

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on May 5, 2010, at 9:00 a.m., County Office Building on McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Ken C. Boyd, Mr. Lindsay G. Dorrier, Jr., Ms. Ann H. 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, Deputy County Attorney Greg Kamptner, Clerk Ella Jordan and Senior Deputy Clerk, Meagan Hoy.

Agenda Item No. 1. The meeting was called to order at 9:02 a.m., by the Chair, Ms. Mallek.

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

Agenda Item No. 4a. Recognitions: Proclamation - Public Service Recognition Week 2010.

Ms. Mallek read the following proclamation into the record:

**PUBLIC SERVICE RECOGNITION WEEK
MAY 3 – 9, 2010**

WHEREAS, Americans are served daily by public servants at the federal, state, county, and city levels. These unsung heroes do the work that keeps our nation working; and

WHEREAS, public service is among the most demanding and noble of professions; and

WHEREAS, **Public Service Recognition Week** is observed annually to celebrate and recognize the valuable service that public servants provide to the nation; and

WHEREAS, over 500 Albemarle County Local Government employees work tirelessly to serve our residents, businesses, and visitors, providing them with outstanding customer service while maintaining careful stewardship of the resources with which they have been entrusted; and

WHEREAS, without these public servants at every level, continuity would be impossible in a democracy that regularly changes its leaders and elected officials; and

WHEREAS, we appreciate the many accomplishments and contributions made daily by these public servants;

NOW, THEREFORE, BE IT RESOLVED that we, the Albemarle County Board of Supervisors, do proclaim

May 3-9, 2010 as Public Service Recognition Week

and call upon the citizens of Albemarle County to join their fellow citizens across the County to recognize crucial role of public employees.

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

Mr. Rooker said that the MPO has been working to organize a meeting with Secretary of Transportation Sean Connaughton, with the primary topic being obtaining earmarked funds for the Route 29/H250 improvements – from Hydraulic down to the Route 250 Bypass and the additional ramp at Best Buy. If there are any other topics Board members want discussed, he asked that they pass them onto him or Mr. Thomas.

Mr. Thomas reported that Albemarle County Fire Rescue Advisory Board (ACFRAB) met last Wednesday night, and the Operations Committee is working to come up with an agreement on the policies. He also said that the team recommended setting a standard for screening possible volunteers – including a Social Security number check, background check, etc.

Ms. Mallek stated that she attended a ribbon-cutting event for the MITRE Corporation, which has opened in Town Center III in the North Fork Research Park. She said that the company employs 7,000 people worldwide. The president (Al Grasso) and other officials came for the ceremony and emphasized how glad they were to locate in Albemarle. Ms. Mallek noted that they indicated they have plans for future expansion, and both Mr. Grasso and the head contractor for NGIC mentioned to her how important it is for the County to maintain its excellent educational system – as employees will not want to move here if they perceive their children will not have opportunities that are at least as good or better than those where they are currently located.

Ms. Mallek noted to fellow Board members that they would be considering amendments to the County's Strategic Plan for Economic Development later in the meeting. She read the following statement into the record:

"To improve the process for policy changes, to build trust in our citizens that we are working for the County's benefit, and their benefit, we need to improve our own communication within the Board. We as Board members need to keep each other informed, rather than excluded." She proposed that when members are meeting with staff to develop new policies that colleagues are sent an email stating the fact that this is going on. Ms. Mallek emphasized that if she had received a timely email about such meetings recently, she would have been better able to respond to citizen questions, and for reporters to be informed before she was about the substance of the draft was "gotcha politics" that puts a positive outcome in question. "Rather than concentrating on who to keep out and how to control the process, it is important to keep the Board – all of us, and by extension the community – informed."

She said that the County Executive is also included in this request to inform the Chair when he is in meetings with staff and citizens on policy development issues. Ms. Mallek asked for agreement from each Board member to proceed in this manner, adding that she is reinstating the pre-agenda meeting of Chair, Vice-Chair, County Executive, and Assistant County Executive to discuss what is about to be published for the upcoming agenda. She said that the items are listed for planning purposes many months in advance, but are often changed at the last minute due to incomplete process work. Citizens who see lists of upcoming items should always check the published agenda before making plans to speak on a particular issue.

Ms. Mallek said that she looks forward to the Board's discussion on the Economic Development Policy as there are many excellent items included in the proposal.

Mr. Thomas commented that there was a committee set up to give the Board ideas to consider, not to set the rule of the day. He did not feel it was done behind anybody's back, and he feels that is why the Board formed the committee.

Ms. Mallek asked if he agreed to send emails to bos@albemarle.org to keep people posted so that everyone is pulling in the same direction.

Mr. Rooker stated that what happened went far beyond what Mr. Thomas mentioned, and what is before the Board today is a draft of a changed plan for consideration. He indicated that the vote taken in January 2010 to develop an action plan should have been followed up, if there was an interest in moving it forward, with a discussion by the Board as to how to proceed – not by the creation of an ad-hoc committee where the Board was basically excluded from that process. He added that it is just simply inappropriate to have things brought before this Board as though this is the action plan, as this Board has had no participation in getting there, or even in establishing the process by which that plan was brought forward. Mr. Rooker emphasized that a ten-minute conversation could have made this process more transparent, and meeting without the Board Chair even knowing is completely inappropriate.

Mr. Boyd said that the action plan developed called for something to be developed within six months, and any blame rests solely with him. He does not think it was inappropriate to start acting immediately on what the Board was going to do. He stated that he intended to bring the Board into the discussion when there was something to think over, adding that there is often preliminary discussion with staff prior to an item being brought to the Board.

Ms. Mallek noted that having the press have more information than the Board was awkward. She added that her request is simply to have email notification to the Board so that they know what is going on. It is important that there is no perception of anyone being left out.

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

Ms. Diantha McKeel said that as a member of the Albemarle County School Board, she is both pleased and dismayed at the proposed Economic Development Action Plan in its current form. She said that she is pleased that the County is looking at ways to grow its tax base and improve its revenues, as the School Division have experienced over \$8 million in reductions in local revenues for FY2010-11. She recognizes that a viable future cannot be created through cuts alone, but must be enhanced through increased revenues. She also appreciates that the Board is looking to grow skilled trades and the middle class in the County, but she is upset at the lack of attention paid to education as an integral partner in economic development. We know that the new economy is primarily a knowledge-based economy, emphasizing the importance of education; we know that entrepreneurship is a cornerstone of sustained economic development and is mentioned in your plan as your hope to cultivate home-grown businesses, yet the action steps to do so do not mention the work of our schools in preparing that workforce – those future entrepreneurs. None of the measurable outcomes have to do with the quality of our schools or critical role in economic development.

Ms. McKeel said that the proposed plan seeks to strategically grow and attract capital-intensive, private-sector employers that provide a diverse array of career ladder employment opportunities to the resident workforce. She suggested that one of the best draws for attracting businesses to this area is a high-performing school division. Businesses will relocate here if their workers see us as a safe place to raise our families, if they believe their children will receive a higher quality education and graduate prepared for the global economy. She added that members of the Defense Intelligence Agency has already reported difficulty in getting families to move to the County after the most recent budget cycle,

citing concerns over the County's recent lack of support for schools. Ms. McKeel suggested that Board members Google "Albemarle County budget," noting that one headline is "Albemarle budget plan forces school job cuts." Ms. McKeel said that to reach the Board's goal of attracting targeted businesses and investments, you must include the County schools. You must recognize the importance of a strong public school system to your economic development efforts and you must work in partnership with the School Division to market the County and reach these objectives.

Ms. McKeel stated that it is not just about streamlining paperwork or making the County's website friendlier to business, it is about ensuring that the County is the kind of place businesses and their workers want to live and invest in. When businesses and families consider where they are going to relocate, they consider the quality of the public schools and the support the locality provides for education.

Ms. McKeel asked that the Economic Development Plan be amended to include recognition of the integral nature of strong public schools in achieving the economic development goals, and explicitly state how the School Division will play an important role in growing and sustaining businesses and development in Albemarle County. Not only do we train the workers for these businesses, but we also provide the reason for many employers and their employees to choose our locality to invest in. Education must be an integral part of your plan, not just lip service in the preamble or rhetoric saved for elections.

Ms. Candace Smith said that she is a small business owner and homeowner in the County. She emphasized that the actions of the Board need to be "well considered and reasoned by the full Board, and not the result of any Supervisor's singular efforts." Ms. Smith said that each person was individually elected to represent a portion of the county, and that needs to be included in any actions developed or taken by the Board. She expressed concern with this issue after reading the May 3rd issue of *The Daily Progress*, which reported that Ken Boyd met with the Thomas Jefferson Partnership for Economic Development (TJPED) and the Chamber of Commerce as suggested by actions from a January Board meeting – but it became apparent that other Board members were not aware of his actions. Ms. Smith added that the utilization of staff resources to develop the draft plan is also concerning, as is Mr. Boyd's decision to "preselect members of the business community" to include in this meeting. She said that the Board's charge is to represent a diverse and broad community, and a School Board member should have been included. Ms. Smith expressed concern that the short-term efforts to stimulate economic development may have long-term permanent impacts on the County's beautiful vitality. Granted generating tax revenues from businesses is important and accommodating a business by cutting corners or reducing requirements may seem attractive for the short term gains for potential tax revenues, even though some businesses can be short lived. On the other hand the long term impact of minimizing standards or regulations can immeasurably outweigh those gains.

Ms. Smith said that the action plan calls for reducing unnecessary and burdensome regulations and shortening approval times. From her seven years experience on the ARB the speed at which a project was put through was often dependent on the applicants themselves not following guidelines and forcing staff to conduct additional reviews; those who did follow guidelines were approved in short order. The applicants that overlooked the details that were simple to include and were spelled out in the regulations had to return more times and as a result made the process appear long and burdensome, even though it was due in part to some of their disregard for simple regulations. A recommendation in the report suggests revamping the ARB, perhaps even considering a single architectural review administrator vs. having a board of members is of concern just as a single Supervisor should not make decisions for the entire Board. The value of having a board of ARB members involved on aesthetic matters should be recognized as significantly better and more reasoned than the position of a single administrator. From her vantage point it seems that some Board members will only look and listen to folks who will give them the same message they want to hear.

Ms. Christine Nardi addressed the Board, stating that she is Executive Director of the Center for Nonprofit Excellence. The CNE is a community resource for and about nonprofits. The CNE is a membership organization with over 240 members – 200 nonprofits as well as 45 area businesses and consultants that work with and support nonprofits. She added that there are 53 members in Albemarle County. Their service area is primarily the TJPDC, but they also serve members across Virginia. They focus on providing best practice tools, training, and resources to area nonprofits in management, governance, technology, and leadership. Ms. Nardi said that they also facilitate collaboration within the nonprofit sector and with business, academic, and public sectors to effectively leverage resources and meet the needs of the community. She noted the draft economic development action plan and encouraged the Board to consider the nonprofit sector as a stakeholder in their discussions about strategies to increase the economic vitality of the County. Ms. Nardi commented that the nonprofits contribute to a quality community by what they do – but also through their business activity. In 2005 alone, nonprofits generated over \$934 million in revenues, holding \$5.6 billion in assets and spending nearly \$812 million in the community – employing over 6,000 individuals, or 6.1% of the state's total employment. She said that nonprofits serve as a key component in promoting tourism and increasing the economic vitality of small farms, citing examples of the Virginia Festival of the Book and Local Food Hub. Ms. Nardi encouraged the Board members to visit the CNE office – located behind C'ville Coffee – and to encourage their constituents to do the same. She reminded the Board that the Charlottesville Civic Action 2010 exhibit opens June 4, 2010 at City Space.

Mr. Morgan Butler said that he works for the Southern Environmental Law Center. Mr. Butler stated that like many others, he was surprised to learn that a committee that included County staff and officials had been meeting for several months and had developed a draft plan that would be presented to the Board today. He said that it is not unreasonable or unusual for one or two members of the Board or Planning Commission to have meetings with a staff representative and a group of interested members of the public to work through an issue— but the meetings have been going on for some time and have not been publicized. Mr. Butler added that they seem to have taken place behind closed doors, and as a result it was only five days ago that the general public was made aware that a committee was working on a plan and that the group had completed its work and created a draft to present to the Board today. He believes that a lack of openness and transparency is of even greater concern when what is being developed is a plan that calls for a shifting of County resources.

He noted that the staff report makes clear that the County will need to reprioritize other staff efforts in order to carry out the various plans, reviews, and roundtables called for in this plan. Mr. Butler pointed out that there have already been significant cuts to County staffing levels over the last few years, and it doesn't seem that there are many non-essential items left for staff to be working on. He asked what efforts could be dropped to tackle the various tasks set forth in the proposed plan, which seems critical to get an answer to. He acknowledged that there are some very reasonable and sensible ideas set forth in the plan, such as proactive rezoning of appropriate parcels to Light Industrial if they are located within the development areas and promoting agribusiness. Mr. Butler stated that he doesn't see how the County can make an informed decision as to how to pursue them without knowing what current efforts would be dropped. He encouraged the Board to ask staff which efforts would need to be prioritized if they are directed to move ahead with the plan. A public that has been largely locked out of this process to date, deserves to know what affect this plan would have on existing programs and efforts before any action is taken.

Mr. John Martin, a resident of Free Union, presented a photograph of the construction of the Ragged Mountain Dam in 1907 – which shows pride of accomplishment in building the dam. He said that this community has done everything right in every stage of water supply planning for over 100 years – always planning for the long term. Mr. Martin added that the water supply plan approved in 2006 honors that legacy of future planning, as well as containing built-in protections for streams and rivers. He encouraged the Board to continue supporting the plan, as it is an honorable plan.

Ms. Liz Palmer, a County resident, said she was present to speak about the Water Supply Plan. Mr. Boyd recently made a very patient and honest attempt in getting the City to come to some agreement as to how to move forward with the Water Supply Plan with respect to the demand analysis. She said that it is still up in the air given time and financial restraints, but one criticism has been of the project's scale – as it is based on the worst drought on record. Ms. Palmer stated that she gathered some information from other localities, and this plan calls for 93 gallons per day per capita – with all uses rolled into one, including domestic homes, businesses, hospitals, schools, fire protection, etc. She said that the DEQ gives an appropriate range of 85 to 200 gallons, so the local plan is on the low end. She feels that this is really not an enormous supply plan – it is quite reasonable.

Ms. Palmer stated that the future use is based on historic use, and she has tried to provide some reasons as to why that use has been low in the past. She mentioned that Con Agra was never in the historic use because it was not in the urban area. There are five companies included in her report that were considered in developing the demand analysis. Ms. Palmer added that she hopes the Board will remember in the future that the numbers are quite reasonable.

Mr. Thomas asked if the chart Ms. Palmer provided should combine Albemarle and Charlottesville instead of separating them.

Mr. Rooker said that it is per capita, so you would be dividing anyway.

Ms. Palmer noted that they are separate demand analyses – with Charlottesville's being higher because of U.Va. and the concentration of businesses. She added that she contacted Winchester's Public Utilities Department and asked for their top ten users; White House Foods uses about 11 million gallons per month – which is about 1/10 of what the Albemarle County Service Authority sold last month. She picked that out because it is an agribusiness use and a good representative.

Mr. Jeff Werner, of the Piedmont Environmental Council, next addressed the Board. He asked what would be de-prioritized with new Economic Development Plan – noting that one of the photos in the North Pointe brochure is a mountain view to the west, not of the strip along Route 29. Mr. Werner said that it is the public processes that seem to be the target of the claim that the development process is too slow, but those have kept the area what it is through protection of the watershed, dark skies, and walkable communities. He commented that ACE has already been gutted, and it's doubtful that money will ever come back.

Mr. Werner pointed out that between 1988 and 2003, approved site plans included 4.3 million square feet of commercial and retail space, 1.6 million square feet of industrial space, and 1.6 million square feet of office space. Since 2003, the County has approved in rezonings and other approvals an additional four million square feet of retail space for a total of 8.4 million square feet – or 70 square feet per capita for the projected 2030 population. He added that between 2002 and 2007 the Board rezoned 219 acres from LI to other uses, primarily commercial and shopping. Mr. Werner said that he didn't hear a

single word from the business community expressing concern about Light Industrial land being rezoned as shopping center.

Mr. Werner said the County has approved, not including Biscuit Run, 11,909 dwelling units since the year 2000 – enough to accommodate about 27,000 – and there are more pending, with the total now at 13,643 dwelling units – enough for 31,378 people at roughly 2.3 persons per unit. Mr. Werner stated that the projected 2030 population in the County is expected to increase by 36,269 people, so the housing in the pipeline now could accommodate 85% of that. These are facts to look at before saying the County is unfriendly to business.

Mr. Neil Williamson, of the Free Enterprise Forum, said that is important is to move forward beyond the communication issue and focus on the ideas within the Economic Development Plan. He said that LI land that is misplaced in terms of what it could be used for needed to be rezoned. The Free Enterprise Forum does not offer positions on specific projects, but does appreciate the new push to allow HI and LI by special use permit. He encouraged the Board to debate the plan on its merits.

Mr. Boyd expressed concern that there is a lot of overreaction to the beginning stages of an economic development plan – due largely to a very biased report in the *Daily Progress* by someone with a conflict of interest and should not have written it in the first place. He asked everyone to not pay attention to what was written in the *Daily Progress* because it is not a true depiction of what is happening. The plan is a working document, not a final document up for vote today. He is still very confident that it is appropriate the way it was done to bring it forward to the Board and the public. Staff reports are done all the time, and they meet with individuals in order to get input.

In response to Ms. Palmer's comments, Mr. Boyd said the RWSA decided to appropriate \$10,000 to relook at the figures for the demand analysis. City Council is concerned that the numbers used are not adequate and a full-fledged study would have taken months to do.

Ms. Mallek asked if he feels the RFP going out will reflect that the numbers were based on a slowing period by a number of users and that the community needs to plan ahead for increases, as a full demand analysis might yield bigger numbers.

Mr. Boyd responded that you cannot base a demand analysis for a 50-year plan on just the last four or five years; the original demand analysis used 50. He said that the compromise was to determine whether that was a valid study. He does not think there is a lot of time available because the community will lose an opportune bidding climate if this is postponed another year to do another demand study.

Ms. Mallek noted that the State may not grant another extension, and that deadline is quickly approaching.

Mr. Tucker said that the point of the RFP is to re-evaluate the data that was used originally, and determine whether it was adequate and accurate.

Mr. Rooker stated that there were two demand studies done, one by Gannett Fleming, Inc., and the other by Vanasse Hangen Brustlin, Inc. Both studies came out almost the same in terms of projected use. He said that several variables may have pushed up the ultimate supply needed, but at the end of the day the Board – including him – accepted it. If we are wrong and have a 70 year plan instead of a 50 year plan, he does not see that as a problem for the community. Mr. Rooker added that it is so much cheaper per foot to add the Ragged Mountain Dam and it almost seems foolhardy to find ways to push the Dam down a few feet at today's prices.

Mr. Boyd said the problem is that the City Council does not agree with that, and as their partner, we are trying to make them feel more comfortable. That is why it was decided to proceed with an RFP.

Ms. Mallek added that there have not been any real estimates on replacing the pipeline to Sugar Hollow, and so the cost of its replacement needs to be factored in.

In reference to the comments regarding rezoning property from LI commercial, Mr. Rooker said the proposed Economic Development Plan calls for Light Industrial around interstates, intersections, and interchanges. One of the largest parcels fitting that criteria – Brass, Inc.'s property at Fifth Street – was zoned Light Industrial for many years, and one of the biggest arguments they made in their rezoning to commercial was their inability to find an LI user. The Board has heard that time and time again when these properties are rezoned from LI to something else. He thinks the Board needs to keep that in mind. The Board removes land from LI because there is no demand for it, and puts it in commercial, but then ruminates that there is not enough LI property based upon a report, but still no evidence of demand.

Mr. Boyd said that is a good point to bring up as part of the discussion.

Agenda Item No. 7. Consent Agenda. Mr. Rooker **moved** that Items 7.1 through 7.4 on the Consent Agenda be approved and that Items 7.5 through 7.8 be accepted as information. Mr. Dorrier **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

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

NAYS: None.

Item No. 7.1. Approval of Minutes: March 3 and March 8, 2010.

Mr. Thomas had read his portion of the minutes of March 3, 2010, pages 1-28, and found them to be in order.

Mr. Snow had read his portion of the minutes of March 3, 2010, pages 29 to the end, and found them to be in order.

Mr. Rooker had read the minutes of March 8, 2010, and found them to be in order.

By the above-recorded vote, the Board approved the minutes as read.

Item No. 7.2. Schedule public hearing for the proposed renewal of the Old Crozet School Arts Lease Agreement for portion of the Old Crozet Elementary School.

It was noted in the Executive Summary that the Old Crozet Elementary School was built in 1924 and was used as a public school until 1990. From 1990 through 2007, the Charlottesville Waldorf School leased the facility. The Old Crozet Elementary School was then vacant until June 2009, when the County began leasing part of the facility to the Field School of Charlottesville and, in August 2009, a part to the Old Crozet School Arts ("OCSA"). The two tenants together currently occupy approximately 15,165 square feet of the facility. The current OCSA lease term ends July 31, 2010.

Virginia Code § 15.2-1800 requires that the Board advertise and hold a public hearing prior to leasing County-owned property.

Since occupying the facility, the OCSA has been an excellent tenant and is requesting to continue to lease the facility. For the most part, the proposed lease agreement would continue the same conditions as the current lease. However, the tenant would like to increase the term of the lease from the current one-year term. Proposed changes from the current lease include:

- automatic renewal of the lease for up to four additional one-year terms beyond the initial one-year term, unless notice is given by the Landlord or the Tenant no later than 60 days prior to the expiration of any annual term;
- discontinuance of the County's reimbursement through a rent credit for the cost of any pre-approved alterations, additions, or improvements made by the tenant;
- an increase of 871 sq. ft. in leased space that includes access to an additional entrance as well as the girl's restroom currently leased by the Field School. The removal of this restroom from the Field School's lease will be presented to the Board for consideration on May 5th.

With the inclusion of the additional space, the rent for the first term of the proposed lease agreement would be \$18,387.06. This amount is based on a rental rate of \$3.81/sq. ft. that was also applied to the recently approved lease for the Field School. This rental rate includes both rent and a utility charge, based on projected use. At the end of September 2010, when a full year's utility data for the building with occupants is available, staff will evaluate utility consumption and adjust the utility cost component of the rent if warranted.

The renewal of this lease would result in an increase of \$18,387.06 in annual revenue during the first year.

Staff recommends that the Board schedule a public hearing on June 2, 2010 to receive public comment on the proposed lease agreement.

By the above-recorded vote, the Board authorized a public hearing on June 2, 2010, to receive public comment on the proposed lease agreement.

Item No. 7.3. Authorize County Executive to sign an amendment to the Field School of Charlottesville's Lease for portion of the Old Crozet Elementary School.

It was noted in the Executive Summary that the County currently leases the Old Crozet Elementary School to two tenants. The Field School of Charlottesville ("Field School") currently leases 11,210 sq. ft. Included in that square footage are the facility's two large restrooms. The Board of Supervisors recently approved the renewal of the Field School's lease with the County to rent the same square footage of the Old Crozet Elementary School to commence June 1, 2010. The second tenant, the Old Crozet School Arts ("OCSA"), currently leases 3,955 sq. ft. Three of the four rooms included in that

lease have an individual restroom. The proposed renewal of their lease will be presented to the Board for consideration on May 5th.

During the first year that OCSA rented space in the Old Crozet Elementary School, the OCSA identified a need for additional restroom facilities. The OCSA approached the Field School about the possibility of using one of the large restrooms. The Field School has determined that it does not need both large restrooms and suggested one be taken out of its lease and added to OCSA's lease. Both tenants are agreeable. A proposed lease amendment between the Field School and the County in which the rented space is reduced by 267 square feet (from 11,210 to 10,943) is attached. Because this lease amendment reduces the square footage of rented space than that in the lease previously approved by the Board, a public hearing is not required.

The approval of this lease amendment would result in a decrease in annual revenue of \$1,017.27 during the first term of the lease. However, if the Board were to approve the proposed OCSA lease agreement, there would be a corresponding increase in revenue in the amount of \$18,387.06 from the OCSA lease.

Staff recommends that the Board approve the Field School's lease amendment contingent on the approval of OCSA's lease and authorize the County Executive to sign the lease amendment.

By the above-recorded vote, the Board approved the Field School's lease amendment contingent on the approval of OCSA's lease and authorized the County Executive to sign the lease amendment.

LEASE AMENDMENT

THIS LEASE AMENDMENT is made this 9th day of April 2010 by and between the COUNTY OF ALBEMARLE, VIRGINIA, Landlord, and the FIELD SCHOOL OF CHARLOTTESVILLE, Tenant.

WHEREAS, Landlord and Tenant entered into a Lease Agreement (the "Lease Agreement") dated February 8, 2010 for the lease of a portion of the Old Crozet Elementary School; and

WHEREAS, Landlord and Tenant desire to amend the Lease Agreement;

NOW, THEREFORE, Landlord and Tenant, for the sum of Ten and NO/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, agree as follows:

1. The first paragraph of Section 4.1 of the parties' Lease is hereby amended to read as follows:
"Section 4.1. Annual Rent. Effective August 1, 2010, during the remainder of the first term of this Lease, which expires June 30, 2011, Tenant agrees to pay to Landlord total rent of \$38,218.43, payable in equal monthly installments of \$3,474.40, in advance, on the first day of each month during the term hereof. Gross square feet shall be calculated within the perimeter of the area to be used solely by the Field School of Charlottesville."
2. Effective August 1, 2010, the attached Exhibit A, page A-1 shall replace the Exhibit A, page A-1 previously attached to the parties' Lease, and shall amend the Premises to be leased.

