approached Charlottesville High School as they may already have space.

Mr. Tucker said that Gordon Walker had spoken with one City Councilor and would continue that conversation.

Mr. Rooker asked how much space would be needed for this facility.

Mr. Middleditch replied that the classroom space would be 600 square feet, with office space as well.

Mr. Rooker stated that he did not understand how such a small space would cost \$1.6 million.

Ms. Lisa Glass from the County School system's Building Services addressed the Board, stating that they understood the space to be 3,800 square feet and that is the number on which they based their estimate.

Mr. Slutzky commented that there is a disconnect here with the plans and that needs to be clarified before this moves forward. He suggested having the \$5,000 set aside now and that it be contingent on the School Board's action in August.

Mr. Boyd said that he does not understand why the \$5,000 needs to be spent now without clarity as to whether the County is going to move forward.

Mr. Rooker responded that it is a needs assessment.

Mr. Dorrier said that senior citizens would support it, and the program is well established.

Mr. Boyd agreed, but he said that it will have to be funded by County funds eventually.

Mr. Tucker stated that the reason the funding is needed now is for the design phase as the schools move forward with classroom expansion.

At this time, Ms. Thomas **moved** to allocate \$5,000 to help fund the initial phase of the schematic design contingent on the School Board supporting the proposal. Mr. Dorrier **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

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Agenda Item No. 11. Commission on Children and Families Strategic Plan Presentation.

Ms. Gretchen Ellis, Director of the Commission on Children and Families (CCF), addressed the Board and introduced Dr. Steve Stern from the Department of Economics at the University of Virginia.

Ms. Ellis reported that this is a summary of the second phase of a three-phase human services analysis. They started the process two and a half years ago in relation to the agency budget review team process that makes recommendations for funding for local non-profits to the Board of Supervisors and City Council. She said that they wanted to look at how funding is being spent, identify priority needs, match investments with needs, and expand resources to address priority needs. Ms. Ellis noted that every year at the agency budget review process, they have organizations coming forward with new or expanded programs, and the team makes recommendations to the Board based on the quality of the application and not necessarily community needs. She said so this process tries to match that with community needs and guide the work of the Commission.

Ms. Ellis said that the first phase is the human services budget, the second phase is the determination of priorities which they are reporting on today, and the third phase will be implementation of a plan to address those priorities. She noted that the local investment in human services is almost \$135 million, with the County's investment being \$15 million – not including K12 education or public health. Ms. Ellis said that they analyzed all available data from the Departments of Education and Labor, the JABA survey, MACAA survey, CCF's Stepping Stones, and the County's quality of life surveys, and they also had discussions with over 200 individuals in the community including 51 residents from Albemarle and 83 agency representatives representing 50 agencies. She stated that in talking to other residents, CCF tried to contact those who would be underrepresented in other surveys such as those in low income housing, Hispanic residents, and the elderly. Ms. Ellis said that they did a combination of focus groups and interviews, noting that they established some areas that are not working.

Ms. Ellis reported that affordable housing and transportation were at the top of the list of areas needing improvement, as were after-school and summer programs, childcare, and knowledge of services. She stated that they analyzed all data from other sources and from the discussion groups; reviewed spending and other data; and did research on best practices and cost-benefit analyses to establish priorities. Ms. Ellis said that affordable housing and public transportation to more places with more frequency are issues determined to be handled by government and not independent agencies. She stated that the CCF will focus on early childcare and education and youth services, with community partners pulled together to look at mental healthcare for adults with moderate difficulties which is out of the purview of CCF. Ms. Ellis said that two other priorities – service coordination and connectivity, and translation/interpretation services – were also identified. She explained that the process for establishing priorities included a steering committee meeting once a month for ten months to look at cost-benefit analysis with CCF having the final say.

Mr. Rooker asked if there was an information gap for people knowing available services.

Ms. Ellis responded that was definitely the case, adding that most focus groups convened in the fall before some initiatives had been launched.

Ms. Thomas asked if the police were involved in the analysis.

Ms. Ellis replied that they were involved with the administrative staff interviews and with the focus groups.

Ms. Ellis reported that the first service-oriented priority is expanding programming and access to affordable early childcare and education for children birth through five years that meet a minimum standard of quality. She said that basic childcare subsidies seem to be most effective when they are targeted at families that would not otherwise work if they did not have access to the subsidies, and there has been a substantial increase in available subsidies from federal sources over the last several years. Ms. Ellis noted that they are looking at expanded youth activities for after-school times and summer, but they have not completed the cost-benefit analysis for this yet. She said that CCF is recommending that funding should be first designated for new or expanded programs that effectively address the service priority areas.

Ms. Thomas asked what she meant by youth development.

Ms. Ellis replied that youth development is out of school activities, such as the Boys & Girls Club, because youth are much less likely to end up in the juvenile court and comprehensive services systems if they are engaged in activities.

Mr. Boyd commented that he is very happy with the work being done, but he is continually concerned with duplication of services. He noted that he would like to see a matrix that shows what organizations are serving which populations.

Ms. Ellis responded that there is a class at U.Va. that is in the process of developing a map which should be available in the first part of 2008. She noted that there are information sheets being developed based on the data as well.

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Agenda Item No. 12. Hazardous Duty Employees VRS Retirement Option (formerly VRS LEOs) (deferred from June 6, 2007).

Mr. Tucker reported that legislation was enacted in the last General Assembly session that provided localities the option to increase the VRS retirement benefits for employees performing hazardous duties such as the police, the sheriff's office, and fire/rescue. He explained that the amendment of Virginia Code 51.1-206 effective July 1<sup>st</sup> provides a locality the option to change the retirement multiplier used by VRS from 1.7 percent to 1.85 percent, and this would impact approximately 240 County employees in those fields of work. Mr. Tucker said that 25 jurisdictions have adopted this plan including Henrico, Chesterfield, and Spotsylvania, and adoption of this in Albemarle could allow retention of competitiveness. He noted that the new rate would be 13.43 percent instead of the current 2.96 percent. Mr. Tucker explained that the cost of the change would be around \$142,000 annually of recurring expense effective January 1, 2008 with that year's impact being about half of that. He stated that he is recommending adoption of the 1.85 percent multiplier effective that date.

Mr. Boyd asked if anyone was opposed to this.

Mr. Slutzky said he wanted to make sure police officers wanted the money spent this way as opposed to hiring new officers. He was concerned about getting the most value for the dollar. After discussions with offices on the police force he has determined it is what they want.

At this time, Mr. Dorrier **moved** to adopt the Resolution establishing a 1.85 percent VRS Multiplier for all eligible employees performing hazardous duties on behalf of the County of Albemarle effective January 1, 2008. Mr. Wyant **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

Mr. Boyd noted that the police were very well represented in discussions of this, and he appreciates that.

Mr. Rooker thanked them for all the work they do. He also asked staff for updated information on current real estate appraisal information from the Assessors' office. Mr. Tucker responded that normally staff brings that information to the Board in November.

**RESOLUTION  
SECTION 138 COVERED EMPLOYEES  
RETIREMENT MULTIPLIER OF 1.85 PERCENT**

**WHEREAS**, by resolution legally adopted and approved by the Albemarle County Board of Supervisors, Albemarle County, a political subdivision, participates in the Virginia Retirement System under § 51.1-130 of the Code of Virginia, as amended; and

**WHEREAS**, by resolution or resolutions legally adopted and approved by the Board, Albemarle County has elected to provide the enhanced benefits described in § 51.1-138, subsection B, to selected public safety employee groups, such benefits being referred to collectively as "Section 138 Coverage", and

**WHEREAS**, the Virginia General Assembly passed legislation effective July 1, 2007, allowing Albemarle County to elect to provide for its employees with Section 138 Coverage a retirement allowance equal to the amount of creditable service multiplied by 1.85 percent of average final compensation as provided in clause (ii) in subsection A (1) of § 51.1-206 (the "1.85 Multiplier"); and

**WHEREAS**, the 1.85 percent multiplier would apply to eligible employees who retire on or after July 1, 2007; and

**WHEREAS**, Albemarle County desires to make this irrevocable election and provide the 1.85 Multiplier to its employees that now have, or may in the future be given, Section 138 Coverage.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby elects to establish the 1.85 Multiplier, effective January 1, 2008, for all employees of Albemarle County who are now, or who may be in the future, provided Section 138 Coverage; and

**BE IT FURTHER RESOLVED** that the Albemarle County Board of Supervisors agrees to pay the employer cost for providing the 1.85 Multiplier to all employees who are now, or who may be in the future, provided Section 138 Coverage, pursuant to this irrevocable election; and

**BE IT FURTHER RESOLVED** that Robert W. Tucker, Jr., Albemarle County Executive, and Ella W. Jordan, Clerk, are authorized and directed in the name of Albemarle County to execute any required contract to carry out this irrevocable election, and to do any other thing, or things, incident and necessary in the lawful conclusion of this matter. The seal of Albemarle County shall be affixed to any such contract and attested by the Clerk, and the Director of Finance of Albemarle County is authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as may be required to be paid by Albemarle County or its employees for this purpose.

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Agenda Item No. 13. Closed Session.

At 1:02 p.m., **motion** was offered by Mr. Slutzky that the Board adjourn into closed session pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees, and commissions and under Subsection (7) to consult with legal counsel and staff regarding pending litigation regarding a law enforcement incident.

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

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

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Agenda Item No. 14. Certify Closed Session.

**Motion** was immediately offered by Mr. Slutzky that the Board certify by a recorded vote that to the best of each Board member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed session were heard, discussed or considered in the closed session.

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

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

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Agenda Item No. 15. Appointments.

**Motion** was offered by Mr. Wyant to:

Appoint John Mattern to the Agricultural and Forestal District Advisory Committee, with said term to expire April 17, 2011.

Appoint Patricia Stevenson to the Jefferson Area Disability Services Board, with said term to expire on June 30, 2010.

Appoint Hannah Langlet to the Commission on Children and Families, with said term to expire June 30, 2008.

Reappoint Rosa Hudson to the Jordan Development Corporation, with said term to expire on August 13, 2008.

Reappoint William Jackson to the Jordan Development Corporation, with said term to expire on August 13, 2008.

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

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

NAYS: None.

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Agenda Item No. 16. **Public Hearing:** SP-2007-013. Stony Point Fire Dept Addition (Sign # 106). PROPOSED: Expand existing fire station by adding outbuilding for storage and office uses. LOCATION: 3827 Stony Point Road (Route 20), 0.2 miles south of intersection of Route 20 and Route 600. TAX MAP/PARCEL: Tax Map 48 Parcel 18D. MAGISTERIAL DISTRICT: Rivanna. (Notice of this public hearing was advertised in the *Daily Progress* on July 16 and July 23, 2007.)

Mr. Scott Clark, Planner, addressed the Board, stating that Stony Point is located on Route 20, and this proposal is to add a small office and storage building to the rear of the existing building on site. He said that there are no impacts expected to neighboring properties, and the Planning Commission recommended approval with one condition that holds the fire department to the conceptual plan.

The Chairman opened the public hearing. There being no comments, the public hearing was closed and the matter was placed before the Board.

At this time, Mr. Wyant **moved** for approval of SP-2007-13 Stony Point Fire Department with one condition as noted. Ms. Thomas **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

(The condition of approval is set about below:)

1. The fire station's improvements and the scale and location of the improvements shall be developed in general accord with the conceptual plan entitled "Conceptual Plan SP-2007-00013," prepared by Thomas B. Lincoln Land Surveyor Inc., and dated 3/22/07.

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(**Note:** Mr. Boyd noted that the next three agenda items, Items 17, 18 and 19, would be heard concurrently.)

Agenda Item No. 17. **Public Hearing:** ZMA-2007-003. NGIC Expansion (Sign #113). PROPOSED: Rezone approx. 15 acres from RA Rural Areas Zoning District, which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre), to CO Commercial Office - offices, supporting commercial and service uses; and residential use by special use permit (15 units/ acre) to allow for up to 178,800 square feet of office space in two 4-story buildings of 89,400 square feet each. This proposal also includes two concurrent special use permits SP 07-031 to allow a 3-story 120 unit apartment building and SP 07-32 to allow research and development uses in the proposed office buildings. PROFFERS: Yes. LOCATION: east of Route 29 North, at the end of Boulders Road, adjacent north of the NGIC facility. TAX MAP/PARCEL: Portion of Tax Map 33 Parcels 1D & 1F. MAGISTERIAL DISTRICT: Rivanna. (Notice of this public hearing was advertised in the *Daily Progress* on July 16 and July 23, 2007.)

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Agenda Item No. 18. **Public Hearing:** SP-2007-031. NGIC Expansion/Residential (Sign #113) – Refer to ZMA 07-003. PROPOSED: 120 unit three-story apartment building at a SECTION: 18.23.2.2.9 uses permitted in Residential R-15 Zoning District. LOCATION: east of Route 29 North, at the end of Boulders Road, adjacent north of the NGIC facility. TAX MAP/PARCEL: Portion of Tax Map 33 Parcels 1D & 1F. MAGISTERIAL DISTRICT: Rivanna. (Notice of this public hearing was advertised in the *Daily Progress* on July 16 and July 23, 2007.)

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Agenda Item No. 19. **Public Hearing:** SP-2007-032. NGIC Expansion/Industrial (Sign #113). PROPOSED: Allow for research & development uses within proposed CO Zoning District Office Buildings, 178,800 square feet of office space in two 4-story buildings of 89,400 square feet each. LOCATION: east of Route 29 North, at the end of Boulders Road, adjacent north of the NGIC facility. TAX MAP/PARCEL: Portion of Tax Map 33 Parcels 1D & 1F. MAGISTERIAL DISTRICT: Rivanna. (Notice of this public hearing was advertised in the *Daily Progress* on July 16 and July 23, 2007.)

Ms. Rebecca Ragsdale, Planner, reported that this is a rezoning application along with two concurrent special use permit applications, for property adjacent to NGIC owned by a private individual through United Land Corporation. She explained that this parcel is 15 acres currently zoned Rural Areas, with the maximum square footage requested 178,800 in two buildings with a residential component to the project of 120 units in apartments. Ms. Ragsdale presented an aerial overview of the project area. She said the application includes a portion of two tax map parcels, with the subject area highlighted. She noted that it is located just beyond the end of Boulders Road, adjacent to the NGIC property owned by

the government, and is in the community of Piney Mountain – entirely in the development area. Ms. Ragsdale pointed out the land use designations and the development area boundaries.

Ms. Ragsdale said that the existing NGIC property is zoned Light Industrial, explaining that the road would be extended beyond where it currently ends to the northern property line to serve the property subject to the rezoning, but the remaining portion to the north would not be built. She noted that this request is for Commercial Office zoning with an application plan proffered by the applicant; there are three buildings proposed including two office buildings and the third being a residential apartment facility. She pointed out the extension of Boulders Road and the end of the portion that would be built with this project. Ms. Ragsdale noted that the extension is not provided as part of this rezoning plan. The proffers reviewed, with the plan dated July 12<sup>th</sup>, did include right-of-way provision for the extension.

Ms. Ragsdale referred to an illustration provided by the applicant showing the layout of the buildings and parking spaces. Staff analyzed the illustration in relation to Neighborhood Model principles and found that the form and design did not meet the principles. She noted that the plan is designed under Department of Defense anti-terrorism standards for setbacks and building location based on information provided by the applicant. She said that the Planning Commission found it more typical of suburban office parks.

Mr. Boyd asked the location of the other proposed building on the NGIC property. Ms. Ragsdale said that staff had no plans presented from NGIC on other anticipated developments. She believes they are in the preplanning stages; staff has not seen any site or conceptual plans. Mr. Rooker noted that he believes the location is on the other side of the existing pond.

Ms. Thomas asked the approximate distance between the residential part of the rezoning site and the existing NGIC site. Ms. Ragsdale said she believes it is within one-quarter mile walking distance.

Mr. Ragsdale added that the Planning Commission, at its meeting on July 10, 2007, voted four to three to approve the rezoning. In approving this request, the Commission noted several conditions and areas of concern they would like to see addressed:

- Provision of cash proffers per market rate residential unit in accordance with the County's cash proffer policy. The Commission noted that residential units in the proposed project will have initial impacts, regardless of the tenants, and that these impacts should be mitigated when the units are constructed and not at a later date when they may be available on the open-market;

Ms. Ragsdale noted that the proffers that were before the Planning Commission provided for the cash proffers being provided at the time the residential units were no longer in use by governmental entities.

- The affordable housing provisions that have been proffered by the applicant should be adjusted to meet the current acceptable amount for providing cash in-lieu of providing affordable units; that figure is \$19,100 per unit for 15% of the total number of units;
- Provision of a typical section for Boulders Road cross adequate to meet the Neighborhoods Model street requirements,
- Provision of right-of-way dedication for the off-site portion of Boulders Road, which extends from the northern project boundary near the intersection of Route 29 and Austin Drive;
- Proffer commitments to improvements on Route 29, satisfactory to VDOT and meeting their requirements of this rezoning, which include analysis of the intersection of Route 29 and Boulders Road, provision of dual left turn lanes on Route 29, and any signalization adjustments.

Ms. Ragsdale noted that the Commission recommended approval of SP-2007-31 subject to one condition:

1. A maximum number of 120 apartment units shall be permitted.

In addition, the Commission recommended approval of SP-2007-32 subject to two conditions:

1. Future research, development/laboratory tenants will be subject to approval of a certified engineer's report prior to final site plan approval or occupancy, depending on timing; and
2. If any discharge of other than domestic wastes into the public sewer system is expected, the ACSA shall be so notified prior to site plan approval.

Ms. Ragsdale said since the Commission meeting, the applicant has submitted a cover letter, revised proffers and revised application plan to address their concerns. She noted that the revised application plan and proffers satisfactorily addresses minor issues identified by staff and respond to matters that the Commission wanted addressed before the Board acts on this application, including the provision for Affordable Housing proffers, Boulders Road typical section, off-site dedication of right-of-way for the extension of Boulders Road, and improvements to Route 29.

The applicant has not addressed the Commission's expectations for cash proffers for the residential component of the project to address impacts. (Proffer #2-Attachment B) The applicant is

proposing a 120-unit apartment building, allowed by special use permit in the CO Zoning District. The apartments are expected to be leased to governmental entities, likely housing NGIC employees and functioning more like barracks. Based on this assumption, the applicant has proffered that the cash proffers for the market rate residential units not be provided until leases expire and the apartments are available as market rate units. Information on lease arrangements or time frames has not been provided by the applicant. As noted earlier, the Commission in its action expected the impacts of the units to be addressed by cash proffers at the time of their construction.

