

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on February 10, 2010, at 6:00 p.m., in the Lane Auditorium of the County Office Building on McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Ken C. Boyd, Mr. Lindsay G. Dorrier, Jr. (arrived at 6:03 p.m.), Ms. Ann Mallek, Mr. Dennis S. Rooker, Mr. Duane Snow and Mr. Rodney Thomas.

ABSENT: None.

OFFICERS PRESENT: County Executive, Robert W. Tucker, Jr., County Attorney, Larry W. Davis, Senior Deputy Clerk, Meagan Hoy, and, Director of Planning, V. Wayne Cilimberg.

Agenda Item No. 1. The meeting was called to order at 5:59 p.m., by the Chair, Ms. Mallek.

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

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

Mr. Thomas handed to the Board members some information from DIA-NGIC.

Mr. Boyd said a couple of citizens have contacted him about the debris from recent storms and asked if there will be amnesty days for that. He checked with Mr. Tucker who said that is quite expensive, but he wants everyone to know that vegetative, shredded materials can be taken to the Ivy Landfill. With current budget restraints, he does not see any way for the County to offer that service.

Ms. Mallek said that all of the debris in the highway right-of-way will be cleared by VDOT eventually. She said there were some cases where trees were actually caught by snowploughs during night hours and pushed into people's yard. There have been some volunteers helping with that situation.

Agenda Item No. 5. From the Public: Matters Not Listed for Public Hearing on the Agenda.

There was no one present who wished to speak at this time.

(Note: Ms. Mallek said that in case anyone had come to speak about ZMA-2005-00003, UVA Research Park, and the special use permits, which are on the agenda for a public hearing, those items will be deferred to March 10 because the Planning Commission's meeting last night had to be cancelled.)

Agenda Item No. 6. Consent Agenda. **Motion** was offered by Mr. Boyd, **seconded** by Mr. Rooker, to approve Items 6.1 and 6.2, and to accept the remaining items on the consent agenda for information. The roll was called, and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Mr. Rooker, Mr. Snow, Mr. Thomas and Mr. Boyd.

NAYS: None.

ABSENT: Mr. Dorrier.

Item 6.1. Approval of Minutes: November 4, November 16 and December 10, 2009.

Ms. Mallek had read the minutes of November 4, 2009, beginning with Item No. 13 on Page 30 to the end, and found them to be in order as presented.

Ms. Mallek had read the minutes of November 16, 2009, and found them to be in order as presented.

Ms. Mallek had read the minutes of December 10, 2009, and found them to be in order as presented.

By the recorded vote set out above, these minutes were approved.

Item 6.2. Resolution of Support – Journey through Hallowed Grounds Partnership's Civil War 150th Living Legacy Program.

Sesquicentennial Living Legacy Project

Background

The American Civil War, the most defining moment in our American history, will be commemorated from 2011 through 2015.

The Journey Through Hallowed Ground National Heritage Area holds the largest concentration of Civil War battlefield sites in the country, and also the homes of our Founding Fathers who first conceived and wrote into our American Ideals "All Men are created equal".

Within The Journey Through Hallowed Ground (JTHG) National Heritage Area is the beginning (Harpers Ferry and Manassas), the middle (Antietam and Gettysburg) and the end, (Appomattox) of the Civil War. The Route 15/20 Corridor which crosses the Mason Dixon Line travels from Monticello to Gettysburg and serves as a link to each of the battlefields and connects over 30 historic communities, each of which was gravely impacted by the Civil War.

In advance of the Sesquicentennial each community is being asked to create a legacy project. In lieu of creating individual monuments the communities within the JTHG National Heritage Area are working collectively to create a legacy project of National Significance.

The Plan

The JTHG Partnership seeks to commemorate the Sesquicentennial of the Civil War with a legacy project of National Significance. During the Civil War 620,000 American Soldiers died, many fought on the battlefields within the JTHG National Heritage Area. As a living commemoration for their individual and combined sacrifices, we seek to create a "Living Legacy" project: An eloquent and simple plan. We wish to plant one tree for each citizen who sacrificed their life to create this union. The plan is to plant a tree, at a set pace along the 180 mile Rt. 15/20 corridor; as soldiers in formation, from Monticello to Gettysburg. The intention is to create a living legacy, a constant reminder to every citizen of the sacrifices made to inspire the uneducated with the sheer beauty of the esplanade of the foliage. In fifty years times, during the bi-centennial of the Civil War this will be considered the finest example of homage in our country. We believe this is the time to create and implement a living legacy for those who gave "the last full measure" to define our Union.

This project further lends itself to a national service learning program as we invite students from around the country to research the fallen from their community, learn their stories and dedicate a tree in their honor.

By the above-recorded vote, and at the request of The Journey Through Hallowed Ground Partnership, the following resolution was adopted:

RESOLUTION OF SUPPORT JOURNEY THROUGH HALLOWED GROUND PARTNERSHIP'S CIVIL WAR 150TH LIVING LEGACY PROGRAM

WHEREAS, the Journey Through Hallowed Ground Partnership (JTHG) is a non-profit organization dedicated to raising national awareness of the unparalleled history in the region, which generally follows the Old Carolina Road (Rt. 15/231) from Gettysburg, through Maryland, to Monticello in Albemarle County, Virginia; and

WHEREAS, JTHG has built a strong network of local, regional, and national partners to develop a common vision for the conservation and enhancement of the scenic, historic, recreational, cultural, and natural characteristics of the region. Additionally JTHG has developed an education outreach program to all students and teachers within the region and nationwide; and

WHEREAS, JTHG has created a heritage tourism program that will provide economic development opportunities through regional branding and cooperative marketing in communities throughout the corridor; and

WHEREAS, the U.S. Secretary of Transportation, Ray LaHood, designated the 180-mile long thoroughfare running through the Journey, from Gettysburg, Pennsylvania, to Monticello, a National Scenic Byway. This is one of the highest designations the Secretary can bestow upon a public road and one that could have a profound economic impact on the local jurisdictions along the Journey Through Hallowed Ground; and

WHEREAS, the JTHG Partnership seeks to commemorate the Sesquicentennial of the Civil War with a legacy project of national significance. During the Civil War, 620,000 American Soldiers died, many on the battlefields within in the JTHG National Heritage Area. This "Living Legacy" project will commemorate the individual and combined sacrifices of the fallen. The JTHG Plan is to plant one tree for each citizen who sacrificed their life to create this union, at a set pace along the 180-mile Route 15/231 corridor. The trees will appear as soldiers in formation, from Monticello to Gettysburg. The intention of this "eloquent and simple plan" is to create a living legacy, a constant reminder to every citizen as they drive this route, of the sacrifices made by fellow Americans. This project will stand as a living legacy for our Countrymen who gave "the last full measure" to define our Union; and

WHEREAS, this project further lends itself to a national service learning program as students from around the country may research the fallen from their community, learn their stories, and dedicate a tree in their honor; and

WHEREAS, there is no fiscal impact to the endorsement of this program;

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors does hereby support the Journey Through Hallowed Ground's Civil War 150th Living Legacy Program to assist the Partnership as it seeks to obtain grant funding for this signature program.