In all other respects, the parties' Lease shall remain in full force and effect as previously executed.

IN WITNESS WHEREOF, the parties hereto have executed this instrument as of the day and year first above written.

TENANT
FIELD SCHOOL OF CHARLOTTESVILLE
By: Todd A. Barnett
Print Name: Todd H. Barnett
Title: Head of School and President of Board of Directors

LANDLORD

This Lease Amendment is executed on behalf of the County of Albemarle by Robert W. Tucker, Jr., County Executive, following approval thereof by the Albemarle County Board of Supervisors.

COUNTY OF ALBEMARLE, VIRGINIA

By: _____
Print Name: _____
Title: _____

Item No. 7.4. FY 2010 Budget Amendment and Appropriations.

It was noted in the Executive Summary that Virginia Code § 15.2-2507 provides 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; provided, 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.

The total of the new requested FY 2010 appropriations, itemized below, is \$614,551.04. A budget amendment public hearing is not required because the cumulative appropriations does not exceed one percent of the currently adopted budget.

This request involves the approval of seven (7) FY 2010 appropriations as follows:

- One (1) appropriation (#2010073) totaling \$17,000.00 for a Homeland Security grant;
- Three (3) appropriations (#2010074, #2010076, and #2010080) totaling \$364,887.04 for various school programs;
- One (1) appropriation (#2010077) totaling \$27,500.00 for the R. K. Mellon Family Foundation Grant;
- One (1) appropriation (#2010078) totaling \$5,500.00 for Sheriff Reserve Program Contributions; and
- One (1) appropriation (#2010079) totaling \$199,664.00 for the ECC Sprint/Nextel 800 MHz Re-banding.

Staff recommends approval of the budget amendment in the amount of \$614,551.04 and the approval of Appropriations, #2010073, #2010074, #2010076, #2010077, #2010078, #2010079, and #2010080.

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Appropriation #2010073	\$ 17,000.00
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Revenue Source:	Federal Revenue:	\$17,000.00
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The Department of Criminal Justice Services has awarded the Albemarle County Police Department a grant from the State Homeland Security Program in the amount of \$17,000.00. The purpose of this grant is to purchase a license plate reader system to assist in detecting, deterring, disputing, and preventing acts of terrorism. This system can capture license plate numbers and compare these numbers to a database which then communicates crime or infractions associated with the vehicle and/or registrant. There is no local match.

Appropriation #2010074	\$33,619.73
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Revenue Source:	Local Revenue:	\$ 15,704.72
	State Revenue:	\$ 2,279.04
	Federal Revenue:	\$ 15,625.74
	Fund Balance:	\$ 10.23

March 11, 2010 School Board Meeting Appropriations:

Albemarle County Schools has been awarded additional funds totaling \$15,625.74 for Migrant Education Programs (MEPs) under a United States Department of Education (DOE) Literacy Education and Reading Network (LEARN) Consortium Incentive Grant (CIG). The grant requires State Educational Agencies (SEAs) to make consortium arrangements with other states to apply for the funds. The grant is designed to improve interstate and intrastate coordination of migrant education programs. Virginia, as a part of LEARN, will develop reading lessons/resources, scientifically-based writing and study skills lessons/resources, materials for parents to use with their children that align with the literacy lessons, a comprehensive literacy success plan, and a graduation plan to help MEP staff work with students in grades 7-12 and Out of School Youth (OSY) to identify and address barriers to high school graduation. The LEARN Consortium has 18 member states, eight of which are small states with a migrant population similar to Virginia's population. These states are: Arkansas, Colorado, Hawaii, Idaho, Louisiana, Minnesota, Nevada, New Hampshire, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Utah (lead state), Vermont, and Virginia. The Albemarle Regional MEP program will review, field test, and provide feedback on LEARN instructional materials; communicate, collaborate, and share information about results among consortium states, local/regional resources, and technical assistance providers; complete evaluation surveys; and participate in interviews about project implementation, outcomes, successes, and areas needing improvement.

The mission of the Mentor Teacher Program is to support beginning and experienced teachers new to Albemarle County by appointing mentors, conducting mentor workshops, and offering professional development in support of the Division's strategic plan. The Mentor Teacher Program is responsible for mentor support, workshops, and materials for new teachers. Albemarle County Schools received additional funds from the state for the Mentor Teacher Program in the amount of \$2,279.04 for FY 09/10. There is also a local fund balance in the amount of \$10.23 from FY 08/09 which may be reappropriated into FY 09/10. The funds will be used for staff development.

Albemarle High School received various cash donations totaling \$666.72. These donations were made to help fund the installation of a synthetic turf field at Albemarle High School. The current balance for the FY 09/10 AHS Synthetic Turf Project is \$30,537.72 including this donation. The balance from FY 08/09 is \$6,866.66 for a grand total of \$37,404.38. The high schools need to raise \$325,000.00 in order to receive

matching funds from an anonymous donor, requiring Albemarle High School to raise an additional \$287,595.62 to secure matching funds. The balance required to secure construction is \$650,000.00.

Stone Robinson Elementary School has received a donation from the Stone Robinson PTO in the amount of \$5,000.00. This contribution was made to help purchase various technology equipment for the classrooms at Stone Robinson Elementary School.

Broadus Wood Elementary School received a donation in the amount of \$250.00 from Josh and Elaine Attridge. The donors have requested that their contribution be used to purchase any items needed in the classroom at Broadus Wood Elementary School.

Baker Butler Elementary School has been awarded a Target Grant in the amount of \$2,000.00. These funds will be used to host three interactive family literacy nights where best research-based reading practices will be shared to help strengthen home-school reading connections, improve students' reading achievement, and foster life-long learning habits. Every family attending will receive a book and other reading tools. For at-risk and ESL students, books on tape will be purchased and sent home on a routine basis.

Hollymead Elementary School has been awarded a grant from the Science House Foundation in the amount of \$588.00. These funds will be used to purchase Lego Mindstorm Robotic Kits for the Hollymead Robotics Club.

Stony Point Elementary School has been awarded a grant in the amount of \$1,000.00 from the Bama Works Fund of Dave Matthews Band in the Charlottesville Area Community Foundation. These funds will be used to implement a music program that will enhance literacy instruction. A professional songwriter will work with students and assist them with writing their own songs.

Monticello High School has been awarded a grant in the amount of \$3,000.00 from the Bama Works Fund of Dave Matthews Band in the Charlottesville Area Community Foundation. These funds will be used to assist financially needy students with school-related costs such as field trips, school supplies, textbooks, and supply fees for CATEC courses.

Target has awarded four Albemarle County Elementary Schools with Field Trip Grants. Recipients include Baker Butler in the amount of \$800.00, Greer in the amount of \$800.00, Meriwether Lewis in the amount of \$800.00, and Yancey in the amount of \$800.00.

Appropriation #2010076			\$ 51,221.76
Revenue Source:	Local Revenue:	\$	51,221.76

March 25, 2010 School Board Meeting Appropriations:

Albemarle High School received various cash donations totaling \$287.50 made at Albemarle High School. These donations were made to help fund the installation of a synthetic turf field at Albemarle High School. The current balance for the FY 09/10 AHS Synthetic Turf Project is \$30,825.22 including this donation. The balance from FY 08/09 is \$6,866.66 for a grand total of \$37,691.88. The high schools need to raise \$325,000.00 in order to receive matching funds from an anonymous donor, requiring Albemarle High School to raise an additional \$287,308.12 to secure matching funds. The balance required to secure construction is \$650,000.00.

Western Albemarle High School received various cash donations totaling \$275.00. These donations were made to help fund the installation of a synthetic turf field at Western Albemarle High School. The current balance for the FY 09/10 WAHS Synthetic Turf Project is \$1,275.00 including this donation. The balance from FY 07/08 is \$8,450.00. The balance from FY 08/09 is \$10,711.66 for a grand total of \$20,436.66. The high schools need to raise \$325,000.00 in order to receive matching funds from an anonymous donor, requiring Albemarle High School to raise an additional \$304,563.34 to secure matching funds. The balance required to secure construction is \$650,000.00.

At the March 3rd, 2010 Board of Supervisors meeting, several community members made donations to the Albemarle County Public Schools totaling \$1,544.18: Aubrey Phillips donated \$881.10; Gregory Quinn donated \$20.00; Thomas Mix donated \$272.08; Mary A. Kelly donated \$365.00; and \$6.00 was donated from anonymous attendants at the meeting. These contributions will be placed in the School Board Reserve fund.

Henley Middle School received a donation from the Henley Middle School PATSO in the amount of \$822.49. The donor has requested that this contribution be used to help fund the Enrichment Time before 9 Program at Henley Middle School.

Murray High School received a donation in the amount of \$367.00 from Matthew Kessler. The donor has requested that the contribution be used towards any instructional needs at Murray High School.

Murray Elementary School received a donation in the amount of \$3,788.40 from the Murray Elementary PTO. The donor has requested that the contribution be used to help fund the M3 classes and SOL tutoring at Murray Elementary School.

Broadus Wood Elementary School received a donation in the amount of \$5,000.00 from the Mandell family. The donor has requested that the contribution be used to help supplement classroom instructional supplies at Broadus Wood Elementary School.

The Monticello High School Booster Club and the Activity Club have raised funds to provide scorer's booth/concession buildings at both of Monticello High School's baseball and softball fields. Monticello High School received donations totaling \$39,137.19. The MCHS Athletic Boosters Club donated \$8,329.82, Monticello High School donated \$15,807.37, and \$15,000.00 was received from an anonymous donor. The donors have requested that their contributions go towards the construction of these buildings at Monticello High School.

Appropriation #2010077			\$ 27,500.00
Revenue Source:	Local Revenue:		\$ 27,500.00

The R. K. Mellon Family Foundation awarded Albemarle County Parks and Recreation an additional \$27,500 grant to provide an accessible playground at Walnut Creek Park. The Foundation previously awarded a grant of \$32,500 for this purpose which was appropriated on February 3, 2010. This additional grant will fully fund this \$60,000 project with no local match required.

Appropriation #2010078			\$ 5,500.00
Revenue Source:	Local Revenue:		\$ 5,500.00

Funds for the Sheriff Reserve Program are contributions that have been made in support of the volunteer reserve programs. This money is vital to support the many programs that the volunteer reserves are involved with, such as Project Lifesaver, child fingerprinting, aid in Search and Rescue, etc. These contributions allow the volunteers to perform many services without impacting the needed funding for the Sheriff Office's budget.

Appropriation #2010079			\$ 199,664.00
Revenue Source:	Local Revenue:		\$199,664.00

The Emergency Communications Center recently completed negotiations with Sprint/Nextel to re-band their 800 MHz radio system as defined by the FCC. This is brought about because of interference issues caused by Sprint/Nextel with certain 800 MHz radio frequencies. The re-banding process will begin with a kickoff meeting scheduled for April 21, 2010. Sprint/Nextel has agreed to pay the project costs that the Emergency Communications Center will need to complete its part of the overall project in the amount of \$199,664.00.

Appropriation #2010080			\$280,045.55
Revenue Source:	Local Revenue:		\$ 2,741.55
	Fund Balance:		\$277,304.00

April 15, 2010 School Board Meeting Appropriations:

Albemarle High School received various cash donations totaling \$471.00. These donations were made to help fund the installation of a synthetic turf field at Albemarle High School. The current balance for the FY 09/10 AHS Synthetic Turf Project is \$31,296.22 including this donation. The balance from FY 08/09 is \$6,866.66 for a grand total of \$38,162.88. The high schools need to raise \$325,000.00 in order to receive matching funds from an anonymous donor, requiring Albemarle High School to raise an additional \$286,837.12 to secure matching funds. The balance required to secure construction is \$650,000.00.

Hollymead Elementary School received a donation in the amount of \$300.00 from Amber Aiken. The donor has requested that the contribution be used to help fund the purchase of special education supplies at Hollymead Elementary School.

Henley Middle School received a donation in the amount of \$1,970.55 from Henley's Parent and Teacher Support Organization. The donor has requested that the contribution be used to help fund the "Enrichment Time before 9" program for the month of March at Henley Middle School.

Following completing of the FY 08/09 audit and evaluation of current year revenues, reappropriation of school carryover funds takes place and portions of building rental funds are returned to schools. This includes the reappropriation of \$250,432.00 of school carryover and \$26,872.00 of building rental funds for a total of \$277,304.00 from fund balance. Request the Board of Supervisors to amend the appropriation ordinance accordingly.

By the above-recorded vote, the Board approved the budget amendment in the amount of \$614,551.04 and approved Appropriations, #2010073, #2010074, #2010076, #2010077, #2010078, #2010079, and #2010080.

COUNTY OF ALBEMARLE					APP #	2010073		
APPROPRIATION					DATE	4/7/2010		
					BATCH#			
EXPLANATION:		Homeland Security Grant						
					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
2	1511	33000	330001	Revenue – Federal	J 2	17,000.00		
1	1511	31013	800100	Machinery & Equipment	J 1	17,000.00		
	1511		0501	Est. Revenue			17,000.00	
			0701	Appropriation				17,000.00

TOTAL								34,000.00	17,000.00	17,000.00
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COUNTY OF ALBEMARLE								APP #	2010074
APPROPRIATION								DATE	4/7/2010
								BATCH#	
EXPLANATION:		School Board Meeting: March 11, 2010							

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
2	2000	18100	181109	Donation	J 2	5,250.00		
1	2201	61101	601300	Ed/Rec Supplies	J 1	250.00		
1	2210	61101	800100	Machinery/Equipment - New	J 1	5,000.00		
	2000		0501	Est. Revenue			5,250.00	
			0701	Appropriation				5,250.00
2	3104	18000	181240	Revenue	J 2	4,000.00		
2	3104	18000	181324	Revenue - Target Grant	J 2	5,200.00		
2	3104	18000	189900	Revenue	J 2	588.00		
1	3104	60204	420100	Field Trips	J 1	800.00		
1	3104	60206	420100	Field Trips	J 1	800.00		
1	3104	60211	312500	Prof Services - Instructional	J 1	1,000.00		
1	3104	60213	420100	Field Trips	J 1	800.00		
1	3104	60217	312700	Prof Service Consultants	J 1	500.00		
1	3104	60217	420100	Field Trips	J 1	800.00		
1	3104	60217	601300	Ed/Rec Supplies	J 1	2,088.00		
1	3104	60304	601300	Ed/Rec Supplies	J 1	3,000.00		
	3104		0501	Est. Revenue			9,788.00	
			0701	Appropriation				9,788.00
2	3151	24000	240380	Mentor Teacher Program Grant	J 2	2,279.04		
2	3151	51000	510100	Appropriation Fund Balance	J 2	10.23		
1	3151	61311	580500	Staff Development	J 1	2,289.27		
	3104		0501	Est. Revenue			2,289.27	
			0701	Appropriation				2,289.27
2	3173	33000	330073	Migrant Consortium Incentive Grant	J 2	15,625.74		
1	3173	61101	132100	PT/Wages Teacher	J 1	14,515.32		
1	3173	61101	210000	FICA	J 1	1,110.42		
	3173		0501	Est. Revenue			15,625.74	
			0701	Appropriation				15,625.74
2	9001	18100	181107	AHS Donations - Turf Project	J 2	666.72		
1	9001	60301	950245	AHS Syn Turf Field	J 1	666.72		
	9001		0501	Est. Revenue			666.72	
			0701	Appropriation				666.72
TOTAL						67,239.46	28,369.73	28,369.73

COUNTY OF ALBEMARLE								APP #	2010076
APPROPRIATION								DATE	4/7/2010
								BATCH#	
EXPLANATION:		School Board Meeting: March 25, 2010							

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
2	2000	18100	181109	Donation	J 2	50,659.26		
1	2201	61101	601300	Ed/Rec Supplies	J 1	5,000.00		
1	2215	61101	152100	Wages - Substitute Teacher	J 1	3,045.42		
1	2215	61101	210000	FICA	J 1	232.98		
1	2215	61101	301210	Contract Services	J 1	510.00		
1	2252	61101	160300	Stipends - Instructional	J 1	764.04		
1	2252	61101	210000	FICA	J 1	58.45		
1	2303	61101	601300	Ed/Rec Supplies	J 1	367.00		
1	2410	60100	999981	School Board Reserve	J 1	1,544.18		
1	2433	62420	301200	Contract Services	J 1	39,137.19		
	2000		0501	Est. Revenue			50,659.26	
			0701	Appropriation				50,659.26
2	9001	18100	181107	AHS Donations - Turf Field	J 2	287.50		
1	9001	60301	950245	AHS Syn Turf Field	J 1	287.50		
	9001		0501	Est. Revenue			287.50	

			0701	Appropriation					287.50
2	9002	18100	181107	WAHS Donations - Turf Project	J	2	275.00		
1	9002	60302	950245	WAHS Turf Field Program	J	1	275.00		
	9002		0501	Est. Revenue				275.00	
			0701	Appropriation					275.00
TOTAL							102,443.52	51,221.76	51,221.76

				COUNTY OF ALBEMARLE	APP #	2010077
				APPROPRIATION	DATE	5/5/2010
					BATCH#	

EXPLANATION: R K MELLON FAMILY 2nd Grant awarded to Albemarle County Parks & Rec. for a playground at Walnut Creek Park.

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	9010	18110	181131	Contributions - R K Mellon Family	J	2	27,500.00		
1	9010	71000	950252	Parks & Rec - Walnut Creek Plygrd	J	1	27,500.00		
	9010		0501	Est. Revenue				27,500.00	
			0701	Appropriation					27,500.00
TOTAL							55,000.00	27,500.00	27,500.00

COUNTY OF ALBEMARLE
APPROPRIATION

APP # 2010078
DATE 5/5/2010
BATCH# _____

EXPLANATION: Sheriff Reserve Program Contributions

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	8408	18110	181117	SHERIFF-RESERVE PROGRAMS	J	2	5,500.00		
1	8408	93010	930009	Transfer to General Fund	J	1	5,500.00		
	8408		0501	Est. Revenue				5,500.00	
			0701	Appropriation					5,500.00
2	1000	51000	512020	TRNS. SHERIFF CONTRIBUTIN	J	2	5,500.00		
1	1000	21070	301230	CONTRIBUTED-RESERVE PROG	J	1	5,500.00		
			0501	Est. Revenue				5,500.00	
			0701	Appropriation					5,500.00
TOTAL							22,000.00	11,000.00	11,000.00

COUNTY OF ALBEMARLE
APPROPRIATION

APP # 2010079
DATE 5/5/2010
BATCH# _____

EXPLANATION: ECC Sprint/Nextel 800 MHz Re-banding

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	4110	19000	190280	RECOVERED COSTS	J	2	199,664.00		
1	4110	31062	312700	PROF. SERVICES	J	1	199,664.00		
	4110		0501	Est. Revenue				199,664.00	
			0701	Appropriation					199,664.00
TOTAL							399,328.00	199,664.00	199,664.00

COUNTY OF ALBEMARLE
 APPROPRIATION

APP # 2010080
 DATE 5/5/2010
 BATCH#

EXPLANATION: School Board Meeting: March 11, 2010

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	2000	18100	181109	Donation	J 2	2,270.55		
2	2000	510000	510100	App - Fund Balance	J 2	277,304.00		
1	2201	61101	601300	Ed/Rec Supplies	J 1	3,857.00		
1	2202	61101	601300	Ed/Rec Supplies	J 1	6,026.00		
1	2203	61101	601300	Ed/Rec Supplies	J 1	6,500.00		
1	2204	61101	601300	Ed/Rec Supplies	J 1	1,076.00		
1	2205	61101	601300	Ed/Rec Supplies	J 1	3,778.00		
1	2205	61102	601300	Ed/Rec Supplies	J 1	300.00		
1	2206	61101	601300	Ed/Rec Supplies	J 1	4,829.00		
1	2207	61101	601300	Ed/Rec Supplies	J 1	5,026.00		
1	2209	61101	601300	Ed/Rec Supplies	J 1	890.00		
1	2210	61101	601300	Ed/Rec Supplies	J 1	19,374.00		
1	2211	61101	601300	Ed/Rec Supplies	J 1	7,805.00		
1	2212	61101	601300	Ed/Rec Supplies	J 1	711.00		
1	2213	61101	601300	Ed/Rec Supplies	J 1	8,553.00		
1	2214	61101	601300	Ed/Rec Supplies	J 1	513.00		
1	2215	61101	601300	Ed/Rec Supplies	J 1	3,078.00		
1	2216	61101	601300	Ed/Rec Supplies	J 1	204.00		
1	2217	61101	601300	Ed/Rec Supplies	J 1	6,875.00		
1	2251	61101	601300	Ed/Rec Supplies	J 1	20,888.00		
1	2252	61101	160300	Stipends - Instructional	J 1	1,830.52		
1	2252	61101	210000	FICA	J 1	140.03		
1	2252	61101	601300	Ed/Rec Supplies	J 1	14,009.00		
1	2253	61101	601300	Ed/Rec Supplies	J 1	20,981.00		
1	2254	61101	601300	Ed/Rec Supplies	J 1	14,022.00		
1	2255	61101	601300	Ed/Rec Supplies	J 1	24,380.00		
1	2301	61101	601300	Ed/Rec Supplies	J 1	9,949.00		
1	2302	61101	601300	Ed/Rec Supplies	J 1	3,019.00		
1	2303	61101	601300	Ed/Rec Supplies	J 1	8,836.00		
1	2304	61101	601300	Ed/Rec Supplies	J 1	82,125.00		
	2000		0501	Est. Revenue			279,574.55	
			0701	Appropriation				279,574.55
2	9001	18100	181107	AHS Donations - Turf Project	J 2	471.00		
1	9001	60301	950245	AHS Syn Turf Field	J 1	471.00		
	9001		0501	Est. Revenue			471.00	
			0701	Appropriation				471.00
TOTAL						560,091.10	280,045.55	280,045.55

Item No. 7.5. FY2010 3rd Quarter Cash and Non-Cash Proffer Report, **was received as information.**

The executive summary states that beginning in 2007, the Board directed staff to provide a quarterly update on the status of cash proffers. Since that time, staff has continued to improve and expand these reports. The most recent reporting change includes the addition of designated non-cash proffer improvements that both benefit the County and mitigate the impacts of development. This report addresses both cash and non-cash proffers from January through March of 2010.

Cash Proffers January – March 2010 (3rd Quarter).

A. Proffered: Although three rezonings were approved during this quarter, none of them contain new cash proffers. However, one rezoning did include other non-cash related improvements, which are further explained below.

B. Total Obligated Cash Proffers: No rezonings containing cash proffers were approved; however, the removal of potential revenue from the Biscuit Run rezoning has reduced the total obligated cash proffer amount from \$56,758,832 to \$38,851,330.

C. Revenue: The County received a total of \$49,100 in cash proffers during this quarter. The contributions are from Belvedere (\$7000 for affordable housing), Poplar Glen II (\$38,900, of which \$22,400 is for Capital Improvement Projects and \$16,500 is for affordable housing), and Liberty Hall (\$3200 for Capital Improvement Projects serving Crozet).

D. Total Interest Earnings: The total interest earned this quarter from collected cash proffers is \$252.66 for a total \$316,431.07.

E. Expenditures: During the 3rd quarter, cash proffer funds in the amount of \$1,838 left over from the Western Park study fund were allocated to Parks and Recreation projects. Additionally, funds from Avon Park (\$2,836) and Stillfried Lane (\$3,643) were allocated to the sidewalk CIP.

F. Current Available Funds: As of February 2010, \$1,081,922 is available in cash proffer funds. Some of these funds were proffered for specific projects while others may be used for general projects within the CIP (see Attachment A).

Non-Cash Proffers

A. Proffered: Two of the three rezonings that were approved this quarter, ZMA 2007-2 Timberwood Common Phase II and ZMA 2008-7 ATNA, only proffered to limit uses on the property. The third rezoning, ZMA 2005-3 UVA Research Park-North Fork, amended the previous rezoning and proffered several road improvements, recreation and greenway dedications, and a land dedication.

B. Affordable Housing: A Liberty Hall site plan approved this quarter designates eight affordable housing units. The Housing Department will determine whether a prequalified purchaser is available. If a prequalified purchaser is not available, the County can elect to receive a cash contribution of \$19,100 per unit.

Cash proffers are a valuable source of revenue that help fund important County projects that would otherwise be funded by general tax revenue. Non-cash proffers provide improvements that might otherwise be funded by general tax revenue. One dedicated full-time staff person continues to monitor and collect proffered funds, improvements and land dedications with the assistance of other County staff and outside agencies.

This summary is provided for information on proffer activity and no action is required. Staff welcomes any comments for improvements from the Board that they may wish to see in the future.

Item No. No. 7.6. FY10 Third Quarter Financial Report, ***was received as information.***

The attached Financial Report provides information on the County's General Fund operations and Fund Balance as of March 31, 2010. The financial report includes a bar chart that compares current fiscal year revenue and expenditure data with data from the previous fiscal year.