Ms. Ragsdale said the project has 120 units total, but since the applicant has proffered to meet the 15 percent Affordable Housing goal with 18 units, then the remaining 102 market rate units would result in a cash impact amount of \$1,264,800, or \$12,400 per market rate apartment unit. The Boulders Road off-site right of way dedication could be considered as a credit toward this cash impact amount since the loop road is identified by the existing Land Use Plan and the draft Places 29 Master Plan. Information provided by the applicant's consulting engineer indicates the length of that dedication to be 2,743 feet and the proffered width is 100 feet, which is approximately a total area of about 6.3 acres. The assessed value based on County records is \$85,500 per acre so the total value amount for the right of way dedication is \$538,398, or \$5,278 per unit. The benefit of this dedication would be that, should the County have resources, it would allow the road's construction before the applicant would develop that area himself and build the road as part of that development. This road is not in any current funding plan of the County, so it is unknown if the County would be in a position to build this road before the applicant would otherwise develop this property. Assuming this credit, the total cash proffer amount would be \$726,402 or \$7,122 per market rate unit. In order to meet the proffer policy established by the Board and for proffers to be acceptable to the County Attorney, the cash proffer amount per unit and the inflation adjustment of the cash amount should be included in the proffer statement.

Ms. Ragsdale noted that these additional comments were provided to the applicant. Staff does not recommend approval based on the cash proffer amount not being specified, the timing of the units and related cash proffers, and offsite right-of-way dedication needing additional cash credit. Ms. Ragsdale said since the staff report was provided to the Board, the applicant has submitted two additional sets of proffers to address staff comments. The applicant is now specifying \$12,400 for the multi-family units, with the substantive difference being the timing of awarding the proffers. One set of proffers notes: "NGIC proffers without delay of cash contribution in Proffer #2" and the second set of proffers notes: "NGIC proffers with delay of cash contribution in Proffer #2". She added that the proffers no longer include the off-site right-of-way dedication for Boulders Road, and governmental entities are defined in the proffers. Ms. Ragsdale said the proffers would require some additional monitoring in terms of having the applicant demonstrate that he has the leases so that the proffers can be enforced. If the Board moves forward with the version that the cash proffers are not provided upfront and the Certificates of Occupancy were issued for the building, Zoning would have some concerns regarding enforcement. Again, staff is recommending that the cash proffers be provided at the time of construction of the units.

Ms. Ragsdale said, if the Board moves forward with approval today, the County Attorney has recommended the following revised language for condition #1 in SP-2007-32:

1. Each occupant proposing to engage in a research and development use shall submit a certified engineer's report to the County Engineer for review and recommendation. The certified engineer's report shall describe the proposed operation and all machines, processes, products and by-products; state the nature and expected levels of emissions or discharges to land, air and/or water or liquid, solid or gaseous effluent and electrical impulses and noise under normal operations (collectively, "emissions and discharges"); and state the specifications for treatment methods and mechanisms to be used to control such emissions or discharges. The County Engineer shall review the certified engineer's report for compliance with this condition. The report also shall demonstrate to the satisfaction of the County Engineer that emissions and discharges from the proposed use will be adequately controlled. The County Engineer shall then provide comments and recommendations regarding the report to the Zoning Administrator prior to final site plan approval or issuance of the zoning compliance clearance.

Referring to the newly submitted proffers, Mr. Slutzky asked if the cash came in later, would there be an adjustment in the value of the proffers to the then applicable proffer levels. Ms. Ragsdale said "yes"; they would include an annual adjustment.

Mr. Davis said the proffers provided to the Board today correct various substance and form problems that were in the original proffer statement submitted. Greg Kamptner, from the County Attorney's office, worked with the applicant to get the proffers in a shape to address the issues that were raised. The proffers were just finished earlier today which is the reason they were provided to the Board during the meeting. The staff position and Planning Commission concerns were that the impact should be addressed at the time of the building permit for the units (which is the top proffer statement) but that is the only substantive difference in the two drafts. He noted that the right-of-way dedication can be handled in subsequent development review, and the proffer does address affordable housing differently with the stipulation on timeline for keeping units affordable being ten years instead of five.

Mr. Rooker reading the following language provided in Section G, under Affordable Housing, of the new proffer:

"Cash in lieu of providing for-rent affordable units. Notwithstanding the foregoing, the County may opt to receive a cash contribution in the amount of nineteen thousand one hundred dollars (\$19,100) per for-rent affordable unit and notify the Owner in writing of its decision within thirty (30) days of the issuance of the building permit for such residential unit."

His understanding of this language is that the County can exercise the right to collect the money, in lieu of, at the time of the issuance of the building permit. Mr. Davis agreed that that is what the language appears to indicate. Mr. Rooker said he believes that is a reasonable approach. The County does not have any indication that these units will ever necessarily come out of governmental lease and we do not have any guarantee that there will ever be any contribution to affordable housing unless there is some option to recover that money upfront. He had a lot of problems with the proffers that were submitted as part of the Board's packet of information. It appears to him that the problems he had were addressed in the new proffers. Mr. Rooker said the issue is whether the difference between the new proffers and what was submitted as part of the Board's packet are such that the Board cannot act on the request today. He said that the Board has a policy that requires proffers to be in final form a certain time before the meetings, and he is not sure they can vote because of the last-minute proffers.

Mr. Davis said the Board's policy is that prior to advertising the rezoning, final proffers should be received and reviewed by Mark Graham. There was a set of proffers submitted and the rezoning advertised. The Board's policy also states that the final signed proffers shall be received nine days in advance of the public hearing. If they have not been received, the Board policy is to proceed with public hearing and unless there is some compelling reason to act, the Board's policy is to defer. That is an option of the Board. The Board is not bound by that policy in every instance. It is at the Board's discretion on how it wants to follow that policy.

Mr. Graham said that he has copies of the Board's policy. The policy calls for deferment and scheduling of a second public hearing if revised/new materials are received.

Mr. Davis added that since the Board adopted its policy, there has been a change in state law that requires if there is any material change in the proffer after the public hearing is opened, that a second public hearing is required.

Mr. Boyd expressed confusion about the term "substantive changes." He got the impression that there were only a few substantive changes, with the exception of the affordable housing cash proffer. He still does not understand where they are with regard to the affordable housing proffer.

Mr. Rooker said there are all kinds of differences between what was in the Board's packet and what is before the Board today. He thinks that the new proffers are a better product.

Mr. Boyd again asked if there are substantive changes in terms of what is being proffered.

Mr. Davis replied, "yes". Mr. Davis added that the developer has addressed the following issues as of this morning:

1. The number of units has been specified assuring 18 units where previously the proffer stated 15 percent of the units;
2. The affordable housing proffer has changed from five years to ten and how it is administered has been clarified. The option to take cash for affordable housing has been addressed.
3. The timing of the cash proffer amount has been corrected from being at the time of occupancy permit to the time of building permit which is consistent with the Board's policy. In one version, the cash proffer amount had been offered at the time of impact rather at the time of availability for private sector use.
3. The term of the federal agency has been defined because that is an important issue as to how the proffers are ultimately addressed from an impact standpoint in either version, particularly with respect to affordable housing.
4. The dedication of right-of-way has been changed substantively whereas before they were dedicating right-of-way in a fashion that was not acceptable to staff. Staff believes that the best way to handle the dedication is to deal with it when future development occurs because, at that time, the right-of-way will be dedicated and constructed.

Mr. Davis said he believes the proffers before the Board are in good shape. He has not had an opportunity to review them. Again, Greg Kamptner spent a lot of time on them and he feels they are in the best shape they can be for today.

Mr. Graham said that staff has reviewed the proffers and feels they have addressed the issues, but, to reiterate Mr. Davis, they have not had time to give them thorough scrutiny.

Mr. Boyd asked if staff is concerned that there may be something in the proffers that they have not had adequate time to review.

Mr. Davis said it has been an interactive process during the last couple of days. He thinks they have accomplished what they set out to do which is to get a set of proffers that the Board could consider and adopt, if it chose to do so. He does not know that Planning staff has had time to reanalyze the planning issues as they have changed in the last few days.

Mr. Graham said staff has not had time to give the proffers the kind of scrutiny that it normally would give proffers. The issue raised by Mr. Rooker is a good example of unintentional consequences that people had not really been considered. Should the 30 day option to take the cash be at the time of building permit or should it be at the termination of a federal lease. Mr. Rooker commented that he likes the option provided to the County. Mr. Graham added that staff has a strong preference for the first

proffer version (without delay). Staff also heard the concerns expressed by the Planning Commission about impacts occurring as from the federally leased properties and that the cash proffers needed to address some of those impacts.

Ms. Thomas said it seems to her that if there is no change in proffer #4 that they will develop in general accord with the application plan. Mr. Graham said that is correct. Ms. Thomas said if there were any changes in that proffer, then she would want Planning staff to look at it again. She then asked how a subcontractor would fit in with the definition of federal agency.

Mr. Graham noted that the form of development the applicant is using is based on the presumption that this is going to be federally leased property, but there is no guarantee of that.

Mr. Wyant commented that the special permit should handle that.

Mr. Rooker responded that this does not require a federal lease even if the developer anticipates that.

Mr. Slutzky commented that NGIC is not bound to using the space, but they have indicated that it is their intent. Theoretically, there is a risk here that the federal government could locate NGIC somewhere else, and then we would have approved a form and design not consistent with County plans. He is not sure we have the luxury of solving this issue. The only alternative is that the Board would have to say "no" it will not approve the plans until the federal government commits, which they probably could not do. He believes there is a reason for the Board approving this request in this manner, and he, personally, is beyond the issue. Based on dialogue with NGIC he has little doubt that it is not their intent to locate in these buildings.

Mr. Rooker added that staff forwarded to Board members an email from NGIC which does not say anything about their desire or intent to use this property, but it does speak in general terms about their planned in-place expansion. The email also includes a statement that NGIC does not oppose the proposed rezoning. He also noted that there is nothing in any of the Board's material from NGIC that they intend to use any of the property.

Mr. Slutzky said that several months ago he met with NGIC representatives, and they indicated that they wanted to do this expansion and, although they have made no commitment, it seemed clear to him that it was their expectation to use this site.

Mr. Rooker replied that that is an entirely different site, noting that there is a proposed expansion that would take place in the part of the property that is south of the rezoning site, somewhere near the existing pond. He said that there is also an expansion planned next to their existing building, and neither of those have anything to do with this rezoning. He also met with the NGIC representatives but no one in the meetings has ever said anything about this particular proposal. Mr. Rooker stated that this has to do with the form and design issue, and NGIC essentially has just said they have no objection to the rezoning, not that they plan to use this property.

Ms. Thomas noted that it is not the decision of NGIC, but instead the General Services Administration and Corps of Engineers would be the ones to make the decision.

Mr. Rooker asked if it would be possible to have some contingency added as a condition of the special permit that relates to the lease to a federal agency. He added that the form and design is related to BRAC requirements and if it is not going to be, there needs to be a redesign that is more in keeping with the County's design standards. Mr. Rooker said if the property is not going to be used by the federal government, he does not think the County should get stuck with that design.

Mr. Davis replied that the proffers would have to be amended before the applicant could do an alternative application plan design. He said it is legally possible for either the applicant to proffer that, or for the Board to make that a condition of the special use permit for those uses that require a special use permit, but he would not recommend that the Board have a special use permit condition that is in conflict with the proffer. He does not think the Board has that flexibility with the current proffers.

Mr. Rooker said he thinks that the amendment might be fairly simple. Mr. Davis said the language could be legally crafted, but if you start the public hearing, that is a material change that would require the Board to advertise another public hearing.

Mr. Wyant said that they would still have to go through a public hearing either way. After hearing the Board's discussion, he suggested asking the applicant if he is willing to make that change.

Mr. Davis responded that the applicant needs to speak to whether he is willing to delay the application for a month to readvertise another public hearing, if the material change is made. The alternative is to make the change before opening the public hearing.

Mr. Rooker added that the Board needs to decide whether to follow its policy, which is a separate issue and may be a moot point.

Mr. Slutzky noted that the NGIC situation is a special circumstance with the federal government asking the community to accommodate their relocation to the area. In this instance, he is comfortable with the Board moving forward even though the proffers are last minute. There is a compelling reason for exemption of the Board's proffer policy. With regard to the issue raised about the form and design of the

project, he is comfortable taking the risk that the Board is approving a form and design to accommodate the federal government because the federal government is going to actually use the space. He does not have anyway of knowing for certain that is the case, but he is willing to take that risk. He is convinced the federal government is moving here, and he wants to try to accommodate them. That is the only reason he is interested in being accommodating today.

Mr. Wyant said he agrees with Mr. Slutzky, but he is concerned about setting a precedent.

Mr. Slutzky responded that the Commission did approve this rezoning, but since that time staff has raised additional issues. In addition, the applicant has worked diligently with staff to address all the concerns.

Mr. Rooker said that there is not a compelling reason to avoid a policy here as there is nothing from NGIC that says they have an interest in this property. There is nothing before the Board that says there is an emergency involved in handling this rezoning other than an applicant wanting to get it approved. He noted that the applicant has dealt with the issues that have been raised. He does not see any reason to deviate from the policy. Mr. Rooker also said he would like to see something in the proffers that does not bind the County to this form of development in the event this is not leased to the federal government.

Mr. Dorrier said he agrees with some of what Mr. Rooker said. NGIC is already a part of the community. They are a good employer and good citizens. We need to support our current residents and their expansion plans. NGIC is a top-flight organization, and these are not just your ordinary run of the mill applicants.

Mr. Rooker explained that they (NGIC) are NOT the applicants. There is no expression from NGIC that they are going to use this property.

Ms. Thomas said that the University of Virginia's Research Park could build the same kind of buildings across the road. She likes the idea of the closeness of the location in that people could walk to where they work, but this is not an application by NGIC. She thinks this is a good use of the land that has gotten better with the new proffers. She noted that it comes down to a policy that the Board arrived at after some bad experiences with other developers who came in with proffers at the last minute.

Mr. Dorrier said the Board's policy also states that if an application is in the public's interest, the Board can provide an exception.

Ms. Thomas replied that the issue is whether there is a public interest in making an exception to that policy.

Based on the conversations that have taken place, Mr. Boyd asked if he could ask for comments from the applicant before opening the public hearing. Mr. Davis responded, "yes". Board members agreed with this procedure.

At this time the Chairman asked the applicant for comments.

Mr. Boyd asked if there are any compelling reasons that the Board should not defer action on this rezoning request.

The applicant, Mr. Wendell Wood, addressed the Board. Mr. Wood said that the comment about the facility not meeting the Neighborhood Model is correct, but the facility does meet the anti-terrorism model specified by the GSA. The lease will be with GSA; their customer will be NGIC.

Mr. Rooker said he has no problem with the property not complying with the Neighborhood Model standards, if, in fact, it is leased to GSA.

Mr. Wood added that the lease is for ten years and is cancelable at any time. He asked if the Board is saying that if he builds this building, and then the federal government cancels the lease, that he cannot rent the building to any other tenants.

Mr. Rooker replied that having the lease would satisfy the requirement. If there is no lease, why should the Board allow a form and design that is contrary to County standards.

Mr. Wood responded that if GSA is going to be a major tenant in this facility, then contractors are a major component of this. This building is planned to be inside the NGIC compound. Some of the leases would be with the contractors, not GSA. He would not be building the facility in that area if he did not believe that NGIC would be using the facility. He is willing to commit that if NGIC is not a major tenant in the facility, then he would come back to the Board.

Mr. Rooker said if NGIC is a major tenant and this is within their fenced facility, he does not have any problem with that plan.

Mr. Wood said this is the intent. He added that there will be contractors leased directly by United Land. He is willing to stipulate that a major portion of the facility will be leased by a government agency.

Mr. Slutzky suggested that before opening the public hearing, the applicant and the County Attorney could agree on language to tweak the proffers to address the issue raised by Mr. Rooker. The language would incorporate the federal government's lease of the property.

Mr. Rooker asked if the contractors would also be located within the fenced area.

Mr. Wood said that the contractors would be within the fence so they do not have to go back and forth through security.

Mr. Rooker stated that if the project could be required to be within the secured NGIC facility, then that would satisfy his concerns.

Mr. Wood responded that he cannot stipulate that, but that is their intent. He emphasized that he is not trying to get around the Neighborhood Model. This facility will cost considerably more because of the anti-terrorism measures. He thinks that everything depends on funding from the federal government. He added that all of the residential portion will be leased. He cannot give a percentage of the amount of space, but would add that a substantial portion of the first phase would be leased to the federal government. Mr. Rooker asked if he could commit to 40,000 square feet. Mr. Wood replied, "yes".

Mr. Slutzky again suggested the applicant work with the County Attorney to provide an additional element to the proffers whereby he is agreeable to building this facility whereby 40,000 square feet of the first building is leased to the federal government and all of the residential building is leased to the federal government. If those conditions are not met, the applicant agrees to amend the application plan to be consistent with the Neighborhood Model. Mr. Wood replied, "yes".

Ms. Thomas asked if the timing works. Mr. Wood replied that each building is 88,000 square feet. Ms. Thomas asked if the buildings will be designed and built before he finds out about the GSA contract. Mr. Wood said he plans to order steel by August 7<sup>th</sup> in order to start building by November and meet NGIC's schedule of occupancy.

Ms. Thomas asked if he is going to have to build before the contract is executed. Mr. Wood said, "yes", in order to meet their requirements. Mr. Wood added that he sold the property without a contract because they did not have funds to sign an option agreement, but he has a ten-year relationship with them and a lot of this is moving forward on good faith.

Mr. Wood commented that the reason the Board has two proffers before it is because the initial negotiations did not include payment of the proffer.

Mr. Dorrier said he thinks there is every reason for the Board to provide an exception to its proffer policy. He also noted that security is much more expensive than the Neighborhood Model.

Mr. Wood replied that he is taking a lot of this on faith. If anything, they want to move through the process faster. He added that if the federal government cannot just go anywhere and rent or use a building; the facility must meet anti-terrorism standards.

Mr. Davis emphasized that it is going to be very difficult for the Board to get the proffers they want because there are no defined timelines.

Mr. Rooker said that he cannot start building without a lease, and this whole thing is being done based upon an assumption that the GSA will grant one. He noted that if he does not get one, he is not going to put up a steel building. He said the requirement could be tied to the issuance of a building permit.

Mr. Rooker suggested that there be a stipulation that the application plan be amended to conform to Neighborhood Model if the government does not pick up the lease. He said that the application plan would then be amended administratively. The buildings could be arranged on the site in a manner to conform to the Neighborhood Model, if necessary.

Mr. Slutzky suggested that the applicant, staff and the County Attorney step outside of the meeting to modify the proffers to address the issues raised, open the public hearing, and then the Board make a decision. Board members indicated that they felt comfortable with proceeding in this manner.

Ms. Thomas said that her concern is setting a precedent, and this process provides a response to that. The Board did not do this "willy-nilly".

Mr. Slutzky said that if Mr. Wood does not get the federal government lease, then he cannot get a building permit without coming back and redesigning the site to meet the principles of the Neighborhood Model.

Mr. Wood agreed.

**(Note:** At this time, the County Attorney, staff, and applicant, Mr. Wood, left the room to discuss language in the proffers to address Board concerns.)

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**(Note:** The Chairman suggested the Board continue with the agenda item #20 at this time, and then return to the previous item later.)