Item 6.3. Copy of letter dated December 10, 2009, from Mr. Francis H. MacCall, Senior Planner, to Mr. Lee Rasmussen, McCallum & Kudravetz, re: LOD-2009-00015 – OFFICIAL DETERMINATION OF DEVELOPMENT RIGHTS – Tax Map 112, Parcel 37D (Property of Viewmont Farm Land Trust) Scottsville Magisterial District, **received for information**.

Item 6.4. Copy of letter dated December 10, 2009, from Mr. Francis H. MacCall, Senior Planner, to Mr. Lee Rasmussen, McCallum & Kudravetz, re: LOD-2009-00016 – OFFICIAL DETERMINATION OF DEVELOPMENT RIGHTS – Tax Map 112, Parcel 21 (Property of Viewmont Farm Land Trust) Scottsville Magisterial District, **received for information**.

Item 6.5. Copy of letter dated December 10, 2009, from Mr. Francis H. MacCall, Senior Planner, to Mr. Lee Rasmussen, McCallum & Kudravetz, re: LOD-2009-00017 – OFFICIAL DETERMINATION OF DEVELOPMENT RIGHTS – Tax Map 112, Parcel 20 (Property of Viewmont Farm Land Trust) Scottsville Magisterial District, **received for information**.

Item 6.6. Copy of letter dated December 10, 2009, from Mr. Francis H. MacCall, Senior Planner, to Mr. Lee Rasmussen, McCallum & Kudravetz, re: LOD-2009-00018 – OFFICIAL DETERMINATION OF DEVELOPMENT RIGHTS – Tax Map 113, Parcel 6A (Property of Viewmont Farm Land Trust) Scottsville Magisterial District, **received for information**.

Item 6.7. Copy of letter dated January 27, 2010, from Mr. Francis H. MacCall, Senior Planner, to Mr. Tim Michel, re: LOD-2009-00021 – OFFICIAL DETERMINATION OF DEVELOPMENT RIGHTS – Tax Map 35, Parcel 16C (Property of Marc C. or Jenny B. Spalding) Rivanna Magisterial District, **received for information**.

Item 6.8. Copy of letter dated January 27, 2010, from Mr. Francis H. MacCall, Senior Planner, to Mr. Carter Montague, re: LOD-2009-00022 – OFFICIAL DETERMINATION OF DEVELOPMENT RIGHTS – Tax Map 94, Parcel 37 (Property of Kenneth R. or Barbara E. McAlpine) Rivanna Magisterial District, **received for information**.

Item 6.9. Update on the review and implementation of the Resource Management Review's recommendations.

It was noted in the Executive Summary that on May 7, 2008, the Board directed staff to initiate an external assessment of the County's resource management in conjunction with the County's ongoing continuous improvement efforts. On July 2, 2008, the Board approved entering into an agreement with Virginia Commonwealth University's Commonwealth Educational Policy Institute (CEPI) to conduct this assessment. CEPI delivered its final report to the Board on February 11, 2009. On May 6, 2009, the Board received initial information on staff's progress and planned actions in evaluating and implementing the recommendations of CEPI's assessment. Further updates were provided to the Board in July and November, 2009.

The Resource Management Review included 148 recommendations for Local Government departments and selected community agencies. In order to improve the clarity of the report's recommendations and allow for better management of and reporting on recommendations, staff has consolidated similar or related recommendations and categorized them as follows:

- Thirty-eight recommendations have been resolved either by implementation or continuing existing County processes or practices.
- Twenty-nine recommendations are in the process of being implemented.
- Seven recommendations are related to providing additional resources. These will be reviewed in the context of the County's annual Five-Year Financial Plan and budget processes.
- Eleven recommendations will require further evaluation by staff before they can be considered for implementation. Staff will proceed with these evaluations as soon as possible recognizing that existing staffing levels in some departments and the scope of organizational change required by certain recommendations will determine their timing for implementation.

A list of the recommendations included in each category is available in Attachment A (on file in the Clerk's Office). Staff will continue to provide quarterly updates to the Board on the status and results of the Resource Management Review's recommendations. There is no budget impact in analyzing the report's recommendations at this time. Recommendations that will require additional resources to analyze or implement beyond the reallocation of existing resources will be brought to the Board for discussion and action.

This update was received as information.

Agenda Item No. 7. **Public Hearing:** Amend the Albemarle County Service Authority Jurisdictional areas to add Tax Map, Parcel 32-5C4 for water and sewer service in the Piney Mountain Development Area. (Notice of this public hearing was advertised in the Daily Progress on January 25 and February 1, 2010.)

Mr. David Benish, Chief of Planning, said this request is to amend the ACSA Jurisdictional Area to add Tax Map 32, Parcel 5C4, for water and sewer service. This parcel does not lie entirely within the Development Area boundary as would be consistent with the policies in the Comprehensive Plan for the extension of utilities. However, this parcel is owned by the Federal Government, is part of the Rivanna Station military base, and because of that it is exempt from local land use regulations – and the building has been built just outside of the Development Area boundary. He said site plan information provided for this parcel shows that almost the entire parcel will be used as part of the military base, either now or for future expansion. Given the circumstances in this case, staff recommends that this entire parcel be added to the jurisdictional area for water and sewer service. Given the size and scope and scale of the activity, it is appropriate that this type of activity be served by public water and sewer.