(\$ in Millions)

A. Attachment A: General Fund Financial Report:

a. Revenues:

Revenues, excluding Transfers and Fund Balance Appropriations, are estimated to be \$5.768 million (2.7%) less than appropriations of \$217.145 million, a \$0.857 million increase over the previous estimate presented with the Second Quarter Financial Report. Revenues combined with the use of \$2.538 million in transfers from other funds and \$1.115 million in fund balance (Revenues, Transfers, and Use of Fund Balance) will total \$215.029 million, \$5.845 million (2.6%) less than Budget.

Most national indicators suggest that economic output is expanding, although growth is likely to remain weak for some time as the slack labor market and tight credit constrain consumers. Nationally, the Consumer Confidence Index of leading indicators rose 1.0% in February, its eleventh consecutive monthly increase, while the Virginia Leading Index fell 0.1% due to the severe winter weather. The unemployment rate in Virginia rose to 7.7% in February compared to the national unemployment rate of 9.7%. Nationally, the manufacturing sector marked its eight consecutive month above the expansionary threshold. The Virginia economy, although weak, continues to outperform the national economy. Positive conditions should accelerate once employment recovers. However, it will still take some time before we begin to experience significant improvements.

Following is a brief revenue analysis for the FY10 fiscal year:

- Real Estate Tax revenues are projected to be \$0.223 million (0.2%) less than Budget, an increase of \$0.971 million over the previous Financial Report. The improvement is due both to the current year impact from parcels formerly under land-use reclassified as fully taxable as well as improved collections. Revalidation revenues attributed to prior year roll-backs are set aside for one-time uses and not classified as general fund revenues.
- Personal Property Tax revenues are estimated to be \$1.722 million (8.1%) less than Budget, an increase of \$0.183 million over the previous Financial Report. The improvement is due to increased business equipment purchases as economic conditions improve and the replacement of lower valued vehicles by higher valued vehicles from the Cash for Clunkers program.
- Delinquent Property Taxes & Fees are estimated to exceed Budget by \$0.555 million (25.5%), a decrease of \$0.252 from the previous Financial Report. Delinquent fees previously implemented have encouraged timely payment resulting in subsequent reduced delinquent fee collections.
- Sales Tax revenues are estimated to be \$1.325 million (10.6%) less than Budget, a decrease of \$0.225 million from the previous Financial Report. Taxpayers continue to reduce discretionary spending due to economic

uncertainty. The volume of internet sales frequently treated as tax exempt has increased significantly. Increased business development in surrounding localities has shifted taxable sales from Albemarle to these other localities.

- Business License, BPOL, revenues are estimated to be \$0.892 million (8.9%) less than Budget, a decrease of \$0.187 million from the previous Financial Report. BPOL revenues are dependent upon economic activity. Sales tax revenue trends are a good indicator of BPOL revenues.
- Utility Tax revenues are estimated to be \$0.746 million (7.9%) less than Budget, a decrease of \$0.027 million from the previous Financial Report.
- Food and Beverage Tax revenues are estimated to be \$0.450 million (7.8%) less than Budget, a decrease of \$0.150 million from the previous Financial Report. Consumers are continuing to eat more at home and visiting restaurants less frequently while minimizing discretionary spending.
- Other Local Tax revenues are estimated to be \$0.836 million (8.1%) less than Budget, an increase of \$0.553 million over the previous Financial Report. The improvement is due to Public Service tax, transient occupancy fees, and recordation fees.
- Other Local Revenues are estimated to exceed Budget by \$0.251 million (6.0%), an increase of \$0.026 million over the previous Financial Report.
- State Revenues are estimated to be \$0.429 million (1.8%) less than Budget, a decrease of \$0.150 million from the previous Financial Report. The decrease is due to budget actions of the General Assembly in a number of areas.
- Revenue categories with variances of less than \$0.100 million from Budget have not been analyzed for this report.

b. Expenditures:

The Office of Management and Budget estimates that total fiscal year expenditures, including transfers, will be \$212.050 million, an \$8.824 million (4.0%) savings from Budget. The savings include frozen positions, operational savings, and reduced transfers including schools and capital.

- i. Departmental expenditures are expected to total \$78.296 million, a 5.0% savings of \$4.134 million from Budget:
 - A significant portion of departmental expenditure savings is attributable to savings in salaries and benefits from the County's expanded hiring freeze and salary lapse, totaling \$1.963 million.
 - These savings include operational savings across all functional areas for expenditures related to fuel, utilities, telecommunications, travel and training and other areas. Staff is better able to identify operational savings in the Third Quarter Financial Report because nine months of actual expenditures for the fiscal year have occurred and only three months remain.
 - These savings also include reductions in the transfers to the Comprehensive Services Act (CSA) and Bright Stars Fund totaling \$295,000.
 - These savings are allocated by functional area as follows:
 - Administration expenditures are expected to total \$10.268 million, a savings of \$0.636 million.
 - Judicial expenditures are expected to total \$3.702 million, a savings of \$0.146 million.
 - Public Safety expenditures are expected to total \$28.428 million, a savings of \$0.980 million
 - Public Works expenditures are expected to total \$4.537 million, a savings of \$0.497 million.
 - Human Services expenditures are expected to total \$18.064 million, a savings of \$1.019 million.
 - Parks and Culture expenditures are expected to total \$6.306 million, a savings of \$0.104 million.
 - Community Development expenditures are expected to total \$6.991 million, a savings of \$0.752 million.
- ii. Non-Department expenditures consisting of the revenue sharing payment, reserves, and refunds are expected to total \$18.458 million, a savings of \$0.127 million.
- iii. Transfers are expected to total \$115.296 million, a 3.8% savings of \$4.563 million from Budget:
 - Transfer to the School Division is expected to total \$97.021 million, a 3.1% savings of \$3.129 million. This transfer amount is \$0.449 million higher than the projected transfer amount of \$96.572 in the Second Quarter Financial Report. This is due to the projected increase in shared revenues detailed earlier in this report, particularly regarding real estate revenues.
 - Transfers to the Capital and Debt funds are expected to total \$18.274 million, a savings of \$1.433 million. This amount is \$0.117 million higher than the projected transfer amount of \$18.157 million in the Second Quarter Financial Report and reflects the projected increase in revenues detailed earlier in this report.

c. Revenues less Expenditures:

This report indicates that the fiscal year will end with \$2.979 million of revenues in excess of expenditures. Revenues and transfers are projected to experience a \$5.845 million shortfall which should be offset by \$8.824 million in expenditure savings. This is an increase of \$2.653 million from the \$0.326 million surplus amount projected in the Second Quarter Financial Report. This increase, as detailed in this report, reflects an increase in projected revenues from the Second Quarter Financial Report of \$0.857 million and a decrease in projected expenditures from the Second Quarter Financial Report of \$1.796 million. The \$2.979 million surplus results in Projected Available Funds as of 6/30/10 of \$21.754 million, which equals approximately 8.3% of the FY 2010 General Fund and School Budgets. This exceeds the 8.0% level specified for this indicator in the County's Financial Policies.

B. Attachment B: General Fund Budget Comparison Report:

The chart report tracks changes in revenues and expenditures over time.

Revenues:

- Real Estate Taxes, Other Local Taxes, and Transfers from Other Funds show positive growth over FY09.
- Personal Property Tax, Sales Tax, Business Licenses, Utility Taxes, Food & Beverage Taxes, Other Local Revenues, State Revenues, Federal Revenues, and Use of Fund Balance show decreases from FY09.

Expenditures:

- Judicial, Public Safety, Parks & Culture, and Non-Departmental show anticipated increases over FY09.
- Administration, Public Works, Human Services, Community Development, Non-School, and School Transfers show anticipated decreases from FY09.

C. Attachment C: Fund Balance Report:

The report indicates that the County:

- Had an Audited FY09 Undesignated Fund Balance of \$19.845 million as of June 30, 2009,
- Appropriated \$1.070 million for Budgeted FY10 Initiatives and Reappropriations,
- Has a remaining June 30, 2009 Fund Balance of \$18.775 million,
- Has not approved subsequent appropriations, and
- Has Projected Unobligated Funds of \$18.775 million as of May 05, 2010.

D. Budget Impact:

This Financial Report is based on audited FY09 financial data and nine months of financial data for FY10.

This report has been prepared for the Boards information. No action is required.

Item No. 7.7. 2010 First Quarter Certificate of Occupancy Report as prepared by the Community Development Department, ***was received as information.***

During the first quarter of 2010, 177 certificates of occupancy were issued for 181 dwelling units. There were one certificate of occupancy issued for a mobile home in existing parks, at an exchange rate of \$2,500, for a total of \$2,500. There were no certificates of occupancy issued for the conversion of an apartment to a condominium.

Item No. 7.8. 2010 First Quarter Building Report as prepared by the Community Development Department, ***was received as information.***

During the first quarter of 2010, 114 building permits were issued for 115 dwelling units. There was one permit issued for a mobile home in existing park, at an exchange rate of \$2,500 for a total of \$2,500. There were no permits issued for the conversion of an apartment to a condominium.

Agenda Item No. 8. Proclamation - National Travel and Tourism Week, May 8–16, 2010.

Ms. Mallek read and presented the following Proclamation to Mr. Kurt Burkhart, Executive Director of the Charlottesville Convention and Visitors Bureau.

***National Tourism Week
May 8 through May 16, 2010***

WHEREAS, *the travel and tourism industry in Albemarle County continues to be vital to our economic stability and growth; and it contributes significantly to our County's cultural and social climate; and*

WHEREAS, *the travel and tourism industry supports the vital interests of the Albemarle County community, contributing to our employment, economic prosperity, international travel and relations, peace, understanding and good will; and*

WHEREAS, *in 2008 the Virginia Tourism Corporation reported \$268.8 million in tourism revenues were attributed to County businesses; and approximately 2,866 people in Albemarle County work in fields directly related to the tourism and hospitality industry, including lodging, food service, and attractions; and payroll for these individuals was \$50.6 million; and*

WHEREAS, *1 of every 8 non-farm jobs in the United States is created directly or indirectly or is induced by travel and tourism; and*

WHEREAS, *the U.S. Travel Association has estimated that each U.S. household would pay nearly \$1,000 more in taxes without the tax revenue generated by the travel and tourism industry; and*

WHEREAS, *every citizen in Albemarle County benefits from the tourism industry; and it is fitting that we recognize the importance of travel and tourism.*

NOW, THEREFORE, BE IT RESOLVED, *that I, Ann Mallek, Chair of the Albemarle County Board of Supervisors, do hereby proclaim the week of*

May 8 through May 16, 2010

as

NATIONAL TOURISM WEEK

in Albemarle County, and I call upon all citizens to recognize the value of the tourism industry in our community and to observe this week with appropriate ceremonies and activities.

Mr. Burkhart thanked the Board for the proclamation on behalf of the thousands of people who work in the hospitality and travel tourism industry.

Agenda Item No. 9. Tourism Update, Kurt Burkhart, Director of Charlottesville-Albemarle Conventions Bureau (CACVB).

Mr. Burkhart made a PowerPoint presentation on the CACVB, The CACVB operates under a joint operations agreement between the City and County that went into effect in July 2009; the agreement defines how the organization will be set up, funding requirements, Board of Directors, etc. It has been a wonderful working relationship that continues to drive economic value to the Albemarle and Charlottesville communities.

He said that the Bureau has the Visitors Center Downtown that is staffed with four full-time and six part-time employees. The Bureau is overseen by an 11-member Board – noting the attendance of Bryan Elliott, Chairman, and Chris Engel, Vice-Chairman.

Mr. Burkhart noted that the Board of Directors is comprised of five statutory officers per the agreement, along with representatives from other industries. He presented an organizational chart showing who they are. The mission of CACVB is “to enhance the economic prosperity of the City and County by promoting, selling and marketing the City of Charlottesville and County of Albemarle, as a destination, in pursuit of meetings and tourism markets”. He mentioned an advertisement that Board members will see beginning May 9, 2010, that talk about the power of tourism to the local economy. He stated that the agriculture segment of tourism is huge, and is one of the fastest-growing segments of travel with people looking for the locally grown and epicurean experience.

Mr. Burkhart reported that the CACVB’s mission is accomplished in a number of ways, with public relations being a huge component – along with partnerships such as the one with the Virginia Tourism Corporation. He said that they will be opening a satellite office in the McIntire Office Building in June 2010, as well as a Monticello touch-screen kiosk in the Summer 2010.

Mr. Burkhart presented information on their activities to service the public and that create interest for people to come to this area. He mentioned some of the key magazines they have placed advertisements in. He added that golf has been a big niche market for them, adding that the CACVB is supporting the recent Amtrak line with two one-half-page ads coming up. Public relations outreach is also a huge part of what they do. He said that sales initiatives are a big part of their mission, and thus far they have responded to over 152 RFPs for groups wanting to come to town. From July 2009 through February 2010 there has been just over \$1 million in economic impact resulting from visiting groups. Mr. Burkhart added that travel trade shows are key to the industry. They also support a number of local partnerships – Amtrak Virginia is one.

Mr. Burkhart said they just completed their Certified Tourism Ambassador Program, and have certified their 75th ambassador – with some County staff participating. Mr. Burkhart mentioned the “My Backyard Vacation,” which has been another City-County-CACVB collaboration. This program will be an expansion of the “Summer 2001” campaign.

Mr. Burkhart said they will come back to the Board at a future date to provide information on the CACVB's website and the "Backyard Vacation" program.

Ms. Mallek said she was glad to see information on the Monticello kiosk which was the basis for the Board's decision to make a change at the Visitor's Center. Mr. Burkhart said they have put out a RFP for the acquisition of the hardware. He explained that their plan is to have a notice of intent to award in early June, installation hopefully by early July.

Ms. Mallek asked if there will be ticketing and reservation capabilities at the kiosk. Mr. Burkhart said that the Visitors Center would handle hotel reservations and ticketing. The printed receipt and information are part of the internal mechanics they have to get into.

Ms. Mallek commented that there is a big segment lost if reservations are not made at Monticello. Mr. Burkhart replied that everything would be available online there, and able to be accessed at the kiosk.

Agenda Item No. 10. Presentation of StreamWatch Annual Report, John Murphy.

Ms. Mallek noted that she participated in the Bio-Blitz at Byrom Park on Saturday, and there were 100 people from around the state there to survey the natural resources – wildlife, trees, bushes, and shrubs.

Mr. Murphy said these reports are provided on an annual basis to the community and decision-makers. This report was originally released in fall of 2009. He said that StreamWatch is an environmental monitoring program, which focuses on providing the community with data information and interpretation – but not advocacy or management recommendations.

Mr. Murphy presented an image of the Rivanna Basin and the 35 monitoring sites, as addressed in his report – with 32 of them being considered representative of streams in the community. He said that the sites are spread throughout the basin, and the sites are selected to be representative of hydrology, geography, land use and land cover. Mr. Murphy stated that the report window was three years, and each site was sampled about seven times. The samples taken are biological samples of organisms that reflect the condition of the stream. He said that he believes that is the best way to gauge water quality and aggregate stream health. He added that over 70% of the streams tested failed the Virginia standard for aquatic life, but only 16% were in very bad shape and a large portion are in fair shape. Mr. Murphy said that many of these could be restored to good condition under the right circumstances. He stated that almost 30% of streams meet the Virginia biological standard, which indicates that there is still plenty in the watershed and in the County that is worth preserving.

Mr. Murphy reported that StreamWatch has been actively monitoring for six and one-half years, and has not detected any significant change across the 765-square mile Rivanna Basin as a whole – although they have seen some sites decline in terms of their biological health.

Mr. Rooker noted that the worst streams are those downstream of the City, as it's the most intensely developed urban area, and asked if there might be a positive impact from the reduction of phosphorus and nitrogen from Moore's Creek. Mr. Murphy replied that there would likely be some improvement, but whether or not it would be significant enough to register through StreamWatch's monitoring technique is uncertain. Ms. Mallek added that even the upstream of Moore's Creek is completely degraded.

Mr. Thomas noted that all of Moore's Creek lies in the County, and asked how far upstream they took samples. Mr. Murphy responded that all of the testing is done just at the site, and in many cases the conditions at the site are representative of conditions along the stream.

Mr. Thomas asked if there is any possibility that Moore's Creek and Meadow Creek can be rejuvenated. Mr. Murphy said Meadow Creek is an urban stream and he believes that you have to curb your expectations for what can be achieved in Meadow Creek. Even with the stream restoration, which will restore the geometry of the stream banks and it might improve the condition of the riparian strip, but the issue is really the entire watershed. He would be surprised if the restoration there yielded any dramatic results.

Mr. Rooker commented that the restorations are very expensive, per mile.

Mr. Murphy said that in the water supply area, some of the most severely degraded streams are in and downstream from the most urbanized portions of the watershed – which is a good thing. He stated that even the healthy streams are not considered "pristine," and those in the best condition are those in wooded areas with no homes or farms nearby. Mr. Murphy said that StreamWatch has noted a strong relationship between stream health and land use intensity. A graph from their 2008 report shows the percent of development-impacted land, with biological conditions; another line shows the Virginia biological standard and the impact of development. He added that at 2% of developed area, a substantial portion of sites begin to fall below the standard and by the time that number reaches 7%, all sites fail to meet the standard.

Mr. Rooker asked what is getting into streams that are not being captured through all the measures being taken to remove waste before it gets there.

Mr. Murphy responded that there is too much water, too much energy going into streams from runoff – and the stormwater control treatments are not in effect for as much as 85-90% of developed land, due to historic development patterns and the fact that a lot of stormwater controls are no longer functional. He mentioned that in urban areas, untreated water is usually polluted. A significant part of the problem is the volume of water that is entering the stream channels. Mr. Murphy emphasized that the channels are designed to accommodate a certain amount of water, and with development very high flows “chew up” the stream channels. He said that there is also a lot less groundwater infiltration, which makes streams tend to dry up.

Mr. Murphy said they are in the process of completing a three and one-half year study of land use effects. One of the most important aspects of this study is an improved and updated land use, land cover map of the entire Rivanna Basin. They hopefully will be able to provide the Board and community with some more precise statements about relationships between the amount of impervious cover in a watershed and thresholds of stream health.

Ms. Mallek asked about StreamWatch’s greater than average volunteer-level certification through the DEQ. Mr. Murphy responded that they share their data with many agencies, including the DEQ – who awarded StreamWatch with a “level three” status, which means they treat the data in the same way they treat their own data. Streams can be listed or delisted based on the data that StreamWatch gathers.

Agenda Item No. 11. Presentation of the Historic Preservation Committee’s 2009 Annual Report, Jared Loewenstein.

Mr. Loewenstein, Chair of the Albemarle County Historic Preservation Committee, addressed the Board to present their 2009 Annual Report. The Committee has provided Board members with a copy of their Priority Recommendations and 2009 accomplishments. He said that the Committee contributed to the production of a “Lost Albemarle” exhibit, which identified and illustrated several important County historic resources that had been demolished – and this exhibit was mounted for Preservation Week 2009, celebrated here and moved around the State. They are making ongoing efforts to continue to display the exhibit in public facilities, i.e., schools, libraries, community centers, etc. They are also working to make the exhibit available on their website.

Mr. Loewenstein said that Albemarle County was awarded a Community Preservation Grant from Preservation Piedmont for use by the Historic Preservation Committee to help locate, research, and disseminate information about eight historic African-American Rosenwald schools in the County. He stated that Committee members have completed research on these schools and the results can be found online, as well as in the Board’s report.

Mr. Loewenstein said a subcommittee also spent a lot of time working with County Building Officials to learn about the requirements of the demolition process. They have met with Fire and Rescue officials to promote documentation and salvage of historic resources prior to training burns that are done by the Fire Department. He added that the subcommittee has focused on promoting greater salvage of historic building materials through the County’s demolition permit process; 20 permits were reviewed by the Committee this year and that work continues.

Mr. Loewenstein thanked the Board and county staff – particularly Ms. Margaret Maliszewski – for working with the Committee.

Ms. Mallek asked if the Committee is keeping track of ongoing efforts for new historic districts. Mr. Loewenstein replied, “yes”; in fact the County map is being updated to show those historic districts. The Committee hopes to promote those more and work with the Visitor’s Center. Heritage tourism produces enormous revenue benefits for communities, and the Committee would like to see more efforts focused there to enhance revenues. As the year progresses, the Board should be receiving additional reports on those statistics.

Ms. Mallek said she understands that the Greenwood District will be official in December and the Crozet District will have its final filing. Mr. Loewenstein said that is correct.

Mr. Rooker noted that there would be a lot of tie-ins available with the “Journey Through Hallowed Ground,” and that would help provide significant opportunities for the area. Mr. Loewenstein responded that two members of that group presented to the Committee in March, and they promised to give their support in collaboration.

Mr. Rooker said an interesting statistic to have would be the percentage of land in the County that is now in an historic district and where that stacks up with respect to other counties in the State. Mr. Loewenstein said they have studied that some, but it is a possibility.

Mr. Thomas mentioned that when he served on the Planning Commission, they talked about the Historic Preservation Ordinance – with education being a critical component of that. He asked how that was progressing, and if there were a lot of people volunteering to come forward.

Mr. Loewenstein responded that there have been a lot of volunteers, and some of the work on the Rosenwald schools led to people from the outside coming in and working. He said that there was a reunion at the St. John’s School last summer – and a lot of that was organized by community members, working with the Committee. Mr. Loewenstein said that SOLs don’t really have a place for historic

preservation education, and it's very difficult to get that integrated into school curriculum. They are hoping to improve that component.

Ms. Mallek asked if they had received much response from the real estate letters. Mr. Loewenstein replied that they have, but the County has difficulty doing it because of the burdens on a limited staff. The Committee has considered taking those over. He reiterated that education is the key.

Agenda Item No. 12. End-of-the-Year Intern Report, Lee Catlin.

Ms. Catlin said that the University Internship Program partnership has been a great example of how to make up for staffing shortfalls. The Program involves having interns commit to 10 hours per week in exchange for course credit. She said that the Program has been in effect for about 15 years, with several interns per year – and in the last year the County has tried to step that up and bring more interns in to maximize that potential. Ms. Catlin stated that this past year they had about 12 interns in the organization, who will now be leaving the Program for graduation. The interns have created a video on their experience. She presented the video, showing a day or two in the life of a County intern.

Ms. Catlin noted that the interns provided approximately 3,770 hours for five departments for 35 weeks, roughly equivalent to \$35,000 in staff time. In terms of next year, they do not have the same number of interns available, but staff is looking at it aggressively. She recognized two of the intern sponsors – Lori Allshouse and Michael Culp. Also present was Ms. Terry DuLong Ray, who stood as a representative of the interns. Ms. Catlin added that Diane Mullins put a lot of time into the intern program, and recognized her for all her work.

Ms. Catlin said that the City, County, and University joined together to do an application for the Google Fiber project to bring high-speed fiber to the community. Ms. Catlin said that it was a short timeframe and the expectations were high; she recognized Eric Hahn for his help with the project, noting that he is a 9th grader at Albemarle High School. She stated that Mr. Hahn turned the work around quickly and produced a survey that 800 community members answered.

Ms. Mallek said she was fortunate yesterday to listen to the presentations from the food security class and those students worked with different ordinances in an attempt to find ways to increase local food production. It was a great example for getting excellent quality work done by someone outside our staff, and we need that.

Ms. Catlin said Board members will continue to see benefits of the intern's work over the coming months and year.

Ms. Mallek suggested staff look at opportunities for adults to volunteer. It might be good to put together something to get that word out.

Agenda Item No. 13. **Public Hearing: ZTA-2009-00003. Farm wineries.**

Amend Secs. 3.1, Definitions, 4.15.2, Definitions, 5.1.25, Farm winery, 10.2.1, By right and 10.2.2, By special use permit, of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend Secs. 3.1, by adding definitions of "agritourism" and "farm winery event" and amending the definitions of "accessory use, building or structure" and "farm winery"; 4.15.2, by adding signs identifying farm sales, a farm stand, a farmers' market, or a farm winery as an "agricultural product sign"; 5.1.25, by amending the regulations applicable to farm wineries by delineating those farm winery related uses allowed by right; requiring a special use permit for a farm winery event, wedding or wedding reception, or a use not expressly allowed but determined by the zoning administrator to be a usual and customary use at a farm winery, if more than 200 persons will attend at any time; requiring identified information and a sketch plan to be submitted with an application for a special use permit; establishing regulations for sound generation from outdoor amplified music and minimum yard requirements for farm wineries; and prohibiting restaurants and helicopter rides; 10.2.1, by amending the cross-reference to by-right farm winery uses; and 10.2.2, by adding certain farm winery uses as uses allowed by special use permit. (Advertised in the Daily Progress on April 19 and April 226, 2010.)

Mr. Cilimberg said in staff's notification of this public hearing, they informed the public that the hearing was at 2:00 p.m. He understands that there will be individuals present from the farm wineries. He could go through the presentation at this time, but would ask that the Board defer action until 2:00 p.m. to allow public comments.

Board members concurred with moving the public hearings for Agenda Items 13 and 14 until 2:00 p.m.