Agenda Item No. 20. **Public Hearing:** CPA-2005-009, Southern Urban Area B Study amendment and CPA-2005-005, Granger Tract CPA: The proposed amendments would modify the Land Use Plan and Transportation elements of the Comprehensive Plan. Revisions to Neighborhood Five and Neighborhood Six include: updated housing and population information, revised land use designations/recommendations, and new and revised recommendations for road and transportation improvements, including a new Fontaine Avenue-Sunset Avenue connector road and Stadium Road connector road and alternative alignment options for the Southern Parkway consistent with the recommendations of the Southern Urban Area B Study. The proposed land use amendments would change the land use designation for Tax Map 76, Parcel 24 (Granger tract, approx. 70 acres) from Neighborhood Density Residential (3-6 dwelling units per acre) to Office Service which would allow a mixed-use office oriented development. Recommendations regarding the mix of uses and intensification of development are also proposed for the area that includes Tax Map 76, Parcels 17B, 17B1-B8 and 17W and 17BX (Fontaine Research Park). Amendments to the Transportation element of the Comprehensive Plan include incorporating recommendations for new road improvements including a new Fontaine Avenue-Sunset Avenue connector road and Stadium Road connector road. (Notice of this public hearing was advertised in the *Daily Progress* on July 16 and July 23, 2007.)

Mr. Benish, Chief of Planning summarized the following executive summary which was provided to Board members:

The Board of Supervisors previously reviewed these Comprehensive Plan Amendment (CPA) requests at a work session on May 2, 2007. The Planning Commission recommended approval of the proposed amendment language and map found in Attachments A, B and C of the attached March 13, 2007 staff report. The March 13<sup>th</sup> staff report provides background information on the two CPA requests and the draft amendment language.

There were outstanding issues related to two of the three conditions of approval of the Planning Commission that staff has been working on since the Board's May 2<sup>nd</sup> work session. Staff has provided the following status/response to these two conditions. Please note that condition #3 had already been addressed in the amendment language reviewed at the May 2<sup>nd</sup> work session.

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.**

**Status:** Concern was raised by the University (one of three members of PACC) 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 has worked with University and City representatives on revised language for the Stadium Road connector. The new language is reflected in Attachments A and B. The proposed language states:

- *Consider a possible extension of a multi-modal connection of Stadium Road to Fontaine Avenue in the area of the Fontaine Research Park. Study various methods of providing a multi-modal connection, including the provision of various combinations of pedestrian, bicycle, transit, and/or vehicle access and the impacts of this connection on the neighborhood and road network.*

This revision is more reflective of the intent and language found in the final version of the Southern Urban Area B Study. The amended language recognizes the need for further study of the benefits and impact of such a concept, and the consideration of possible design concepts and alternatives for this type of connection.

2. **Provide more clarification on water and sewer.**

**Status:** The Rivanna Water and Sewer Authority is in the process of completing an assessment of water and, more specifically, sewer interceptor/infrastructure needs. The sewer analysis is just now being completed and final needs assessment information is not available as yet to include in this amendment. Once the Authority's study is complete and available to the County for review, staff will review the findings and determine whether a more comprehensive amendment to the Land Use Plan needs to be undertaken to more fully document utility needs/issues for all of the Development Areas.

Please note that the changes made to the proposed amendment language in response to the Commission's conditions of approval are in blue italic print and highlighted yellow in Attachments A and B.

Staff recommends that the Board approve the Comprehensive Plan Amendments to the Land Use Plan Profiles for Neighborhoods 5 and 6, the Land Use Map, and the Transportation Section, found as Attachments A, B and C (dated July 20, 2007) of this report.

Mr. Benish said that an amendment request for the Granger property, which falls within Area B boundaries, and is the reason the two CPAs are being reviewed together. He explained that the boundaries for Southern Urban Area B are Sunset Avenue to the east and include areas in the City such as Fry's Springs and Jefferson Park Avenue; they extend along to Fontaine Avenue and then west of the

Route 29 Bypass to include Buckingham Circle, the Forestry Department property, and the Trinity Church area. Mr. Benish further explained that to the south the area includes Redfields.

Mr. Benish said that the recommendations to the Southern Urban area revolve primarily around transportation including a connector road referred to as the Sunset/Fontaine connector road; the construction of Stadium Road to Fontaine; and an alternative alignment for the Southern Parkway as it intersects with 5<sup>th</sup> Street. He mentioned that there are land use recommendations from the study that generally support mixed used development with a multi-modal orientation consistent with the Neighborhood Model. Mr. Benish said that the Granger tract is located on the southeast side of the railroad west of Sunset Avenue and north of I-64, south of the railroad tracks. He said that the proposal is to change the designation to mixed use and high density, but the applicant is requesting an office service designation. Mr. Benish said that many of the recommendations are met by the applicant's request, with the primary difference being employment oriented instead of the mixed use designation.

Mr. Benish reiterated that the Planning Commission recommended approval and asked for staff to work more closely with the University on language for the Stadium Road connection, to provide further information regarding water and sewer needs, and specific road improvements or level of service standards that reflect the minimum necessary timing and capacity for the review of rezoning or expansions of that area. He said that Planning staff, the Director of Neighborhood Services for the City, and the University architect have worked together on revised language for Stadium Road, which is more consistent with the language in the study.

Ms. Thomas asked where the City is planning to build the fire station.

Mr. Benish replied that he is not certain, but the most recent comment related to the Fontaine/Sunset connector suggested that the issues go back to PACC.

In response to Mr. Dorrier's comment that there is not efficient coordination, Mr. Rooker said that there is an ongoing dialogue that attempts to coordinate the transportation here. Mr. Rooker said that the County cannot dictate what the City does, but the County can encourage and participate in collaboration.

Mr. Tucker said that local subdivision streets are private, and it is hard to dictate how those local streets are designed.

Ms. Thomas stated that it is going to be too expensive to design a railroad crossing at Sunset Avenue, but a VDOT engineer has proposed putting the bridge over the railroad in a cut so that the railroad does not have to be moved.

Mr. Benish mentioned that a consultant was brought in as a subcontractor to look at alternatives for crossings, with recommendations to make for the easiest grade crossing for the railroad – coming out near Ray Hunt Drive – but that would impact the development ability of the research park. He said that the cost estimates for the road crossings, not including right of way, are all within \$1 million of each other.

Ms. Thomas commented that this is one of the most important roads the County will be dealing with in the next few years.

Mr. Benish said that the Comprehensive Plan is ultimately a guide so if another analysis shows a more viable option, the Board can endorse that.

Mr. Rooker suggested taking out the language that says "specifically alternative four."

Mr. Benish responded that the other option would be to continue discussion with PACC.

Mr. Slutzky said that he would prefer that option.

Mr. Tucker said that the road would likely move anyway during design.

Mr. Benish commented that the Stadium Road connector would be just north of the boundary of the study area, and the City is very interested in this connection as they feel it is important to addressing road planning and development needs. He also said that the University felt the staff language was too proactive and positive and did not include enough analysis. Mr. Benish said that they have not made any amendment, but they anticipate doing assessments on infrastructure for all the development areas once information is gathered.

Mr. Rooker said that he would prefer to leave out the language that specifies a preference for Alternative Four.

At this time the Chairman opened the public hearing.

Ms. Jeanne Chase addressed the Board, stating that Mr. Dorrier was on the neighborhood insight tour, which leaves as early as 6:00 a.m. and runs as late as 7:00 p.m. She said that about ten units are on City streets, but the rest are on County streets south of Azalea Park. Ms. Chase expressed concern about development of the Granger property and its impact on her neighborhood, and the need for expediting the construction of the Sunset Avenue to Fontaine Avenue connector. She said that Fry's Springs is in danger of being overwhelmed with vehicles, and there are many factors such as being sandwiched between the County and the University, infill development, and football game traffic exacerbated by the expansion of Scott Stadium. Ms. Chase said that increased noise and traffic impact

property values, although several measures have been implemented with varying degrees of success. She noted that additional options should include the increasing of bike lanes, sidewalks, transit options, and the construction of the connector.

Mr. Frank Cox addressed the Board, noting that his company filed the application for the Granger property. Mr. Cox said that when they filed it, Mr. Benish encouraged them to pause and get in line with the progress going on with the study. He said that options 1 to 3 would be unacceptable to the owners north of the railroad. Mr. Cox stated that if the Sunset Fontaine connector is going to be constructed, 50 percent of the alignment will have to go on the Granger property. He noted that they engaged in five meetings with University and Foundation officials as well as two meetings with the CTB and VDOT, and they also had meetings with neighbors, engineers, and scientists. Mr. Cox said they have looked at both a bridge over and an underpass, and they believe there is a workable option that utilizes the old Stribling right of way.

Ms. Thomas asked if he recommends keeping the phrase "Alternative 4" in the proposal.

Mr. Cox replied that he does, or some hybrid thereof. He said that either option will be fairly costly, but could be coordinated successfully with the University.

Mr. Benish noted that Alternative 4 does not specify which method, just the location.

Mr. Cox said that he cannot imagine the alignment going through the research park.

Mr. Rooker suggested taking out the word "specifically."

There being no other comments, Mr. Boyd closed the public hearing.

Mr. Rooker said that this has been before the Planning Commission and the Board so the only remaining issue is tinkering with that language concerning Alternative 4.

Mr. Wyant agreed that it should be taken out and not be specific since this is for the Comprehensive Plan as a broad brush.

At this time, Mr. Rooker **moved** to adopt CPA-2005-005 with the changes as discussed. Mr. Dorrier **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

Mr. Dorrier commended Jeanne Chase for her involvement.

Mr. Rooker noted that U.Va. is going to be coming in soon for a rezoning of Fontaine, and wants to make sure they are working with the Granger applicant to make the Sunset connector happen.

Mr. Benish mentioned that this will be discussed at PACC.

At this time, Mr. Rooker **moved** for approval of CPA 2005-009. Mr. Dorrier **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

## **Neighborhood Five**

(as Amended July 20, 2007)

### **Location**

Neighborhood Five is bounded on the east by Biscuit Run, on the south by a series of lakes and a tributary to Biscuit Run, on the west by Route 631, a ridge line and utility easement, the 700 foot contour, Route 29 and the Interstate 64 interchange and on the north by Moore's Creek.

### **Existing Land Use**

**Residential** - Neighborhood Five contains an estimated (1,951) dwelling units and a population of 4,061 people. Twenty-five percent (485) of the housing units in the Neighborhood are single-family attached; eight percent (158) of the housing units are either townhouses, single family attached or duplexes; forty-six percent (902) are multi-family; and twenty-one percent (406) of the housing units are mobile homes (June 2005). Major residential developments include Redfields, Southwood Mobile Home Park, Mountainside, Country Greene Apartments, Sherwood Manor and Commons, and Oak Hill Subdivision.

**Commercial and Office** - The Albemarle County Office Building, Fifth Street location and hotel are located along Fifth Street. A mixed use office-residential building and country store are located along Old Lynchburg Road.

**Other Land Uses** - The UVA polo grounds, the Covenant School and two churches are located in the Neighborhood.

### **Environmental Characteristics**

The major portion of the area drains east to Biscuit Run, while smaller drainage basins in the northern part of the Neighborhood drain directly into Moores Creek. Presently, the majority of the land area is forested. Steep slopes exist along Interstate 64 and to the west of Route 631 and Sunset Avenue. Areas of floodplain exist along Biscuit Run and Moore's Creek.

### **Public Water and Sewer**

Water capacity to most of the Neighborhood was improved with the pending construction of a new water tank at the southern end of Avon Street and a new tank off of Fifth Street. However, water lines will need to be extended as development occurs in the southern portion of the Neighborhood. A major sewer interceptor was extended across Interstate 64 with capacity to provide service to this Neighborhood. Extension of the Biscuit Run Interceptor with capacity to serve the entire Biscuit Run Drainage Basin is expected.

### **Transportation**

Route 631 (Old Lynchburg Road/Fifth Street Extended) is the major road serving the Neighborhood. The realignment and widening of this roadway in the northern portion of the Neighborhood from the City limits to Sunset Boulevard has provided for a major development corridor. The portion of Route 631 (Old Lynchburg Road) south of Sunset Boulevard has a narrow pavement width and poor horizontal and vertical curves which make access from some local roads difficult. Walkways exist along one side of the improved portion of Route 631.

### **Public Facilities**

There are no public facilities in this neighborhood, however, nearby facilities like Walnut Creek Park, Azalea Park (City), and recreation facilities at Cale Elementary School and PVCC adequately serve this area. Police response times are adequate for the area, but fire, rescue, and library services fail to meet the standards in the Community Facility Plan and need to be improved. This need will continue to increase with continued residential development.

### **Recommendations**

- The Regional Service area that is located southwest of the Interstate 64/Route 29 South interchange is to be accessed from the existing frontage road off of Route 29 South. Steep natural drainage swales are not to be disturbed in the development of this area.
- An Office Service-Mixed Use land use is recommended for the Granger tract. A new neighborhood center is anticipated as a component of this mixed-use development, with small scale mixed-use, transit stops and connection to a new park and open space system of Moore's Creek and beyond. The level and intensity of development permitted on this site (total square footage/number of units of development and the mix of uses) should be limited to that which can be supported by the planned road network. 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. 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 in the County and City, the Fontaine Avenue/U.S. 29 Bypass interchange, Sunset Avenue, Old Lynchburg Road and Fifth Street. The intensity of development on-site (massing, scale, form, orientation, and green design) will be important to addressing neighborhood model design, environmental, and Entrance Corridor issues. In addition, the following are also recommended for this site:
  - Supporting commercial services of a Neighborhood Service scale should be provided with the development of this site to provide necessary convenience services currently not available and to provide these services within walking/biking distance of a large population concentration in this area. Residential use may be a component of the mix of the uses developed on this site, but is not a required component of the mix of uses.
  - The proposed Sunset Avenue-Fontaine Avenue connector road shall be accommodated on-site. Provision of the road will be an expectation for any rezoning request and subsequent development of this site.
  - The provision of pedestrian, bike facilities, and transit service and/or transit ready site design will be an expectation of any development of this site.
  - Open space, greenway and park area recommended in the Comprehensive Plan and the Southern Area B Study should be provided on this site.
  - Minimize the visual impacts to the Entrance Corridor through maintenance of vegetated buffers, and careful site grading, and careful treatment of building locations, heights, massing and clustering on the site. "Green" building and site design concepts should be incorporated into the project development.

- Water quality impacts will be an important consideration for any future development of this site. Measures should be put in place to not only minimize stream impacts, but also to help improve the current condition of Moore's Creek.
- The existing polo club along Route 631 in the central portion of the Neighborhood that is currently designated Institutional may be developed at a Neighborhood Density.
- The north side of the 1-64/Fifth Street interchange is subject to the Interstate Interchange Development Policy.
- Access to the community service area located southwest of, and immediately adjacent to, the I-64/Fifth Street interchange, should be limited to the existing crossovers. Pedestrian access should be incorporated into the site design for the area. **Amended 10/28/98**
- Construct a greenway along Biscuit Run and Moore's Creek. This provides an opportunity for passive recreation in the Urban Area. Develop the greenway to meet the recreation and conservation needs of the residents in Neighborhoods Five, as well as the remainder of the County.
- Transportation improvements include:
  - Consider the recommendations of the Southern Charlottesville Transportation Study.
  - Construct the Fontaine-Sunset Avenue connector road and improve the existing alignment of Sunset Avenue from the new connector road to its intersection with Fifth Street.
  - Construct a road connecting Avon Street Extended and Fifth Street by extending Southern Parkway to connect to Fifth Street, providing access to I-64 and traffic circulation within, and between Neighborhoods 4 and 5. Consider the recommendations of the Southern Urban Area B Study for possible alignment alternatives for the Parkway and/or other neighborhood street interconnections to the Parkway to create a more integrated street network in the Neighborhood 5.
  - Consider a possible extension of a multi-modal connection of Stadium Road to the Fontaine Avenue in the area of the Fontaine Research. Study various methods of providing a multi-modal connection, including the provision of various combinations of pedestrian, bicycle, transit, and/or vehicle access and the impacts of this connection on the neighborhood and road network.
  - Alignment improvements of Old Lynchburg Road from Sunset Avenue to the southern portion of the Neighborhood. Construct bicycle facilities and walkways in conjunction with this upgrade.
  - Consider the following improvements for the Interstate 64 and Fifth Street interchange: 1) installation and coordination of new traffic signals at the interchange; 2) widening of both off ramps to two lanes; 3) adding a third lane south bound on Fifth Street; 4) and adding separate right turn lanes north bound and south bound beginning at the ramps.
  - Evaluate the need for transit service to the Neighborhood as the area continues to develop. Consider the transit, bicycle and pedestrian recommendations of the Southern Urban Area B Study.
  - Provide service to the Fifth Street corridor including the County Office Building, Fifth Street location.
- Utility Improvements include:
  - Provide additional water storage in the southern portion of the Neighborhood to support demand and ensure adequate fire flow.
  - Extend the Biscuit Run Interceptor to provide capacity for the entire drainage basin.
- Public Facility Improvements include:
  - Locate a joint fire/rescue station in or near Neighborhood Five to reduce response times and increase fire fighting and rescue capabilities.
  - Locate a library branch in or near Neighborhood Five.
  - Continue to evaluate the Old Lynchburg Road system storm sewer for repair needs.
- Consider recommendations of the City/County/University Planning and Coordination Council Southern Urban Area B Study.
- Maintain or establish a buffer along Interstate 64 and the Route 250 Bypass to protect the visual quality and character of the area as seen from the roadway.

- Development plans along Route 29 South, Interstate 64 and Fifth Street/Route 631 are to be sensitive to their status as Entrance Corridor Roadways.

### **Southpointe Commercial Area**

#### **Amendment to Neighborhood Five Profile Recommendations (pp. 63-65)**

*Adopted, 10/28/98 (CPA 1997-02)*

#### **Location**

[NOTE: new text in addition to text found on pp. (64-66).]

The Community Service area located southwest of, and immediately adjacent to, the 1-64/Fifth Street interchange is intended to serve as a commercial/office services center for Neighborhoods Four and Five and other residential development located south of 1-64. This area is larger than what is normally associated with Community Service areas. Therefore, the square footage limit outlined in the Land Use Plan is not necessarily a maximum limit. Expectations for development of this area include development under a master plan emphasizing:

- a village center character, design theme and scale which blend with nearby residential development; construction materials appropriate for a village center type commercial district (no metal buildings); a community center function for the Neighborhood;
- mixed use allowing some residential occupancy or conversion thereto;
- pedestrian and bicycle access to and throughout the site;
- areas of open space/recreation for shoppers and Neighborhood residents;
- maintenance of a vegetative buffer along Fifth Street and 1-64;
- internalized parking to the greatest extent possible; use of trees and other landscaping material to minimize visual impact of parking areas (parking orchard concept);

A compatible Regional Services use for the Community Service area can include hotels and/or motels, provided they have an internal site and building orientation (as opposed to a "motor court" design), incorporate uses which support the Neighborhood (meeting facilities, restaurants, recreational facilities, etc.), are compatible in scale to the height of the largest buildings within the shopping center to the south, and are designed to visually connect and blend with the shopping center located on the same Community Service site. Service stations are not considered to be a compatible Regional Service use.