Ms. Mallek asked if there was any action that should have been taken before the building was built. Will the County be put in this same situation in the future? She said this was privately built, but will be used by the Federal Government. Mr. Benish said this particular building is not a lease facility. It is owned by the United States Government and is actually a part of the military base. Mr. Davis said because the land is outside of the jurisdictional area there could have been no site plan approval or building permit issued if it had been privately owned.

Ms. Mallek asked if they have to pay a hookup fee. Mr. Davis said “yes.” Mr. Benish said they will pay part of the service fee being imposed to pay for upgrade of the Camelot Treatment Plant.

At this point, Ms. Mallek opened the public hearing. With no one coming forward to speak, the hearing was closed and the matter placed before the Board.

Motion was offered by Mr. Boyd to amend the Albemarle County Service Authority Jurisdictional areas to add Tax Map, Parcel 32-5C4, for water and sewer service in the Piney Mountain Development Area. The motion was **seconded** by Mr. Rooker.

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

AYES: Mr. Dorrier, Ms. Mallek, Mr. Rooker, Mr. Snow, Mr. Thomas and Mr. Boyd.
NAYS: None.

Agenda Item No. 8. **Public Hearing:** SP-2008-00035, Covesville Church (Sign No. 55).

Proposed: Special Use Permit to construct new sanctuary building adjacent to existing church building to contain fellowship hall, classrooms, and activity spaces on a 3.028-acre parcel. Parking area would be relocated to accommodate new building.

Zoning Category/General Usage: RA-Rural Areas - agricultural, forestal and fishery uses; residential density (0.5 unit/acre in development lots).

Section: 1 0.2.2(35) Church building and adjunct cemetery.

Comprehensive Plan Land Use/Density: Rural Areas-preserve and protect agricultural, forestal, open space and natural, historic and scenic resources/density (.5 unit/acre in development lots).

Entrance Corridor: No.

Location: 5883 Henderson Lane (Rt 805), approx 1,300 feet west of Monacan Trail (Rt 29 South).

Tax Map/Parcel: 10900-00-00-006E0.

Magisterial District: Samuel Miller.

(Notice of this public hearing was advertised in the Daily Progress on January 25 and February 1, 2010.)

Mr. Cilimberg summarized the staff's report which is on file in the Clerk's Office with the permanent records of the Board of Supervisors. He said this request is to amend a prior special use permit in order to add a new sanctuary to the rear of the existing church. Factors favorable to the request include: the sanctuary helps to sustain the community by addressing needs of rural residents, and, it will have a minimal impact on the character of the church building. It would have a minimal impact on adjacent property to the east which will be addressed by additional tree plantings. Staff and the Planning Commission both recommend approval of the request subject to five conditions.

With no questions for staff, Ms. Mallek opened the public hearing.

Mr. Rozell Smith was present to represent the church, along with Pastor Joe Chambers. He said there was one correction to the presentation – the new building will be located next to the other building, not behind it. Mr. Cilimberg said he is correct; it is a side-by-side.

Mr. Rooker asked if the new building is the same size. Mr. Smith said it is, but the old building is two levels, and the new building will be a single level.

Mr. Joe Chambers said he has been the pastor at First Baptist for the last 27 years. Over that period of time the congregation has outgrown the existing church facility, so they decided to build a new sanctuary to meet the needs of First Baptist and the needs of adjacent churches. He said he has served on the Buckingham Board of Supervisors for 20 years, and he knows the job of the Supervisors is not

easy and he applauds the Board members for what they do. He said all board members will go to heaven after having served their time "in hell." He asked that the Board support their request.

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

Motion was offered by Mr. Thomas to approve SP-2008-00035, Coveseville Church, subject to the five conditions recommended by the Planning Commission. The motion was **seconded** by Mr. Rooker. Roll was called, and the motion carried by the following recorded vote:

AYES: Mr. Dorrier, Ms. Mallek, Mr. Rooker, Mr. Snow, Mr. Thomas and Mr. Boyd.

NAYS: None.

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

1. Development of the use shall be in conformity with the Conceptual Plan entitled, "First Baptist Church Coveseville: New Sanctuary Building," prepared by Keeney & Co. Architects, and dated October 9, 2009, (hereinafter, the "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator.

To be in conformity with the Conceptual Plan, development shall reflect the following major elements within the development essential to the design of the development:

- limits of disturbance,
 - building orientation,
 - building mass and shape,
 - location of buildings and structures, and
 - location of parking areas
- as shown on the Conceptual Plan.

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

2. The area of assembly shall be limited to a maximum of a one hundred eighty (180)-seat sanctuary;
3. There shall be no day care center or private school on site without approval of a separate special use permit;
4. Health Department approval shall be obtained prior to site plan approval; and
5. All outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot candles shall be submitted to the Zoning Administrator or their designee for approval prior to site plan approval and the commencement of the special use.

Agenda Item No. 9. **Public Hearing:** SP-2009-00017, Hugs and Kisses Day Camp and Hotel for Dogs (Sign No. 10).

Proposed: Special Use Permit for a dog day camp and overnight boarding for dogs. Waivers have been requested from Section 5.1.11(a, b, c, d) pertaining to setback, fencing, noise, other considerations when in proximity to intensive uses, and soundproof confinement requirements.
Zoning Category/General Usage: RA Rural Areas-agricultural, forestal and fishery uses; residential density (0.5 unit/acre in development lots).

Section: 10.2.2(17) Commercial Kennel.

Comprehensive Plan Land Use/Density: Rural Areas-preserve and protect agricultural, forestal, open space and natural, historic and scenic resources/density (.5 unit/acre in development lots).

Entrance Corridor: No.

Location: 5038 Turkey Sag Rd (Rt 640) approx 1.6 miles east of Stony Point Rd (Rt 20).

Tax Map/Parcel: 049000000006B0.

Magisterial District: Rivanna.

(Notice of this public hearing was advertised in the Daily Progress on January 25 and February 1, 2010.)

Ms. Mallek said the applicant was not able to be present tonight, but the Board can hold the hearing without her being present.