Agenda Item No. 14. **Public Hearing: ZTA-2009-00018. Farm stands, farm sales, farmers' markets.**

Amend Secs. 3.1, Definitions, 4.15.5, Signs authorized by special use permit, 4.15.6, Signs exempt from the sign permit requirement, 10.2.1, By right, 10.2.2, By special use permit, 11.3.1, By right uses, 11.3.2, By special use permit, 12.2.1, By right, 12.2.2, By special use permit, 13.2.2, By special use permit, 14.2.2, By special use permit, 15.2.2, By special use permit, 16.2.2, By special use permit, 17.2.2, By special use permit, 18.2.2, By special use permit, 19.3.2, By special use permit, 20.3.2, By special use permit, 20A.6, By right, 20B.2, By right,

22.2.1, By right, 23.2.1, By right, 24.2.1, By right, 27.2.1, By right, 27.2.2, By special use permit, 28.2.1, By right, 28.2.2, By special use permit, 35, Fees; repeal Secs. 5.1.19, Wayside stands, 5.1.35, Farm sales, 5.1.36, Farmer's market; add Sec. 5.1.47, Farm stands, farm sales and farmers' markets, to Chapter 18, Zoning, of the Albemarle County Code. This ordinance would repeal the existing regulations pertaining to wayside stands (5.1.19), farm sales (5.1.35) and farmers' markets (5.1.36) and establish new regulations for farm stands, farm sales and farmers' markets (5.1.47) regarding the respective uses, maximum structure sizes, and minimum yard and parking requirements; would allow farm stands and farm sales by right in the RA (10.2.1), MHD (11.3.1) and VR (12.2.1) zoning districts, allow farmers' markets by right in the NMD (20A.6), DCD (20B.2), C-1 (22.2.1), CO (23.2.1), HC (24.2.1), LI (27.2.1) (exterior or temporary or existing structures) and HI (28.2.1) (exterior or temporary or existing structures) zoning districts, and allow farmers' markets by special use permit in the RA (10.2.2), MHD (11.3.2), VR (12.2.2), R-1 (13.2.2), R-2 (14.2.2), R-4 (15.2.2), R-6 (16.2.2), R-10 (17.2.2), R-15 (18.2.2), PRD (19.3.2), PUD (20.3.2), LI (27.2.2) (new structures) and HI (28.2.2) (new structures) zoning districts; and would amend and add definitions of various terms related to farms stands, farm sales and farmers' markets (3.1), exempt off-site agricultural product signs from the requirement to obtain a special use permit (4.15.5), and exempt on-site agricultural product signs from the sign permit requirement (4.15.6); and, would create a new class of fees for a special use permit for farmers' markets and establish fees of \$490.00 and \$110.00 depending on existing on-site entrance and parking conditions, which is a \$490.00 and \$870.00 reduction, respectively, in the fees that would be charged under current regulations. The proposed fees are authorized by Virginia Code § 15.2-2286(A)(6).

(Advertised in the Daily Progress on April 19 and April 226, 2010.)

Non Agenda. At 10:46 a.m. the Board recessed and then reconvened at 11:04 a.m.

Agenda Item No. 15. Presentation on Regional Economic Development Issues, Mike Harvey, Thomas Jefferson Partnership for Economic Development (TJPED).

Mr. Snow recognized the work of Marvin Hilton who recently passed away. Mr. Hilton was his appointee to the Albemarle County Service Authority and he would like to recognize him for the work he performed for the County.

Mr. Harvey said that he was asked to provide some insight into the discussions that provided the framework of the revised economic development portion of the Comprehensive Plan. He stated that this is a unique region, with unique challenges. He thinks that any good Economic Development Plan should be about the challenges.

Mr. Harvey reported that the three questions he wanted to investigate when he assumed his position for TJPED were (1) whether the local economy was truly immune to happenings in the macro-economy; (2) the issue of under-employment and lack of job opportunities; and (3) employment dynamics. Although there are negatives, there are a lot of positives about this economy. Compared to our peers, the local economy is in a lot better shape. He commented that the region has a very stable employment base, but he wanted to focus on the challenges that exist here. At the end of his presentation, he hopes to offer some recommendations, opportunities, actions and policies that some of which will be presented in the Economic Development Action Plan.

Mr. Harvey said that the big issue that got the County into its current predicament is home foreclosures, so he considers the recovery to be longer and much slower – more of a “u” than a “v.” He said there are still a lot of foreclosures in the pipeline so possibly another wave of them will come through this year. He added that the price of oil has been another factor. He presented a chart showing how the price of oil spiked and then knocked the community into a recession. He thinks that we are at a point where you are starting to see demand destruction. That price and prices above that level will probably hinder the recovery; it won't stop be recovery, but it will slow it. He mentioned that auto sales were at \$15 million annually and is just now climbing back to \$11 million. Mr. Harvey stated that retail has also been severely impacted, and the region has pretty much mirrored national economic trends. The people who are being dislocated out of the industries where the downfall has happened are having a difficult time getting into jobs in the growing industries because they do not have the skill sets. That explains why this is such a different recession. He also pointed out that most previous recessions were short and sharp, but this one will be long and deep.

Mr. Harvey said that the regional economy (Planning District 10) is really not that much different from what happened in the macro-economy, with losses and gains following national trends. He added that the local area has lost about a quarter of its construction workforce, which is very significant. He reiterated that the gains are happening in very different industries. Mr. Harvey said that the Albemarle-Charlottesville area is not immune, but is just a little more insulated. The community is not immune to the macro-economic conditions. He stated that there are more high-skilled individuals living here than there are opportunities for them, but those don't always match up to employment. You want more of a balance there.

Mr. Harvey reported that in PD10, about 11,000 people leave the region to go to another region to work – with 4,800 of those leaving Albemarle/Charlottesville out of a total workforce of over 70,000. He said that that's a significant number in his opinion, adding that about 30% of the Albemarle/Charlottesville workforce comes in. We actually net gain people into our market daily. Evidence points to that this

region does have under-employment, but he does not have the hard data to back it up. He thinks further studies are warranted. He would like to know where these people are going if they are leaving the area. Who are these people; what are they doing and are they lacking the right opportunities? If they are leaving what does that mean; what is the impact on local transportation, land use patterns?

Mr. Harvey then presented information on the greater Charlottesville business clusters. The sectors fall into four categories – white collar service jobs, skilled trades, professional and lower wage service. Middle class are the white collar and skilled trades, with a need for two to four years of college. He reported that the average weekly wage over time would seem to indicate there has been a positive trend upward, but the proportionality shows that in 1990 there was a more balanced economy. Mr. Harvey noted that there is still a middle class here, but the composition has changed substantially.

Mr. Rooker pointed out that the composition of the middle class has changed everywhere.

Mr. Harvey emphasized that the trend of losing skilled trade jobs continues here, and the lower educated folks are the ones getting “hammered” here – with minorities representing only 20% of the population but comprising 40-50% of the unemployed; only 11% of African-Americans in the local area have any kind of post-secondary degree. If you’ve got an economy that’s growing away from you, it’s really going to cause some intractable issues. He noted that low-wage service as a sector didn’t budge over that period of time. Mr. Harvey said that manufacturing has likely seen its worst days.

Mr. Harvey reported that Culpeper has a very aggressive economic development effort, noting their 2009 numbers, and stating that they have increased low-wage service jobs and have dropped in skilled trade jobs as well – but it’s not as chronic as Albemarle’s issue. He added that the growth here is definitely happening in the white-collar middle class.

Mr. Rooker asked if someone lives outside of PD10 but comes here to work, where are they being counted. Mr. Harvey said that information is part of the quarterly census of employment and wages, the jobs that exist in the area.

Mr. Dorrier asked how U.Va. was reflected in these statistics. Mr. Harvey indicated the area in green on his chart and said the jobs are educational services, public administration, healthcare, etc.

Mr. Dorrier said that Culpeper wouldn’t have that line. Mr. Harvey stated that they can still maintain their growth, but it’s just not as dramatic – noting that they’ve gained 6,000 people; Albemarle gained about 16,000 during that time period.

Ms. Mallek commented that the gain was in jobs. She added that Culpeper also gained 20,000 people who work in Northern Virginia. Mr. Harvey agreed.

Ms. Mallek added that she would like to know what Culpeper did to keep Merillat, Smith, and other businesses there – and how that compares to the Albemarle effort to keep their businesses. Mr. Harvey said Culpeper has had layoffs but he is not sure they have lost any of their major manufacturing employers. He indicated that the Culpeper skilled trade occupations pay an average of \$822 a week, which is higher than their white collar middle at \$717.

Mr. Harvey stated that he sees a “mismatch” of workers to jobs and jobs to workers in PD10. There are people who live here who cannot work in the jobs that are available in the hospital. He thinks a long-term economic development strategy could help address that. Albemarle has an economy that is growing in such a way that it forces people to get a higher education or go somewhere to participate in the middle class. Mr. Harvey said that there is a chronic issue with the “working poor,” as 95% of the people on social assistance are working – with the average wage in that group \$22,000 and below, comprising one-third of our workforce.

Mr. Harvey asked the Board to step back and think about where the growth is happening which is mostly in the public sector, so those employment drivers typically have to recruit from the outside. They are moving people here that are putting kids in school that are using tax dollars to do so. He added that leaning on the hospital-government-university sector too heavily as the driver there may be consequences if that pattern continues to grow population but not private-sector tax base. Mr. Harvey stated that any economic development program the County puts in place should have three main goals: 1) focus on recapturing the workforce that leaves here every day; 2) reduce the number and percentage of our working poor; and 3) expand and diversify the local tax base.

Mr. Rooker asked if Mr. Harvey has compared those statistics with those in other localities that have similar geographic dynamics. There are a whole lot more people coming into this area than going out. He also said that he knows a lot of families where a husband works in Richmond and a wife works here. He wonders how much of that is structural. Mr. Harvey agreed that that is a lot of the issue. He thinks a lot is that these are good public sector jobs. You have some who moves in for that “good” job but then the trailing spouse that has to find something and the opportunity does not exist here. He added that the major employment sectors of this community are pretty narrow. Without the diversity of opportunity, people have to go somewhere else to work.

Mr. Rooker said he knows people who move here with the idea that they have a job in Richmond that they are not going to give up. Mr. Harvey agreed that there are a number of folks like that, but we ask them what it would take to keep you here. He thinks all of that needs to be addressed when the County looks at a plan.

Mr. Harvey added that if the tax base is expanded and diversified in a responsible way the first two recommendations can be addressed. Mr. Harvey said TJPED's recommendation is to "strategically grow and attract capital intensive, private sector employers that provide career ladder jobs opportunities for our resident workforce."

Mr. Rooker stated that the "natural advantages" that the Albemarle-Charlottesville area has have to do with a knowledge-based industry versus a capital-based industry. The capital-intensive industries we've had here come, find a cheaper place to do business in the world or whatever, and then they're gone. In Waynesboro and Staunton they're fighting that all the time because they're always seeking capital-intensive businesses. He asked if we would not be better focusing on knowledge-based industries.

Mr. Harvey responded that they're converging. When he says "capital intensive" he is not necessarily saying big machinery, etc. Using Taramark, Swift, etc. in Culpeper as examples, they will employ all of their people from the local area. He said that there are inquiries from data centers all the time for location in Charlottesville/Albemarle, but he has no place to put them.

Mr. Thomas noted that the commercial tax base needs to be bolstered up considerably compared to where it is now.

Mr. Rooker said that he would love to see a model of a community that has "grown their way to a lower tax rate." The studies that he has looked at over the years do not bear out that you will grow your way to a lower tax rate. Mr. Thomas said he did not mean that. He meant to get a larger tax base that is paying money into the County, not necessarily the residential sector, not even shopping centers. Mr. Rooker commented that shopping centers are the most profitable for communities because they pay sales taxes.

Mr. Rooker said that he likes the goal of reducing the percentage of working poor, but he doesn't want to go down a path where there is no empirical data to show that effort will be successful. If you want lower taxes for residential people, he would like to see a model where that's been done by doing what they are talking about here.

Mr. Harvey said these are his theories. He added that he does take issue with the sale tax comment because the sale taxes are \$13 million annually out of a \$300 million budget. He believes that the County should focus on property taxes. Taramark is a good example, investing \$250 billion in PP&E in Culpeper, which is a nice win for the county in terms of the revenue.

Mr. Dorrier suggested focusing on niche industries, such as MITRE. Mr. Harvey agreed.

Mr. Rooker asked why a data center could not go into the University Research Park. Mr. Harvey responded that they have to have a relationship with UVA – which is very flexible – and tend to be "standalone" operations.

Mr. Rooker said he is not sure what MITRE's relationship is with UVA, but they have a lot of relationship with Rivanna Station. The Research Park just leased 100,000 square feet of additional space to defense people.

Mr. Harvey said he still thinks the County should be offering other alternatives. Maybe you will also want to build your environment around the type of company you want to come here. He conceded that a data center could possibly go into the Research Park, but outside of that the County should be offering other alternatives – such as a standalone facility or ownership of a building. More often than not we're losing those companies today. A lot of time the company wants to own its own property, have different security, dual broadband, etc. There are many issues the company may be looking at from a site parameter that may not have them work in the Research Park. He proposes putting together a task force that will look at the needs and demands of companies that may want to come here.

Mr. Dorrier asked how much competition there is between Culpeper and Albemarle. Mr. Harvey responded that it's moderate, and typically the competition is region to region.

Mr. Dorrier asked if most of the industries looking for new places go out of state. Mr. Harvey said he does not have that information. In two years he has had only about 20 people looking in this region. Most of their activity is start-up small businesses and existing businesses that they are helping expand, and anytime you talk about targeting niche companies they need to be in the discussion as well, because that's really where the job growth is going to come from.

Mr. Rooker and Ms. Mallek expressed their support of that comment, with Mr. Rooker adding that he is skeptical about trying to lure in businesses, where they get whatever benefit they can and then move on. He just wants to make certain that we are targeting companies that are likely to be here because they have a reason to be here – other than it's the cheapest place to be.

Mr. Boyd asked about existing companies that are leaving the area and concerns that more may be leaving. Mr. Harvey suggested Ms. Stimart respond to that question.

Mr. Harvey said he thinks the County and City can do more to approach the University about creating that eco-system that creates a knowledge-based economy. He also thinks the University is an economic driver in terms of employment, but the region could be working with them to do a lot more in

terms of entrepreneurship. He would love to see a business model where companies were created from work at the University, we help them grow, and they end up in the research parks.

Mr. Harvey said a lot of this is everyday common sense economic development, but now the workforce element is thrown in because of disparity and other issues that need to be addressed.

Mr. Dorrier asked how the Charlottesville area compares to the Research Triangle. Mr. Harvey responded that they are so different in terms of size – with RTP having millions, and being much more tech-heavy – although the local region is growing in that sector.

Mr. Rooker emphasized that the Charlottesville-Albemarle area has been able to target people based upon quality of life, as a lot of people have located their businesses here because of that reason. He cited SNL as an example of a company that moved here from New Jersey and started with only a few employees – and now employs about 600 people, many of those in career jobs. You can use your quality of life to target people of that mind set.

Mr. Harvey mentioned that one of their target markets in Knoxville was entrepreneurs and smaller businesses. He thinks that we need to be a little bit more active in our role, in terms of trying to influence that process. Economic development is a process and a practice. He added that it needs to be about us because that's the only way it will pay dividends.

Mr. Dorrier noted that given internet capability, you can be located anywhere and operate a business. Mr. Harvey agreed, adding that it is little things like that that create a favorable environment for businesses.

Mr. Rooker mentioned that several large money managers from New York have moved here over the last several years to get out of the city and set up business here.

Mr. Harvey said that TJPED stands ready to work with the County, and will be sensitive to what people are looking for out of the Economic Development Plan.

Mr. Rooker said that if you look at County citizen surveys, the things they rank the highest have to do with protection of natural resources and things of that nature. He thinks the County needs to be sensitive in its economic development efforts to look at businesses that have “reasonably small footprints” as far as impacts on the environment and traffic. The County has no money for transportation. Mr. Rooker said that he gets a lot of email from real estate companies about commercial property available, and there must be thousands of vacant industrial properties around the country.

Mr. Harvey said that economic feasibility, workforce and real estate drive a lot of decisions when companies look at an area.

Mr. Rooker commented that there is a 560-acre industrial park with a good transportation network nearby and an aesthetic appeal, and they have been trying to fill that park for a long time. He asked if that does not argue for focusing more attention on a place where we've got facilities, utilities, and the road system. Mr. Harvey responded that his recommended process is to start first with “who fits.” The reality of economic development now has a real estate component to it and a lot of times we cannot meet the requirements that the prospect needs here. He added that we should remedy that.

Mr. Rooker said that there are empty facilities all over the country, and many people who have Light Industrial land here have rezoned it for other commercial uses because they are more lucrative. Mr. Harvey said there is a highest and best use argument going on, and that has to do with growth patterns and compatibility with what is next door. He reiterated that if the County wants to get serious about pursuing that manufacturing niche, it needs to do some of these other things. Mr. Rooker commented that this is going to cost a significant investment. Mr. Harvey agreed but the County needs to start at #1 (of the three main goals) and figure its way down.

Mr. Dorrier asked Mr. Harvey which locations are doing economic development right. Mr. Harvey responded that Hampton Roads and Richmond are both doing a good job.

Ms. Mallek noted that they are cities, so that gives them a lot more power to do things than the County has.

Mr. Rooker also mentioned that they both have higher unemployment rates. He asked how success is measured.

Mr. Harvey replied that success depends on what the goals are. He said that he doesn't want to focus solely on attracting businesses, adding that so much else has to do with cultivation and creating a workforce with residents here.

Agenda Item No. 16. Albemarle County Economic Development Action Plan.

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

This report is presented in response to the 2010 Albemarle County Action Plan approved by the Board of Supervisors at its January 6th Board meeting. Specifically, the Action Plan directed staff to “work closely with the Partnership for Economic Development and the Chamber of Commerce to develop a plan in the first six months of 2010 to significantly increase non-personal tax revenues through economic growth.” The Plan further states that “We should update our five year strategic plan to reflect this priority and goal.” Staff will include discussion of this issue in a future review with the Board of Supervisors regarding the County Strategic Plan.

Shortly after the Board adopted the Action Plan, staff met with Supervisor Boyd to receive input on proceeding with the goal. As a result, several meetings have been held over the past several months with the Chamber, Thomas Jefferson Partnership for Economic Development (TJPED), members of the business community, Supervisor Boyd and staff to begin the process of developing an Economic Development Action Plan for Board consideration. As that process began, the Chamber forwarded a letter to the County Executive sharing its perspective on the development of priorities to address the Board’s adopted action plan. This group first met in mid-February, reviewed the Board’s action plan and the Chamber’s input and shared various perspectives on the issue. Based on that input and discussion, staff worked closely with Mike Harvey of the TJPED in developing a draft plan for further consideration by the group and ultimately for consideration by the Board of Supervisors. The group had a final meeting in mid-April to review the draft plan and, after minor revisions, recommended forwarding the attached plan (copy on file) to the Board of Supervisors.

The *Draft* Economic Development Action Plan contains five key objectives:

- I) Improve the County’s business climate and image;
- II) Simplify development review and create certainty with the process, giving the applicant expectations for time and cost;
- III) Strategically grow and attract capital-intensive private sector employers that provide a diverse array of career ladder employment opportunities to our resident work force;
- IV) Remove obstacles and expand options for industrial land users; and
- V) Promote agribusiness and tourism as part of a comprehensive economic development program that recognizes the importance of the rural economy.

These objectives were developed to provide a comprehensive action plan focused on addressing the primary goal of growing the commercial tax base to increase tax revenues without raising tax rates. To assure these objectives are achieved, a set of strategies and actions were also developed with specific timelines for completion. Recognizing current budget constraints and the importance of partnerships, the action items place a high reliance on partnership with other organizations. Some actions items, such as the County Web site enhancement and improvements to development review processes were already underway and were easily incorporated into this plan. Other action items, such as “considering amendments to development review to facilitate small business opportunity” are new initiatives and will require staff resources to be redirected from other activities to meet the milestone.

To assure that progress in achieving the primary goal of increasing commercial revenues from economic growth is monitored on a regular basis, a number of performance measures were identified. First, staff will measure the split between the commercial and residential real estate. This measure is used by a large number of localities, with a common rule of thumb that targets 70% residential – 30% commercial. While Albemarle appears to be doing well with this measure when compared to other localities, increasing revenues from commercial properties will be the emphasis in monitoring success. Other important indicators or measures that will be monitored on a regular basis include: Business, Professional and Occupational License fees; Machinery and Tools tax; Bank Franchise tax, and Public Service tax, which are indicators of commercial growth, and Sales Tax, Transient Occupancy tax, Meals tax and Job Growth by sector, which are considered broader measures of economic vitality. Information on these measures and indicators will be available and monitored on a quarterly basis through the County’s Performance Management site.

In considering possible tax benefits of this effort, staff believes it is important for the Board to recognize that the Economic Development Action Plan will require a long-term commitment and short-term performance may be misleading. It is doubtful the County will see this effort create a significant change in the commercial/residential split within the next three to five years. Given current market conditions and the complexity of commercial lending, it is possible the County may even see this performance measure worsen over the next couple of years. Finally, it should also be recognized there are no limitations on residential growth in the County and there is a large inventory of property ready for residential development.

Implementation of this plan will not require additional staff, though it will require the County to reprioritize other staff efforts to implement this plan within the stated timelines. While additional funding may be required for the studies proposed under Objective III, alternatives that may offset this cost will need to be reviewed prior to considering additional funds.

Mr. Tucker said staff requests the Board identify any additional changes, information, or process desired before considering the plan for adoption. Once the plan is adopted, staff recommends including it in the County’s Strategic Plan as a new objective under goal five: *Fund the County’s Future Needs*.

Mr. Tucker suggested that given the current time, the Board may want to move this item to later in the meeting for a work session, even if they have to meet on another day.

Mr. Rooker said he would like to schedule this for a work session on June 2nd, and would also like to get a copy of Mr. Harvey's presentation before they discuss the proposed plan.

Mr. Boyd added that he would like to allow public input during that work session.

It was the consensus of the Board to schedule a work session, with public comment, to be held on June 2, 2010.

Agenda Item No. 17. Closed Meeting.

At 12:17 p.m., Mr. Thomas **moved** that the Board go into closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia, under Subsection (1) to consider appointments to boards, committees, and commissions; under Subsection (1) to conduct an administrative evaluation; under Subsection (7) to discuss with legal counsel and staff specific matters requiring legal advice relating to an interjurisdictional agreement regarding public safety; under Subsection (7) to discuss with legal counsel and staff specific matters requiring legal advice relating to an interjurisdictional agreement regarding the Rivanna Solid Waste Authority; and under subsection (7) to discuss with legal counsel and staff specific matters requiring legal advice relating to compensation requirements.

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

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

NAYS: None.

Agenda Item No. 18. Certify Closed Meeting.

At 2:06 p.m., the Board reconvened into open meeting. Mr. Thomas **moved** that the Board certified by recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed session were heard, discussed, or considered in the closed meeting.

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

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

NAYS: None.

Agenda Item No. 19. Boards and Commissions: Vacancies/Appointments.

Motion was offered by Mr. Snow to:

Appoint Brad Sheffield to the CHART Committee to fill an unexpired term to end April 3, 2011.

Appoint Carol Rasmussen to the Police Citizen Advisory Committee with said term to expire March 5, 2012.

Appoint Deborah Rutter to the Rivanna Solid Waste Authority Citizens Advisory Committee with said term to expire December 31, 2011.

Reappoint Mark Gorlinsky and Nelson Shaw to the Ag and Forestal District Advisory Committee with said terms to expire April 17, 2014.

Reappoint Naresh Naran to the Charlottesville Albemarle Convention and Visitors Bureau with said term to expire June 30, 2012.

Reappoint Jane Covington and Steven Meeks to the Historic Preservation Committee with said terms to expire June 4, 2013.

Reappoint Rod Gentry and Barbara Kessler to the Workforce Investment Board with said terms to expire June 30, 2011.

Ms. Mallek **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

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

NAYS: None.

(Note: At this time the Board went back to Agenda Items No. 13 and 14.)

Agenda Item No. 13. **Public Hearing: ZTA-2009-00003. Farm wineries.**

Amend Secs. 3.1, Definitions, 4.15.2, Definitions, 5.1.25, Farm winery, 10.2.1, By right and 10.2.2, By special use permit, of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend Secs. 3.1, by adding definitions of “agritourism” and “farm winery event” and amending the definitions of “accessory use, building or structure” and “farm winery”; 4.15.2, by adding signs identifying farm sales, a farm stand, a farmers’ market, or a farm winery as an “agricultural product sign”; 5.1.25, by amending the regulations applicable to farm wineries by delineating those farm winery related uses allowed by right; requiring a special use permit for a farm winery event, wedding or wedding reception, or a use not expressly allowed but determined by the zoning administrator to be a usual and customary use at a farm winery, if more than 200 persons will attend at any time; requiring identified information and a sketch plan to be submitted with an application for a special use permit; establishing regulations for sound generation from outdoor amplified music and minimum yard requirements for farm wineries; and prohibiting restaurants and helicopter rides; 10.2.1, by amending the cross-reference to by-right farm winery uses; and 10.2.2, by adding certain farm winery uses as uses allowed by special use permit. (Advertised in the Daily Progress on April 19 and April 226, 2010.)

Mr. Cilimberg reported that the County has been working with this proposed amendment for some period of time. Staff believes that the Code of Virginia language requires that more detail be incorporated into ordinance provisions to make sure it is fully consistent with Code requirements. He said that staff also feels that amendments that better define “allowed uses and activities” at farm wineries should provide local wineries and the public a clearer understanding of what is permitted. The proposed amendments will also result in fewer questions of staff – as well as greater efficiencies for staff in use of determinations, zoning clearances, and enforcement.