#### **Transportation improvements include:**

Roadway interconnection of Avon Street Extended and Fifth Street (the "Southern Connector"), which would provide access to Interstate 64 and traffic circulation within Neighborhoods Four and Five. This improvement is needed if the community service area at 1-64/Fifth Street is to be accessible to residents south of 1-64 and serve as a commercial/office service center.

- When development of the Community Service area at 1-64/Fifth Street occurs, the following improvements should be constructed:
  - signalize the Fifth Street/Old Lynchburg Road intersection;
  - signalize the Fifth Street/Stagecoach Road intersection, which will be the location of a major point of access to this site;
  - continuous right turn lane from Fifth Street to entrance to site from Old Lynchburg Road;
- Approval of further development along Fifth Street may depend upon the following improvements to the 1-64/Fifth Street interchange are funded and construction is scheduled:
  - signalize of the interchange ramp intersections;
  - double-laning of the interchange ramps;
  - possible dual left turn lanes on Fifth Street for interchange ramps.

### **Neighborhood Six**

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(as Amended July 20, 2007)

#### **Location**

Neighborhood Six is bounded on the east by the City limits, on the south by Moores Creek and I-64, on the west by the South Fork Rivanna River watershed boundary and on the north by Route 250 West.

### **Existing Land Uses**

**Residential** - Neighborhood Six contains an estimated 2,947 dwelling units and a population of 7,509 people. Fourteen percent (421) of the housing units in the Neighborhood are single-family attached; two percent (57) of the housing units is either townhouses, single family attached or duplexes; and fifteen percent (453) are multi-family. There are 2,016 group quarters type units, mostly consisting of University housing. Major developments include University Heights Apartments, Huntington Village, Ednam Forest, Ednam, Ednam Village, Bellair, and Buckingham Circle.

**Commercial and Office** - The area along Route 250 West is largely institutional in nature with the Kluge's Children's Rehabilitation Center; Birdwood Golf Course; the University of Virginia Police Department; the University of Virginia Information Center; and a number of smaller offices operated by U.Va. are located within this Neighborhood. Other non-institutional office and commercial uses are also located along Route 250 West and large office uses are located in the JPA/Fontaine Avenue Research Park. Larger retail and office uses along Route 250 West include Townside East Retail (30,377 square feet) and Ednam Professional Center (20,980 square feet). Large office buildings that exist in the JPA/Fontaine Avenue Research Park include the Virginia Public Authority Building (60,000 square feet) and the University of Virginia Health Sciences Foundation Building (60,000 square feet).

**Other Land Uses**- The University of Virginia Central Grounds, McCormick Observatory and Camp Holiday Trails are located within the Neighborhood.

### **Environmental Characteristics**

This area is within the Moores Creek drainage basin. A wide wooded area screens the Route 29/250 Bypass from residential areas between Route 250 West and Interstate 64. Areas of steep slopes are immediately north and south of Interstate 64 and west of the Route 29/250 Bypass and Fontaine Avenue.

### **Transportation**

Route 250 West is heavily traveled and it is projected that traffic volumes along this roadway will double by 2015. The road is heavily used by commuters, students and visitors to the University. This road is also heavily used by bicyclists traveling into the University. Flooding occurs periodically on Route 250 West near its intersection with Old Ivy Road. Walkways are constructed on both sides of Route 250 West from Route 29 to Old Ivy Road. Fontaine Avenue is also heavily traveled. Walkways and a bicycle facility exist along Fontaine Avenue in front of the Fontaine Avenue Research Park. Also, the Route 250/29 bypass intersects the Neighborhood.

### **Public Water and Sewer**

Public water and sewer are available in the Neighborhood, with the Morey Creek sewer interceptor and major water lines running along Fontaine Avenue and Route 250. Water is provided by both the South Rivanna and Observatory treatment plants. ACSA has identified small internal system upgrades that need to be completed in order to provide better service to the area.

### **Public Facilities**

Park, police and library service are adequate to the area. Fire and rescue service does not meet service standards established in the Community Facilities Plan and needs to be improved.

### **Recommendations**

- Infill and expansion of the Fontaine Research Park may be permitted. The level of expansion permitted on-site should be limited to that which can be supported by the planned road network, and timed with the construction of the planned improvements to the road network which provide an adequate Level of Service to support development in this area. 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 in the County and City, the Fontaine Avenue/U.S. 29 Bypass interchange, Sunset Avenue, Old Lynchburg Road and Fifth Street. Additional support commercial should be provided on-site in the future to serve the park and the immediate area. In addition, the following are also recommended for this site:
  - The proposed Sunset Avenue-Fontaine Avenue connector shall be accommodated on-site. Provision of the road will be an expectation for any rezoning request in this portion of the study area.
  - The provision of pedestrian, bike facilities, and transit service and/or transit ready site design will be an expectation with any new development of this site.
  - Provide additional access points to the Research Park on the Sunset Avenue-Fontaine Avenue connector road and Fontaine Avenue.
  - Minimize the visual impacts to the Entrance Corridor through maintenance of vegetated buffers, and careful site grading, and careful treatment of building locations, heights, massing and clustering on the site. "Green" building and site design concepts should be incorporated into the project development.

- Water quality impacts will be an important consideration for any future development of this site. Measures should be put in place to not only minimize stream impacts, but also to help improve the current condition of Moore's Creek and its tributaries."
- Development plans along Route 250 West and Fontaine Avenue are to be sensitive to their status as Entrance Corridor roadways.
- Limit the Neighborhood Service designation on Fontaine Avenue west of the Bypass (Old Route 29 South) to existing zoned land. "A mixed Use development may be permitted. The gross density of the mixed use development should be consistent with Neighborhood Density Residential and Neighborhood Service designations as shown in the Land Use Plan."
- A conservation easement exists on an area located on the western boundary of the Neighborhood, south of Bellair and Birdwood, north of Camp Holiday Trail and west of Buckingham Circle. This conservation easement prohibits development of this property (noted as See Text on Land Use Map).
- Consider the information and recommendations of the PACC Southern Urban Area B Neighborhood Study and the Lewis Mountain-University Heights "Area B" Study (each found under separate cover).
- Transportation Improvements include:
  - Widen Route 250 West (Ivy Road) to four lanes from the City to the Route 29/250 Bypass and implement the recommendations of the Ivy Road Design Study. That study recommends a design to make Ivy Road an attractive, welcoming place in which to easily walk, bike, shop, and drive. Recommendations include separated bicycle facilities, continuous walkways, raised planted median, landscape planting, relocation of utility wires, sign guidelines, benches, trash cans, shared parking and consolidation of entrances.
  - Route 250 West, west of the Bypass west should be maintained in its existing alignment and width and not be widened.
  - Construct the Fontaine/Sunset Avenue connector road and improve the existing alignment of Sunset Avenue from the new connector road to its intersection with Fifth Street.
  - Consider a possible extension of a multi-modal connection of Stadium Road to the Fontaine Avenue in the area of the Fontaine Research. Study various methods of providing a multi-modal connection, including the provision of various combinations of pedestrian, bicycle, transit, and/or vehicle access and the impacts of this connection on the neighborhood and road network.
  - Provide a greenway corridor along Moore's Creek in the southern portion of Neighborhood Six. This greenway should connect to the Fontaine Avenue Research Park.
  - Provide pedestrian connections from the residential areas in the Neighborhood to the Fontaine Avenue Research Park.
  - Consider the transit, bicycle and pedestrian recommendations of the Southern Urban Area B Study.
  - Evaluate the need for transit service to the Neighborhood as the area continues to develop. Consider the transit, bicycle and pedestrian recommendations of the Southern Urban Area B Study.
  - Provide service to Fontaine Avenue corridor including the Fontaine Research Park.
- Utility improvements include:
  - In Bellair and Buckingham Circle, replace the existing water line and replace it with a 6" to 10" line to improve system hydraulics.
  - In Ednam Forest, loop the existing 6" water line to improve system hydraulics.
  - Provide public sewer service to Buckingham Circle, Bellair and Ednam Forest if public health becomes an issue.
- Locate a new fire and rescue station in this area to service Neighborhood Six and Seven, the University and Ivy as response times require. The station should be funded and operated jointly by the City, County and University. The station should be staffed by volunteers to the greatest extent feasible.
- Coordinate with the University on the development of its parcels.

- Maintain or establish a buffer along Interstate 64 and the Route 250 Bypass to protect the visual quality and character of the area as seen from the roadway.

## Amendment to Transportation Section of the Land Use Plan

July 20, 2007

### Streets and Roads

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The development and maintenance of an efficient and safe road system is critical to influencing the location of future residential development and economic activity while also accommodating existing needs. Planning for roadway improvements is a complex procedure due to fragmented and limited funding sources. In addition, the ultimate responsibility for construction and maintenance of roadways in the County lies with the State, through the Virginia Department of Transportation: there are no County maintained public roads.

All County roads are categorized either as interstate, primary or a secondary. Interstate highways are the highest level of functional road and are part of a national system of freeways and expressways, providing long distance traffic, high speed and limited access connections. Interstate 64 traverses the County and connects the Charlottesville-Albemarle County area to major north-south interstates (I-81 and I-95) and the Richmond and Norfolk metropolitan areas. The total length of Interstate 64 in the County is approximately 31 miles.

The Primary System consists of arterial roads. From the state level planning perspective, the primary purpose of these roads is to move traffic; access to properties is considered a lower function/priority. There are 115 miles of primary roads in the County, including the following:

Route 53	Route 6	Route 20
Route 231	Route 22	Route 240
Route 29	Route 250	Route 151

All of these primary roads are designated as Entrance Corridor routes, providing access to the City and County's historic districts and properties. Therefore, these roads are important not only for the transportation function, but also for scenic and visual character.

The majority of roads in Albemarle County are secondary roads. As of December 31, 2000 there were 818.07 miles of secondary roads in the County. Of this, 587.53 (72%) were hard surfaced and 230 miles (28%) were gravel roads.

### Major Corridors

The County has three major corridors that present particular transportation concerns. These corridors are Route 29 North, Route 250 East, and Route 250 West.

#### Route 29 North

Route 29 North is the major north-south arterial road through the County, and a major state arterial which links Washington, D.C., Charlottesville, Lynchburg and, Danville. Route 29 north of Charlottesville is the major commercial corridor in the County. Route 29 is proposed to be upgraded from the South Fork of the Rivanna River to Airport Road (Route 649). However, plans have not been developed or scheduled for construction by VDOT. VDOT has conducted a major study of the Route 29 Corridor from Albemarle County (from the South Fork Rivanna River) to Warrenton, Virginia. The purpose of the transportation analysis was to determine the future level of travel demand along the corridor and to assess whether the highway is designed adequately to accommodate projected traffic volumes.

In early 2003 a staff team from the Thomas Jefferson Planning District Commission & Charlottesville-Albemarle MPO, VDOT, City of Charlottesville, and Albemarle County conducted the 29H250 Study. The purpose of the study was to develop specific intersection design concepts that address vehicular, pedestrian, bicycle, and transit movement for improved mobility, safety, and development opportunities within the Route 29/Hydraulic Road/Route 250 Bypass area, while protecting existing tax base, business, neighborhoods, and employment. This study was considered the first component of an ultimate study including the full length of Route 29 in the County. This initial study has been completed and adopted by the MPO, City and County as the guiding plan for improvements to Route 29 in the area.

The major traffic improvement recommendations include a grade-separated interchange at Route 29 and Hydraulic Road, constructed with roundabouts at the end of the off-ramps for optimum traffic controls. Signalized intersections could also work. A new Hydraulic Road alignment is proposed just north of existing Hydraulic Road to allow full traffic movement during construction.

The County is currently undertaking a Master Planning process (*Places29 Study*) for the Northern Development Areas along the Route 29 corridor (Neighborhood 1 and 2, Hollymead, and Piney Mountain). The *Places29 Study* includes a major transportation planning component which will not only complete the "29H250" study process for Route 29 north, but will establish recommendation for overall road network serving the Northern Development Areas. This unified land use and transportation study will be completed within the next 2 years (2007). Other studies that have been conducted along the Route 29 Corridor are described below.

***U.S. Route 29 Corridor Development Study***

The U.S. Route 29 Corridor Development Study (Phases I Albemarle County to Fauquier County). The goals of this Study are to create a unified multi-modal transportation system of air, rail, transit, and highways, improve energy efficiency, promote economic development, and improve quality of life. The Study reviewed all relevant elements of the federal legislation including an extensive public participation process. It addressed land use planning, advanced acquisition and preservation of right of way, and overall social, economic, and environmental effects. The Albemarle County Board of Supervisors supports the use of access management techniques as the principle means of controlling traffic on this corridor of Rt. 29.

***U.S. Route 29 Corridor Development Study (combined Phases II/III N.C. to Charlottesville)***

This study resulted in a long-range multi-modal plan for transportation in the corridor and will assistance state and local governments in prioritizing transportation projects, identifying and requesting funding, and planning the location of various land uses and public facilities. Most all of the area along this section of the Corridor Study is not in the County's Development area and the County did not support any of VDOT's widening recommendations. On February 14, 2001, the Albemarle County Board of Supervisor endorsed a resolution that established their position regarding this study and the Route 29 South Corridor. It states:

Almost all of the area along the Rt. 29 South Corridor is not in the County's Development area. Data developed by the consultant and verified by the County does not project significant development in this area of the County through the study period. Therefore, the County does not believe controlled access through elimination of all individual access points and an extensive system of service roads and signalized intersections should be assumed as necessary for Albemarle County. The County does support the coordination of land use planning and transportation system planning through specifically incorporating the access management recommendations of the Phase I Corridor Study into the planning for the Route 29 South corridor in Albemarle and throughout the study area. Albemarle County believes that access management planning is a logical and viable recommendation for the Route 29 corridor south of Charlottesville. Through proper planning that balances land use and transportation priorities in the particular sections of the corridor in the County, appropriate access management measures can be identified and pursued.

Use the "Parkway" design cross-section in Albemarle County, without service roads and limited access should be used in Albemarle County. Under no scenario should the "Freeway" design concept be used in Albemarle County. Furthermore, it is not anticipated that signalization of intersections will be necessary in Albemarle County, but in no case is reservation for interchanges at any Albemarle County intersections necessary. The full study with recommendations is available at the Department of Community Development.

**Route 250 East**

Significant commercial development exists along Route 250 East mostly within the designated Development Areas. The County is currently conducting a Master Plan for the Pantops Development Area. This study should be completed by 2006. This study will identify land use and transportation recommendations that will guide the growth of the Pantops area. A separate study will evaluate the feasibility of an Eastern Connector. The Eastern Connector is identified in the *UnJAM 2025 Plan* to be studied to determine its potential impact to the traffic on the Route 250 East and Route 29 north corridors.

In 1999, VDOT conducted the *Route 250 East Corridor Study*. The purpose of the study was to examine existing and future travel conditions within the corridor in order to identify transportation deficiencies. The Route 250 East Corridor Study area begins at the east corporate limits of Charlottesville and ends approximately three-tenths of a mile east of Route 15 at Zion Crossroads in Louisa County. A conceptual multi-modal transportation plan to address these deficiencies will result from the study.

The study recommended a series of short term and long term recommendations. The Study's recommendations will be considered in conjunction with the Pantops Master Plan process.

**Route 250 West**

In the fall of 1997, VDOT initiated the *Route 250 West Corridor Study* to produce a long-range planning study with conceptual engineering plans. The *Route 250 West Corridor Study* may be used to assist VDOT and Albemarle in preserving rights-of-way to accommodate future transportation needs in the corridor. The subject of the study was the segment of Route 250 in between I-64 (Exit 107 Yancey Mills) and the west corporate limits of Charlottesville.

The study recommended a series of short term and long term recommendations (the *Route 250 West Corridor Study* is on file in the Albemarle County Department of Community Development Department). A controversial long term recommendation was to widen Route 250 from the City limits to Mechums River. The Citizens Advisory Committee and the Board of Supervisors opposed VDOT's recommendations for Route 250 West. The Citizen Advisory Committee and the Board of Supervisors supported maintaining Route 250 West with its present roadway cross section. The Board also created the Route 250 Task Force, which is a standing committee charged to review and make recommendations to the Board of Supervisors with regard to all transportation improvements on the Route 250 West corridor (Route 250 Bypass to the Yancey Mill interchange). The Task Force will review each proposal prior to approval.

It should be recognized that Route 29 North, Route 250 East, and Route 250 West provide both access for inter-regional travel and access for the major commercial and residential areas of the Urban Area and

City. Road improvements should be designed to accommodate anticipated traffic demands and present capacity should be utilized to the greatest extent possible.

#### **Meadow Creek Parkway**

The Meadow Creek Parkway, from the intersection of McIntire Road and the Route 250 Bypass in the City of Charlottesville to Rio Road at Norfolk Southern Railroad will provide new north-south route connection from the County northern urban area to downtown Charlottesville. The new road will also provide an alternative to Rio Road and Park Street.

The Meadow Creek Parkway Final Report, May 2001, by Jones and Jones Consultants, establishes an alignment location and design standards for the development of Phase I of the Parkway in the County, from Melbourne Road to the railroad bridge on Rio Road. This report can be found under separate cover. In summary, the study calls for a two-lane road constructed on sufficient right-of-way to allow for its upgrade to a four-lane road, if necessary. The proposed design calls for a parkway concept, which includes pedestrian and bicycle facilities, landscaping and an adjacent linear park. The linear park will provide an open space and recreational benefit to the community and will serve to connect McIntire Park, Greenbrier Park, and the City/County greenway along Meadow Creek, with additional linkages, to Pen Park, Charlottesville High School, CATEC and Charlottesville Catholic School. The proposed road alignment and design in the Meadow Creek Parkway Final Report are consistent with the alignment and design for the City portion of the road.

#### **Northern Free State Road**

The Northern Free State Road was formerly referred to as the Meadow Creek Parkway Phase II. The *UnJAM 2025 Plan* recommends that this road be studied in conjunction with the Eastern Connector, based on changes in development patterns and proposed projects in the northern area. It is assumed that portions of the roadway will be built by private developers, and that the character of the roadway may change within and between neighborhoods.

This road will be considered with the *Route 29 Corridor Transportation Study (29H250)* Master Planning process and with the *Places29 Study* now underway. This road will provide access to existing neighborhoods and areas of development north of Rio Road and potentially connect Urban Area to the Hollymead Community and Route 29.

#### **Hillsdale Drive Extended**

The Hillsdale Drive Extended will connect existing Hillsdale Drive from its terminus at Greenbrier to Hydraulic Road, creating a parallel roadway east of Route 29. This roadway will create an efficient alternate route for many residents, allowing them easier direct access to work, shopping, schools, and community facilities without having to travel on the Route 29 corridor. This roadway should be timed to be completed after completion of the Meadow Creek Parkway.