Mr. Cilimberg summarized the staff's report which is on file in the Clerk's Office with the permanent records of the Board of Supervisors. He said this request is qualified under the commercial kennel allowance for a special use permit in the rural area. There are two aspects to the request – one is that it is a day operation, but there is also an allowance for overnight stays. Some waivers associated with this request were approved by the Planning Commission. The property is in an isolated area on Turkey Sag Road and there is a Nature Conservancy property across the street. The most adjacent property is owned by the owner of this property. The actual operation is leased from that property owner. He showed a copy of a plan which is referenced in the conditions as to where activities will occur and where fenced areas will be located.

Mr. Cilimberg said this operation has actually been underway for some time. Initially they tried to qualify as a Home Occupation-Class A, but they were advised they needed a Home Occupation-Class B special use permit. The operation actually dates back to 1999. In 2009 an anonymous complaint against

the business was filed with the Zoning Department which resulted in this application to relieve the violation, but not as a special use permit for a home occupation, but as a special use permit for a kennel. Factors favorable: the nearest residence is over 1500 feet away; the applicant transports the dogs that come and go from the site so no additional traffic is anticipated. The facility did not meet two requirements of the supplementary regulations in the Zoning Ordinance without the waiver approvals but those waivers were granted by the Planning Commission.

Mr. Cilimberg said staff and the Planning Commission both recommend approval subject to nine conditions. The ninth condition was added by the Commission - it has to do with making sure the dogs meet ordinance requirements that otherwise would not be applicable for barking dogs. That was done to be sure that not only this proposal, but any other kennel that could locate on the property under this special use permit would be addressed in terms of its potential impact.

Ms. Mallek said there was a suggestion that there be a wall on one side of the property, and the adjacent owner did not want that. Has that been "sorted out?" Mr. Cilimberg said they are using a fence. That would have been a requirement of the supplementary regulations, but that was taken care of by the waivers.

Mr. Rooker said there were ten conditions recommended in the staff's report. Mr. Davis said Condition No. 9 that was in the approval letter sent to the applicant was the approval of the waivers and that condition is not needed in the Board's consideration of this request.

Mr. Dorrier asked how the maximum number of dogs was set at 20. Mr. Cilimberg said staff tries to give uses some leeway in case there is some unexpected higher number – their normal occupancy during the day is 10 to 15. In talking with the applicant, it was felt that giving them up to 20 would cover any circumstance they might have in the daytime.

With no further questions for staff, the public hearing was opened.

Ms. Francesca Fornari said she had come to support this application. She and her husband adopted two dogs from the SPCA a few years ago, and the dogs have major problems. Ms. Blair, the applicant, has helped them cope with those problems. She strongly urges the Board to approve this special use permit.

Ms. Liz Nelson said she came to support Ms. Blair in her work. Eight years ago they got a Labrador Retriever who developed arthritis and in looking at traditional kennels, there was no facility that gave an active dog the kind of freedom it needed and also provided someone to watch over the dog. She said Ms. Blair's hotel was a Godsend. The facility is designed well to accommodate all needs. She said the level of personal care needed for dogs recovering from medical procedures or surgery is unique. She strongly supports this petition.

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

Motion was offered by Mr. Boyd to approve SP-2009-00017, Hugs and Kisses Day Camp and Hotel for Dogs, subject to the nine conditions recommended by the Planning Commission. The motion was **seconded** by Mr. Rooker. Roll was called, and the motion carried by the following recorded vote:

AYES: Mr. Dorrier, Ms. Mallek, Mr. Rooker, Mr. Snow, Mr. Thomas and Mr. Boyd.

NAYS: None.

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

1. Development of the use shall be in accord with the conceptual plan titled "SP200900017 Hugs & Kisses Dog Care" prepared by the applicant and submitted on September 21, 2009 (hereafter "Conceptual Plan"), as determined by the Director of Planning and Zoning Administrator. To be in accord with the Conceptual Plan, the development shall reflect the following major elements within the development essential to the design of the development:
 - Areas noted "where dogs allowed" within fenced areas,
 - Gate at entrance,
 - Pond, and
 - Two structures: residence and barnas shown on the Conceptual Plan.

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

2. The maximum number of dogs attending the Hugs & Kisses daytime camp shall be twenty (20) dogs at any one time (does not include personal pets owned by the applicant);
3. The maximum number of dogs attending the hotel (overnight) shall be five (5) dogs (not including personal pets owned by the applicant) at any one time;
4. Dogs boarding overnight shall be kept inside between the hours of 10:00 P.M. and 6:00 A.M., except for occasional supervised trips outside;
5. The hours of operation for the Dog Camp (day care) shall not begin earlier than 9:00 A.M. and shall end not later than 5:00 P.M., each day, Monday through Friday;
6. An on-site sign for the dog care business shall not be permitted;

7. Transport of the dogs to and from the site shall be by the applicant, except in emergency situations;
8. All outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot candles shall be submitted to the Zoning Administrator or their designee for approval; and
9. Dogs attending the daytime camp or boarding overnight shall not howl, bark or make other animal noise that is audible from any other parcel which continues for thirty (30) consecutive minutes or more with no cessation of the sounds for greater than five (5) minutes during the thirty (30) consecutive minute period.

77). Agenda Item No. 10. **Public Hearing:** SP-2009-00021, Comcast Facility Expansion (Sign No.

Proposed: 16'x 30' facility expansion to install new electronics for advanced services.

Zoning Category/General Usage: RA, Rural Areas, EC, Entrance Corridor overlay, AIA, Airport Impact Area.

Section: 10.2.2.6 Special Use Permit, which allows for unmanned telephone exchange centers/facilities in the RA Zoning District.

Comprehensive Plan Land Use/Density: Rural Areas uses in Rural Area 1.

Location: Tax Map 45, Parcel 16A, in the Earlysville area about 1000 feet from the intersection of Earlysville Road (State Route 743) and Rio Road West (State Route 631).

Magisterial District: Jack Jouett.

Related Applications: SP-1990-019, SP-1979-32.

(Notice of this public hearing was advertised in the Daily Progress on January 25 and February 1, 2010.)

Mr. Bill Fritz, Chief of Current Development, summarized the staff's report which is on file in the Clerk's Office with the permanent records of the Board of Supervisors. He said this request to expand the existing Comcast facility located on Earlysville Road just north of Hydraulic Road adjacent to the Roslyn Ridge subdivision. He showed a site plan of the property on the screen, and said that on the property is a long narrow road which meanders on and off the property but it is within an easement so there is access. The property is larger toward the west where there is an existing 720 square foot building to which Comcast is proposing a 480 square foot addition. The purpose of the addition is to provide additional cable service.