Mr. Cilimberg stated that staff also feels that in County policies for the Rural Area Plan there are certain directives that are supportive of farm winery businesses, as well as in the intent established in the Rural Areas district – all of which point to further economic vitality for the County’s agricultural activities such as vineyards and wineries. He added that it is also more consistent with the state’s economic policy to preserve economic vitality in the wine industry.

Mr. Cilimberg said that this process has been going on for about a year, starting with a resolution of intent from the Planning Commission in April 2009. Last summer there was a roundtable with interests from the wine industry and other public members. In November 2009 and February 2010 the Commission held work sessions and then a public hearing from which they made their recommendation to the Board in March 2010.

Mr. Cilimberg said that the major changes can be summarized in several areas:

- simplified definition for farm winery and new definitions for agritourism and farm winery event;
- the addition of farm wineries (as well as farm stands, farm sales and farmers’ markets) to the uses for which agricultural product signs are allowed.
- extent of County review based on potential to produce substantial impact: 1) usual and customary primary uses and uses related to agritourism or wine sales producing no substantial impact listed as by-right without limitation as to number of events; and 2) certain agritourism related uses considered to be event driven and in addition to people coming and going throughout the day associated with other farm winery uses listed as by special use permit when minimum attendance is more than 200 people (current ordinance minimum is more than 150 people);
- uses not considered usual and customary specifically listed as not permitted;
- noise standard added for outdoor amplified music that mimics the general noise regulations of the County Code; and
- minimum yard requirements established, with reduction by the Zoning Administrator upon certain findings.

Mr. Cilimberg said that the uses are permitted by right providing they are related to agritourism or wine sales. He added that the Zoning Administrator can make yard reductions if no detriment to abutting lots and no harm to public health, safety, and welfare is noted; written consent must be obtained from the owner of the abutting lot(s). Mr. Cilimberg stated that two uses not permitted are restaurants and helicopter rides – as there is a bit of history with the latter in the state.

Mr. Cilimberg said that matters raised by the public at the Commission have been addressed in the proposed amendment dated April 14, 2010. Mr. Cilimberg stated that staff and the Commission recommend approval of the amendment as presented.

Mr. Rooker asked about the uses permitted “provided they are related to agritourism or wine sales,” noting that weddings and wedding receptions of not more than 200 persons are in attendance. He asked how you could say a wedding is related to wine sales. Mr. Cilimberg said it would be expected that they are having the wedding at the site to market the wine. It would be expected that vineyards are selling wine at those events, as that has been the customary practice at such events.

Mr. Rooker said that the restrictions on amplified music and number of people should sufficiently address concerns, as complaints in the past have related to noise and traffic. He commented that there are no restrictions on the number of weddings at a winery. He asked if the County should consider some

kind of numerical limitation before a special use permit is obtained. Mr. Cilimberg said the control would be if the wedding were to exceed 200 then a special use permit would need to be required. At 200 or below there would be no limitation.

Mr. Rooker asked if the special use permit for each event. Mr. Cilimberg said the special use permit is for any use with attendance over 200.

Mr. Thomas commented that he thought it would run with the property. Mr. Cilimberg said that all of the provisions are applied to the land and for the event held at the winery.

Mr. Greg Kamptner, Assistant County Executive, clarified that a special use permit would apply to weddings exceeding 200 people, so an owner wouldn't have to come in each time.

Mr. Davis added that a special use permit could put conditions as to how those weddings would be operated.

Mr. Cilimberg said you could limit number if there was an issue of having too many events in one day as part of the special use permit.

Ms. Mallek asked about the distinction between kitchen and catering, and restaurant. Mr. Cilimberg explained that a restaurant would be "independent and purely commercial," whereas this function is associated with the winery – so what is not included in this ordinance is a provision for the former.

Ms. Amelia McCulley, Director of Zoning and Current Development, noted that the idea is that there wouldn't be a restaurant opened to the general public that would be a separate draw; however, food could be prepared to accompany a wine tasting or wedding.

Mr. Snow said that an applicant could come back and apply to open a restaurant. Mr. Cilimberg replied that it's not allowed under winery provisions, so the ordinance would need to be amended.

Mr. Rooker expressed caution about building that in, as you could technically have a McDonald's put in on a winery. He supports the structure of the proposed ordinance.

Mr. Snow said that it would be unlikely to have a fast food establishment on a winery property. He thinks it would be a high class business that catered to a certain clientele.

Mr. Rooker commented that he thought the same thing about gas stations collocating with McDonald's.

Board members agreed that they liked what staff was presenting as it stands.

At this time, the Chair opened the public hearing.

Mr. Matt Conrad, of the Virginia Wine Council, expressed appreciation for the professionalism of staff and level of cooperation in consideration of the business models. Mr. Conrad stated that the best way to preserve the rural character of Albemarle County is to make agriculture profitable, and in this zoning ordinance the staff have done that – and provided regulatory certainty for these wineries. He added that the ordinance strikes a perfect balance between protecting the interest of the County to manage the health, safety and welfare of its citizens and permitting the wineries to operate in a way that makes them profitable and economically viable. Mr. Conrad mentioned that King Family Vineyards, Keswick, Blenheim, and Albemarle Ciderworks are all in attendance today, and are equally appreciative of the work staff has done.

Mr. Dorrier asked if the ordinance meets their requirements. Mr. Conrad replied that it absolutely does. From the beginning, staff have incorporated the wineries in this process and adopted their feedback to come up with an ordinance that meets our needs perfectly. He added that they are hoping this ordinance will be a model for Virginia.

Mr. Neil Williamson, of the Free Enterprise Forum, said the Forum supports this ordinance. The Forum believes in the idea of regulation with the consent of the regulated. Staff has worked with an engaged Albemarle County winery community understand the different business models and recognizing the benefit of acreage under vine. Staff identified wineries as an important agricultural use in the Rural Areas. He is concerned about the frequency of event limitations at the wineries, and asked the Board to consider that potential.

Mr. Cilimberg pointed out that the numeric piece has been removed, and replaced with language that says certain uses that exceed 200 people attending at any one time would be subject to special use permit.

Mr. Williamson said if a site is prepared for 250 or 300 people on one day, it certainly could manage that if the Zoning Administrator felt that it could handle that on every day. Mr. Rooker commented that that would be a good argument for the special use permit request.

Mr. Timothy Hulbert, of the Charlottesville Regional Chamber of Commerce, said the Chamber supports the proposed ordinance. The Chamber also applauds the staff and Board for coming together to

support this very important industry in our community. He said that he can foresee a time that a successful winery might want to have a restaurant, and he hopes the Board would be open to that.

There being no further public comment, the public hearing was closed and the matter placed before the Board.

Mr. Rooker **moved** for approval of ZTA-2009-0003. Mr. Thomas **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

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

NAYS: None.

Mr. Thomas complimented staff and the Commission on their work with the public in making this something that will work for the Rural Areas. Mr. Rooker concurred.

ORDINANCE NO. 10-18(3)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, ARTICLE II, BASIC REGULATIONS, AND ARTICLE III, DISTRICT REGULATIONS, 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 I, General Provisions, Article II, Basic Regulations, and Article III, District Regulations, are hereby amended and reordained as follows:

By Amending:

Sec. 3.1	Definitions
Sec. 4.15.2	Definitions
Sec. 5.1.25	Farm winery
Sec. 10.2.1	By right
Sec. 10.2.2	By special use permit

Chapter 18. Zoning

Article I. General Provisions

Sec. 3.1 Definitions

...

Accessory Use, Building or Structure: A subordinate use, building or structure customarily incidental to and located upon the same lot occupied by the primary use, building, or structure, and located upon land zoned to allow the primary use, building or structure; provided that a subordinate use, building or structure customarily incidental to a primary farm use, building or structure need not be located upon the same lot occupied by the primary farm use, building, or structure. (Amended 10-9-02)

...

Agritourism. Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions, regardless of whether or not the participant paid to participate in the activity.

...

Farm winery: An establishment located on one or more lots in Albemarle County licensed as a farm winery under Virginia Code § 4.1-207. (Added 12-16-81)

...

Farm winery event. An event conducted at a farm winery on one or more days where the purpose is agritourism or to promote wine sales including, but not limited to, gatherings not otherwise expressly authorized as a use under section 5.1.25(a), (b)(1) and (b)(3) through (b)(10) including, but not limited to wine fairs, receptions where wine is sold or served; wine club meetings and activities; wine tasting educational seminars; wine tasting luncheons, business meetings, and corporate luncheons with a focus on selling wines; gatherings with the purpose of promoting sales to the trade, such as restaurants, distributors, and local chamber of commerce activities; winemakers' dinners where wine is paired with food; agritourism promotions; and fundraisers and charity events.

...

Article II. Basic Regulations

Sec. 4.15.2 Definitions

The following definitions shall apply in the interpretation and implementation of this section 4.15:

- (1.1) *Agricultural product sign.* The term “agricultural product sign” means a sign or signs identifying the produce, crops, animals or poultry raised or quartered on the property, or identifying farm sales, a farm stand, a farmers’ market or a farm winery. (Added 3-16-05)

Sec. 5.1.25 Farm winery

Each farm winery shall be subject to the following:

- a. *Uses permitted.* The following uses, events and activities (hereinafter, collectively, “uses”) are permitted at a farm winery:
1. The production and harvesting of fruit and other agricultural products and the manufacturing of wine including, but not limited to, activities related to the production of the agricultural products used in wine, including but not limited to, growing, planting and harvesting the agricultural products and the use of equipment for those activities.
 2. The sale, tasting, including barrel tastings, or consumption of wine within the normal course of business of the farm winery.
 3. The direct sale and shipment of wine by common carrier to consumers in accordance with Title 4.1 of the Virginia Code and the regulations of the Alcoholic Beverage Control Board.
 4. The sale and shipment of wine to the Alcoholic Beverage Control Board, licensed wholesalers, and out-of-state purchasers in accordance with Title 4.1 of the Virginia Code, regulations of the Alcoholic Beverage Control Board, and federal law.
 5. The storage, warehousing, and wholesaling of wine in accordance with Title 4.1 of the Virginia Code, regulations of the Alcoholic Beverage Control Board, and federal law.
 6. Private personal gatherings of a farm winery owner who resides at the farm winery or on property adjacent thereto that is owned or controlled by the owner, provided that wine is not sold or marketed and for which no consideration is received by the farm winery or its agents.
- b. *Agritourism uses or wine sales related uses.* The following uses are permitted at a farm winery, provided they are related to agritourism or wine sales:
1. Exhibits, museums, and historical segments related to wine or to the farm winery.
 2. Farm winery events at which not more than two hundred (200) persons are in attendance at any time.
 3. Guest winemakers and trade accommodations of invited guests at a farm winery owner’s private residence at the farm winery.
 4. Hayrides.
 5. Kitchen and catering activities related to a use at the farm winery.
 6. Picnics, either self-provided or available to be purchased at the farm winery.
 7. Providing finger foods, soups and appetizers for visitors.
 8. Sale of wine-related items that are incidental to the sale of wine including, but not limited to the sale of incidental gifts such as cork screws, wine glasses, and t-shirts.
 9. Tours of the farm winery, including the vineyard.
 10. Weddings and wedding receptions at which not more than two hundred (200) persons are in attendance at any time.
 11. Other uses not expressly authorized that are agritourism uses or are wine sales related uses, which are determined by the zoning administrator to be usual and customary uses at farm wineries throughout the Commonwealth, which do not create a substantial impact on the health, safety or welfare of the public, and at which not more than two hundred (200) persons are in attendance at any time.
- c. *Agritourism uses or wine sales related uses; more than 200 person at any time; special use permit.* The following uses, at which more than two hundred (200) persons will be allowed to attend at any time, are permitted at a farm winery with a special use permit, provided they are related to agritourism or wine sales:
1. Farm winery events.

2. Weddings and wedding receptions.
 3. Other uses not expressly authorized that are agritourism uses or wine sales related uses which are determined by the zoning administrator to be usual and customary uses at farm wineries throughout the Commonwealth.
- d. *Information and sketch plan to be submitted with application for a special use permit.* In addition to any information required to be submitted with an application for a special use permit under section 31.6.2, each application for one or more uses authorized under section 5.1.25(c) shall include the following:
1. *Information.* Information pertaining to the following: (i) the proposed uses; (ii) the maximum number of persons who will attend each use at any given time; (iii) the frequency and duration of the uses; (iv) the provision of on-site parking; (v) the location, height and lumens of outdoor lighting for each use; and (vi) the location of any stage, structure or other place where music will be performed.
 2. *Sketch plan.* A sketch plan, which shall be a schematic drawing of the site with notes in a form and of a scale approved by the director of planning depicting: (i) all structures that would be used for the uses; (ii) how access, on-site parking, outdoor lighting, signage and minimum yards will be provided in compliance with this chapter; and (iii) how potential adverse impacts to adjoining property will be mitigated so they are not substantial.
- e. *Sound from outdoor amplified music.* Sound generated by outdoor amplified music shall not be audible: (i) from a distance of one hundred (100) feet or more from the property line of the farm winery on which the device is located; or (ii) from inside a dwelling unit.
- f. *Yards.* Notwithstanding any other provision of this chapter, the minimum front, side and rear yard requirements in section 10.4 shall apply to all primary and accessory structures established after [insert date] and to all tents, off-street parking areas and portable toilets used in whole or in part to serve any use permitted at a farm winery, provided that the zoning administrator may reduce the minimum required yard upon finding that: (i) there is no detriment to the abutting lot; (ii) there is no harm to the public health, safety or welfare; and (iii) written consent has been provided by the owner of the abutting lot consenting to the reduction.
- g. *Uses prohibited.* The following uses are prohibited:
1. Restaurants.
 2. Helicopter rides.

(§ 5.1.25, 12-16-81, 1-1-84; Ord. 98-20(1), 4-1-98; Ord. 01-18(6), 10-3-01)

Article III. District Regulations

Sec. 10.2.1 By right

The following uses shall be permitted by right in the RA district, subject to the applicable requirements of this chapter:

...

17. Farm winery uses authorized under section 5.1.25(a) and (b). (Added 11-11-92)

Sec. 10.2.2 By special use permit

The following uses shall be permitted only by special use permit approved by the board of supervisors pursuant to section 31.2.4: (Added 10-9-02)

...

53. Farm winery uses authorized under section 5.1.25(c).

Agenda Item No. 14. Public Hearing: ZTA-2009-00018. Farm stands, farm sales, farmers' markets.

Amend Secs. 3.1, Definitions, 4.15.5, Signs authorized by special use permit, 4.15.6, Signs exempt from the sign permit requirement, 10.2.1, By right, 10.2.2, By special use permit, 11.3.1, By right uses, 11.3.2, By special use permit, 12.2.1, By right, 12.2.2, By special use permit, 13.2.2, By special use permit, 14.2.2, By special use permit, 15.2.2, By special use permit, 16.2.2, By special use permit, 17.2.2, By special use permit, 18.2.2, By special use permit, 19.3.2, By special use permit, 20.3.2, By special use permit, 20A.6, By right, 20B.2, By right, 22.2.1, By right, 23.2.1, By right, 24.2.1, By right, 27.2.1, By right, 27.2.2, By special use permit, 28.2.1, By right, 28.2.2, By special use permit, 35, Fees; repeal Secs. 5.1.19, Wayside stands, 5.1.35, Farm sales, 5.1.36, Farmer's market; add Sec. 5.1.47, Farm stands, farm sales and

farmers' markets, to Chapter 18, Zoning, of the Albemarle County Code. This ordinance would repeal the existing regulations pertaining to wayside stands (5.1.19), farm sales (5.1.35) and farmers' markets (5.1.36) and establish new regulations for farm stands, farm sales and farmers' markets (5.1.47) regarding the respective uses, maximum structure sizes, and minimum yard and parking requirements; would allow farm stands and farm sales by right in the RA (10.2.1), MHD (11.3.1) and VR (12.2.1) zoning districts, allow farmers' markets by right in the NMD (20A.6), DCD (20B.2), C-1 (22.2.1), CO (23.2.1), HC (24.2.1), LI (27.2.1) (exterior or temporary or existing structures) and HI (28.2.1) (exterior or temporary or existing structures) zoning districts, and allow farmers' markets by special use permit in the RA (10.2.2), MHD (11.3.2), VR (12.2.2), R-1 (13.2.2), R-2 (14.2.2), R-4 (15.2.2), R-6 (16.2.2), R-10 (17.2.2), R-15 (18.2.2), PRD (19.3.2), PUD (20.3.2), LI (27.2.2) (new structures) and HI (28.2.2) (new structures) zoning districts; and would amend and add definitions of various terms related to farms stands, farm sales and farmers' markets (3.1), exempt off-site agricultural product signs from the requirement to obtain a special use permit (4.15.5), and exempt on-site agricultural product signs from the sign permit requirement (4.15.6); and, would create a new class of fees for a special use permit for farmers' markets and establish fees of \$490.00 and \$110.00 depending on existing on-site entrance and parking conditions, which is a \$490.00 and \$870.00 reduction, respectively, in the fees that would be charged under current regulations. The proposed fees are authorized by Virginia Code § 15.2-2286(A)(6).

(Advertised in the Daily Progress on April 19 and April 226, 2010.)

Ms. Amelia McCulley, Director of Zoning and Current Development, said this proposed ordinance has also been a very positive experience for staff. It is nice to work on something that is fun, there is a lot of cooperation and with the help of the public, a much better product is created. Ms. McCulley said that the need to revise the ordinance was recognized in response to a Zoning complaint about an off-farm sale – and staff learned that the farm is not always the best location for selling farm products. She said they also discovered that current Zoning regulations are “fairly limiting” in terms of where a farmer can sell off the farm – and very limiting particularly in the Rural Areas. Ms. McCulley stated that the current regulations are not adequately meeting the goals within the rural areas section of the Comprehensive Plan, and hopefully this text amendment will better connect the agricultural producers with the consumers. She said that the first step was the Board's adoption of a resolution of intent on October 7th, followed by a public roundtable on December 10th, a January 19th work session with the Planning Commission – followed by an April 6th public hearing with the Commission, and finally today's public hearing with the Board.

Ms. McCulley reported that there are three different uses that will meet different types of needs to provide this service – farm stands, farm sales, and farmers markets. She mentioned that this ordinance doesn't just relate to fruits and vegetables – but also to eggs, meat, and value-added products such as jams, jellies, baked goods, cheese, salsas, etc. She explained that farm stands would allow a grower to sell local, agricultural products and merchandise “off the farm,” with local meaning “from Albemarle or its abutting localities.” Initially they started with the idea that the project must be from Albemarle, but based on public input, staff found that it needed to relax that somewhat and see it more as a regional issue. Ms. McCulley stated that farm sales would be “on the farm” sales of agricultural products and merchandise, including subordinate sales of accessory merchandise. Farmers markets would be offsite sales of these products, including the subordinate sales of accessory merchandise.

Ms. McCulley then highlighted the differences between the existing regulations and the proposed regulations. She explained that with farm stands in the rural area, the change in the ordinance would allow offsite sales versus the current provision for only onsite sales. Ms. McCulley said that farm sales – which are on the farm – will be a use by-right versus the current provision requiring a special use permit. She stated that they are adding a Village Residential district, which would allow the same market opportunity there. Ms. McCulley said that the farmers market provisions have been changed substantially – with the districts of Neighborhood Model, Commercial Office, Light and Heavy Industry added – and by special use permit, Rural Areas. Ms. McCulley reported that Monticello Historic District could have them by special permit under the new provisions, as could the Village Residential as well as all other residential districts, the PRD, and the residential section of a PUD. She noted that in industrial districts, - LI and HI - if a new structure is to be built for that purpose, a special use permit would be required.

Ms. McCulley said that currently, the farm stands (wayside stands) are extremely limited in area – 600 square feet – and the new provisions state that for farm stands and sales, if a parking area, tent, or existing building is being used there are no limitations. If a new structure is to be used, she said, then instead of 600 square feet it is 1,500 square feet for farm stands; for farm sales it increases from 1,500 square feet to 4,000 square feet. The staff received a lot of good input from farmers about what it takes to make something worth an investment on their farm as a farm sales structure. She stated that with farmers markets the area is not affected because there was no previous cap on the retail sales area.

Ms. McCulley commented that staff has really been looking at process – what it takes to provide adequate public input, but not automatically send everything through the Planning Commission and require variances, etc. She said that before one of the Commission meetings, they got good input on the administrative setback waiver – which has been incorporated into both the farm winery regulations and the farm stand regulations. In comparing existing regulations to proposed, she said they are going from what is currently a process that may go through the Commission and require an applicant to hire an engineer or architect to do a site plan – to an administrative process that includes a formal public notice to neighbors; the materials needed to review and approve it can be done by a layperson, and a hand-drawn sketch will suffice.

Mr. Rooker asked what the course would be if there are concerns raised by neighbors, and whether there is the ability to impose conditions to reflect those concerns. Mr. Kamptner responded that the Zoning Administrator has the authority under zoning clearance authority to impose conditions as necessary. Ms. McCulley added that staff already does this in some cases.

Mr. Davis noted that it would have to be narrowly tailored to the health, safety, and welfare conditions of the site. It will have to be very limited in scope.

Ms. McCulley said that the draft ordinance reflects a two-tiered fee structure, as discussed with the Commission and recommended. The existing special use permit requirement for a commercial use would require a fee of \$980, and staff recognizes that that is a significant cost to yield a limited profit, so suggested that the County subsidize it and only charge one-half that fee or \$490. She added that there are several sites in existence that already have adequate parking, an approved entrance, etc. – and those are pretty straightforward reviews – so the lower fee of \$110 would be applied to that type special use permit. This fee only applies to farmer's market; everything else is by-right. Staff recommends adoption of the proposed ordinance with the revised handout provided by Mr. Davis at the meeting.

Ms. Mallek said that at an earlier meeting there was an example of someone who has an existing farm stand and wants to have another farmer sell there too – and at one point it was reflected in the language but doesn't seem to be now.

Mr. Cilimberg replied that that's already included under farm sales. He added that if an offsite farmer wanted to come from another part of the County to sell at that location himself, it would be a farmers market and would require a special use permit; but if a farmer at one site is selling someone else's product, it's just farm sales.

Ms. Mallek expressed concern that having a few farmers selling under a tent would require a special use permit fee. Ms. McCulley responded that staff wrestled with that because it's hard to find a line over which it becomes a special use permit requirement, and decided that the number of farmers can be related to the intensity of use. Once it is more than one farmer off the farm, it's a farmers market.

Ms. Mallek asked if the \$110 fee would apply if it occurs on an existing farm with a sales structure already there. Ms. McCulley explained that farm sales are a use by-right, not a special permit use.

Ms. Mallek, used as an example, Chiles Peach on Jarman's Gap, an established business that would like to have the woodworker from the top of the mountain sell some furniture on site. The woodworker wouldn't be there but have his product on site. She asked if that would require them to be a farmer's market. Ms. McCulley replied "no"; the products could be sold on site by the one property owner.

Mr. Tucker added that if there are separate vendors collecting separate money, that starts to lean towards farmer's market. Ms. McCulley concurred.

The Chair then opened the public hearing.

Mr. Corky Shackelford said that he owns a farm in Stony Point in the Rivanna District. As a member of the agricultural community, he would like to express his appreciation for the process that has taken place for both this ordinance and the winery ordinance. The staff has been very sensitive to the interests of the farmers and the winery people as well as their responsibility to the County. He encouraged the staff to continue that process with future ordinances.

Mr. Neil Williamson, of the Free Enterprise Forum, said that both zoning text amendments relate to agricultural economic development. This proposal also recognizes the value of adaptive reuse of the sometimes historic buildings in existence in the Rural Area. He also complimented staff for recognizing the "neighbor's fence rule," and for acknowledging the importance of agribusiness. He added that all of these regulations are an improvement over the current ones. He encouraged the Board to approve the proposed ordinance.

Mr. Timothy Hulbert, of the Charlottesville Regional Chamber of Commerce, said that this is a very positive step toward promoting agriculture as a part of economic development.

Ms. Mallek said that she has a farm and sells at farmer's markets, and asked if she can vote on this proposed ordinance. Mr. Davis replied, "yes".

Ms. Mallek **moved** to approve adoption of ZTA-2009-00018, Farm Stands, Farm Sales, and Farmers Markets. Mr. Thomas **seconded** the motion.

Mr. Davis added that all of these uses require VDOT approval for adequate entrance and site distance.

Mr. Rooker said that it might be helpful for the Chamber and others to get a copy of the new charts that explain what is required in each of the three categories.

Mr. Jason Newberry, of Current Development, indicated that he has already mailed the chart out to roundtable participants, etc., as part of outreach.

Roll was then called and the motion passed by the following recorded vote:

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

ORDINANCE NO. 10-18(4)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, ARTICLE II, BASIC REGULATIONS, ARTICLE III, DISTRICT REGULATIONS, AND 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 I, General Provisions, Article II, Basic Regulations, Article III, District Regulations, and Article IV, Procedure, are hereby amended and reordained as follows:

By Amending:

- Sec. 3.1 Definitions
- Sec. 4.15.5 Signs authorized by special use permit
- Sec. 4.15.6 Signs exempt from the sign permit requirement
- Sec. 10.2.1 By right
- Sec. 10.2.2 By special use permit
- Sec. 11.3.1 By right uses
- Sec. 11.3.2 By special use permit
- Sec. 12.2.1 By right
- Sec. 12.2.2 By special use permit
- Sec. 13.2.2 By special use permit
- Sec. 14.2.2 By special use permit
- Sec. 15.2.2 By special use permit
- Sec. 16.2.2 By special use permit
- Sec. 17.2.2 By special use permit
- Sec. 18.2.2 By special use permit
- Sec. 19.3.2 By special use permit
- Sec. 20.3.2 By special use permit
- Sec. 20A.6 By right
- Sec. 20B.2 By right
- Sec. 22.2.1 By right
- Sec. 23.2.1 By right
- Sec. 24.2.1 By right
- Sec. 27.2.1 By right
- Sec. 27.2.2 By special use permit
- Sec. 28.2.1 By right
- Sec. 28.2.2 By special use permit
- Sec. 35 Fees

By Repealing:

- Sec. 5.1.19 Wayside stands
- Sec. 5.1.35 Farm sales
- Sec. 5.1.36 Farmer's market

By Adding:

- Sec. 5.1.47 Farm stands, farm sales and farmers' markets

Chapter 18. Zoning

Article I. General Provisions

Sec. 3.1 Definitions

...