#### **Southern Parkway**

The Southern Parkway will connect Avon Street to 5th Street Extended. Currently, there is no direct east-west connection of the southern Development Area neighborhoods (4 and 5). This requires travelers to take a circuitous route to travel a very short distance. This road will provide an important east/west connection to the Southern urban area and provide important emergency (fire/rescue/police) access to in the area. This road will also improve east/west traffic now traveling through city neighborhood streets. Since some commuters use Interstate 64 to make this connection, this project could reduce local traffic on the Interstate. The Planning and Coordination Council's (PACC) Southern Urban Area B Study dated September 10, 2004, identifies a possible alternative for the alignment of the Southern Parkway in Development Area Neighborhood 5 which would link the road into existing and future streets to the south of the identified alignment. Consider the recommendations of the PACC Southern Urban Area Study for possible alignment alternatives and/or other neighborhood street connections to the Parkway as development occurs in this area. **Amended 7/20/07**

#### **Fontaine Ave.-Sunset Ave. Connector Road and Stadium Road Connector**

There is no collector road which provides a direct connection of the southern Development Areas to the Fontaine Avenue and University grounds area. This requires travelers to use city neighborhood streets to reach these locations. The Fontaine Avenue-Sunset Avenue connector road would provide a more direct connection of these areas, reducing traffic impacts to neighborhood streets.

The Stadium Road connector is a potential interconnection that would extend Stadium Road on the University Grounds to Fontaine Avenue, providing a connection from Fontaine Avenue and the proposed Fontaine Avenue-Sunset Avenue connector to University destinations. This interconnection could provide various combinations of vehicular, pedestrian, bike and/or transit access. Development of this road should be consistent with the recommendations of the Southern Urban Area B Study. **Amended 7/20/07**

#### **Route 29 (Western) Bypass**

The Western Bypass is a proposed six-mile long roadway from the interchange of Route 29 and Route 29/250 Bypass to just north of Route 643 (Polo Grounds Road). It is planned to connect with Route 29 and the proposed Northern Free State Road.

The County has been working with VDOT through the MPO to address the County's concerns with the Western Bypass. As a result of this effort, the *UnJAM 2025 Plan* described the Western Bypass as noted below.

The project as designed does not meet community or regional needs, and has been determined too costly for the transportation benefits to be gained (draft design plans for the Western Bypass

can be found in the Albemarle County Department of Community Development and the local VDOT Residency Office). The transportation goals of the Bypass can be more effectively realized with improvements to the existing Route 29 corridor.

Portions of the right-of-way reserved for this project should be considered for potential use in other projects such as Berkmar Drive Extended. The remaining right-of-way should be sold, with the proceeds going toward other projects in the Route 29 corridor that better deliver cost-effective solutions to congestion along the corridor. These include adding additional lanes to Route 29 North. These actions would effectively contribute to the near-term improvements needed to maintain Route 29 as the major north-south automobile and truck route.

### **Recommendation**

- Implement the recommendations of the *UnJAM 2025 Plan*, including but not limited to the following:
  - The recommendation for the Western Bypass.
  - To undertake a traffic impact and location study for the Eastern Connector.
- Implement the recommendations of the *29H250 Study* and implement the transportation recommendations of the *Places29 Study*, when adopted.
- Maintain existing cross-section of Route 250 West from Route 29/250 Bypass to the I-64 interchange.
- Implement improvements to Route 250 East consistent with Neighborhood Plan, when adopted.
- Construct the Meadow Creek Parkway, including an interchange at the Route 250 Bypass.
- Construct the Hillsdale Drive extension as recommended in the Hillsdale Drive Extension Study.
- Complete construction of the Southern Parkway by extending the road to connect to 5<sup>th</sup> Street. Consider the recommendations of the PACC Southern Urban Area Study for possible alignment alternatives and/or other neighborhood street connections to the Parkway.
- Construct the Fontaine Avenue-Sunset Avenue connector road and upgrade Sunset Avenue from the connector road to Fifth Street consistent with the recommendations of the PACC Southern Urban Area B Study.
- Consider a possible extension of a multi-modal connection of Stadium Road to the Fontaine Avenue in the area of the Fontaine Research. Study various methods of providing a multi-modal connection, including the provision of various combinations of pedestrian, bicycle, transit, and/or vehicle access and the impacts of this connection on the neighborhood and road network.
- Implement the *UnJAM 2025 Plan* recommendations regarding the Route 29 Western Bypass.  
**Amended 7/20/07**

### **Road Development**

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There are several major tools and processes that are used to plan for needed road improvements. These tools and processes are discussed below.

#### **Six Year Primary and Secondary Road Plans**

The Primary System Construction Program consists of a prioritized list of improvements and a financial implementation plan for all projects in each locality within the Culpeper Highway District (Culpeper, Fauquier, Madison, Orange, Albemarle, Fluvanna, Greene, Rappahannock, and Louisa Counties). The Board of Supervisors reviews and approves a priority listing of projects for the County and forwards this list to VDOT. The final list of improvements and financial plan is established by VDOT for the entire district.

The Six Year Secondary Road Plan also consists of a priority list of improvement projects and a financial implementation plan for all projects within the County. Each year the financial implementation plan must be reviewed and approved for appropriation by the Board of Supervisors. The County adopts a priority listing of projects every two years. The list is based on transportation recommendations identified in the *UnJAM 2025 Plan*, the Comprehensive Plan, and related planning studies. The total list of projects exceeds anticipated that which can be completed during the six year time horizon of the plan. The County has significantly more control over project priorities on the Secondary System than it does on the Primary System.

Traditionally, most County roadway improvements have been limited to funding through VDOT's six year road planning process for both primary and secondary roads. Recently, however, the County has made a more concerted effort to fund the development of proposed roads and work with the development community to encourage participation in the development of these roads. Examples of these projects

include the connection of Commonwealth Drive to Greenbrier Drive, and the construction of Hillsdale Drive/Branchlands Boulevard and Berkmar Drive Extended in which the County and developers shared construction costs. In order to take advantage of these types of efforts in the future, it is necessary that the County have an effective transportation planning process which provides standardized methods to identify and prioritize new projects. Future roads which the County proposes for development, but which are ineligible for VDOT construction funds, will need to be funded through the Capital Improvements Program.

### **Recommendation**

- Maintain and regularly update a County Priority List of Secondary and Primary Road Improvements.

### **General Design Standards For Roads**

The following are general design standards for roads in the County:

1. Design new roads in a manner which is sensitive to County and regional efforts which encourage multi-modal opportunities and neighborhood and pedestrian-friendly character:
  - Provide sidewalks on both sides of the street along all arterials, collectors, and local through-roads in the Urban Area, Communities and Villages unless, other pedestrian access facilities adequately address current needs or pedestrian access in a certain location is deemed inappropriate for reasons of safety.
  - Encourage, where right of way is reasonably available, paved shoulders on shoulder and ditch designed roads (rural cross-section) and wider outside lanes on curb and gutter designed road (urban cross-section) on any new or reconstructed road to more safely accommodate bicycles. Paved shoulders also improve long term road maintenance by reducing pavement deterioration along road edge of rural cross-section roads.
  - Accommodate, where appropriate, bus stop pull-outs or other improvements necessary to support bus service. For new major road projects consider long term need for additional room to support mass-transit facilities (rapid/express bus lanes, rail service, etc.). Major road projects can be considered a significant widening or improvement to a primary road or a secondary road.
2. In the Rural Area, road improvements should be designed to protect environmentally sensitive areas and conform to County goals to preserve rural character. In this regard, improvements which contribute to increased vehicle speed, such as straightening alignments and additional lanes may create less safe conditions and may not be consistent with the rural character of the County. Paving shoulders for enhanced safety and bike use should be encouraged. In the Development Areas, streets should be designed with a streetscape (sidewalks and plantings) that support the Neighborhood Model. Any anticipated road improvements or construction in sensitive or significant resource areas as defined by the Open Space Plan, Natural Resource and Cultural Assets Plan, or other documents should receive extremely careful scrutiny and provide protection measures to eliminate ecological, environmental, and aesthetic concerns.
3. Landscaping should be provided along major roads in the Urban Area, Communities and Villages, particularly along designated Entrance Corridor Roadways and areas of intensive development.
4. Mast arm traffic light poles and street light poles and signs are encouraged over hanging street lights.
5. Locate utilities underground where feasible. If utility poles are to be above ground, encourage their consolidation into one corridor along the road.
6. Minimize clearing activities associated with construction to the greatest extent feasible.
7. Require interconnection of adjacent developments/neighborhoods within Development Areas, and, where appropriate, in Rural Area development, to achieve a local road system and provide alternatives to the regional road network for local trips. This principle should apply to residential and non-residential developments. "Traffic calming" measures (lower speed limits, all directional stop intersections, speed bumps, traffic channeling measures).
8. Discourage direct access from individual lots to arterial and major collector roads. Utilize joint entrances, frontage roads, and side street access or other methods to reduce access points to adjacent properties on major collector or arterial roads.
9. Minimize the number of access points per parcel or development area to those necessary to provide safe and convenient access to and from the site.
10. Minimum desirable separation of street intersections is 1,000 feet for principle arterial roads and 800 feet for minor arterial roads. Minimum desirable spacing for cross-overs (divided road) is 1,300 feet for principle arterial and 1,000 feet for minor arterials. Entrances shall be located either

directly across from a cross-over or at a minimum of 500 feet from a crossover. Encourage use of block configurations in the Development Areas. Block lengths should range from 200-600'.

## **Traffic Reduction**

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Traffic reduction initiatives are intended to reduce dependency on the automobile, and change the pattern of single-occupant auto trips, as the dominant means of transportation. Although it is recognized that auto travel will continue to be a primary means of travel, reducing auto trips can: 1) delay the need for road improvements by better utilizing existing road capacities; and, 2) conserve fuel and reduce pollution (air, water, noise). Alternative transportation services and initiatives which can reduce single-occupant auto travel include public transit services, ride-sharing/vanpooling programs, bicycle and pedestrian access facilities, and travel demand reduction techniques such as tele-commuting and flex-time work hours. Adherence to the General Principles for Transportation recommendations for the above noted services and facilities should serve to implement traffic reduction initiatives.

## **Transportation Services**

Public transportation includes any public mass transit services available to County residents such as the Charlottesville Transit System (CTS), the University Transit Service (UTS), and JAUNT. The County also benefits from other providers it does not fund, such as taxi services and inner-city bus services. The transit service providers to the County are described in more detail below. An important component in planning and providing public transportation services is the "Private Sector Process" adopted by MPO members. This process is designed to more equitably involve the private sector when selecting public transportation service options. The inclusion of the private sector perspective has resulted from Federal Transportation Administration (FTA) regulations requiring: (1) notification of proposed services to private providers; (2) consultation with private enterprise for public services; (3) consideration of private carriers in providing services; (4) comparison of costs between service proposals by the private and public sectors; and, (5) complaint resolution mechanisms for private operators.

### **Charlottesville Transit Service (CTS)**

Public transportation in the Charlottesville and the urban areas of Albemarle County is provided by Charlottesville Transit Service (CTS). CTS operates six days a week with ten daily, fixed routes, one demand response, and six night service routes throughout the urban area. Creating the hub of the public transportation network, bus routes circle around the downtown pedestrian mall before breaking off in the designated direction. CTS service extends south to Interstate 64, as far up Route 29 North to Wal-Mart, and east to Pantops. Buses are wheelchair accessible and CTS offers paratransit programs, in conjunction with JAUNT, for riders with disabilities who are unable to use regular route buses. CTS buses are also equipped with bike racks. The County will continue to:

- Implement County related recommendations of the Charlottesville Transit Development Plan, and participate in its update which occurs every five years.
- Continue to support Thomas Jefferson Planning District Commission (TJPDC) Rideshares services and the Commuter Information Team (CIT).
- Participate with TJPDC, MPO, and Rural Area Transportation Long Range Plan to develop regional plan for park and ride lots.
- Continue to work with area employees to reduce single occupancy commuter vehicles.

### **JAUNT**

JAUNT, Inc. is a regional transportation system providing fixed-route and demand-response service to the citizens of Charlottesville, Albemarle, Fluvanna, Louisa, and Nelson Counties. JAUNT receives federal and state mass transit funding as well as funds from the local governments, human service agency payments and passenger fares. The eighty-vehicle fleet carries the general public, agency clients, the elderly and people with disabilities throughout Central Virginia. Mobile Data Computers have been installed in all of JAUNT's vehicles and new, sophisticated scheduling software handles all 1,200 scheduled trips per day. Reservationists can quickly find the most effective vehicle for each trip, dispatchers know exactly where each vehicle is, and operators access their trip information directly from their on-board computer. Fixed route services primarily connect outlying communities to the urban area, but routes to less populated centers are available as well. Weekday transit routes operate on most primary roads: Route 29 North and South, Route 20 South, Route 250 East and West, and Interstate Route 64. Routes in rural Albemarle County originate in various communities including Scottsville, Covessville, North Garden, Keswick, Advance Mills, Earlysville and Slate Hill.

The following services are provided to the County by JAUNT:

- Coordinated transportation services for all human service agencies serving the County.
- Rural public transportation services, including rural to urban commuter work runs.
- Special services to the handicapped and elderly, including door-to-door prearranged personalized service.
- Supporting services to the handicapped in CTS areas.

### **University Transit Service (UTS)**

UTS offers transportation and charter services to students, employees, and visitors to the University of Virginia. It operates twenty fixed routes throughout the calendar year, with a focus on the academic year. UTS has three types of service: full, holiday, and commuter. Transfers can be made between CTS and UTS buses.

Currently, UTS is wholly owned and operated by the University and is funded through mandatory student fees and parking passes. The service is oriented toward students, faculty, and employees of the University.

The County's growth management policy and land use plan create both distinct advantages and disadvantages in providing public transportation services. The effort to concentrate growth in specified Development Areas, particularly in the Urban Area around the City, permits a large portion of the population to be served with relative ease and efficiency. However, the low density and wide dispersal of population in the Rural Areas make it more difficult to provide convenient access to public transportation to those areas in a cost effective manner. While providing public transportation in the urban areas only is consistent with the County's growth management policy, it results in little or no service to low-and moderate-income individuals and families, the elderly, and the handicapped who reside in the rural regions of the County.

### **Ride Sharing**

RideShare is a program of the Thomas Jefferson Planning District Commission working to reduce traffic congestion and increase mobility throughout the city of Charlottesville and the counties of Albemarle, Fluvanna, Greene, Louisa, and Nelson by promoting alternatives to the single occupant vehicle. Its services includes car and vanpool matching, referrals to transit providers, inventory, marketing, development of Park and Ride lots, operating the Guaranteed Ride Home Program, and promotion of bicycle and pedestrian transportation. This program is continuing to expand and most recently has implemented a SchoolPool program, to assist schools with traffic congestion that frequently occurs in their lots. RideShare is also an active participant of the Commuter Information Team (CIT) which includes RideShare, Charlottesville Transit Service (CTS), JAUNT, University Transit Service (UTS), and Greene County Transit.

Park and Ride lots located in Albemarle County include:

Scottsville -Rt. 20 at the Scottsville Market Keene  
Mountainside Senior Living  
Avon Street Extended  
Pantops Shopping Center  
Darden Towe Park  
Wal-Mart  
Forest Lakes South Entrance  
Peace Lutheran Church

Forest Lakes North (Health Services Center)  
Maple Grove Church  
Grace United Methodist Church

### **Recommendations**

- Identify methods of funding transit services and develop a funding structure/program to support transit in the County.
- Expand transit service in the Urban Area, and to the Hollymead, Cedar Hill Mobile Estates and Piney Mountain Communities.
- Utilize the Transit Development Plan and other studies (including MPO/UnJAM studies, Master Plans, and PACC Area B Studies) to assist in determining the location and timing for the provision of transit services.
- Consider expansion of service hours to include nights and weekends on appropriate routes to improve ridership and service.
- Continue to recognize and support JAUNT as the primary public transportation provider for rural Albemarle County and the County's transportation disadvantaged.
- Continue to support MPO and JAUNT ride-sharing services.
- Participate with MPO and JAUNT to develop a regional system of park and ride lots.
- Work with area employers through MPO to encourage development of ridesharing/vanpooling programs and travel demand reduction programs. Encourage development of ridesharing and travel demand reduction programs in evaluating rezoning and parking lot requests for major industrial, office, and commercial projects.

## **Pedestrian, Bicycle, and Greenway Access**

Pedestrian and bicycle access is an important aspect of the County's overall transportation system. Walkways and bikeways provide for safe and convenient travel and improve the efficiency of the roadway system by reducing potential conflicts between motor vehicles and pedestrians/cyclists.

Pedestrian and bicycle access improvements can also complement and enhance the mass transportation system by improving access to bus stops and places of economic activity. The provision of an effective pedestrian/bicycle system can also enhance the sense of community within developed or developing areas of the County by providing pedestrian/bicycle facilities that interconnect communities and facilitate and encourage interaction within the area.

Appropriate facilities such as walkways, pathways and bike facilities create a safe and effective pedestrian/bicycle environment. These facilities alone, however, do not provide for adequate safe and efficient access, and as a result, additional facilities or improvements may be necessary such as street lights, signs, and other road intersection improvements.

The Department of Community Development in cooperation with the Thomas Jefferson Planning District Commission has developed the Jefferson Area Bicycle, Pedestrian, and Greenways Plan. This Plan will replace the existing Pedestrian Obstacle Study, and the Bicycle Plan for the City of Charlottesville and Albemarle County.

The purpose of this plan is to provide information and guidance on development of facilities and other accommodations to enhance safe bicycle and pedestrian travel within the Thomas Jefferson Planning District. This plan will also satisfy the Virginia Department of Transportation requirement that a roadway be identified as a bike lane or sidewalk in a locally adopted bicycle or pedestrian plan before improvements can be made. Descriptions are given as to how localities can create and maintain safe and efficient walking and biking systems, linking people to the services they need. An overall network is proposed that connects the many communities of the region, and smaller networks proposed for within those communities. The plan also identifies methods for increasing awareness among the public, especially automobile drivers, about the needs of walkers and cyclists. The Plan provides recommendations for both physical improvements and programs aimed at improving bicycle and pedestrian facilities and safety, and discusses implementation and funding issues. The improvement recommendations from the study are provided in Appendix B of the Land Use Plan.

The Jefferson Area Bicycle, Pedestrian, and Greenways Plan begins with a description of existing conditions, demand and need, and possible facility types for both bicycles and pedestrians. The Plan allows for links to surrounding localities. Public input was invaluable to the development of this plan. Local biking clubs and organizations were invited to the meetings. The Jefferson Area Bicycle, Pedestrian, and Greenways Plan incorporates the recommendations of the County's Greenway Plan (Appendix A of the Natural Resources and Cultural Assets Section of the Comprehensive Plan (page 201).

### ***Goals and Objectives of the Regional Plan are:***

#### **GOAL 1: Provide a comprehensive and coordinated regional bicycling and walking system.**

- Objective: Provide safe bicycle and pedestrian access to public facilities, employment and commercial centers, schools, residential areas, and recreation and tourism attractions.
- Objective: Integrate bicycles and pedestrians into planning for transportation and land development.
- Objective: Ensure consistency among local plans, designs, and facilities in the region.
- Objective: Provide adequate support facilities for the travel networks.
- Objective: Encourage developers to include bicycle and pedestrian access in projects.
- Objective: Integrate bicycle and walking networks with transit systems.
- Objective: Preserve and restore walking and bicycle access when roadways expand.