Mr. Fritz said there will be no additional trees removed; the work will all be done within the existing fenced area. There was a question about the existing backup generator on the property, but there is to be no increased usage of the generator – it is run regularly during the day to be sure it will start and keep the batteries charged, and it is run during emergencies. He said the Planning Commission recommended approval subject to five conditions.

Ms. Mallek asked if any people living in Roslyn Ridge had commented about hearing the generator. Mr. Fritz said "no."

Mr. Rooker said this application has been pending for a long time, and Comcast did make some changes to the request. One question concerned the dishes on the property, but those dishes have now been removed because they are not necessary for the operation. He said approval of this request will allow the entire area to have enhanced cable service available and he thinks it is being done in a tasteful way. It does not create any visual impairment to the neighborhood, and he thinks the neighbors are in favor of it.

With no further questions for staff, Ms. Mallek opened the public hearing.

Mr. Nate Daugherty said he is Government Affairs Manager for Comcast. This is an unmanned facility which is basically the nerve center of their operations in Charlottesville. The signal is received and then dispersed to the public. The current building is the size of a two-car garage containing small racks with small aisles, and equipment stacked floor to ceiling. Every channel they receive is processed through one of those pieces of equipment. Over the past few years, their customers have asked for additional services, and all of those services require additional pieces of equipment. He said they have worked with Mr. Rooker in the past to be sure that the site is appropriate and respectful to the neighborhood so he is glad to hear Mr. Rooker approve of this request.

Mr. Rooker asked the area of the County served by this facility. Mr. Daugherty said it serves the City, the County out into Crozet, east to the Lake and then up north Route 29 toward Greene County.

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

Motion was offered by Mr. Rooker to approve SP-2009-00021, Comcast Facility Expansion, subject to the five conditions recommended by the Planning Commission. The motion was **seconded** by Mr. Thomas. Roll was called, and the motion carried by the following recorded vote:

AYES: Mr. Dorrier, Ms. Mallek, Mr. Rooker, Mr. Snow, Mr. Thomas and Mr. Boyd.

NAYS: None.

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

1. The proposed four hundred eighty (480) square foot addition [16'x 30'] to the existing unmanned Comcast cable network facility must be developed in general accord with the concept plan prepared by Engineering solutions with a revision date of 09/30/2009;
2. The proposed Building size addition approved by this special use permit shall be limited to 16' x 30';
3. Building shall have the exterior appearance of residential buildings and shall have landscaping, screen planting and/or fencing. Trespass fencing and other safety measures shall be required at the time of the site plan review;
4. No additional satellite dishes shall be added to the site; and
5. All elements of the site plan shall be reviewed by the Current Development Division. Please note that the conditions of previous special use permits remain in effect.

Agenda Item No. 11. **Public Hearing:** SP-2009-00022, Daylily Preschool (Sign Nos. 21 & 24).

Proposed: Private preschool for a maximum of 10 children located within existing Mountain Plain Baptist Church, but not affiliated with Church.

Zoning Category/General Usage: RA Rural Areas-agricultural, forestal and fishery uses; residential density (0.5 unit/acre in development lots).

Section: 10.2.2.7 Private School.

Comprehensive Plan Land Use/Density: Rural Areas-preserve and protect agricultural, forestal, open space and natural, historic and scenic resources/density (.5 unit/acre in development lots).

Entrance Corridor: No.

Location: 4297 Old Three Notch'd Rd at intersection of Brown's Gap Rd (Rt 680) and Seven Hills Lane.

Tax Map/Parcels: 57-26.

Magisterial District: White Hall.

(Notice of this public hearing was advertised in the Daily Progress on January 25 and February 1, 2010.)

Before Mr. Cilimberg made his presentation he noted that the applicant was not present tonight. He then summarized the staff's report which is on file in the Clerk's Office with the permanent records of the Board of Supervisors. He said this is a proposal for daycare and childcare with a maximum of ten children with two staff members. Transportation will be provided by parents. It will be from Monday through Friday from the morning until early afternoon. It is privately owned so is not affiliated with the church; they will rent space from the church. It is located off of Three Notch'd Road in the western part of the County. There is an existing building next to the sanctuary that will be used for this facility. Factors favorable: It does not impact the surrounding community; it would occupy a portion of the existing building so would not require an additional structure; and, it would support rural residents. There were no unfavorable factors found. The Planning Commission and staff recommended approval subject to five conditions.

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

Motion was offered by Ms. Mallek to approve SP-2009-00022, Daylily Preschool, subject to the five conditions recommended by the Planning Commission. The motion was **seconded** by Mr. Rooker. Roll was called, and the motion carried by the following recorded vote:

AYES: Mr. Dorrier, Ms. Mallek, Mr. Rooker, Mr. Snow, Mr. Thomas and Mr. Boyd.
NAYS: None.

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

1. Development of the use shall be in accord with the conceptual plan titled "Special Use Permit 200900022 Daylily Preschool" prepared by the County of Albemarle, signed by the applicant and dated December 4, 2009 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development shall reflect the following major elements within the development essential to the design of the development:
 - location of buildings and preschool
 - location of parking area and entrance to be used for the preschool
 - relation of buildings and parking to the streetas shown on the plan.

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.
2. The maximum enrollment shall not exceed 10 children, without approval of an amendment to this special use permit;
3. The hours of operation for the preschool shall not begin earlier than 8:00 A.M. and shall end not later than 1:00 P.M. each day, Monday through Friday;
4. The use shall not operate without the required licensure by the Virginia Department of Social Services, as required by Section 5.1.06 of the Zoning Ordinance; and

5. The building shall be accessible for the Albemarle County fire official to allow periodic inspections of the premises, at his/her discretion.