Accessory merchandise: Non-agricultural merchandise that is subordinate and customarily incidental to the agricultural products sold at a farm sales use or a farmers' market such as pottery, baskets, canning jars, pumpkin carving kits, wreath making supplies, floral arranging supplies, garden accessories, hand tools for gardening and handmade crafts. For the purposes of this definition, farm machinery and equipment (except hand tools), building materials, furniture, and other similar items are not subordinate merchandise.

Agriculture: Horticulture, viticulture, silviculture or other gardening which may involve the tilling of soil for the raising of crops; the keeping of livestock and/or poultry; and/or agricultural industries or businesses, such as, but not limited to, orchards, fruit packing plants, dairies, nurseries, farm sales, farm stands and farmers' markets. (Amended 12-2-87)

...

Farm Sales: The sale of agricultural products, value-added products and accessory merchandise on a farm, either outdoors or within a temporary or permanent structure, where the vendor selling the products and merchandise is engaged in production agriculture on the farm on which the farm sales use is located. (Added 10- 11-95)

Farm Stand: The sale of local agricultural products and value-added products, either outdoors or within a temporary or permanent structure, where the vendor selling the products is engaged in production agriculture in Albemarle County, but not on the lot on which the farm stand is located.

...

Farmers' Market: The sale of agricultural products, value-added products, and accessory merchandise either outdoors or within a temporary or permanent structure by two (2) or more vendors in the rural areas (RA) zoning district or by one or more vendors in any other zoning district where the use is allowed, where each vendor selling the products and merchandise is engaged in production agriculture in Albemarle County regardless of whether it is on or not on the lot on which the farmers' market is located. (Added 10-11-95)

...

Local agricultural products: Agricultural products grown or produced in Albemarle County or its abutting localities.

...

Value-added products: Raw agricultural products that have been altered to enhance their value through baking, bottling, canning, carving, churning, cleaning, drying, freezing, weaving, or other similar processes.

Article II. Basic Regulations

Sec. 4.15.5 Signs authorized by special use permit

Except as provided in subsection (d), electric message signs, off-site signs, and signs in public rights-of-way may be authorized only by special use permit, as provided herein:

- a. *Circumstances under which signs may be authorized.* The signs may be authorized only under the following circumstances:
 1. *Off-site signs.* Off-site signs may be authorized by special use permit within any zoning district.
 2. *Electric message signs.* Electric message signs may be authorized by special use permit within any commercial or industrial zoning district, or any commercially designated areas of a planned unit development.
 3. *Signs in public rights-of-way.* Signs in public rights-of-way; provided: (1) the subdivision or planned development to which the sign pertains abuts the public right-of-way; (2) the sign is either a subdivision sign or a sign identifying a planned development authorized by sections 19, 20, 25, 25A, and 29; (3) the freestanding sign regulations, other than setback regulations, applicable to the lot with the use to which the sign pertains shall apply; and (4) if the sign is located within an entrance corridor overlay district, a certificate of appropriateness is issued by the architectural review board.
- b. *Authority.* The authority to issue a special use permit for off-site signs and electric message signs is hereby granted to the board of zoning appeals.
- c. *Procedure and administration.* The application procedure, the findings and conditions to be applied by the board of zoning appeals when considering an application for a special use permit, and the authority to revoke such a permit, shall be as provided in section 31.6 of this chapter. In addition to the foregoing:
 1. For an off-site sign, the board of zoning appeals shall also find that the issuance of a special use permit is necessary because an on-site sign would be ineffective to communicate its message off-site because of topography or vegetation.
 2. For an electric message sign, the board of zoning appeals shall also find that the sign complies with all applicable state laws for such signs.
 3. A permit number for each special use permit issued for an off-site sign shall be affixed to the sign in a conspicuous place.
- d. *Exception; certain off-site signs.* A special use permit shall not be required for off-site directional, political, subdivision or temporary signs, and off-site agricultural product signs, except for those advertising a farmers' market in any zoning district other than the Rural Areas, Monticello Historic District, and the Village Residential zoning districts, provided that their number does not exceed two (2) and they do not exceed an aggregate of thirty-two (32) square feet in sign area, and further provided that any agricultural product sign advertising a farmers' market in the Rural Areas, Monticello Historic District, or the Village Residential zoning districts is posted within that particular zoning district.

(12-10-80; 7-8-92, § 4.15.05; Ord. 01-18(3), 5-9-01)
State law reference – Va. Code §§ 15.2-2280, 15.2-2286.

Sec. 4.15.6 Signs exempt from the sign permit requirement

The following signs are exempt from the sign permit requirement set forth in section 4.15.4 provided that they comply with the regulations set forth below and all other applicable regulations of this section 4.15:

- (1) *Agricultural product sign, on-site.* One or two on-site agricultural product signs that do not exceed an aggregate of thirty-two (32) square feet in sign area. (Added 3-16-05)
- (2) *Auction sign.* An auction sign that does not exceed four (4) square feet in sign area, and which is posted for a total of thirty (30) days or less in a calendar year. Such an auction sign shall be removed within seven (7) days after date of the auction.
- (3) *Commemorative plaque.* A commemorative plaque that does not exceed four (4) square feet in sign area.
- (4) *Construction sign.* A construction sign that does not exceed thirty-two (32) square feet in sign area. Such a construction sign shall be removed within seven (7) days after issuance of a certificate of occupancy.
- (5) *Estate sign.* An estate sign that does not exceed four (4) square feet in sign area.
- (6) *Farm sign.* A farm sign that does not include commercial identification and does not exceed four (4) square feet in sign area.
- (7) *Home occupation class B sign.* A home occupation class B sign that does not exceed four (4) square feet in sign area.
- (8) *Incidental sign.* An incidental sign that does not exceed four (4) square feet in sign area.
- (9) *Political sign.* One or more political signs that do not exceed the maximum sign area allowed for the physical type of the sign (e.g., freestanding, wall) within the applicable zoning district.
- (10) *Private drive sign.* A private drive sign that does not exceed four (4) square feet in sign area, limited to one such sign per entrance.
- (11) *Public sign.* A public sign.
- (12) *Residence sign.* A residence sign that does not exceed four (4) square feet in sign area.
- (13) *Residential sign.* One or more residential signs that are not illuminated signs and do not exceed thirty-two (32) square feet in cumulative sign area.
- (14) *Special decorative display.* A special decorative display used for holidays or public events, and which is displayed for a total of sixty (60) days or less in a calendar year. Such a display shall be removed within seven (7) days of said event.
- (15) *Temporary directional sign.* A temporary directional sign that is erected no closer than five (5) feet from a front lot line and does not exceed four (4) square feet in sign area.
- (16) *Real estate sign.* A real estate sign that does not exceed thirty-two (32) square feet in sign area. Such a real estate sign shall be removed from the site within seven (7) days of sale, lease or rental.
- (17) *Warning sign.* A warning sign that is erected by a private landowner and does not exceed four (4) square feet in sign area.
- (18) *Window sign.* A permanent window sign, provided that it does not exceed twenty-five percent (25%) of the total area of the window or door on which it is located, and the aggregate area of all window signs on each window or door does not exceed twenty-five percent (25%) of the total area of the window and door; and further provided that if a permanent window sign will be on a structure within the entrance corridor overlay district and the window sign is visible from an entrance corridor overlay street, that the aggregate area of all window signs shall not exceed nine (9) square feet per business and that a certificate of appropriateness for the window sign is obtained as provided in section 4.15.15. (Amended 3-16-05)
- (19) *Commercial flag.* A commercial flag, subject to the following: (i) not more than one (1) flag may be flown on a lot, provided that if the lot is four (4) acres or larger, then one (1) additional flag may be flown; (ii) the flag shall not exceed twenty-four (24) square feet in size; and (iii) the flag shall be flown on a flag pole and, if two (2) flags may be flown, they may either be on the same or on separate flag poles. (Added 3-16-05)
- (20) *Noncommercial flag.* A noncommercial flag, subject to the following: (i) the flag shall not exceed twenty-four (24) square feet in size; (ii) on commercial, institutional and industrial lots, the flag shall be displayed only on privately owned light posts and shall be installed in a manner so that it

remains taut and flapping and movement is minimized; and (iii) on residential and agricultural lots, the flag shall be displayed from a mount on a dwelling unit or other permitted primary or accessory structure, a flag pole, a mast, or suspended from a fixed structure, rope, wire, string or cable. (Added 3-16-05)

- (21) *Advertising vehicle.* An advertising vehicle in which none of the prohibited conditions delineated in section 4.15.7(c)(2)(ii) or (iii) exist that is: (i) used as transportation for the business; and (ii) parked in an approved parking space or parking area that serves the advertised business, or temporarily parked at another business to actively receive or provide goods or services, such as to load or unload goods, provide on-site services, receive vehicle maintenance and repair, or obtain food for the driver and passengers. (Added 3-16-05)

(12-10-80; 7-8-92, § 4.15.04; Ord. 01-18(3), 5-9-01; Ord. 05-18(4), 3-16-05)

State law reference – Va. Code § 15.2-2280.

Sec. 5.1.47 Farm stands, farm sales and farmers' markets

Each farm stand, farm sales and farmers' market shall be subject to the following, as applicable:

- a. *Zoning clearance.* Notwithstanding any other provision of this chapter, each farm stand, farm sales use, and farmers' market shall obtain approval of a zoning clearance issued by the zoning administrator as provided by section 31.5 before the use is established as provided herein:
1. *Application.* Each application for a zoning clearance shall include a letter or other evidence from the Virginia Department of Transportation establishing that it has approved the entrance from the public street to the proposed use and:
 - (a) *Farm stands and farm sales uses.* For farm stands and farm sales uses, a sketch plan, which shall be a schematic drawing of the site with notes in a form and of a scale approved by the zoning administrator depicting: (i) all structures that would be used for the use; (ii) how access, on-site parking, outdoor lighting, signage and minimum yards will be provided in compliance with this section and this chapter; and (iii) how potential adverse impacts to adjoining property will be mitigated.
 - (b) *Farmers' markets.* For farmers' markets, an approved site plan waiver as provided in section 32.2(b).
 2. *Notice.* The zoning administrator shall provide written notice that an application for a zoning clearance for a farm stand, farm sales use, or by right farmers' market has been submitted to the Virginia Department of Health and to the owner of each abutting lot under different ownership than the lot on which the proposed use would be located. The notice shall identify the proposed use and its size and location and invite the recipient to submit any comments before the zoning clearance is acted upon. The notice shall be mailed at least five (5) days prior to the action on the zoning clearance as provided in section 32.4.2.5. The review by the Virginia Department of Health shall be independent of the zoning administrator's review of the application for a zoning clearance and the approval of the zoning clearance shall not be dependent on any approval by the Virginia Department of Health. The notice requirements shall not apply to a zoning clearance required for a farmers' market that has been approved by special use permit.
- b. *Structure size.* Structures used in conjunction with a farm stand, farm sales use, and farmers' market shall comply with the following:
1. *Farm stands.* Any permanent structure established on and after May 5, 2010 (hereinafter, "new permanent structure") used for a farm stand shall not exceed one thousand five hundred (1500) square feet gross floor area. Any permanent structure, regardless of its size, established prior to May 5, 2010 (hereinafter, "existing permanent structure") may be used for a farm stand provided that if the structure does not exceed one thousand five hundred (1500) square feet gross floor area, its area may be enlarged or expanded so that its total area does not exceed one thousand five hundred (1500) square feet gross floor area, and further provided that if the existing structure exceeds one thousand five hundred (1500) square feet gross floor area, it may not be enlarged or expanded while it is used as a farm stand.
 2. *Farm sales.* Any new permanent structure used for farm sales shall not exceed four thousand (4000) square feet gross floor area. Any existing permanent structure, regardless of its size, may be used for farm sales provided that if the structure does not exceed four thousand (4000) square feet gross floor area, its area may be enlarged or expanded so that its total area does not exceed four thousand (4000) square feet gross floor area, and further provided that if the existing structure exceeds four thousand (4000) square feet gross floor area, it may not be enlarged or expanded while it is used as a farm stand.
 3. *Farmers' markets.* Any new or existing permanent structure may be used for a farmers' market without limitation to its size.

- c. *Yards.* Notwithstanding any other provision of this chapter, the following minimum front, side and rear yard requirements shall apply to a farm stand, farm sales use, and farmers' market:
1. *New permanent structures and temporary structures.* The minimum front, side and rear yards required for any new permanent structure or temporary structure shall be as provided in the bulk and area regulations established for the applicable zoning district, provided that the minimum front yard on an existing public road in the rural areas (RA) zoning district shall be thirty-five (35) feet. The zoning administrator may reduce the minimum required yard upon finding that: (i) there is no detriment to the abutting lot; (ii) there is no harm to the public health, safety or welfare; and (iii) written consent has been provided by the owner of the abutting lot consenting to the reduction.
 2. *Existing permanent structures.* If an existing permanent structure does not satisfy any minimum yard requirement under subsection 5.1.47(c)(1), the minimum yard required shall be the distance between the existing permanent structure and the street, road, access easement or lot line on May 5, 2010 and that distance shall not be thereafter reduced. An enlargement or expansion of the structure shall be no closer to a street, road, access easement or lot line than the existing structure.
- d. *Parking.* Notwithstanding any provision of section 4.12, the following minimum parking requirements shall apply to a farm stand, farm sales use, and farmers' market:
1. *Number of spaces.* Each use shall provide one (1) parking space per two hundred (200) square feet of retail area.
 2. *Location.* No parking space shall be located closer than ten (10) feet to any public street right-of-way.
 3. *Design and improvements.* In conjunction with each application for a zoning clearance, the zoning administrator shall identify the applicable parking design and improvements required that are at least the minimum necessary to protect the public health, safety and welfare by providing safe ingress and egress to and from the site, safe vehicular and pedestrian circulation on the site, and the control of dust as deemed appropriate in the context of the use. The zoning administrator shall consult with the county engineer, who shall advise the zoning administrator as to the minimum design and improvements. Compliance with the identified parking design and improvements shall be a condition of approval of the zoning clearance.

Article III. District Regulations

Sec. 10.2.1 By right

The following uses shall be permitted by right in the RA district, subject to the applicable requirements of this chapter:

...

26. Farm sales (reference 5.1.47).

27. Farm stands (reference 5.1.47).

Sec. 10.2.2 By special use permit

The following uses shall be permitted by special use permit in the RA district, subject to the applicable requirements of this chapter:

...

53. Farmers' markets (reference 5.1.47).

Sec. 11.3.1 By right uses

The following uses shall be permitted by right in the MHD:

...

3. Display and sale of gifts, souvenirs, crafts, food, and horticultural and agricultural products, including outdoor storage and display of horticultural and agricultural products.

...

25. Farm sales (reference 5.1.47).

26. Farm stands (reference 5.1.47).

Sec. 11.3.2 By special use permit

The following uses shall be permitted by special use permit in the MHD:

1. Farmers' markets (reference 5.1.47).

...

Sec. 12.2.1 By right

The following uses shall be permitted in the VR district, subject to the applicable requirements of this chapter:

...

17. Farm sales (reference 5.1.47).

18. Farm stands (reference 5.1.47).

Sec. 12.2.2 By special use permit

The following uses shall be permitted by special use permit in the VR district, subject to the applicable requirements of this chapter:

...

18. Farmers' markets (reference 5.1.47).

Sec. 13.2.2 By special use permit

The following uses shall be permitted by special use permit in the R-1 district, subject to the applicable requirements of this chapter:

...

14. Farmers' markets (reference 5.1.47).

Sec. 14.2.2 By special use permit

The following uses shall be permitted by special use permit in the R-2 district, subject to the applicable requirements of this chapter:

...

16. Farmers' markets (reference 5.1.47).

Sec. 15.2.2 By special use permit

The following uses shall be permitted shall be permitted by special use permit in the R-4 district, subject to the applicable requirements of this chapter:

...

18. Farmers' markets (reference 5.1.47).

Sec. 16.2.2 By special use permit

The following uses shall be permitted by special use permit in the R-6 district, subject to the applicable requirements of this chapter:

...

18. Farmers' markets (reference 5.1.47).

Sec. 17.2.2 By special use permit

The following uses shall be permitted by special use permit in the R-10 district, subject to the applicable requirements of this chapter:

...

20. Farmers' markets (reference 5.1.47).

Sec. 18.2.2 By special use permit

The following uses shall be permitted by special use permit in the R-15 district, subject to the applicable requirements of this chapter:

...

20. Farmers' markets (reference 5.1.47).

Sec. 19.3.2 By special use permit

The following uses shall be permitted by special use permit in the PRD district, subject to the applicable requirements of this chapter and provided that no separate application shall be required for any such use as shall be included in the original PRD rezoning petition:

...

12. Farmers' markets (reference 5.1.47).

Sec. 20.3.2 By special use permit

The following uses shall be permitted by special use permit in the PUD district, subject to the applicable requirements of this chapter and, provided that no separate application shall be required for any such use included in the original PUD rezoning petition:

...

9. Farmers' markets (reference 5.1.47).

Sec. 20A.6 Permitted uses

The following uses shall be permitted in the NMD district, subject to the regulations in this section and section 8, the approved application plan and code of development, and the accepted proffers:

- a. *By right uses.* The following uses are permitted by right if the use is expressly identified as a by right use in the code of development or if the use is permitted in a determination by the zoning administrator pursuant to subsection 8.5.5.2(c)(1):

...

10. Farmers' markets (reference 5.1.47).

Sec. 20B.2 Permitted uses

The following uses shall be permitted in the DCD, subject to the regulations in this section:

- A. *By right uses; retail and service.* The following retail and service uses are permitted by right:

11. Farmers' markets (reference 5.1.47).

Sec. 22.2.1 By right

The following uses shall be permitted in the C-1 district, subject to the applicable requirements of this chapter. The zoning administrator, after consultation with the director of planning and other appropriate officials, may permit as a use by right, a use not specifically permitted; provided that such use shall be similar to uses permitted by right in general character and more specifically, similar in terms of locational requirements, operational characteristics, visual impact and traffic generation. Appeals from the zoning administrator's decision shall be as generally provided in section 34.

...

- a. The following retail sales and service establishments:

...

16. Farmers' markets (reference 5.1.47).

- b. The following services and public establishments:

Sec. 23.2.1 By right

The following uses shall be permitted in the CO district, subject to the applicable requirements of this chapter:

...

15. Farmers' markets (reference 5.1.47).

Sec. 24.2.1 By right

The following uses shall be permitted in the HC district, subject to the applicable requirements of this chapter. The zoning administrator, after consultation with the director of planning and other appropriate officials, may permit, as a use by right, a use not specifically permitted; provided that such use shall be similar to uses permitted by right in general character, and more specifically, similar in terms of locational requirements, operational characteristics, visual impact and traffic generation. Appeals from the zoning administrator's decision shall be as generally provided in section 34.

...

43. Farmers' markets (reference 5.1.47).

Sec. 27.2.1 By right

Except as otherwise limited by section 27.2.2.10, the following uses shall be permitted by right in the LI district, subject to the applicable requirements of this chapter:

...

20. Farmers' markets that will be conducted outdoors or within a temporary or existing permanent structure (reference 5.1.47).

Sec. 27.2.2 By special use permit

The following uses shall be permitted by special use permit in the LI district:

...

19. Farmers' markets that will be conducted in a new permanent structure (reference 5.1.47).

Sec. 28.2.1 By right

Except as otherwise limited by section 28.2.2.14, the following uses shall be permitted by right in the HI district, subject to the applicable requirements of this chapter:

...

29. Farmers' markets that will be conducted outdoors or within a temporary or existing permanent structure (reference 5.1.47).

Sec. 28.2.2 By special use permit

The following uses shall be permitted by special use permit in the HI district:

...

18. Farmers' markets that will be conducted in a new permanent structure (reference 5.1.47).

Article IV. Procedure

Sec. 35 Fees

Each applicant shall pay the applicable fees established below, provided that neither the county nor the county school board shall be required to pay any fee if it is the applicant:

a. For a special use permit:

1. Rural area division for the purpose of "family division" where all original 1980 development rights have been exhausted under "family division" as defined under section 18-56 of the subdivision ordinance - \$220.00. (Amended effective 1-1-94)
2. Rural area divisions - \$1,240.00.
3. Commercial use - \$980.00.
4. Industrial use - \$1,020.00.
5. Private club/recreational facility - \$1,020.00.
6. Mobile home park or subdivision - \$980.00.
7. Public utilities - \$1,020.00.
8. Grade/fill in the flood plain - \$870.00.
9. Minor amendment to valid special use permit or a special use permit to allow minor expansion of nonconforming use - \$110.00. (Amended effective 1-1-94)
10. Extending special use permits - \$70.00.
11. Home Occupation-Class A - \$13.00;
Home Occupation-Class B - \$440.00.
12. For day care centers - six (6) to nine (9) children - \$490.00. (Added 6-3-92)
13. For day care centers - ten (10) or more children - \$980.00. (Added 6-3-92)
14. Farmers' markets without an existing commercial entrance approved by the Virginia Department of Transportation or existing and adequate parking - \$490.00.
15. Farmers' markets with an existing commercial entrance approved by the Virginia Department of Transportation and existing and adequate parking - \$110.00.
16. All other uses except signs - \$980.00. (Amended 7-8- 92)

b. For amendment to text of zoning ordinance - \$840.00.

c. Amendment to the zoning map:

1. For planned developments - under 50 acres - \$1,020.00.
2. For planned developments - 50 or more acres - \$1,570 .00.
3. For all other zoning map amendments - under 50 acres - \$1,020.00.
4. For all other zoning map amendments - 50 or more acres - \$1,570.00.
5. Minor amendment to a zoning map amendment - \$220.00.

d. Board of Zoning Appeals:

1. Request for a variance or sign special use permit - \$120.00. (Amended 7-8-92)
2. For other appeals to the board of zoning appeals (including appeals of zoning administrator's decision) - \$120.00, to be refunded if the decision of the zoning administrator is overturned.

e. Preliminary site development plan:

1. Residential - \$1,190.00, plus \$13.00/unit.
2. Non-residential - \$1,580.00, plus \$13.00/1000 square feet.

- f. Final site development plan:
 - 1. Approved administratively - \$410.00.
 - 2. If reviewed by the commission before approval of preliminary site development plan - \$1,130.00.
 - 3. If reviewed by the commission after approval of the preliminary site development plan - \$790.00.
 - 4. For site development plan waiver - \$270.00.
 - 5. For site development plan amendment:
 - a) Minor - alterations to parking, circulation, building size, location –\$95.00.
 - b) Major - commission review - \$270.00.
 - 6. Review of site development plan by the architectural review board - \$200.00.
 - 7. Appeal of site development plan to the board of supervisors - \$240.00.
 - 8. Rehearing of site development plan by commission or board of supervisors - \$190.00.
 - 9. Rejection by agent of incomplete site development plan:
 - a) Rejected within ten days - \$200.00.
 - b) Suspended after site plan review - site plan fee shall not be refunded. \$65.00 fee shall be required to reinstate project.
- g. For relief from a condition of approval from commission or landscape waiver by agent - \$180.00.
- h. Change in road or development name after submittal of site development plan:
 - 1. Road - \$20.00.
 - 2. Development - \$25.00.
- i. Extending approval of site development plan - \$45.00.
- j. Granting request to defer action on site development plan, special use permit or zoning map amendment:
 - 1. To a specific date - \$35.00.
 - 2. Indefinitely - \$75.00.
- k. Bond inspection for site development plan, for each inspection after the first bond estimate - \$60.00.
- l. Zoning clearance - \$35.00.
- m. Accessory lodging permits - \$35.00.
- n. Official Letters:
 - 1. Of determination - \$75.00.
 - 2. Of compliance with county ordinances- \$75.00.
 - 3. Stating number of development rights - \$40.00.
- o. Sign Permits:
 - 1. Any sign, except exempted signs and signs requiring review by the architectural review board - \$35.00.
 - 2. Signs required to be reviewed by the architectural review board - \$75.00.
- p. Tier II personal wireless service facility - \$790.00. (Added 10-13-04)
- q. Review of groundwater assessment information required by sections 31.2.2 or 32.5.7:
 - 1. Tier 1 assessment under Albemarle County Code § 17-401 - \$50.00.
 - 2. Tier 3 assessment under Albemarle County Code § 17-403 - \$400.00 plus \$25.00 per lot.
 - 3. Tier 4 assessment under Albemarle County Code § 17-404 - \$1,000.00.