#### **GOAL 2: Provide safe bicycle and walking networks, convenient for all users.**

- Objective: Provide a system that serves expert, intermediate, and novice users of all ages.
- Objective: Provide a system that serves recreational and utilitarian user needs.
- Objective: Create a network easily used by residents, guests, and tourists.
- Objective: Develop a system that meets or exceeds VDOT standards.
- Objective: Minimize potential conflicts between bicycles, motor vehicles, and pedestrians.
- Objective: Provide signage, markings, and physical improvements to ensure safe and easy usage.
- Objective: Provide and maintain riding surfaces free of obstructions, trash, gravel, and other hazards.
- Objective: Develop improved methods of bicycle accident data gathering, analysis, and retrieval.

#### **GOAL 3: Educate the public of bicycling and walking advantages, facilities, safety and regulations.**

- Objective: Develop a comprehensive public information and education program to raise the community's awareness and enjoyment of walking and bicycle riding facilities.
- Objective: Inform public of health and environmental benefits to further entice users.
- Objective: Incorporate maps of facilities into standard transportation and tourist maps.
- Objective: Inform bicyclists and pedestrians of their responsibility in relation to traffic.
- Objective: Educate bicyclists and drivers on the rules of the road and bicycle safety.

GOAL 4: Establish a system to coordinate steady implementation of the plan.

Objective: Establish priorities for facility development consistent with funding priorities while maintaining flexibility to develop any segment of the system as opportunities permit.

Objective: Develop facilities which are cost efficient to construct and maintain.

Objective: Maintain awareness of and pursue all potential funding sources.

Objective: Hire staff at each locality or regionally to be in charge of grant writing, plan coordination, and other activities that will provide the necessary support to implement the plan.

**Recommendations**

- Utilize the existing Neighborhood and Master Plans for identifying potential walkway, bicycle, greenway, and streetlight projects.
- Implement the recommendations of the Jefferson Area Bicycle, Pedestrian and Greenway Plan.
- Evaluate existing Zoning and Subdivision Ordinance requirements and enabling legislation to ensure pedestrian facilities are being provided as called for in this Plan.
- Evaluate the need (and method) for the County to supplement VDOT's walkway maintenance, grassy strips, and tree lawn areas.
- Maintain an on-going walkway, bicycle, and greenway construction fund in the Capital Improvements Program. Utilize all possible funding sources for the construction of walkways and bicycle facilities.
- Utilize Development Standards for Roads and Land Use Standards for Development as guidelines for pedestrian facility development.
- Implement the recommendations of the existing Bicycle Plan for the City of Charlottesville and Albemarle County. Regularly review and update Plan.
- Include bicycle and sidewalk facilities within new major developments depending on their location. Provide amenities such as bike racks and shower facilities.
- Consider using VDOT and railroad excess right-of-way for multi-use trails.

**Other Transportation Types**

**Air Travel**

The purpose of the Charlottesville-Albemarle Airport Master Plan of August 18, 2004 is to provide the Charlottesville-Albemarle Airport Authority with useful, understandable information and guidance to develop and maintain a safe and efficient airport. It also provides the Federal Aviation Administration (FAA) and the Virginia Department of Aviation with information concerning the planned development at Charlottesville-Albemarle Airport. The Charlottesville-Albemarle Airport Master Plan is comprehensive planning guide that ensures the Charlottesville-Albemarle Airport remains a safe, efficient, and environmentally sensitive air transportation facility, while serving the growing needs of air travelers throughout the region.

The Airport has maintained a master plan for facility development since 1972. Prior updates include 1982 and 1994. FAA requires an airport to maintain a master plan in order to be eligible to receive grant-in-aid funding through its airport improvement program. There are no set guidelines from FAA on how often an airport master plan should be updated. Each master plan includes forecasts of aviation activity that are applicable for 5, 10 and 20 year periods. Historically, the Charlottesville-Albemarle Airport has conducted an update every 10-12 years.

Charlottesville-Albemarle Airport (CHO) is the only commercial service airport in the region (the Louisa County Industrial Airpark is a general aviation airport). The Charlottesville-Albemarle Airport is located in northern Albemarle County west of Route 29 at Routes 649 and 606, approximately eight miles north of Charlottesville. Service was initiated at the Airport by Piedmont Airlines in 1955. Since then, the facility has grown to include a 60,000 square foot terminal facility with modern customer amenities offering on-site rental cars, ground transportation, and food service. General aviation facilities include an executive terminal offering a full-service fixed base operation, flight schools, and aircraft charter firms. Significant increases in the number of passengers departing from the airport on commercial flights have occurred. The Charlottesville-Albemarle Airport continues to grow, from 65,620 passengers departing on commercial flights in 1980 to 132,432 in 1990, and serving 163,416 passengers in 2003.

The County is aware of the need to address infrastructure needs which would improve airport operations, such as public utility and road improvements. Any future land acquisition and development by the Authority will also need to be coordinated with the County to insure consistency with the Comprehensive Plan and all applicable ordinances, and to minimize negative impacts of expansions.

**Rail Travel**

Passenger and freight rail service are available in north-south and east-west directions throughout the region. AMTRAK service for passengers originates at the City of Charlottesville's Union Station on West Main Street. There are no other AMTRAK stops in the planning district.

### **TransDominion Express (TDX)**

The TransDominion Express (TDX) project is a collaborative effort between both state and local agencies. As detailed in the 1998 Bristol Report, The TDX is a proposed rail system that would connect southwest Virginia with both Washington, D.C. and Richmond. TransDominion Express will serve the region, with proposed rail corridors starting in Bristol, with destinations to Washington D.C., and Richmond. Service to Richmond will be through Lynchburg, and a stop is proposed for Charlottesville on the route to Washington. The TDX would cover approximately 400 miles and has nineteen formal and informal proposed stations. The Virginia Department of Rail and Public Transportation found that "creation of TDX would decrease traffic congestion on highways and interstates, reduce air traffic pollution, increase safety, stimulate tourism and commerce and provide an efficient alternative to automobile travel. The County supports the TDX and funding.

A direct physical impact of rail service is the possible conflict with pedestrians and autos at crossing points. Also, hazardous materials are transported daily along railroad lines. Safety records show that railroad shipment of such material is safer by far than along highways. The shipment of hazardous material further increases the importance of railroad crossing improvements, such as the installation of warning devices to minimize potential collisions. The responsibility of rail-road-highway at-grade crossings are considered the responsibility of the Virginia Department of Transportation and, therefore, are addressed in the Six Year Road planning process.

Presently no freight originates in the Charlottesville-Albemarle area. Freight trains, however, run on the rail line. Two private terminals receive freight in the Charlottesville area: the University of Virginia receives coal; Better Living receives building material.

A team track loading facility is presently located at the existing Norfolk-Southern Railroad Station adjacent to West Main Street. The platform, although used infrequently, provides a facility to unload industrial and farm equipment from railroad cars to other vehicles. When the proposed multi-modal station is constructed, the team track loading platform will need to be relocated.

Rail access is an important component of the County's overall transportation system, and it is important to maintain the railway system as a complement and supplement to other transportation modes. Rail access can also be important to industrial activities.

Should usage of rail lines be abandoned, efforts should be made to maintain the lines for future rail use. Interim uses, such as trail use, may also be appropriate. These rights-of-way would be different and costly to re-establish if needed again in the future. Their availability in the long term may prove beneficial to the County and to adjacent communities.

Grade-separated crossings, whether underpasses or overpasses, are generally the responsibility of the railroad involved. Several existing railroad bridges and underpasses are of substandard design or condition, create impediments to free traffic flow, and may present safety problems.

### **Recommendations**

- The Charlottesville-Albemarle Airport Master Plan of August 18, 2004 is recognized as a guide for the development Charlottesville-Albemarle Airport. Continue to recognize the Airport Authority as responsible for the management, planning, and expansion of the Charlottesville-Albemarle Airport facilities. The County and the Airport Authority should coordinate long-term land use and development plans for the airport area.
- Continue to implement improvements to railroad crossings and bridges through the six year road planning process or other necessary means.
- Maintain existing rail passenger service and pursue enhanced service for the Charlottesville/Albemarle Community. Monitor all potential railroad abandonment efforts to determine the impact on the County and region. If abandonment takes place, evaluate possible alternative uses such as a linear park with pedestrian, equestrian or bicycle trails.
- Maintain support of the funding of the TransDominion Express and support that it be seriously considered as a multi-modal means to address congestion on Route 29.

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Agenda Item No. 21. **Public Hearing:** SP-2007-008. Camp Watermarks Amendment (Sign # 47). PROPOSED: Amend existing Special Use Permit to allow maximum 75 campers, 20 staff, 20 x 40 accessory building, one additional cabin, and weekly food delivery. LOCATION: 1145 James River Drive, west of Route 726 and Hatton Ferry Road. TAX MAP/PARCEL: TM 136, Parcels 6B, 9, 9A2, 9D, 9D1, 9E. MAGISTERIAL DISTRICT: Scottsville. (Notice of this public hearing was advertised in the *Daily Progress* on July 16 and July 23, 2007.)

Mr. Boyd mentioned that Ms. Amy Arnold would be leaving the County and this is her last meeting with Albemarle County.

Ms. Arnold, Planner, reported that Angela and Travis Critzer have requested an amendment to an existing special use permit allowing for a maximum of 75 campers and 20 staff and an 800 square foot accessory building along with an additional cabin and one weekly food delivery by truck. She explained that the camp is located on James River Road west of the intersection of Route 726 and Hatton Ferry

Road, west of Scottsville. Ms. Arnold said that this extends the parcels, and she presented photographs of the camp and its facilities. She noted that the amendment includes appropriate traffic management measures and references a camp environment well integrated into the site. Ms. Arnold also noted that the activities would include experiences that heighten awareness of agricultural processes and the natural environment and includes continuation of farming and forestry activities. She said that the Planning Commission recommended approval of the SP, with conditions included in the action letter dated June 22, 2007.

Ms. Thomas asked if this was a one-time request or if it would be part of ongoing plans.

At this time the Chairman opened the public hearing.

The applicant, Mr. Travis Critzer, addressed the Board and said that this level of expansion is all they want to do right now. He added that the camp is doing well and is already booked for events through next summer.

There being no other comments, Mr. Boyd closed the public hearing.

Mr. Dorrier **moved** to approve SP 2007-008 subject to the conditions outlined in Planning's letter dated June 22, 2007. Mr. Wyant **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

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

1. The improvements, and the scale and location of the improvements authorized by Special Use Permit 2007-08 Camp Watermarks, shall be in general accord with the concept application plan dated May 29, 2007, prepared by Angela and Travis Critzer, and titled "Watermarks Christian Ministries Camp" (Attachment A-on file). However, the Zoning Administrator may approve revisions to the concept application plan to allow compliance with the Zoning Ordinance;
2. Prior to issuance of the zoning compliance clearance, compliance with the Virginia State Department of Health (VDH) regarding minimum septic requirements shall be required. The VDH shall re-review the status of septic standards within one year of the date of the approval of the special use permit. At that time, and if necessary, systems shall be upgraded or enrolment reduced based on VDH recommendations;
3. Prior to issuance of the zoning compliance clearance, compliance with the VDH regarding kitchen and food service approvals shall be verified;
4. Total number of staff (in addition to the applicant and their family) on site at one (1) time shall be limited to twenty (20);
5. Camp sessions shall be limited to a maximum of sixteen (16), each one (1) week long, overnight sessions per year;
6. The maximum number of children per session shall be limited to seventy five (75).
7. The maximum number of bus or van trips (round trips) to and from the camp, each week long session shall be six (6). Bus or van trips shall be the primary means of transportation for the children;
8. Five (5) truck delivers shall be allowed per week;
9. Camp activities are permitted on Tax Map 136, Parcels 6B, 9, 9A2, 9D, 9D1, 9E;
10. Outdoor amplified sounds or bull horns shall be prohibited;
11. Compliance with the VDH regarding water supply shall be verified by the Health Department prior to issuance of a zoning compliance clearing and the commencement of the special use. The VDH shall re-review the status of water standards within one (1) year of the date of the approval of the special use permit. At that time, and if necessary, systems shall be upgraded or enrolment reduced based on VDH recommendations; and
12. This special use permit does not include approval for additional lighting subject to Chapter 18, Section 4.17 of the Zoning Ordinance.

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**(Note:** Seeing that the Mr. Davis had returned, Mr. Boyd suggested the Board return to Agenda Item No 17.)

Mr. Davis said that the applicant has submitted some revised proffers that have been signed and there are still two versions: one version proposes to pay the cash impact amount at the time of the building permit for the 120 residential units and a second version that would not pay the cash impact until after the units are no longer used by a federal agency.

Mr. Davis said that each one has also an amended Condition #4 which reads:

"The Property shall be developed in general accord with the plans entitled "NGIC Expansion Project for ZMA 2007-003", prepared by Collins Engineering, dated June 12, 2007 and last revised July 12, 2007 (referred to in these proffers as the "Application Plan" if a minimum of forty thousand (40,000) square feet of the property is under a legally binding lease for nonresidential use by a federal agency, as demonstrated to the satisfaction of the County Attorney. Proof of the legally binding lease shall be submitted at the time of submittal of the first building permit application. If the property is not under a legally binding lease to a federal agency, the property shall be developed to allow not more than two office buildings and one apartment building that

shall be developed only if in general accord with plans which substantially comply with the principles of the Neighborhood Model set forth in the Albemarle County Comprehensive Plan as determined by the Director of Community Development and that do not increase the square footage of nonresidential uses or the number of residential units as shown on the Application Plan.”

Mr. Davis said this proffer indicates that if 40,000 square feet is not under lease, it allows the developer to develop the property, but not any greater intensity than was reviewed by the Board for purposes of this rezoning. This allows the developer not to build residential, but he could not build anything in its place without a zoning amendment. Mr. Davis explained that if he (the applicant) leases the space to a federal agency he will be bound by the application plan, and if he does not, he will be bound to not more than two office buildings and 120 residential units, subject to approval of a plan by the Director of Community Development.

Mr. Rooker said the proposed language seems to incorporate the Board's discussion.

Mr. Boyd said the applicant commented earlier that if they have to increase the per unit rentals based on paying upfront the cash proffers for the units, the federal government may not take that deal. They could decide to build the units on their own property, thereby taking them off the County tax rolls, or they may rent space somewhere else. He said that is an issue the Board may want to think about.

Mr. Rooker said he thinks it is unlikely the government will purchase another piece of property and build their own units. If they lease from someone else, then that other person will also have to comply with County subdivision standards.

Mr. Davis noted that the only other issue (Proffer 1-G) is that prior to issuance of the building permit the County can require the \$19,100 payment regardless of the federal lease. Mr. Wood was agreeable to that interpretation.

Mr. Wood asked for clarification on Proffer 1-G; he thought it was “at the time of”, not prior to. Mr. Davis emphasized that Proffer 1-G says that within 30 days of issuance of the building permit the County can elect whether a payment in lieu of shall be made, and if they elect that, the owner shall make a cash contribution prior to or at the time of the issuance of a certificate of occupancy.

With regard to the comment made earlier by Mr. Boyd, Mr. Wood said the federal government has acquired property and they may acquire more property, so it is a real possibility, if these terms (\$1.5 million paid upfront) are not acceptable. If they build these units on their property, it would remove the property from the County tax rolls.

At this time, the Chairman opened the public hearing.

Mr. Brian Wheeler, Executive Director of Charlottesville Tomorrow, addressed the Board. He said that his organization does not have a position on this particular application, but a recent survey they sponsored showed that only 51.9 percent of those asked showed satisfaction with the governmental process. Mr. Wheeler said that the Board had indicated in July that they would have the proffers together ahead of time, noting comments from the Planning Commission related to this application as proffers were being written on the fly. Today, you have proffers that the County Attorney has not reviewed. You have proffers that Mark Graham has not reviewed. You have accepted proffers that are against your own policy. You have proffers the public has had no opportunity to review. He said that when applicants get special treatment like this, public confidence in your process is one of the things that suffer and leads to public opinion numbers like those found in their survey. Mr. Wheeler stated that the County essentially went behind closed doors to negotiate with Mr. Wood during this meeting, and the public has not had a genuine opportunity to participate.

Mr. Jeff Werner of Piedmont Environmental Council said that he is in agreement with Ms. Thomas' comments about the location of the new residential next to employment. His concern is about the Board's choice to selectively modify your proffer review policy to accommodate this proposal. There are currently other property owners (Cliff Fox and the University of Virginia) interested in working with the GSA. He is curious if this Board is willing to accelerate its review process and assist these other property owners. He noted that there are other options for this facility, and the concern is that NGIC somehow presents a sense of urgency for all of their applications. This Board needs to follow the process and not suspend its policies for public involvement.

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

In response to Mr. Wheeler's comments, Mr. Slutzky said that Mr. Davis and Mr. Graham did review the proffers, they just had not subjected them to the level of review they might typically have.

Mr. Rooker pointed out that every change in the proffers has been made because of the County. These changes were not initiated by the applicant, nor made to be favorable to the applicant. This is a plan approved by the Commission with several issues that the Board needed to address in the proffers. The issues addressed in the proffers are specifically to the advantage to the County. The one change made today, specifically at the request of the Board, was done in order to provide us with an option to assure that if it does not turn into a BRAC-type facility, that we can subject it to the Neighborhood Model design requirements. He still has some concern about the Board's policy relative to notice of change of proffers, but these changes are all to the advantage of the County.

Ms. Thomas emphasized that it is not the concern for national security or NGIC that drives her decision to view this application favorably, but the fact that there is walk to work potential here. She realizes that the Board has set itself up for possibly approving some office buildings without any residential development. There is no promise for residential development with this request. The Board may also have facilitated a process that is competing with the University of Virginia and other places that would like to have the GSA contract for the offices and research buildings.

Mr. Rooker said the Board's policy states that "This policy is not intended to prevent changes made in proffers at the public hearing resulting from comments received from the public or from Board members at the public hearing". The Board has reserved the right to improve proffers at the public hearing.

Mr. Dorrier said he thinks this is a unique situation that will not come up again. It is in the public interest to grant an exception in this case. He supports moving forward. He also believes it will likely be leased to the federal government.

Ms. Thomas noted that there is some flexibility with the federal government in terms of payments in lieu of taxes. Since a proffer system has been worked out, if they choose to build these units on their own land, it gives the County an ability to have some strong negotiations in terms of those payments in lieu of taxes.

Mr. Rooker stated that he would only support the first proffer.

Mr. Davis explained that the three page proffer is the proffer which would proffer impact fees being paid at time of the issuance of the building permit. The four page proffer would delay that payment until such time as it was a non-federal agency use.

Mr. Boyd agreed with Mr. Rooker and supported the up-front proffers.

Mr. Wyant also agreed.

At this time, Mr. Wyant **moved** for approval of ZMA-2007-003 subject to acceptance of the applicants Proffer #1 submitted and revised at the Board meeting. Mr. Dorrier **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

## PROFFER STATEMENT

### NGIC EXPANSION

**Date: August 1, 2007**

**ZMA 2007-003; SP 2207-32 Residential & SP 2007-31 Research & Development; Labs**

**Tax Map Parcel # 33-1D and 33-1F (portion of)**

**Existing Zoning: RA**

**Proposed Zoning: CO; SP 2207-32 Residential & SP 2207-31 Research & Development Labs**

**Total Land Area: 15 acres**

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the owner, or its duly authorized agent, hereby voluntarily proffers the conditions listed below which shall be applied to the property, if rezoned with the offered plans approved for development. These conditions are proffered as a part of the requested rezoning and it is agreed that the conditions are reasonable.