Agenda Item No. 12. **Public Hearing:** STA-2009-00001, Division of Land with Existing Dwellings; division of parcels that have multiple existing dwellings. Amend Sec. 14-316, Approval of entrance onto public streets, Sec. 14-400, Minimum lot requirements, Sec. 14-403, Lot frontage, and Sec. 14-404, Lot location to allow access from lot onto street or shared driveway, of Chapter 14, Subdivision of Land, of the Albemarle County Code. This ordinance would amend sections 14-316, 14-400, 14-403 and 14-404 to permit the division of parcels on which multiple dwellings exist as of a date specified in the ordinance without satisfying otherwise applicable street frontage requirements. (Notice of this public hearing was advertised in the Daily Progress on January 25 and February 1, 2010.)

Mr. Fritz summarized the staff's report which is on file in the Clerk's Office with the permanent records of the Board of Supervisors. He showed on the screen a rendering of a property. He said the current regulations to divide the property which contains two dwellings would require that Break Heart Road would have to be converted into a private street which requires approval of all owners of property the road crosses. It also requires VDOT approval of the entrance and the applicant does not control that property. The proposal is to amend the Subdivision Ordinance to allow properties with two dwelling units as of October 14, 2009, to divide without obtaining private street approval or obtaining VDOT approval. It recognizes the existing dwellings and allows the property to be divided.

Mr. Fritz said that at the same time, it is proposed that the ordinance be amended to exempt those existing parcels with two or more dwellings on them as of October 14, 2009, from the lot access and street frontage requirements when they are subdivided, otherwise site plan approval would be required first. That would prevent situations such as that shown on the screen from occurring since site plan review by staff would ensure the property could be divided without having to actually divide the property. He said the Planning Commission recommended approval of this amendment – it represents the language the Board reviewed several months ago; it has been brought back as an ordinance amendment.

Ms. Mallek asked Mr. Thomas and Mr. Snow if they had any questions since they were not present during the Board's previous work sessions on this matter. Neither voiced any questions.

With no further questions for staff, Ms. Mallek opened the public hearing.

Mr. Timmy Wyant said he appreciates the effort everyone has made to try and solve his issue. He offered to answer questions about his particular situation.

Ms. Mallek said she thinks there are other citizens in the same situation, so by bringing this to the Board's attention, Mr. Wyant has helped to solve it for them as well.

Mr. Roger Ray said he came tonight because everyone is so worn out by winter, he felt the Board would have the best show in town. He is in favor of this ordinance change. He said that for many years there has been an injustice for property owners who had multiple houses on a property, and particularly for those who had family members that wanted to divide a property. He thanked the Board for getting this taken care of.

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

Mr. Thomas said he would like to congratulate the previous Board for this amendment. This is a good move. He then offered **motion** to approve STA-2009-00001, Division of Land with Existing Dwellings; division of parcels that have multiple existing dwellings, by adopting Ordinance No. 10-14(1), An Ordinance to Amend Chapter 14, Subdivision of Land, Article III, Subdivision Plat Requirements and Documents to be Submitted, and Article IV, On-Site Improvements and Design, of the Code of the County of Albemarle, Virginia, by amending Sec. 14-316, Approval of entrance onto public streets, Sec. 14-400, Minimum lot requirements, Sec. 14-403, Lot frontage, and Sec. 14-404, Lot location to allow access from lot onto street or shared driveway.

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

AYES: Mr. Dorrier, Ms. Mallek, Mr. Rooker, Mr. Snow, Mr. Thomas and Mr. Boyd.
NAYS: None.

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

ORDINANCE NO. 10-14(1)

AN ORDINANCE TO AMEND CHAPTER 14, SUBDIVISION OF LAND, ARTICLE III, SUBDIVISION PLAT REQUIREMENTS AND DOCUMENTS TO BE SUBMITTED, AND ARTICLE IV, ON-SITE IMPROVEMENTS AND DESIGN, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 14, Subdivision of Land, Article III, Subdivision Plat Requirements and Documents to be Submitted, and Article IV, On-Site Improvements and Design, is hereby amended and reordained as follows:

By Amending:

Sec. 14-316 Approval of entrance onto public streets
Sec. 14-400 Minimum lot requirements
Sec. 14-403 Lot frontage
Sec. 14-404 Lot location to allow access from lot onto street or shared driveway

Chapter 14. Subdivision of Land

Article III. Subdivision Plat Requirements and Documents to be Submitted

Sec. 14-316 Approval of entrance onto public streets.

The subdivider shall submit, prior to or with the final plat, evidence satisfactory to the agent that the entrance of the principal means of access for each lot onto any existing or proposed public street complies with Virginia Department of Transportation standards; provided that this requirement shall not apply to any subdivision of a parcel where two (2) or more dwellings existed on the parcel on October 14, 2009 and one existing dwelling would be located on each lot created.

(Ord. 05-14(1), 4-20-05, effective 6-20-05)

Article IV. On-Site Improvements and Design

Sec. 14- 400 Minimum lot requirements.

Each lot within a subdivision shall satisfy the minimum lot requirements established in the zoning ordinance; provided that no street frontage or lot access requirement shall apply to any lot that would be created from the subdivision of a parcel where two (2) or more dwellings existed on the parcel on October 14, 2009 and one existing dwelling would be located on each lot created.

(§ 18-29 (part), 9-5-96, 8-28-74; § 18-34 (part), 9-5-96, 8-28-74; 1988 Code, §§ 18-29, 18-34; Ord. 98-A(1), 8-5-98, § 14-500; Ord. 02-14(1), 2-6-02; Ord. 05-14(1), 4-20-05, effective 6-20-05)

State law reference--Va. Code §§ 15.2-2241(3).

Sec. 14-403 Lot frontage.

Each lot within a subdivision shall have frontage on an existing or proposed street; provided that this requirement shall not apply to any lot that would be created from the subdivision of a parcel where two (2) or more dwellings existed on the parcel on October 14, 2009 and one existing dwelling would be located on each lot created.

(§ 18-30 (part), 9-5-96, 8-28-74; § 18-36, 9-5-96, 8-28-74; 1988 Code, §§ 18-30, 18-36; Ord. 98-A(1), 8-5-98, § 14-504; Ord. 05-14(1), 4-20-05, effective 6-20-05)

State law reference--Va. Code § 15.2-2241(3).

Sec. 14-404 Lot location to allow access from lot onto street or shared driveway.