In addition to the foregoing, the actual costs of any notice required under Chapter 22, Title 15.2 of the Code shall be charged to the applicant, to the extent that the same shall exceed the applicable fee set forth in this section. The fee shall be in the form of cash or a check payable to the "County of Albemarle." An application presented without the required fee shall not be deemed to be submitted and shall not be processed. If the zoning administrator determines after a fee has been paid that the review and approval to which the fee pertains is not required to establish the use or structure, the fee shall be refunded to the applicant in full. For any application withdrawn after public notice has been given, no part of the fee will be refunded.

Agenda Item No. 20. Work Sessions: Places 29, David Benish.

Mr. David Benish, Chief of Planning, said that this work session is a continuation of discussions regarding the Places29 Master Plan. This is one of the County's five master plans, covers the development areas and covers the Route 29 North corridor. The focus of this work session is to respond to questions, requests for information that Board members may have. He said that Mr. Stephen Williams, Executive Director of the Thomas Jefferson Planning District Commission (TJPDC) and of the Charlottesville-Albemarle Metropolitan Planning Organization (MPO), will be presenting traffic modeling for Berkmar Drive. Mr. Benish indicated that he would be reviewing the Board's requested information

regarding other matters – primarily the expansion areas and future projects as outlined in the master plan. He said that Ms. Lee Catlin would provide an overview of the remaining public participation processes, as well as the future role of the citizen advisory committees. Mr. Benish stated that staff hopes to receive direction as to any needed modifications to the draft plan prior to public hearing, any additional information/work sessions needed prior to the public meetings/hearing, accept/advise on final public input steps, and provide any initial comments on role of citizen advisory councils. Mr. Benish said, at this time, Mr. Williams will review the Berkmar Drive traffic analysis. This analysis should respond to the value of Berkmar Drive, the amount of traffic it would carry and implications of the potential expansion areas to the roadway network.

Mr. Williams said that he would be presenting an analysis done for the MPO Policy Board in response to their request late last year. He said that he would be addressing the existing traffic conditions in the Route 29 North corridor, primarily north of Rio Road, as well as anticipated future conditions in 2035 – which is modeling 10 years beyond the original Places29 model. Mr. Williams stated that he would also be presenting a number of alternatives related to future roadway scenarios and socio-economic development such as new units and retail uses that represent the possible inclusion of growth area expansion in that area. Mr. Williams said he would also be summarizing the findings from all of that study.

Mr. Williams pointed out on a map the area that Places29 encompasses, stating that they have been modeling the entire MPO region – which extends to the Greene County line to the north, Fluvanna County line to the east, halfway between Ivy and Crozet to the west, and some distance south of I-64 to the south. He said that the entire area is being called the “study area,” because it includes all roadway improvements being considered as well as the area proposed for growth area expansion. Mr. Williams stated that they are specifically focusing on an extension of Berkmar Drive from its existing endpoint just south of the South Fork of the Rivanna River all the way up to Airport Drive, and a connection to Technology Drive up all the way to Lewis & Clark. He added that they will also be looking at other transportation improvements in this area – including those proposed on US 29 and other improvements proposed as part of Places29.

In terms of existing traffic conditions, Mr. Williams said that much of US 29 – particularly from Rio Mills Road up to Airport Road – has a failing LOS or “F”; from Lewis and Clark Drive down to Airport Drive, there is LOS “E” – meaning that it isn’t quite failing yet; from Rio Mills Road down to Rio Road, there is LOS “D” – meaning stable traffic flow. Mr. Williams noted that Berkmar Drive has a low level of traffic as it exists today, and has been identified in traffic studies done in that area as having LOS “A.” He mentioned that Dickerson Road has LOS “C” north of Airport Road, and LOS “D” from Airport Road to Earlysville Road; Earlysville Road is shown as being LOS “D” from its intersection with Dickerson Road down to its intersection Rio Road and Hydraulic Road. Mr. Williams added that all the connecting roads in this area – Lewis and Clark Drive, Airport Road, Hilton Heights Road and Rio Road - have a LOS “A” at this point in time.

Mr. Boyd asked if the LOS “F” was all the time, or just during certain times of the day. Mr. Williams responded that it is only certain times of the day at this point – where it would be a low LOS “F.” The range of LOS “F” is very broad in that they go from stop and go traffic during morning and afternoon peak hours and none the rest of the time up to it’s a daily parking lot all the time.

Mr. Boyd commented that the levels are not weighted based on the fact that it is only four hours a day that the serve is at level “F”. Mr. Williams agreed, adding that there is a measure of v/c and delay. “V/C” is volume to capacity ratio which is an indication of how much traffic is being pushed down the road compared with capacity. He said that a v/c of 1 is “at capacity,” and that is the lower boundary of LOS “F.” As it goes higher – 1.2, 1.3, 1.4 – you start having very bad conditions for a large part of the day.

Mr. Snow asked Mr. Williams to define “A” and “C” levels of service. Mr. Williams replied that “A” is unimpeded traffic flow, where you have the road to yourself. It is like the conditions you get in a rural area or in the middle of the night. The LOS “B” means that there is other traffic on the road but the travel is still unimpeded; “C” means that there is more traffic on the road, but a driver can still progress at the speed limit and can still pass or turn; “D” means a driver is moving at the speed limit but is limited in maneuverability; “E” is when the roadway performs under the posted speed.

Mr. Rooker said it would be better to have a numerical rating as opposed to the letter rating. He commented that it’s not a very precise way to measure traffic. The volume to capacity ratios are actually more helpful in determining how much additional traffic a road can handle.

Mr. Thomas asked about the status of the stretch between Greenbrier and the Route 250/29 Bypass.

Mr. Rooker explained that that is the top priority project, which will include a right-hand turn lane all the way down from the Waffle House past Albemarle Place – which is providing an additional left-hand turn lane onto Hydraulic Road and will widen the whole road and intersection. He thinks the money is currently available; preliminary engineering work is being done.

Mr. Williams added that he did not have the figures for that stretch of roadway.

Mr. Rooker also said that the synchronization on the lights on Route 29 with the City section has finally been worked out, from Hydraulic Road to Route 250 Bypass. Ms. Mallek noted that it’s made a huge difference in improved traffic flow.

Mr. Williams explained that with future conditions, they are using the traffic network as it exists today for 2035 – with the only significant capacity improvements being the Meadow Creek Parkway, the McIntire Extension, and the Interchange. He added that they are also considering in the model in three of the scenarios, the potential of a South Hollymead expansion. Mr. Williams said that he's been working with Community Development staff to identify the level of development they would expect in that area in 2035; their anticipation was for about one-third of the build-out in that area – including some Neighborhood Service Center, some Urban Mixed Use, and some Neighborhood Density Residential. He stated that the combination of uses will generate new population of about 580 additional people, about 593 additional employees – totaling 6,041 personal trips per day.

In terms of future conditions related to potential improvements to the roadway net, Mr. Williams said that they considered the possibility of an expansion of US 29 from Rio Mills Road north to US 33 in Greene County to six lanes; the extension of Berkmar Drive from its current endpoint all the way up to Airport Road and connecting to Technology Drive as a four-lane, minor arterial including a new bridge across the South Fork of the Rivanna River; the addition of a connecting road that would run from Route 29 to Berkmar and over to Earlysville or Dickerson Road; grade separations on US 29; and a new traffic signal at Northside Drive.

Mr. Williams said that with all of the different combinations, the Places29 study group ended up with six possible alternatives: 1) the "no build" alternative, which is simply no improvements to the roadway network beyond that which would be expected by 2035 and no addition of expansion area; 2) "Build 1," which includes just the 2035 network and a six-lane widened Route 29 from Rio Mills Road north; 3) "Build 2" - the 2035 network, the six-laning of Route 29 and the Berkmar Drive extension from the current endpoint up to Lewis and Clark Drive and the Places29 new road; 4) "Build 3" - the 2035 network which only considered a four-lane Route 29, the Berkmar Drive extension and the Places29 new road if the Department of Transportation does not improve Route 29 to six lanes within the time period.

Ms. Mallek asked about the possible placement of the Places29 "new road." Mr. Benish responded that it is a road concept that would most likely be at the Hollymead Drive entrance over to an area south of the traffic circle on Earlysville Drive. He said that the idea was it would connect near Rio Mills Road or on Roosevelt Drive below the traffic circle creating another large block through that area.

Mr. Thomas commented that that road would go through the Mooney property. Mr. Benish said that it is in the general area.

Mr. Thomas asked if VDOT has proposed the road all the way to US33, and asked if Greene County was aware of this plan. Mr. Williams explained that VDOT's long-range transportation plan includes the six-lane improvement, and Greene County is aware of it and is incorporating it into their Comprehensive Plan.

Mr. Boyd asked what the 2035 network "check" means. Mr. Williams said they are using the 2035 network as the base for all these different models.

Mr. Boyd asked where the grade-separated interchanges are included. Mr. Williams responded that the ones from Rio Road North are included; the ones south of Rio Road are not included here because they wanted to have as a comparison the items that are considered "assured," which is a pretty limited collection of transportation improvements. He mentioned that the Hydraulic Road separation doesn't fall into that category, and isn't even in the MPO's long-range transportation plan at this point. Mr. Williams said that it doesn't have much of an impact on this traffic anyway; Greenbrier has also been considered but is not in MPO's long-range transportation plan. He said that one factor is potential siphoning off for Meadow Creek, but very little of what happens north of Rio Road affects what happens south of it in the model, and the same is true in the other direction.

Mr. Boyd asked if the interchanges at Hydraulic Road and Greenbrier Drive are now off the table. Mr. Williams replied that they are not necessarily off the table, they are simply not in the 'fiscally constrained' long-range transportation plan, meaning basically, they do not have enough money.

Mr. Boyd asked if the money might be available for Rio, Airport and Ashland. Mr. Williams responded that Rio and the others were included because they were being studied for their traffic impact.

Mr. Thomas asked if the grade separations would include a full blown freeway or just skirt along the Route 29 properties. Mr. Williams said they do not get into design details for this kind of modeling study; they just look at traffic flows.

Mr. Rooker mentioned that for Places29, there was a preliminary design done for an interchange – and it was a tight interchange to minimize impacts on surrounding properties. He also stated that Greenbrier was taken out a long time ago, noting that there are only three roads between Hydraulic and Airport Road that continue going east-west after they cross Route 29. Mr. Rooker said that there was once a plan to connect Greenbrier with the Meadow Creek Parkway, but that did not go forward so Hydraulic is really the only east-west connector, along with Rio, and then Airport Road. He added that there was some thought that, with the building of the Meadow Creek Parkway, there would be a lot of pressure on the Rio Road/Route 29 intersection because a lot of people would cut across and go Downtown.

Mr. Benish said that the interchange at Hydraulic Road has always been considered a long-term improvement; the at-grade improvements and the parallel road have always been the shorter term so what was recommended in the Hydraulic/H250 study and incorporated into their Plan.

Mr. Rooker noted that the "fiscally constrained" plan could not include any additional improvements, and it was decided that Rio would go in. They could not have included both roads.

Mr. Williams continued with his presentation and said that the next alternative 5) "Build 4" includes all proposed improvements, including the South Hollymead expansion, but does not include the bridge over the South Fork Rivanna; and 6) "Build 5" which includes all improves including South Hollymead expansion area.

Mr. Williams then presented information from an earlier discussion about the standard measurements of traffic – the six levels of service from A to F. He mentioned that "ADT" is average daily traffic on a 24-hour weekday roadway; "V/C" is volume to capacity as previously mentioned; and "delay" is the average travel time on a road measured in minutes.

Mr. Williams showed some schematic diagrams of traffic volumes for all the different alternatives considered – the first three did not include the South Hollymead expansion. The first model – the "no build" plan includes 2035 population and employment projections plus the existing roadway network, with a four-lane US 29. He noted that when the roadway becomes as congested as the stretch of Route 29 from Rio Road up to Airport Road and beyond, people try to find alternative routes – which creates "diversion traffic" using Earlysville Road, Dickerson Road, Proffit Road, and even Rae's Ford Road. Mr. Williams said that the heavily congested traffic condition is extending quite a distance out from the US 29 Corridor, and as a result there are sections of the alternative routes that begin to operate at LOS "F." He reported that the total volume of traffic that is going across the "cut line" is about 117,500 vehicles per day.

Mr. Williams reported that the second alternative they considered was just the US 29 six-lane widening, and just widening it in that area increases the volume from 72,000 up to about 85,000 – which allows the traffic on Rae's Ford Road and Proffit Road to drop down to the point they're providing adequate levels of service. The section of Dickerson Road that runs from Airport Road down to Earlysville Road is still at LOS "F," and then Earlysville Road, itself, is at LOS "E."

He stated that the third alternative considered was the six-lane widening, the Berkmar Extension with the bridge, and the Places29 new connector road. Berkmar Drive Extended from Rio Road to Hollymead Town Center would run at a LOS "C," and in the immediate area around the Town Center would operate at a LOS "B" with areas north of that section running at LOS "A." Mr. Williams said that US 29 from Airport Road down to Rio Mills is still running at LOS "F," but the volume is reduced considerably from the "no build" or "build one" models. He noted that this represents a traffic condition which is very close to what we have today, a low LOS "F." He added that the connecting road is showing a good LOS and moderate volume; Earlysville Road also drops down to a LOS "D," so is actually operating at about the same traffic levels as it is today. Mr. Williams said that the only section that is functioning really well is the section of Dickerson Road from Airport Road down to Earlysville Road. Mr. Williams noted that the same volume is crossing the cut-line, but because of the addition of Berkmar Extended and the six-lane 29, most of that traffic is being served there.

Mr. Williams noted that those are the three scenarios the group considered that do not include the South Hollymead expansion area.

Mr. Rooker commented that the traffic on the one-mile stretch of Dickerson Road is similar to the traffic on Georgetown Road today. The traffic moves pretty well.

Mr. Boyd asked if the traffic on Georgetown Road would go away if there was a western bypass. Mr. Rooker commented that it may or may not, depending on where it starts.

Mr. Williams then discussed the three scenarios that do include the South Hollymead Expansion, noting that across the cut line in the previous alternatives there were about 117,500 trips – and there would be about 119,700-120,000 with the expansion.

Mr. Williams explained that the first alternative includes the Berkmar Extension with the bridge, includes the Places29 new road and the South Hollymead expansion, but only looks at US 29 as a four-lane facility in this example. He indicated that there would be about 30,000-35,000 on Berkmar, which would make it a LOS "E" because it is proposed as a four-lane facility. Mr. Williams stated that US 29 is running at LOS "F," but this is a declining LOS so there is lots of delay and a high v/c ratio. When we have Berkmar, but only have a four-lane Route 29, both of them operate but not as well as they could. He added that there is still a LOS "E" on Earlysville Road; Dickerson Road is still at a fairly high level of traffic.

He said that the "build four" alternative includes a six-lane US 29, the Berkmar Drive Extension, but not the bridge. Mr. Williams stated that in this alternative, there would be about 76,000 vehicle trips per day on US 29 – which is consistent with what is there today – and there are about 15,000 vehicles per day on Berkmar from Rio Mills north through Hollymead Town Center up to Airport Road. He added that there would still be a LOS "E" on Earlysville Road and LOS "F" on Dickerson Road.

Mr. Williams reported that the last alternative considered was the full build of all proposed improvements – six-lane US 29, full Berkmar Extension from Rio all the way up, the new road and the South Hollymead expansion. He said that they ended up with about 73,000 vehicles per day on this section of Route 29 – still with a LOS "F," but better flow than what is there today and LOS "C" on Berkmar Drive and LOS "D" on Earlysville Road.

He then presented information on different roadway sections, with US 29 broken into segments with the number of lanes, average daily volume, level of service, the estimated travel time, and the v/c to C ratios. Mr. Williams reported that under today's conditions, it takes about 7.1 minutes on average to travel from Rio Road to Lewis and Clark Drive on US 29 in average conditions. In the "no build" they are looking at that more than doubling in terms of travel time between Rio Road and Lewis and Clark Drive that are due to the high levels of congestion. In the "Build 1" (US 29 6-lane widening) they get much higher volumes, the v/c go down, although they are relatively high for this area, and the travel time is at about 8.6 minutes. In "Build 2" (US 29 6-lane widening, Berkmar Extension w/bridge, Places29 new road) the travel time is below what it is today at 7, from 7.1, with good v/c ratios. In "Build 3" (US 29 4-lane widening, Berkmar Extension w/bridge, Places29 new road, South Hollymead Expansion) traffic is higher on Route 29, but all else is similar to "Build 2". "Build 4" (US 29 6-lane widening, Berkmar Extension w/out bridge, Places29 new road) has good v/c ratios and reasonable travel time. "Build 5" (US 29 6-lane widening, Berkmar Extension w/bridge, Places29 new road, South Hollymead Extension) provides the best travel time and levels of service.

Mr. Williams noted that on Berkmar, in just about all cases, there is a good level of service, good v/c ratio, and very little indication of congestion – except for "Build 3" where Berkmar is extended all the way up but US 29 is not widened. He also indicated that it seems that the widening actually improves the traffic flow more than the bridge does. With Dickerson Road from Airport up to Lewis and Clark except for "no build" all of the other alternatives are providing a LOS "B," and the section from Airport Road to Earlysville Road is problematic in all cases – but it particularly fails if there are no improvements on US 29 due to the high level of traffic that's diverting off of Route 29 to try to get out to Earlysville Road, Rae's Ford Road, etc. Mr. Williams said that with Earlysville Road, it's the same – without widening of Route 29, that road will have a poor LOS; in the other build conditions it's generally varying from a LOS "E" to a LOS "D," which is what the current level is. He reported that all of the connecting roads in general are operating well with the one exception of the very short segment of Airport Road from Route 29 to Berkmar Drive, as it is failing in most of these alternatives or at LOS "E" because of the large volume of traffic that the model has turning onto Route 29.

Mr. Williams then summarized their findings.

2035 future traffic conditions (no build)

- 1) In 2007, on US 29 between Ashwood Boulevard and Rio Mills Road the total volume of traffic is 52,430 average daily trips with an average total travel time on US 29 between Rio Rd and Lewis and Clark Drive of 7.1 minutes.
- 2) In 2035, due to growth in the region, if no improvement are made to US 29, total volume of traffic on US 29 between Ashwood Boulevard and Rio Mills Road will increase to 72,892 (+39%) and average travel time on US 29 between Rio Road and Lewis & Clark Drive will be 14.5 minutes.
- 3) In 2035, if no improvements are made to US 29 the roadway will be heavily congested with a traffic volume to capacity ratio between Ashwood Boulevard and Rio Mills Rd of 1.60, a v/c ratio of 1.43 between Ashwood Boulevard and Hollymead Dr and a v/c ratio of 1.42 between Hollymead Drive and Airport Road.
- 4) This will result in continuous stop and go traffic every day. The heavy congestion on US 29 will result in high volumes of traffic diverting to avoid US 29. This will lead to heavy traffic and congestion on Dickerson Road and Earlysville Road and to a lesser extent on Rae's Ford Road and Proffit Road.

2035 roadway improvement scenarios

- 1) Widen US 29 to 6 lanes (Build 1) – Widening US 29 to 6 lanes will allow additional traffic to use US 29. Traffic volume on US 29 between Ashwood Boulevard and Rio Mills Road will be 88,046 ADT. Travel time between Rio Road and Lewis & Clark Drive will average 8.6 minutes, about 1.5 minutes higher than 2007 but about 6 minutes less than travel time without any improvement on US 29. This will eliminate diversion traffic onto Rae's Ford Road and Proffit Road. However, Dickerson Road and Earlysville Road will continue to experience diverted traffic and will still have traffic in excess of capacity and high levels of congestion.
- 2) Widen US 29 to 6 lanes and extend Berkmar Drive (Build 2) – This scenario completely mitigates the impact of new growth in the MPO area and results in travel time on US 29 between Rio Road and Lewis & Clark Drive of 7.0 minutes, slightly less than the 2007 travel time. In this scenario traffic volume on US 29 between Ashwood Boulevard and Rio Mills Road will be 72,982 ADT. On Berkmar Drive extended between Ashwood Boulevard and Rio Mills Road traffic volume will be 20,198 ADT. On Berkmar Drive extended the motorist will experience LOS C between Ashwood Boulevard and Rio Mills Road, LOS B between Hollymead Drive and Ashwood Boulevard, and LOS A between Airport Road and Hollymead Drive. The motorist will experience LOS D on Earlysville Road with traffic volumes of 12,000 to 13,000 ADT. Dickerson Road between Airport Road and Earlysville Road will remain at LOS F.

Impact of South Hollymead Expansion area

- 1) The South Hollymead Expansion Area will result in 6,041 additional trips in 2035.
- 2) Berkmar Drive Extension and 4 lane US 29 with Expansion Area (Build 3) – If the expansion area is added with the Berkmar Drive extension and 4 lane US 29, there will be several impacts. Traffic on US 29 will be somewhat worse than 2007 conditions with traffic volume on US 29 between Ashwood Boulevard and Rio Mills Road of 57,049 ADT and travel time between Rio Road and Lewis & Clark Drive of 8.5 minutes. Traffic on Berkmar Drive south of Hollymead Drive will be at LOS E with 35,324 ADT between

- Ashwood Boulevard and Rio Mills Road, and 31,862 between Hollymead Drive and Ashwood Boulevard. In this scenario, traffic on Dickerson Road will be a LOS E/F and Earlysville Road will be at LOS E.
- 3) Berkmar Drive Extension without bridge over S. Rivanna River and 6 lane US 29 with Expansion Area (Build 4) – In this scenario Berkmar Drive extension provides access to new land uses, but since there is no bridge across the South Rivanna River, it does not serve through traffic and US 29 functions similarly to the scenario in which US 29 was widened to 6 lanes without Berkmar Drive extension. Travel time on US 29 between Rio Road and Lewis & Clark Drive is 7.6 minutes and traffic on US 29 between Ashwood Boulevard and Rio Mills Road is 76,776. Berkmar Drive extension provides LOS A/B with a peak volume of 15,660 ADT between Ashwood Boulevard and Rio Mills Road.
 - 4) Berkmar Drive Extension with 6 lane US 29 and the South Hollymead Expansion Area (Build 5) – This alternative provides almost identical levels of service on both US 29 and also Berkmar Drive as the Build 2 scenario. In this scenario, US 29 provides the same level of service and travel time as the motorist experiences today. Berkmar Drive functions at acceptable level of service (LOS A, B or C) for its entire length.

Mr. Williams concluded by stating that in all future scenarios Dickerson Road is at LOS “F” between Airport Road and Earlysville Road and may require future study.

Mr. Boyd asked if any attempt was made to assign costs estimates to the alternatives and how much the model had used variables of different types of communities along Route 29. Mr. Williams responded that the group didn’t get into the cost estimating, although staff has, and VDOT has an estimate to widen US 29 to six lanes. That information can be included in the final report.

Mr. Rooker said that under all these scenarios, if you do not include cost estimates, you’ve got a problem. Mr. Williams agreed.

Mr. Williams stated that they took the land use assumptions that staff provided in terms of the development, which mimics what is in Places29. He said that one of the features in the land use policies is establishment of density sufficient to support transit and encourage bike and pedestrian use. The model accounts for those increased uses of these alternate modes and subtracts trips out to mimic the increased use of transit, bikes and pedestrians in the area. Also, they did not change the land uses between the scenarios with the exception of the addition of the South Hollymead Expansion area.

Mr. Boyd commented that he is looking for the “best bang for the buck” with the options the County has, and what might be expected through rezonings and proffers. He added that transit is important, but it does add cost. For example, he does not know if it is cost justified or desirous if it cost \$10.0 million per year to add the necessary transit capabilities, to save \$10.0 million for an additional lane.

Mr. Williams said that if the Board wants TJPDC to model different land use alternatives, they have software that can perform all kinds of variables. They chose not to do that because they wanted to give the Board a straightforward comparison with just two land use alternatives. If the Board will give staff directions, TJPDC can work with them.

Mr. Benish stated that this model is based on what is proposed in Places29, and the scenarios that were run were with the expansion areas as were looked at with the Commission.

Mr. Rooker said that there are many variables that are already locked in, because the projects have been approved or the rezonings have taken place. He stated that from a land use standpoint, the question has been the impact of a possible expansion of the area south of Hollymead Town Center and north of the River. Mr. Rooker emphasized that under any of the land use scenarios, completing the widening of the “hourglass” area near Forest Lakes is the most important improvement, including from a safety standpoint; the vertical alignment would also be corrected in that process.

Mr. Boyd commented that there may be monies proffered through development of the section in between the developments to help allow for the widening of Route 29.

Mr. Thomas asked if the citizens groups are still active. Mr. Cilimberg responded that they have not had a meeting for a while, but plans will be discussed in the meeting.

Mr. Cilimberg commented that within the scenarios presented, there was information as to traffic impacts with and without the expansion of the area between the River and Hollymead Town Center. If the Board wants traffic analysis run on any of the other scenarios, staff needs to know. Staff also needs to know if the Board is looking at increments of development, partial development.

Mr. Rooker said that if an area continues to grow and is approved in that location, it is likely to build out over the 25-year period being considered.

Mr. Benish clarified that the commercial aspect is built out in the models, but the residential aspect was assumed as one-third of the growth because of the available capacities within the existing development areas.

Mr. Boyd asked if staff talked to the landowners about their vision of what they would like to see happen, and what that would mean in the long run. Mr. Benish said the proposed land uses are based closely on what was submitted by the applicant at the beginning of the Master Plan process. The area

was changed a little bit. He said that the format is considered to be a large-format/big box retailer and mixed use, and that is what is provided in the expansion area.