#### 1. Affordable housing

The Owner shall provide a minimum of eighteen (18) of the residential units as affordable. The affordable housing shall be provided by making these units available for lease under the terms provided in the following paragraph and paragraphs A through F below or by payment of \$19,100 in lieu of each required unit under the terms provided in paragraph G below.

For a period of ten (10) years following the date the certificate of occupancy is issued by the County for each for-rent affordable unit, or until the units are sold as low or moderate cost units qualifying as such under either the Virginia Housing Development Authority, Farmers Home Administration, or Housing and Urban Development, Section 8, whichever comes first (the "Affordable Term"), such units shall be leased to households with incomes less than the Affordable Unit Qualifying Income.

A. Affordable housing and rental rate. "Affordable housing" shall mean rental units for which the initial gross rents does not exceed one hundred twenty (120) % of the fair market rent published by the U.S. Department of Housing and Urban Development (HUD) with a maximum annual increase not to exceed three percent (3%) during the affordability term. Tenant rent shall be the

gross rent less the cost of tenant-paid utilities as provided by the Albemarle County Office of Housing.

- B. Affordable term. The requirement that the rents for such for-rent affordable units may not exceed the maximum rents established in this Proffer shall apply for a minimum period of ten (10) years following the date a certificate of occupancy is issued by the County (the "compliance date"), or until the units are sold as low or moderate cost units qualifying as such under Albemarle County Affordable Housing Policy (the "Affordable Term"); provided that if the units are leased by the Owner to a federal agency, the compliance date for providing the affordable residential units begins on the day after the termination of such lease of residential unit(s) between the Owner and a federal agency. The Owner shall provide the County's zoning administrator thirty (30) days' prior written notice of the impending termination of the lease. The Owner also shall submit between June 1 and July 1 of each year satisfactory written evidence to the County's zoning administrator that the residential units are being leased to a federal agency and occupied by employees of, or contractors to, a federal agency, and state whether the lease will terminate in the upcoming July 1 to June 30 period and, if so, state the date. The failure of the Owner to submit such evidence by July 1 in any year shall be deemed to be evidence that the lease between the Owner and the federal agency has terminated and the Owner shall comply with all requirements of this Proffer.
- C. Conveyance of interest. All instruments conveying any interest in the for-rent affordable units from the date of this rezoning and continuing until the Affordable Term has ended shall contain language reciting that such unit is subject to the terms of this Proffer. In addition, all contracts pertaining to a conveyance of any for-rent affordable unit, or any part thereof, during the Affordable Term shall contain a complete disclosure of the restrictions and controls established by this Proffer. At least thirty (30) days prior to the conveyance of any interest (other than for the securing of a mortgage or deed of trust) in any for-rent affordable unit during the Affordable Term, the then-current owner shall notify the Albemarle County Chief of Housing or his successor in writing of the conveyance and provide the name, address and telephone number of the potential grantee, and state that the requirements of this Proffer have been satisfied.
- D. Reporting rental rates. During the Affordable Term, within thirty (30) days after the commencement of the lease term for each for-rent affordable unit, the Owner shall provide to the Albemarle County Housing Office or its successor a copy of the lease agreement for each such unit rented that shows the rental rate for such unit and the term of the lease. In addition, during the Affordable Term, the Owner shall provide to Albemarle County, if requested, any reports, copies of lease agreements, or other data pertaining to rental rates as Albemarle County may reasonably require.
- E. Inspection of records. The County shall have the right, upon reasonable notice and subject to all applicable privacy laws, to periodically inspect the records of the Owner or any successors in interest for the purposes of assuring compliance with this proffer.
- F. Units counted once. No for-rent affordable unit may be counted more than once towards the number of for-rent affordable dwelling units required by this Proffer.
- G. Cash in lieu of providing for-rent affordable units. Notwithstanding the foregoing, the County may opt to receive a cash contribution in the amount of nineteen thousand one hundred dollars (\$19,100) per for-rent affordable unit and notify the Owner in writing of its decision within thirty (30) days of the issuance of the building permit for such residential unit. The Owner shall make a cash contribution to the County in the appropriate amount prior to or at the time of issuance of a certificate of occupancy for such residential unit. Upon receipt of such payment by the County, the Owner shall have the right to lease or sell the residential unit without any obligation to comply with the requirements of paragraphs A through F of this Proffer.

**2. Cash to address impacts to public facilities (CIP)**

The Owner shall contribute twelve thousand four hundred dollars (\$12,400) cash to the County for each market rate dwelling unit constructed within the Property for the purpose of mitigating impacts from the Project. The cash contribution shall be used for schools, libraries, fire, rescue, parks or any other public use as identified in the County's Capital Improvements Program. The per unit cash contribution shall be paid prior to or at the time of issuance of the building permit for each unit; provided that if the Owner provides evidence satisfactory to the County's zoning administrator before the issuance of the building permit that the unit(s) will be leased to a federal agency, to be occupied by the employees or contractors of a federal agency, the per unit cash contribution shall be due and payable on the day after the termination of such lease of residential unit(s) between the Owner and a federal agency. The Owner shall provide the County's zoning administrator thirty (30) days' prior written notice of the impending termination of the lease. The Owner also shall submit between June 1 and July 1 of each year satisfactory written evidence to the County's zoning administrator that the residential units are being leased to a federal agency and occupied by employees of, or contractors to, a federal agency, and state whether the lease will terminate in the upcoming July 1 to June 30 period and, if so, state the date. The failure of the Owner to submit such evidence by July 1 in any year shall be deemed to be evidence that the lease between the Owner and the federal agency has terminated and the Owner shall comply with all requirements of this Proffer.

**3. Transportation**

- A. Lanes. In order to mitigate traffic impacts resulting from the Project, the Owner shall design and construct to Virginia Department of Transportation ("VDOT") road standards a second left turn lane on the southbound side of Route 29 at its intersection with Boulders Road, in the location shown on the Application Plan, and design and construct all other lane configurations at the intersection of Route 29 and Boulders Road as determined by VDOT. Construction or installation of all improvements required by this Proffer shall be completed and accepted by VDOT within one (1) year after approval by the County of the first final site plan or subdivision plat for the Project.
- B. Signalization. The Owner shall design, bond and construct all traffic signalization improvements at the intersection of Route 29 and Boulders Road required by VDOT. Construction or installation of all improvements required by this Proffer shall be completed and accepted by VDOT within one (1) year after approval by the County of the first final site plan or subdivision plat for the Project, or prior to the issuance of the first building permit by the County for the Project, whichever occurs first, provided that County, upon the recommendation of VDOT, may establish another completion date.

**4. Development in general accord with the Application Plan**

The Property shall be developed in general accord with the plans entitled "NGIC Expansion Project for ZMA 2007-003", prepared by Collins Engineering, dated June 12, 2007 and last revised July 12, 2007 (referred to in these proffers as the "Application Plan" if a minimum of forty thousand (40,000) square feet of the property is under a legally binding lease for nonresidential use by a federal agency, as demonstrated to the satisfaction of the County Attorney. Proof of the legally binding lease shall be submitted at the time of submittal of the first building permit application. If the property is not under a legally binding lease to a federal agency, the property shall be developed to allow not more than two office buildings and one apartment building that shall be developed only if in general accord with plans which substantially comply with the principles of the Neighborhood Model set forth in the Albemarle County Comprehensive Plan as determined by the Director of Community Development and that do not increase the square footage of nonresidential uses or the number of residential units as shown on the Application Plan.

**5. Annual adjustment of cash proffers**

Beginning January 1, 2009, the amount of each cash contribution required herein shall be adjusted annually until paid, to reflect any increase or decrease for the preceding calendar year in the Marshall and Swift Building Cost Index ("MSI"). In no event shall any cash contribution amount be adjusted to a sum less than the amount initially established by these proffers. The annual adjustment shall be made by multiplying the proffered cash contribution amount for the preceding year by a fraction, the numerator of which shall be the MSI as of December 1 in the year preceding the calendar year most recently ended, and the denominator of which shall be the MSI as of December 1 in the preceding calendar year. For each cash contribution that is being paid in increments, the unpaid incremental payments shall be correspondingly adjusted each year.

**6. "Federal agency" defined**

For the purposes of these proffers, the term "federal agency" means any unit of the federal government including, but not limited to, any board, commission, bureau, department, agency, authority, administration, office, or service.

Signature of Owner  
Next Generation LLC

By: \_\_\_\_\_  
Wendell W. Wood, Operating Manager

Mr. Davis said the Board has two special use permits associated with the rezoning that requires action by the Board. He noted that there was revised language submitted with SP-2007-032.

Ms. Thomas said she supports the revised language. It clarifies the condition.

At this time, Mr. Wyant **moved** for approval of SP-2007-031 subject to the one condition recommended by the Planning Commission. Mr. Rooker **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

(**Note:** The condition of approval is set out below:)

1. A maximum number of one hundred twenty (120) apartment units shall be permitted.

Ms. Thomas asked what happens if the Albemarle County Service Authority is notified that there is something that is going to require extra treatment. Does the ACSA have the ability to increase treatment fees? Mr. Davis said that there are regulations that stipulate how that discharge would have to

be treated. The purpose of this condition was to make sure that there was a clear methodology for ACSA notification.

Mr. Rooker then **moved** for approval of SP-2007-032 subject to the two conditions recommended, with condition #1 as modified at the Board meeting, and condition #2 as recommended by the Planning Commission. Mr. Dorrier **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

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

1. Each occupant proposing to engage in a research and development use shall submit a certified engineer's report to the County Engineer for review and recommendation. The certified engineer's report shall describe the proposed operation and all machines, processes, products and by-products; state the nature and expected levels of emissions or discharges to land, air and/or water or liquid, solid or gaseous effluent and electrical impulses and noise under normal operations (collectively, "emissions and discharges"); and state the specifications for treatment methods and mechanisms to be used to control such emissions or discharges. The County Engineer shall review the certified engineer's report for compliance with this condition. The report also shall demonstrate to the satisfaction of the County Engineer that emissions and discharges from the proposed use will be adequately controlled. The County Engineer shall then provide comments and recommendations regarding the report to the Zoning Administrator prior to final site plan approval or issuance of the zoning compliance clearance; and
2. If any discharge of other than domestic wastes into the public sewer system is expected, the Albemarle County Service Authority (ACSA) shall be so notified prior to site plan approval.

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(**Note:** Mr. Wyant left the meeting at 4:40 p.m.)

Agenda Item No. 22. **Public Hearing:** SP-2007-0017. Luxor Commercial Vet Office Expansion (Sign #8). PROPOSED: Extension of time allowed to establish Special Use Permit. LOCATION: The 1.377 acre property is located on the north side of Route 250 (Richmond Road) and east of Rolkin Road, between Montessori School and Aunt Sarah's Restaurant. TAX MAP/PARCEL: Tax Map 78, Parcel 55D. MAGISTERIAL DISTRICT: Rivanna. (Notice of this public hearing was advertised in the *Daily Progress* on July 16 and July 23, 2007.)

(**Note:** Mr. Boyd filed a Transactional Disclosure Statement recusing himself from this discussion. He has a financial interest in Boyd & Bossi, L.L.C. [675 Berkmar Circle Unit D3, Charlottesville, VA 22901] which holds an option contract for property identified as a portion of Tax Map 78, Parcel 55A-4 that is adjacent to the property that is the subject of this transaction. Mr. Boyd then left the meeting.)

Mr. Rooker chaired this portion of the meeting.

Ms. Rebecca Ragsdale, Planner, reported that this is a special use permit associated with a rezoning approved in 2005 for an 80,000 square foot mixed commercial development with a 1,500 square foot bank. This request is for a time period extension beyond the initial two-year increment granted. She explained that there is a co-applicant they are working with that wraps around the applicant's property. This extension is related to some site plan issues, and the applicant would like another two years. She noted that nothing is changing with the original application plan that was approved for the building. Ms. Ragsdale said that the staff and the Planning Commission, on July 10, 2007, recommended approval subject to four conditions. She noted that the third condition relates to a tree that should be bonded. One of the trees fell over and was removed, and ARB landscaping has been put in its place.

At this time Mr. Rooker opened the public hearing.

Ms. Denise LaCour, President of Denico Development, the applicant, addressed the Board. She said in the original approval of the Luxor application, the Board had asked that the two pine trees be bonded and preserved. Luxor had a certified arborist looked at the trees. The arborist said that both of the trees were weak. About a month ago, a severe storm blew over the tree on the right, and VDoT removed it. The only tree that remains is the one located on the left side. When they went to get their Certificate of Appropriateness, the ARB asked for the remaining tree to be removed even though the Planning Commission wanted to keep it. She asked the Board to address that issue.

Ms. Ragsdale noted that there are also proffers associated with the special permit, but the condition does not bind that the tree be preserved, even though it has been identified and bonded. She explained that there is additional language in the proffers that addresses the certified arborist's report, and the proffers would have to be amended if they do not provide for Ms. Luxor's request. Ms. Ragsdale said the proffers state: "Prior to the first final site plan approval, the owner shall submit a tree conservation plan prepared by a state certified arborist for the two large existing evergreen trees in the southeastern corner of the site, as shown on the plan. The plan shall be submitted to the Director of Planning for review and approval to assure that all applicable requirements have been satisfied. The plan shall specify tree protection methods and procedures, including fertilizing, tree protection..." Ms. Ragsdale suggested meeting with the applicant to discuss how to handle the second tree.

Mr. Rooker said that they cannot make changes to the proffers today because that is not before the Board, but they can deal with the conditions.

Ms. Thomas mentioned that the proffers require that the two trees be bonded.

Mr. Davis stated that the ARB condition would have to be modified unless the proffer is amended.

Mr. Rooker asked is there any reason to leave in the third condition: "A note shall be added to the plan to identify the one tree that shall be bonded."

Mr. Davis said the special use conditions should be brought in line with the proffers by stating that the plan shall the two trees that shall be bonded.

Mr. Rooker emphasized that one tree is gone, and the other tree is weak.

Mr. Davis asked if a tree preservation plan was submitted. Ms. Ragsdale replied, "yes". Mr. Davis asked if the plan addressed what would happen if one of the trees died. Ms. Ragsdale replied that it does, and that was addressed with the ARB who recommended the landscaping. The issue is that the applicant is asking that the second tree be removed and not be preserved, and replaced with landscaping.

Ms. LaCour commented that the ARB has provided the applicant with an alternate plan, if both trees came down. Ms. LaCour said that the trees would be bonded anyway.

Mr. Rooker said the question is whether staff has the authority to allow the tree to be removed and replaced with consistent landscaping.

To be consistent with the proffer, Mr. Davis suggested that if the tree conservation plan that was submitted no longer applies correctly, it should be amended to show a different plan that deals with dead and dying trees and recommends replacements that could be approved by staff and the ARB. He thinks the proffer contemplates the possibly that trees might not live forever. It does not bind that the trees have to remain forever. If the Board wants to require that the one tree remain, it can keep the one condition. If it does not want to make the requirement, then he suggests eliminating condition #3 and allowing staff to deal with it.

There being no other comments, Mr. Rooker closed the public hearing.

Mr. Dorrier then **moved** for approval of SP-2007-0017. Mr. Davis said the motion would be to approve SP-2007-0017 subject to five conditions, which eliminate condition #3 from the staff's recommended conditions. Mr. Dorrier **agreed** to that motion. Ms. Thomas **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

ABSTAIN: Mr. Boyd.

ABSENT: Mr. Wyant.

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

1. A separate entrance and exit shall be provided for the clinic in accordance with Section d;
2. No outdoor exercise area shall be permitted;
3. The veterinary clinic be identified as located in building and;
4. Architectural Review Board issuance of a Certificate of Appropriateness;
5. Special Use Permit 2007-017 shall be valid eighteen (18) months from its date of approval.

(**Note:** At 4:55 p.m., the Board took a brief recess, then reconvened, with Mr. Boyd.)

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Agenda Item No. 23. **Work Session:** CPA-2004-05. Pantops Plan.

Mr. Benish summarized the following executive summary which was forwarded to the Board:

The Pantops Master Plan process has been underway since July 2003. During spring and summer of 2006 preliminary draft master plan elements were discussed with the public and Planning Commission in four meetings. These draft elements included public input themes and preliminary recommendations, a proposed Framework Map (Land Use), a proposed Green Infrastructure Map, and a proposed Transportation Map. Based on the Planning Commission's direction during the summer work sessions, the Pantops Master Plan document was drafted by staff and revisions were made to the Framework and Green Infrastructure Maps. Similar to the series of meetings held in spring/summer 2006, additional work sessions were conducted with the Planning Commission in November 2006 to review the Pantops Master Plan draft, in a chapter by chapter process. A summary of the entire public process is provided. The Commission made further recommended changes to be made to the master plan and a public hearing was held with the Commission on April 3, 2007. Minutes and the action memo from the public hearing are provided. The Commission held an additional work session on June 5, 2007 and recommended the attached (on file) draft master plan for the Board's consideration. The draft Pantops Master Plan, reflecting the Commission's final recommendations and including the full appendix, is provided.

With few exceptions, the major recommendations and goals of the master plan have not changed since the initial relaunch of the master plan process with the public last spring but have been elaborated in text and further refined. Based on work with the Planning Commission, stakeholders, County departments, and public comments since spring 2006, the Pantops Master Plan Draft has been developed. There are several notable revisions the Planning Commission made following the public hearing and subsequent work session this June. The draft plan no longer includes a change in the Development Area boundaries for Pantops, which previously included removal of the Wheeler Property at the time of public hearing. The recommended Plan before the Board of Supervisors also no longer includes a recommendation for the relocation of Hansens Mountain Road through Glenorchy.

The primary purpose of this work session with the Board is to provide an overview of the process to date and recommended draft Pantops Master Plan. The Board has several options on how to proceed, including holding additional work sessions or setting a public hearing, after which additional work sessions may also be held.

Mr. Benish reported that this is the first overview session and is intended to have preliminary questions answered before future public input and additional work sessions. He reiterated that the Planning Commission recommended approval in June 2007, but the process had been delayed because of staff turnover and other priorities. Mr. Benish said that the area it encompasses includes Route 20 North, Darden Towe Park, the Rivanna River on the west with I-64 being the eastern boundary, and a power line and contour being the northern boundary. He noted that the area includes about 3,200 people, 1,600 houses, and 2.5 square miles.

Mr. Benish said that public input has focused on issues of transportation, convenient access within the area, land use, aesthetic characteristics of the area such as scenic and mountain views, protection of rural character and historic properties, green space and the desire for more park areas, employment opportunities, balance of housing, and service needs for the community. He also said that the Planning Commission discussed having good implementation plans for the master plans and setting priorities for capital improvements. Mr. Benish said that the plan has tried to address the desire for walkability, an emphasis on the Rivanna River as a recreational resource, environmental protection, and development that uses those features. He also said that the plan has tried to address the desire for a balance of residential and commercial to serve local needs, providing convenient centers that are quality communities, and most specifically, delete a portion of the development area that encompasses 70 acres at the northernmost point of the boundary.