Each lot within a subdivision shall be located as follows:

A. *Single point of access required.* Each lot, other than a corner lot within the development areas, shall have reasonable access to the building site from only one street, shared driveway or alley established at the same time as the subdivision; provided that, if the subdivision is in the rural areas, each lot created from the subsequent division of any lot within the subdivision shall enter only onto such street(s) established at the same time as the original subdivision and shall have no immediate access onto any other public street.

B. *Conditions when single point of access not required.* Notwithstanding subsection (A), a lot may be located so that it has reasonable access to the building site from a public street abutting the subdivision if: (i) the agent approves a waiver under subsection (C); (ii) the subdivider obtains an entrance permit from the Virginia Department of Transportation for the access; (iii) the entrance complies with the design standards set forth in sections 14-410(F) and 14-410(G); and (iv) the subdivider demonstrates to the agent prior to approval of the final plat that the waiver does not violate any covenants to be recorded for the subdivision.

C. *Lots exempt from requirements of subsections (A) and (B).* The requirements of subsections (A) and (B) shall not apply to the subdivision of a parcel where two (2) or more dwellings existed on the parcel on October 14, 2009 and one existing dwelling would be located on each lot created.

D. *Standards for waiver.* The requirements of subsection (A) may be waived by the agent as provided in section 14-224.1. A request for a waiver may be made prior to or with submittal of a preliminary or final plat, as follows:

1. *Information to be submitted.* A request shall include a justification for the waiver and a conceptual plan. The conceptual plan shall: (i) be drawn at a scale no smaller than one (1) inch equals two hundred (200) feet showing surveyed boundaries of the property or an alternative scale

approved by the agent; (ii) show the topography of the property at the best interval available from the County including delineation of proposed building sites; (iii) show the locations of streams, stream buffers, critical slopes, floodplains, and known wetlands; and (v) show the proposed layout of lots, location of existing features such as buildings, fences, drainfields, existing driveways or other access ways, or other significant features.

2. *Consideration and findings.* In reviewing a waiver request, the agent shall consider whether: (i) installing a single point of access would substantially impact environmental resources such as streams, stream buffers, critical slopes, and floodplain; (ii) construction of a single point of access would substantially impact features existing on the property prior to October 14, 2009; (iii) granting the waiver would contribute to maintaining an agricultural or forestal use of the property; and (iv) granting the waiver would facilitate development of areas identified in the open space plan as containing significant resources. In approving a waiver, the agent shall find that requiring the extension would not forward the purposes of this chapter or otherwise serve the public interest; and granting the waiver would not be detrimental to the public health, safety or welfare, to the orderly development of the area, to sound engineering practices, and to the land adjacent thereto.

E. *Terms defined.* For purposes of this section, the term "reasonable access" means a location for a driveway or, if a driveway location is not provided, a location for a suitable foot path from the parking spaces required by the zoning ordinance to the building site; the term "within the subdivision" means within the exterior boundary lines of the lands being divided.

(§ 18-36 (part), 9-5-96, 8-28-74; § 18-39 (part), 9-5-96, 10-19-77, 5-10-77, 8-28-74; 1988 Code, §§ 18-36, 18-39; Ord. 98-A(1), 8-5-98, §§ 14-500(C), 14-505; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 09-14(2), 10-14-09)

State law reference--Va. Code § 15.2-2241(5).

Agenda Item No. 13. **Public Hearing:** ZTA-2009-00020, Regulating Construction of Multiple Dwellings on a Single Parcel; site plan required for multiple dwellings on single parcel. Amend Sec. 18-32.2, When site plan is required; waiver of drawing of site plan, of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend Section 18-32.2 to require a site plan when two or more dwellings are proposed on a single parcel where that parcel does not have public street frontage. (Notice of this public hearing was advertised in the Daily Progress on January 25 and February 1, 2010.)

Mr. Fritz said this is the same presentation that he just gave – it was all part of the same package. The Zoning Text amendment will simply state that unless there is public street frontage, the owner is limited to a single dwelling on the property unless site plan approval is first obtained. If there is public street frontage, this Zoning Text amendment will have no effect at all; the current regulations will apply.

Ms. Mallek asked if this is the prevention item so people do not unknowingly get trapped in that circumstance described before. Mr. Fritz said that is correct.

Ms. Mallek said it is legal to have two buildings on one parcel as far as building permits are concerned. Mr. Fritz said site plan review of a parcel proposed to have two or more dwellings but which does not have public street frontage would assure that, in the absence of public street frontage, the parcel would be served by an access road approved by the County that complies with the County's applicable design and construction standards and that the entrance onto a public street satisfies VDOT's entrance requirements. This process would assure that, if two or more dwellings are established on the parcel, the parcel could be later subdivided to put one dwelling on each lot because the access road would be eligible to be approved as a private street at that time.

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

Mr. Rooker offered **motion** to approve ZTA-2009-00020 by adopting Ordinance No. 10-18(2), An Ordinance to Amend Chapter 18, Zoning, Article IV, Procedure, of the Code of the County of Albemarle, Virginia, by amending Sec. 32.2, When site plan is required; waiver of drawing of site plan.

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

AYES: Mr. Dorrier, Ms. Mallek, Mr. Rooker, Mr. Snow, Mr. Thomas and Mr. Boyd.

NAYS: None.

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

ORDINANCE NO. 10-18(2)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE IV, PROCEDURE, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article IV, Procedure, of the Code of the County of Albemarle is amended and reordained as follows:

By Amending:

Sec. 32.2 When site plan is required; waiver of drawing of site plan

Chapter 18. Zoning

Article IV. Procedure

Sec. 32.2 When site plan is required; waiver of drawing of site plan

A site plan meeting the requirements of section 32 and all other applicable regulations shall be required as follows:

- a. *When required.* A site plan shall be required for any construction, use, change in use or other development in all zoning districts; provided that no site plan shall be required for the following:
 1. The construction or location of any single-family detached dwelling on a lot on which not more than two (2) dwellings are located or proposed to be located if the lot has public street frontage, or the construction or location of one (1) dwelling unit on a lot that does not have public street frontage.
 2. The construction or location of a two-family dwelling on any lot not occupied by any other dwellings.
 3. Any structure that is accessory to a single-family detached or two-family dwelling.
 4. Any agricultural activity except as otherwise provided in section 5.
 5. Any change in or expansion of a use provided that: (i) the change or expansion does not require additional parking under section 4.12 of this chapter; (ii) no additional ingress/egress or alteration of existing ingress/egress is required by the Virginia Department of Transportation based on the intensification of the use; and (iii) no additional ingress/egress or the alteration of existing ingress/egress is proposed by the developer. (32.2.1, 1980)
- b. *Waiver of certain details of site plan by the commission.* After providing notice as provided by section 32.4.2.5, the commission may waive certain details of a site plan otherwise required by sections 32.5 and 32.6 in a particular case upon a finding that the details waived would not forward the purposes of this chapter or otherwise serve the public interest; provided that no such waiver shall be made until the commission has considered the recommendation of the agent. The agent may recommend approval, approval with conditions, or denial of the waiver. If the agent recommends approval of the waiver with conditions, he shall state the relationship of the recommended condition to the provisions of this section. No condition shall be imposed which could not be imposed through the application of the regulations of section 32. The waiver shall identify the details otherwise required by sections 32.5 and 32.6 that are waived. (32.2.2, 1980; Amended 5-1-87)
- c. *Waiver of certain details of site plan by the agent.* In accordance with the procedures stated in section 2.5 of this chapter, the agent may waive certain details of a site plan otherwise required by sections 32.5 and 32.6 if: (i) the site review committee finds that all of the details required by sections 32.5 and 32.6 are not necessary for its review of the proposed development; and (ii) the zoning administrator, in consultation with the county engineer and the manager of zoning enforcement, finds that the details waived are not necessary to determine that the site is developed in compliance with this chapter and all other applicable regulations. The waiver shall identify the details otherwise required by sections 32.5 and 32.6 that are waived.

(12-10-80, §§ 32.2, 32.2.1, 32.2.2; 5-1-87; Ord. 09-18(1), 1-14-09, § 32.2)

Agenda Item No. 14. **Public Hearing:** ZMA-2005-00003, UVA Research Park (Sign No. 18).

Proposal: Request to rezone approximately 30.56 acres (parcels identified below) from RA-Rural Areas which allows agricultural, forestal and fishery uses; residential density (0.5 unit/acre in development lots) to Planned Development-Industrial Park (PD-IP), which allows industrial and ancillary commercial and service uses and no residential uses, for 700,000 square feet of office and research use and to rezone 534± acres (parcels identified below) from PD-IP to PD-IP to amend proffers and application plan associated with ZMA-1995-04 and subsequent related ZMAs.

Proffers: Yes.

Concurrent with ZMA-2005-00003, the following proposed special use permits within UVA Research Park PD-IP authorized by Zoning Ordinance §29.2.2.

Item No. 14a. **Public Hearing:** SP-2008-00015, Parking structures. Proposed: Allow parking structures; reference Zoning Ordinance §27.2.2(16), Parking structures.

Item No. 14b. **Public Hearing:** SP-2008-00062, Laboratories. Proposed: Allow laboratory uses; reference Zoning Ordinance §27.2.2(1), Laboratories, medical or pharmaceutical.

Item No. 14c. **Public Hearing:** SP-2008-00063, Supporting commercial uses. Proposed: Allow supporting commercial uses, not to exceed a total of 110,000 square feet of floor area, reference Zoning Ordinance §27.2.2(14), Supporting commercial uses.

Item No. 14d. **Public Hearing:** SP-2008-00064, Hotels, motels, inns. Proposed: Allow motel, hotel or conference facilities not to exceed 190,000 square feet of floor area under Zoning Ordinance §29.2.2(2), Hotels, motels, inns.

The following information applies to all five proposals:

Zoning Category/General Usage: PD-IP - Planned Development Industrial Park - industrial and ancillary commercial and service uses (no residential use).

Existing Comprehensive Plan Land Use/Density: Industrial Service - warehousing, light industry, heavy industry, research, office uses, regional scale research, limited production and marketing activities, supporting commercial, lodging and conference facilities, and residential (6.01-34 units/acre).

Entrance Corridor: Yes.

Location: On the north side of Airport Road (Route 649) approximately one-third of a mile from the intersection of Airport Road and Route 29 North in the Community of Hollymead.

Tax Map/Parcel: Tax Map Parcels 32-18 and 32-18A (rezone from RA to PD-IP with proffers; all SPs); 32-6A, 18B, 32-19C, 32-19D, 32-19E, 32-19F, 32-19F1, 32-19G, 32-19H, 32-19H1, 32-19H2, 32-19J and 32-19J1 (rezone from PD-IP to PD-IP with amended proffers and application plan; all SPs).

Magisterial District: Rio.

(Notice of these public hearings was advertised in the Daily Progress on January 25 and February 1, 2010.)

Ms. Mallek said these public hearings are to be deferred to March 10 to give the Planning Commission an opportunity to hold its public hearing.

Motion was offered by Mr. Rooker, **seconded** by Mr. Thomas, to defer all of the items listed under Agenda Item No. 14 until March 10, 2010. Roll was called, and the motion carried by the following recorded vote:

AYES: Mr. Dorrier, Ms. Mallek, Mr. Rooker, Mr. Snow, Mr. Thomas and Mr. Boyd.

NAYS: None.

Agenda Item No. 15. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Mallek asked Mr. Davis if he had an update for the Board on legislative items before the General Assembly.

Mr. Davis said he had a packet of materials for each Board member and did not plan to make a presentation; the materials are self-explanatory. In the written report he addresses the bills that were introduced in the General Assembly on the Board's behalf plus some other bills that are of particular interest. It is about a week and a half before crossover so there will be a lot of action in the next few days.

Agenda Item No. 16. Adjourn to Thursday, February 25, 2010, 11:00 a.m., Lane Auditorium.

At 6:40 p.m., with no further business to come before the Board, **motion** was offered by Mr. Rooker, **seconded** by Mr. Dorrier, to adjourn this meeting until 11:00 a.m. on February 25, 2010. Roll was called, and the motion carried by the following recorded vote:

AYES: Mr. Dorrier, Ms. Mallek, Mr. Rooker, Mr. Snow, Mr. Thomas and Mr. Boyd.

NAYS: None.

Chairman

Approved by the
Board of County
Supervisors

Date: 03/10/2010

Initials: EWJ