Mr. Benish said that the plan encourages development around walkable centers based on the principles of the Neighborhood Model, and they constitute different scales based on the form of development such as mixed use, employment, and/or residential. He stated that the plan also focuses on redevelopment opportunities and establishes that expectation. Mr. Benish said that green infrastructure is also a priority with expanded greenways and recognition of the Rivanna Corridor as well as connecting neighborhoods to greenways, and he said that trail development is also key in the plan. He noted that there is a public park planned for the corner of State Farm Boulevard and South Pantops Boulevard.

Mr. Boyd asked about the proximity of that to Darden Towe Park, and he wondered why the new park would have a ball field, especially given that the closest buildings to the new site are businesses like State Farm and the hospital.

Mr. Benish replied that the park would likely provide more casual recreation for employees in that area, and it is more of a local community park that would also have pedestrian access from neighborhoods.

Mr. Rooker commented that it is not a bad location for a park, but the cost of that property is very high because it is already zoned commercial. He said that the hospital has a park that is going to be open to the general public and is only a quarter mile away from this site. Mr. Rooker said the County's money for recreation purposes is – like all money – somewhat scarce, and we should reallocate it to get the most for our dollar.

Mr. Boyd asked what discussions happened with State Farm.

Mr. Rooker replied that Mr. Cosner also owns a couple lots beside what State Farm owns, and State Farm might have an interest on some kind of donation of property.

Mr. Benish commented that there are other options to have a park in that area.

Ms. Ragsdale said that staff has shared the plan with State Farm along the way, but they have not specified what they want to do with that parcel.

Ms. Thomas said that expanding the greenway on the Rivanna would be a priority in her mind as this moves forward.

Mr. Rooker stated that this calls for the widening of Route 20 to four lanes up to Elks Drive back to its existing rural section two-lane roadway after that, and that allows for cueing of traffic off of Route 250 into Fontana and Darden Towe.

Mr. Benish said that 250 recommendations include widening to no more than six lanes, and the Planning Commission did not recommend forwarding the plan to expand the Hansen Mountain Road connection.

Mr. Boyd stated that proposal is in VDOT's Route 250 Corridor Plan.

Mr. Benish responded that it is inconsistent with what they felt was a solution for that roadway, but this improvement is arguably part of the primary system which gives the State more say. He added that staff has been coordinating the Planning Commission's recommendation with the VDOT plans.

Mr. Boyd said that Gazebo Plaza is likely going to move forward, and VDOT will only approve that if the median is closed there. He said the developer took us to court and won, and he has the right to develop that shopping center there, and VDOT says if he does then they are going to close that median strip.

Mr. Benish acknowledged that, and he said that the Planning Commission has been concerned about the impact to the Glenorchy community as well as general traffic patterns on Route 250.

Mr. Boyd said that he is sensitive to those residents, too, as well as Ashcroft, where there would only be a right in, right out situation.

Mr. Benish said that staff and VDOT are working on traffic pattern models and adjustments.

Mr. Rooker noted that Hansen Mountain is not signalized so everyone coming into Ashcroft has to turn left, and that is causing stacking back onto Route 250.

Mr. Benish reported that the recommendation to consider a second river crossing south of Free Bridge would provide an additional option for local traffic to move east-west into the traffic corridor, but that is a mid to long-term project as part of the redevelopment of the shopping center area.

Mr. Graham explained that the agreement with the City was to do the traffic modeling to see how effective it would be, but there may need to be an updated origins and destination study.

Ms. Thomas asked if pedestrians and bike commuters had been taken into consideration.

Mr. Boyd replied that they were discussed by the Eastern Connector Study Committee, and they have not been taken off the table.

Mr. Benish said that the focus has been to study the feasibility and value of a multi-modal system, and this plan has not specified that level of detail that includes bikes and pedestrians.

Mr. Boyd stated that those things have not really been studied by the Eastern Connector Committee but have been included in the study Mr. Benish is referring to.

Mr. Benish said that for the Eastern Connector aspect of the master plan, they focused in on areas that could possibly be used for a connection. He mentioned that a parallel road system was also considered, a good portion of which would be built through private development.

Ms. Thomas stated that a parallel road system is very important to her.

Mr. Benish replied that there are significant topographical considerations in making north-south connections, and some plans are more feasible than others. He said that the map he is presenting is an implementation and phasing map that would go with the implementation plan and establishes priority areas similar to what was discussed at the beginning of the meeting. Mr. Benish said that staff has tried to identify priority areas where public and capital improvements should be focused on, with two areas considered to be higher priority development. He added that there is a five-year timeframe, with the first five, second five, and last ten years being the priority timing mechanisms.

Mr. Benish noted that the areas in the Route 20 and Route 250 corridors are priorities for capital investments. He said the goal here is to identify funding to support the plan as presented, and the areas identified are already developed or are planned for development, such as the hospital center. Mr. Benish pointed out the areas slated for the last ten years of the plan. He said that staff intends to emphasize areas where improvements are most urgent, such as existing population centers, instead of waiting for development to occur that provides those facilities. Mr. Benish said it is incumbent on any development to pay its fair share of improvements. He does not think there is going to be a shift in that pattern. But, there may be a greater expectation in those areas that are later on in this priority process, because the County is not coming forward in as quick a pattern to provide for a level of service that would provide for adequate services for emerging development.

Mr. Boyd said that the County's contribution has been minimal compared to what is requested of the developers.

Mr. Tucker replied that where there are gaps, such as with sidewalks, the County may fill in that gap.

Mr. Slutzky said that there is a separate element to prioritization: how they are related to land use decisions.

Mr. Rooker stated that there is a table with a long list of projects, and there has to be some means of identifying priorities. He said that the Board voted to establish priority areas, and Mr. Slutzky was on the other side of that vote.

Mr. Boyd commented that the selection of whose project gets approved is a very different matter than priorities for funding allocation.

Mr. Rooker read from the policy the Board established for setting priorities.

Ms. Thomas said that the Board worked on that with the understanding that there are things that are not likely to be happening in a given area, and proposals could be evaluated on that criteria.

Mr. Slutzky stated that the setting of priority areas is a really bad idea, but he knows Mr. Wyant wants to weigh in and he would rather discuss it when he is in attendance.

Mr. Rooker said that a developer needs to know that there may be more expected if there is not sufficient public money for services in non-priority areas.

Mr. Tucker commented that they need to be identified for legal reasons, and the County wants to avoid situations like what was mentioned today with Sunset Avenue.

Mr. Slutzky said it is the land use aspect he wants to hold off on.

Mr. Benish stated that a lot of work goes into deciding what the CIP includes, and this will help with that and might encourage more support for some of those projects. He emphasized that this is an important tool in the Board's budgeting process.

Mr. Benish said that the community has indicated a desire to protect rural areas, scenic vistas, historic properties, and features of interest and importance to the community. He said that staff felt there would be an opportunity to protect the Route 20 Entrance Corridor and scenic highway, which is also on the Hallowed Grounds Trail. Mr. Benish said that this property has scenic vistas and creates one-sided development on a scenic corridor; the other side of the road has constraints that would disqualify it from being expanded. He also added that as they moved through the public process, the property owner expressed some concern about deleting the property from the development area and wanted more opportunity to consider what her long-term plans were. Mr. Benish explained that when it came to the Planning Commission, staff presented several options, and they agreed that while it may have positive features in terms of providing capacity to the development area they did not embrace the hybrid concept brought forth and recommended leaving the area in.

Ms. Ragsdale said that there are restrictive boundaries in the Pantops area, but staff did explore finding a balance.

Mr. Benish pointed out that visibility to Monticello was also a major concern as this parcel is pretty visible.

Mr. Rooker suggested that it might be wise to have a discussion with Ms. Wheeler as she had expressed an interest in putting her property into conservation easements.

Mr. Davis clarified that it is state law that property within development areas cannot be put into conservation easement.

Mr. Boyd said that if she wants to submit a request she can, but the Board should not override her wishes.

Mr. Rooker stated that her intentions were unclear because she did mention the possibility of placing her property in conservation easement, and perhaps someone should approach her about that and explain the benefits of that so she can make an informed decision.

Mr. Boyd said that they did speak with the landowner earlier in the year.

Mr. Slutzky commented that the County is routinely looking at master planning in terms of land use rather than having it driven by the individual wishes of landowners, and he wondered how much voice they would have in the process.

Mr. Rooker agreed that there is a philosophical discussion to be had regarding that, and the County does have to decide what land will be considered for the growth area.

Mr. Slutzky said that putting a property in the growth area puts an expectation of development on it.

Mr. Rooker responded that he thinks there is a difference between adjusting preferred uses within the growth area and making a decision to either include or exclude property from the growth area.

Mr. Boyd commented that he is in favor of landowner rights and gives that preference.

Mr. Rooker asked if that included properties not targeted for density in the master plan. He noted that a lot of the zoning in Albemarle has been created because landowners came into the County and requested a change in land use designation.

Mr. Benish said that the next steps need to be decided, and a public hearing is scheduled for September 12<sup>th</sup>, but it seems the Board needs another work session.

Mr. Boyd suggested getting public input first, then having a work session.

Mr. Rooker agreed.

Mr. Benish said that the implementation plan would need to be discussed at that time, too.

Mr. Davis said that September 12 includes Biscuit Run, both Hollymeads, and Avon/5<sup>th</sup> Street all on the agenda for public hearing.

Mr. Boyd commented that if there are major landholders, it is in the County's best interest to have them at the table early on to get their buy-in.

Mr. Dorrier said that the Pantops and Rivanna Village master plans need to be integrated.

Mr. Slutzky said that there is transportation connectivity among all of the growth areas, and he is not sure it makes sense to link just two of them.

Mr. Benish stated that staff is using the information from the Pantops plan and staying aware of those recommendations, and they have met with Peter Jefferson Place and hospital representatives.

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Agenda Item No. 24. From the Board: Committee Reports. Joint City/County Task Force on Affordable Housing.

Mr. Boyd summarized the following executive summary which was forwarded to Board members:

On July 12<sup>th</sup>, 2007, representatives from the Albemarle County Housing Committee and Charlottesville Housing Advisory Committee met with City and County staff, County Board of Supervisors Chairman Ken Boyd, and Charlottesville Mayor David Brown to discuss the proposal put forth by IMPACT to create a joint committee to address affordable housing issues. Representatives from IMPACT also attended and reiterated their concern that existing programs are not serving the working poor and affordable rental housing is not sufficient to meet the needs of the working poor. IMPACT also stated its position that the private sector will not and cannot address this need and proposed that the City and County jointly build 150 rental units affordable to the working poor (generally, those households with annual incomes below \$20,000).

Although the July 12 meeting had an agenda to include a review of what each locality and existing committees are doing to attempt to address the issue of affordable housing, there was little discussion of these efforts and programs. The County's Housing Committee is still working to improve and clarify the intent of the Affordable Housing Policy adopted by the Board of Supervisors in 2004 and has discussed plans to begin focusing on rental housing needs particularly for the lower income. The City Housing Advisory Committee is working on process and procedures for allocating new housing funding approved by the City.

Three potential options were advanced during the July 12<sup>th</sup> meeting to address IMPACT's proposal. The first was to combine the two existing housing committees, to meet on a quarterly basis, to work on some of the tougher housing issues. Staff and current Committee members did not believe this would be practical given the size of the combined group (approximately 25 members). The second option was to create a new committee with representatives of the existing committees and others. There were concerns expressed about the roles of a new joint committee when two committees already existed and are working on a variety of housing issues. However, IMPACT suggested that neither of the two committees were focused on the working poor. The third option suggested was to create a short term task force consisting of two representatives from each of the existing committees, a City Councilor, a member of the Board of Supervisors, one member from each Planning Commission, a representative from the TJPDC (non-City/County), and a representative from the University of Virginia. A seat on the proposed task force was offered to IMPACT but the invitation was declined by its Head Organizer.

Assuming a decision is made to create a task force in response to IMPACT's request, the third option was deemed more appropriate by the group. To this end, the group agreed to task staff with working with their respective elected officials and committee members to determine if there is support for the proposed task force. However, the group did not develop a charge for the proposed task force other than to review existing housing policy and programs and identify gaps. It was further suggested that the proposed task force would report its findings to both existing committees which would in turn make recommendations to their respective governing bodies.

Should this task force be established by the City Council and Board of Supervisors, it is recommended that both bodies work collectively to appoint a person to be the facilitator for the group with the understanding that the group will commence its work by September of this year and will provide an interim report to the Council and Board by the end of this calendar year. The report would include a projected timeline/work plan for the group's report/recommendations to include sufficient time for the two appointed Housing Committees to review and comment on the report/recommendations.

The creation and convening of the task force will not have a direct budget impact, however it will require the time of the County's Chief of Housing and the City's Neighborhood Planner to staff additional meetings.

This proposal to create a joint City/County Task Force on Affordable Housing is presented for discussion and possible action by the Board at the request of the ad-hoc group that met on July 12, 2007. If the Board supports this approach, staff recommends that a task force be created only if the charge is specific and not in conflict with the current work of the existing housing committees. Therefore, a suggested charge could be as follows:

Identify and quantify the need for affordable rental housing for the "working poor," generally defined as those households earning below \$20,000 annually; and provide recommendations on resource development (may include identifying available land) necessary for local government(s) to promote the development of x units over a five-year period. The task force should request information from developers/builders including nonprofit housing providers in order to create financial models for scattered site and multiple-unit, same site approaches. The task force shall produce a report to be distributed to the County's Housing Committee and the City's Housing Advisory Committee by date outlining the feasibility of providing affordable housing to the identified population, the number of units/timing of demand for the units, and resources identified to address this need. The report should also include the feasibility and advantages/disadvantages in coordinating efforts between the two localities for addressing identified gaps in housing programs.

Mr. Boyd commented that the ad hoc committee was tasked with coming back to the Board with recommendations.

Mr. Ron White replied that he was not sure what the charge of that committee would be, and the City's process is relatively new so it has taken them longer. He added that the Housing Report shows a need for rental units for very low-income families, which will require significant resources. Mr. White said that there is coordination with the Housing Committee, but he has concerns about establishing another committee to look at what two committees are doing now.

Ms. Thomas said that creating an entirely new group to look at the working poor, as IMPACT and other groups are focusing on, is the issue. She also said that she has no problem with a committee that is comprised of both City and County government.

Mr. Boyd stated that there seem to be three groups, and the task force could coordinate what all individual groups and parts of government are doing to address each bracket of families and individuals needing affordable housing.

Mr. Rooker said that there should be research done into what federal sources of funds are available for low-income housing, but the local housing authority already does that. He noted that most public housing projects tend to be segregated, and the County needs to consider whether providing low income housing would foster that.

Mr. Slutzky said that he supports a task force that includes the County, the City, and the University, with focus on what has been done so far and strategizing to fill existing gaps. He also said that he would be comfortable representing the Board on the committee.

Mr. White clarified that the charge for the committee is evaluating what has been done, identifying gaps, and making recommendations including potential resources to address the gaps.

Mr. Rooker suggested having a U.Va. graduate class participate in the task force.

Ms. Thomas commented that some military people coming to NGIC are only making about \$20,000 per year.

Mr. Rooker commented that there is a housing allowance given to them though.

Mr. White said that he is working with a City representative, a University representative, and private individuals to look at the feasibility of creating a community land trust.

Mr. Rooker asked why it is so difficult to get an answer on whether the County can get enabling legislation.

Mr. Davis replied that it is not enabling authority but is a taxation question.

Mr. White said that the bigger question is perpetuity as that is how land trusts set up land, then lease it for 99 years. He noted that the Attorney General of Virginia indicated that perpetuity could not be stipulated because of state law. Mr. White added that the other issue relates to banks lending to leased property. He asked that someone from the Board be on the task force, and he said he would also request representation from a Planning Commission member.

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Ms. Thomas reported that at the National Association of Counties meeting, Albemarle picked up awards for use of information technology and its Human Resources Department "Total Rewards" Program. She said that the County hosted a bus that took visitors on a trip to Jamestown and also provided locally made gifts. Ms. Thomas also mentioned the need to learn more about the increasing military presence in the community as there may be opportunities for collaboration such as the JAG grant for childcare.

Mr. Slutzky said that Albemarle may qualify for breaks related to reduced carbon emissions in part because it is already a Cool City.

Ms. Thomas reported that there were some other things localities have implemented such as paying taxes by credit cards.

Mr. Tucker noted that it has been enacted so that you can do that now.

Ms. Thomas said that all public services are supposed to be offered regardless of language ability, and other localities have been using translated materials. She commented that there are many languages spoken in Charlottesville, which has created issues for social services and the schools. Ms. Thomas said that NACo's only political agenda was trying to get certain programs paid for and improve the dialogue with Congress.

Ms. Thomas reported that the combination of land use and transportation has been an issue at the Transportation Advisory Board that she sits on, so Albemarle will either be a model or a test case. She also commented that perhaps the Historic Preservation Committee could come up with options for the old church building on airport property.

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Mr. Rooker noted that about 30 percent of people relocated by International Rescue Committee (IRC) have purchased houses through the County's affordable housing purchase program, and most of them have jobs within 30 days. He also commented on the amount of rural development happening on the way to Advance Mills, such as Advance Mills (Virginia Land), and going out Earlysville Road there are a pretty significant number of rural developments right off the road.

Ms. Thomas said that the Transportation Accountability Committee has discussed the safety issues on rural roads given that type of growth.

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Mr. Slutzky commented that it troubles people when their comments have to be abbreviated, as they did in the Advance Mills hearing, and perhaps putting more time in the agenda can accommodate that situation.

Mr. Rooker agreed, stating that it should probably have been an agenda item.

Mr. Tucker responded that it is very difficult to judge how many people will attend, and it is hard to move things around with the schedule.

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Mr. Slutzky said that the Green Infrastructure Center, a new non-profit, has been formed and would be engaging in activities that might have interface with the County. He stated that he would recuse himself for any items related to the center as long as he is aware. Mr. Slutzky clarified that he would participate in discussions related to green infrastructure, but not to the organization itself.

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Mr. Boyd stated that he has met with representatives of the Boys & Girls Club, and the director would like to come to a Board meeting to explain some initiatives they have in Southwood Mobile Home Park.

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Mr. Tucker asked if the Board had wanted to reappoint Greg McDonnell to the Charlottesville Albemarle Convention and Visitors Bureau to serve on a tourism industry seat.

At this time, Mr. Rooker **moved** to reappoint Gregory MacDonald to the Charlottesville Albemarle Convention & Visitors Bureau, serving on County Seat #11, with said term to expire on June 30, 2009. Mr. Dorrier **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Wyant.

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Agenda Item No. 25. Adjourn. At 7:22 p.m., with no further business to come before the Board, the meeting was adjourned to August 8, 2007 at 2:00 p.m.

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Chairman

Approved by the Board of County Supervisors
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Date: 03/19/2008
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Initials: EWJ
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