Mr. Boyd asked if that is what the Places29 land use calls for. Mr. Benish noted that the Planning Commission did not recommend those expansions, but took them to the public – and staff had provided a scenario with those land uses. As part of his presentation, he will summarize the scenarios and ask for direction from the Board. Mr. Cilimberg added that the traffic model is what was presented to the Commission as the land use if they decided to incorporate that expansion area. It is what the staff would recommend if the Board decided to incorporate the expansion area.

Ms. Mallek asked if this would have significantly different traffic implications if it were more of an employment area as opposed to commercial. Mr. Cilimberg responded that it would depend on how it is done. Mr. Benish said it would also depend on the density. He added that employment tends to be less of a traffic generator than retail, but then it also depends on the type of employer.

Mr. Cilimberg added that there is a great percentage of the projection for 2035 that is essentially reflecting zonings that have been approved, even going back to the first UREF rezoning – which was an amendment to the Comp Plan at the time. There is a great amount of acreage up in that area that got modeled in this traffic modeling that is reflecting some pretty large-scale rezonings that have been done over the last 20 years.

Mr. Benish said the following memo responds to questions from the Board's January 13, 2010 work session:

"The Board requested information regarding a number issues related to the proposed expansion areas and recommended transportation improvements in the US 29 corridor. Staff has organized the information and responses into the following list of questions:

1. **Traffic information for Berkmar Drive Extended/Traffic Impact of the Proposed Expansion Area to the Road Network:**
 - A. **How much traffic would Berkmar Drive Extended take off of US 29?**
 - B. **The traffic impacts of the proposed Expansion Area south of Hollymead, based on the uses proposed. What would be the net gain in capacity? Asked for a map of the area showing distances between roads, the length of Berkmar Drive Extended, the parcels involved, the land use designation in the current Comp Plan, the same in Places29. What will the impact be of changing these designations?**

Information to answer these three questions will be provided by Steve Williams, Executive Director of the TJPDC, during a presentation at the work session. A copy of his PowerPoint presentation is attached for your reference (Attachment A-on file).

Mr. Williams can also provide information on the newer transportation model that the PDC is now using; how it is different from the one used in the US 29 North Corridor Transportation Study.

2. **When are traffic studies required for development proposals, how much do they cost, and who pays for them when they relate to a Comp Plan Amendment.**

The County and VDOT typically require traffic impact analyses (studies) with rezoning and special use permit applications and with major site plan and subdivision plats. Recent state legislation requires an analysis based on a certain threshold of activity. From the VDOT website (*Revised Traffic Impact Analysis Regulations, Administrative Guidelines (July 2008)*):

Chapter 527, 2006 Acts of Assembly added §15.2-2222.1 to the Code of Virginia ... to require localities to submit rezoning, site plan, and subdivision plat proposals along with traffic impact analysis studies to VDOT if these proposals can be expected to substantially affect transportation on state-controlled highways ("state highway"). VDOT will provide the locality with advisory comments and recommendations concerning the traffic impact of the development. (Note: "substantial" impact is defined in the code as a change that would generate 5,000 vehicle trips/day on a state controlled highway)

This new Code section also instructs localities to submit any new comprehensive plan or plan amendment to VDOT if it will lead to substantial impacts or changes to the existing transportation network. The intent is to improve the coordination between local planning for future growth and planning for the improvements to the existing transportation network to serve such growth. The new Code does not require an impact analysis/study for Comprehensive Plan amendments submitted to VDOT.

For rezonings, special use permits, site plans, and subdivision plats, the applicant is typically responsible for undertaking and paying for traffic studies. The cost of a study will vary significantly depending on the scope of the study, which is based on circumstances related to the type, size, and location of the development proposal and the existing transportation network. The scope of the traffic study is ultimately decided by VDOT. If a comprehensive plan amendment originated with the County, then the County would be responsible for submitting the necessary information to VDOT as deemed necessary and consistent with the Code. However, if the comprehensive

plan amendment accompanies an application for a rezoning, then the applicant would be expected to submit the necessary information to VDOT, as deemed necessary.

3. What information on traffic impacts and improvements can be obtained from the Route 29 Corridor Study? What is the status of the Route 29 North Corridor Study and how might its findings impact Places29 recommendations?

The Route 29 Corridor Study process relied on existing traffic studies and plans already developed by communities along the corridor. Therefore, the Route 29 Corridor Study utilized the land use and transportation network analysis undertaken by the County, VDOT, and the MPO as part of the Places29 process. That Corridor Study generally acknowledged the recommended transportation improvements in the Places29 Master Plan for this portion of US 29. The Route 29 Corridor Study consultant and VDOT initially considered an additional parallel road concept (from Leonard Sandridge Drive to Hydraulic Road) and an alternative design concept for the US29/US250 Bypass interchange improvements (different from the one identified in the 29H250 Study and Places29). However, based on public and community input, those two improvements were not recommended in the final draft of the Route 29 Corridor Study presented to VDOT.

The CTB has generally accepted the corridor-wide strategies recommended in the Route 29 Corridor Study but, as noted in their resolution (Attachment B), directed VDOT and its consultant to undertake additional work to review specific recommendations for improvements to the corridor, including:

- A prioritized list of intersections to be replaced by grade-separated intersections
- A plan to improve mobility and accessibility north of the Charlottesville, evaluating various alternatives, and not limited to prior proposals
- A plan to improve mobility and accessibility in the Gainesville, Haymarket, and Buckland region, and not limited to prior proposals
- A plan to limit the number of traffic control signals in the Route 29 Corridor

The consultant for VDOT's Route 29 Corridor Study is now revising the first version of the study. Completion of this work is anticipated in the late spring/summer timeframe.

4. Provide more details on the 29H250 studies—recommendations and status.

The 29H250 Study was developed in two phases, both conducted by the Thomas Jefferson Planning District Commission (TJPDC), with support from City, County, and VDOT staff, and the same consultant team that worked on the Places29 Master Plan. Phase 1, the *29H250 Intersections Study*, was completed in 2003. Phase 2 expanded the Phase 1 study area northward to include the Greenbrier/US 29 intersection and westward to Barracks Road and the US 29/250 Bypass interchange. The second phase, completed in 2004, included the development of design concepts for an overpass at US 29 and Hydraulic Road, along with urban design concepts for land uses in the area between US 29, Hydraulic Road, and the 250 Bypass. The Study recommended a series of improvements for this area and those recommendations have been included in the Places29 Master Plan. The studies involved significant public participation at several workshops. An executive summary of the Phase 2 study is included in Attachment C.

Key recommendations of the study and their status are noted below:

- Improving the US29/US250 Bypass interchange by adding a lane to the US 29 southbound lanes, by adding a lane to the onramp, and by adding an auxiliary lane on the Bypass to the Barracks Road interchange.
- US29 south of Hydraulic Road would consist of an eight-lane section, providing an additional south bound lane to the US29/250 Bypass interchange

STATUS: Currently in the plan development stage by the City/VDOT. Currently \$4.7 million in City and State funds (including Revenue Sharing funds), and private sector funding from the Albemarle Place proffers is allocated to this project. Additional federal earmark funding has been requested by the City with support from the County. Completion of the project is intended to coincide with the opening of Albemarle Place.

- Increase parallel roadway capacity by constructing Hillsdale Drive from Greenbrier Drive to Hydraulic Road, and by extending Hillsdale further south from Hydraulic Road to Holiday Drive.

STATUS: This project, almost all of it located in the City, is under design by the City and VDOT. The road is being incorporated into recent development projects (the new Whole Foods site north of Hydraulic Road). It is anticipated that a significant portion of the cost of the project (right of way) will be provided by the development community.

- US29/Hydraulic Road interchange. A grade separation of this interchange is necessary to meet the long-term traffic projections. An urban interchange configuration is recommended.

STATUS: The developer of Albemarle Place has completed an analysis to determine the right of way necessary on the site (the northwest quadrant of the intersection) to accommodate an urban interchange. The County has now approved an official map identifying the necessary right of way in the northwest quadrant of the intersection. No other work has been undertaken to date on this project. This is considered a long-term project. Emphasis is placed on first adding additional lanes to US 29 in the City, making improvements to the 250 Bypass interchange ramps, extending Hillsdale Drive, making other inter-parcel connections, and making access management improvements in the immediate area.

5. Provide more information on pedestrian crossings for US 29. How the grade-separations would incorporate pedestrians, bicycles, and transit along with vehicles. The UVA student study of pedestrian crossings.

The Master Plan now includes an example of a pedestrian/bicycle overpass connecting the Fashion Square Mall with the Shopper's World area. A photosimulation of the potential overpass is shown in Figure 4.1 (page 4-15) and a concept plan of the overpass is shown in Figure 4.2 (page 4-16). The "List of Implementation Projects" in Chapter 8 identifies US 29 pedestrian crossovers/crossings as a Transit/ Pedestrian/ Bicycle implementation project (Project Reference No. 29, page 3 of the list). The intent is to evaluate interim at-grade crossing improvements and long-term grade-separated improvements.

Each of the recommended grade-separated intersections would include pedestrian paths/sidewalks and accommodate bicycles and transit. In some cases, a transit stop might be incorporated into the grade separation. More precise information about the specific way that each mode would be handled will be available when each grade separation is designed.

Staff and VDOT both have copies of the University of Virginia student study of pedestrian crossings. The students recommended certain locations and designs for at-grade crossings. As road improvements are made, these crossings could be incorporated if VDOT determines that the location is appropriate. However, based on initial and preliminary conversations with VDOT staff, there is significant concern with establishing any at-grade crossings along US 29 due to the significant traffic volumes, speeds, and the number of turning movements along US 29. Installing pedestrian crossings at signalized intersections could cause a significant negative impact on the LOS of the intersection.

6. What are the potential the impacts of the improvements to US 29 on existing businesses? Which businesses are more likely to be affected and how will the County minimize impacts during construction? How do the benefits balance the costs/impacts? What help can we give to affected businesses during construction to make up for possible loss of/reduction in customer base that results from more difficult access? Other innovative ways to assist property owners.

In the long-term, most, if not all, businesses will experience improved access as customers/clients will be able to reach the business by vehicle, transit, bicycle, and on foot. Clustering businesses in Centers will encourage customers/clients of one business to patronize other businesses while they are in the Center. So, in the long-term, most businesses will benefit from road and other infrastructure improvements recommended in the Plan. The proposed improvements along US 29 will, for the most part, not require expansion beyond the existing right of way. This is because the current right of way for US 29 is very wide and the road's cross section will not be widened (for the section south of the Rivanna River) beyond the current eight lanes. The interchange design concepts are also intended to minimize need for additional right of way and to allow businesses to be located adjacent to the interchanges, with access through proposed ring roads and/or parallel roads.

The most significant impacts to businesses will occur during construction of the various improvements. Businesses located adjacent to the road segments being improved will be the most affected by construction of these improvements. Those located near proposed interchanges may be impacted the most during construction due to the potentially more complex access modifications and detours during construction and grade adjustments. However, until each improvement is designed, staff cannot say exactly which businesses will be affected and to what degree. It is the intent of both County and VDOT staff to minimize the impact of road construction on businesses throughout the area. Programs to help businesses during construction can be devised as part of each Small Area Plan, along with the development and design of each road improvement. However, the following approaches will be considered to minimize the negative impacts of construction on businesses, residents, and the traveling public:

- completing parallel roads and crossing streets prior to interchange construction or major road segment improvements in order to provide effective alternative access options
- staggering the timing of project phases
- night construction schedules, and
- enhanced signage during construction

Staff did some research to see if there were any other innovative approaches used in other areas, such as financial assistance or other non-physical/non-construction related means to assist adjacent businesses during construction of projects. Staff did not find any other approaches to offer at this point in time.

When funding for the recommended grade separations at US 29/Rio Road and at US 29/Airport Road/Timberwood Road is identified, design of the improvement can begin. At this point, County staff, working with VDOT and TJPDC staff, will prepare a Small Area Plan for each of the affected areas. These Small Area Plans will cover the areas shown within the white dashed lines on the Future Land Use Map. The planning process will involve significant public participation by all businesses, residents, and property owners in the area. The design will be worked out with input from the public. The result will be a more detailed land use map for the area and a design for the road improvements within the area. The road improvements will include any jug handle connectors or ring roads for the overpasses, as well as any other changes in the local neighborhood road network. Owners of businesses will be invited to comment on designs and to work with staff to minimize the effects on their businesses whenever possible.

7. How is the Western Bypass incorporated into the Plan?

The Western Bypass is discussed briefly in Chapter 8, Implementation, on page 8-3.

Nothing in the draft plan necessarily precludes the potential for the construction of a bypass at some point in the future, if needed. The recommended transportation improvements in Places29 for the US 29 corridor focus on improvements that serve both the local and regional functions of the road, of which local movements make up the vast majority of the total trips. The recommended improvements can be done incrementally, with each one providing some improvement to the transportation network.

Expansion Area Information

8. Provide the total acreage of the potential Piney Mountain expansion area. How much of the expansion area includes acreage purchased by the Federal government. What is the long term needs for base expansion? What areas of land did the government want to purchase for the base, but could not due to limited funding? Staff should contact NGIC/DIA to find out: a) if they have expansion plans and where they might want to expand; and b) what issues and/or preferences they have for potential land uses and activities adjacent to the base.

The proposed Piney Mountain Expansion Area includes approximately 60 acres, which includes a portion of the new DIA facility located outside the Development Areas plus approximately 30 additional acres. The Federal government now owns two parcels in Piney Mountain totaling 75 acres (TM 32, Parcels 5C1 and 5C4). Of these two parcels, one is completely inside the Piney Mountain Development Area. The other parcel contains roughly 30 acres outside the boundary (in the Rural Areas).

Staff has contacted NGIC/DIA several times since January to find about potential expansion plans and whether NGIC/DIA are comfortable with the land uses shown on the Future Land Use Map and in the potential expansion area adjacent to the base. NGIC/DIA staff have not yet responded to staff's request for information. As soon as NGIC responds, staff will provide their comments to the Board.

9. Land Inventory & Absorption--Provide the number of available/approved residential units and retail square footage (approved, but not yet built), and information on market absorption/need for residential and retail land.

Residential:

The total number of dwelling units that have been approved as part of recent rezonings, special use permits and major subdivision plats and site plans is approximately 8000 units (8,069). This total does **not** include the units approved as part of the Biscuit Run development. Please note that this total is just for *approved* developments and does not include the development potential of other undeveloped/underdeveloped residentially zoned or designated lands within the Development Areas.

Based on the additional residential growth projected by the Virginia Employment Commission for the next 20 years (to 2030) and the average household size for Albemarle (2.12 persons/household, according the U.S. Census Bureau's American Community Survey), the approved 8000 units can accommodate just over 70 percent of the total growth expected over the next 20 years (or 12 to 15 years worth of growth).

Some of the major approved residential projects with remaining capacity in the Places29 area are:

- Belvedere (750 units)
- North Pointe (893)
- Hollymead Town Center (1,718)
(areas A, B, D)
- Albemarle Place (650)
- Arden Place (212)
- Briarwood (173)
(Phase 1A&B, 5 port.)

• Oakleigh Farm	(101)
• Treesdale	<u>(90)</u>
TOTAL	4,587

Based on the economic analysis prepared at the beginning of the Places29 planning process in 2005-06:

- The Places29 area has the potential to capture between 1,770 and 2600 new residential units based growth trends/capture rates for the area and the county from 1990 to 2005.
- Single-family homes will still be the housing type demanded by the majority of the market (55%), but multi-family housing will become a more attractive housing type due to its affordability and its ability to satisfy the increasing one- and two-person household market.

Further information from the market analysis about residential activity in the County is presented in the Master Plan in Chapter 3, Existing Conditions and Future Trends (**p. 3-15 through p. 3-16**). The information in this chapter is a summary of the more lengthy analysis presented in the Assets, Needs, and Opportunities Report that was completed early in the planning process and that served as the basis for the land use planning. The Demographic and Economic Trends section on page 3-13 of the Master Plan was accurate as of January 1, 2007; the market analysis predates the economic downturn that began in 2008.

Retail:

A total of just over 4,000,000 square feet of commercial development has been approved as part of recent rezonings, special use permits, and major site plans throughout the County. This total does not include the approximately 120,000 square feet of commercial approved as part of the Biscuit Run development. Like the residential information above, this total is just for *approved* developments; it does not include the development potential of other undeveloped/underdeveloped commercially zoned or designated lands within the Development Areas.

Some of the major approved commercial/retail projects with remaining capacity in the Places29 area are:

• Albemarle Place*	(616,000 sq. ft. of comm./retail)
• North Pointe*	(582,600)
• HTC* (Area A1, A2, C)	(803,500)
• HTC* (Area C)	(68,000)
• Northtown Center	<u>(199,800)</u>
Total	2,269,900

Other major projects in County:

• Fifth Street-Avon Center	(440,000)
• Rivanna Village*	<u>(125,000)</u>

*These are totals for retail areas. Each project contains additional square footage approved for office, service uses, and other non-residential uses.

Due to limited staff resources and other work priorities, staff was unable to update a previous retail demand/absorption analysis conducted by the Fiscal Impact Planner in 2003. The Chamber of Commerce and TJPED were contacted at the beginning of the Places29 planning process and invited to share any information about number of commercial retail buildings, vacancy rates, and industrial users. At that time, both organizations indicated that they did not collect and maintain this type of information. So, staff proceeded with information prepared by our land use/economic consultants.

Since the Board's request for information at the January work session, staff has contacted the Chamber, TJPED, and CAAR and invited them to provide information, both at this work session and as an attachment to this memo.

Based on the economic analysis prepared at the beginning of the Places29 planning process in 2005-06:

- "It is projected that between 1.0 and 1.4 million square feet of retail is supportable in the County between 2005 and 2015." If the above projects in the Places29 area are built over the next ten years, "these approved projects will provide more retail space than the 1.0 to 1.4 million square feet that is supportable throughout the entire County between 2005 and 2015."

Additional data and mapping will be provided with the staff presentation at the work session.

Other Information

10. What will the impacts of Places29 be on residential areas/neighborhoods?

At the beginning of the Places29 planning process, the Board requested that existing residential neighborhoods be recognized as developed places, and the existing character of those place be protected. The Master Plan provides a statement indicating this and the framework generally

does not proposed to locate any Centers or road improvements within these neighborhoods. This direction has been incorporated into the Master Plan as part of the Vision and Guiding Principles, specifically in Guiding Principle 6 (page 2-2).

New neighborhoods are expected to be developed in a more compact, mixed use form that would provide additional opportunities for mixed uses, walkability, and transit.

11. What improvements are achievable in a reasonable amount of time?

The County's Master Plans are used in at least two different ways. First, the Plan gives guidance on many aspects of land use and development based on the text and the Future Land Use Map. This guidance will be useful beginning immediately after the Plan is adopted and will continue throughout the life of the Plan.

The second purpose of the Master Plan is to identify and set priorities for those projects that will be necessary to meet the needs of the area during the life of the Plan. Places29 includes a list of implementation projects at the end of Chapter 8. For the implementation projects that will require funding from the County or other sources, having the projects shown on the Future Land Use Map and/or described in the text of the Plan will demonstrate to potential funding sources that the project is supported by the County. These projects will be identified for consideration should funding become available and needs identified in the Plan should guide decisions on funds decisions. For those projects where designs can be prepared, the County may be in an advantageous position to obtain funding for projects that need to be "shovel-ready." For those projects that developers are expected to construct as part of a development, including them on the Future Land Use Map ensures that the County can require provision of them as part of a rezoning or special use permit approval.

Given limited available funds currently at the State and local level, the achievable improvements are those where federal sources, grants, and private development can assist in funding the design and development of the projects:

- Grant sources are available to support sidewalk, bike, and transit (operational and capital related) improvements. Examples of available grants include Enhancement Grants, the Safe Routes to School Program, and the Pedestrian Safety Program.
- Potential federal funds may be available to assist in the construction of US 29 and 250 Bypass improvements in the City, and potentially allow some of the existing funds on the latter project to be transferred to other priority improvements.
- Grant sources (e.g., Enhancement Grants, Revenue Sharing funds, stimulus funding) and existing and future proffer funds could be used to support design and development of segments of Berkmar Drive. Portions of the road could be developed as part of future development proposals.

Staff notes ongoing projects in the area:

- Construction of the Meadow Creek Parkway
- Design and funding for construction of US 29 and 250 Bypass Interchange improvements
- City and County planning efforts to establish a regional transit "authority" or similar structure.
- Pursuit of grant funds for sidewalk and crosswalk improvements in the County's northern urban areas, specifically around the AHS/school complex, Rio Road east, and Hollymead (and also for the Pantops area).
- Implement the recommended access management/traffic management improvements in the US 29 corridor as part of the development review process and through strategic use of VDOT funds for minor improvements.

A \$190,000 Safe Routes to School Grant and a \$125,000 Enhancement Grant were awarded this year for sidewalk, streetscape, and road improvements. Staff will continue to pursue these and other services to implement priority County projects.

12. When will new US Census information to be available?

The US Census website ("Key Dates") now indicates that the Census Bureau will deliver redistricting data to the states in March 2011. All other information usually released by the Census will be available after March 2011.

Additional information from the County's GDS division indicates that the first demographic profile, with summarized population and housing characteristics, will be available in May 2011. The first data summary file, with additional population counts for 63 race categories and Hispanic or Latino residents, along with selected population and housing characteristics, will be available June – August 2011.

Mr. Benish then went over the residential and retail inventory portion of the report which is set out under #9 above. He summarized information on retail space in Albemarle Place, North Pointe, Fifth Street-Avon Center and Rivanna Village.

Mr. Snow asked for an update on the status of Albemarle Place.

Mr. Cilimberg responded that they have been in discussions with the County over the last several months over submission of their site plan. There is a rezoning request where they recently resubmitted information regarding their proffers; staff has reviewed the request and provided comments. He said that they have not yet submitted a site plan, but have been actively discussing the submittal with staff.

Mr. Rooker reported that they plan to break ground in 2011 and have parts of the town center open for business in 2012. He added that there are a lot of transportation improvements they have to make as a part of that before they can open.

Mr. Thomas noted that they are putting in that right turn lane, which Mr. Rooker confirmed would run from the Waffle House down to Hydraulic Road.

Mr. Rooker said that it's possible to get it done concurrently with the part south of that if the money is in place at the right time. He added that with the Meadow Creek Interceptor project going forward; the previous water and sewer issues have mostly been resolved. Mr. Rooker noted that the developers were able to deal with all of that without eminent domain, but just dealing with landowners privately.

Mr. Benish added that it appears that the areas approved in Route 29 North would seem to meet the initial need for growth based on the analysis between 2005 and 2015. Mr. Rooker commented that that assumes the growth all took place in the 29 North corridor. Mr. Benish stated that if he had made this presentation prior to Kohl's being started, the inventory would be different as it was pulled out of the presentation.

Mr. Benish then summarized the residential portion of the report. Mr. Benish reiterated that there are approximately 8,000 units approved and undeveloped in the County. This number is largely based on rezoning and major site plans, not all site plans. Some of the information provided to the Board by other organizations is a little more aggressive in attempting to attract every site plan. Staff finds it difficult to ensure that it is not double counting so they have taken a more conservative approach. Subdivision plats and site plans can be submitted as preliminaries, finals and revised. They have to track whether the site plans are actually implementing the numbers that are accounted for in the rezoning and as the names change, it gets difficult to track. He added that it is not to say the other numbers are inaccurate; staff just wanted to make sure it was not double-counting.

Mr. Rooker said that in good years, there were about 500 houses a year in the growth areas absorbed in the County; so using staff's figures, the existing potential supply would suffice for about 16 years in the growth area. He added that Piedmont Environmental Council's (PEC) figure is about 13,000 units, which would suffice for about 26 years.

Mr. Benish stated that staff evaluated capacity by looking at overall growth estimated by VEC, which projected population to reach 120,000. He added that just the ones that have been approved could account for 12-14 years of that growth. Mr. Benish said that the approved development in retail and residential, for the next ten years, seems to adequately support anticipated growth.

He reported that the timeframe considered reasonable for transportation improvements is influenced by available local and state funding, but there are projects moving forward and available funds have been assigned to projects in the Places29 area. Mr. Benish mentioned that there may be a small amount of money reallocated from the existing Meadow Creek project to other projects. He noted that the design for Hillsdale Drive is underway between VDOT and the City, although the road remains an important parallel route for the County as well. Mr. Benish added that the alignment concept is being incorporated into site plans and development proposals that the City is reviewing right now, and construction is underway along Hydraulic Road that incorporates the right-of-way alignment for the Hillsdale Drive Connector.

Mr. Benish said that the US 29 Bypass interchange ramp has been mentioned, and \$4.7 million has been allocated in City, State, and proffered monies from the Albemarle Place development. An earmark is being requested to complete that funding and perhaps be distributed to other projects. He reported that the Berkmar Drive extension and bridge is in preliminary planning in terms of proffer monies and CIP allocations for the location work and environmental studies for the bridge. He noted that the bridge is a necessary first step for the overall road alignment and location.

Mr. Rooker commented that there isn't money for everything, and a problem the County has encountered previously is spreading money among too many projects. He emphasized that all traffic studies have shown that the widening of Route 29 is imperative, and it seems to make more sense to assign funding for design of the project the traffic studies show as the most necessary project in the area. He is afraid that if you spread your money around, you get nothing.

Mr. Benish responded that the widening of US 29 is one of the top five priorities, along with Berkmar Drive. The Board left a little over \$1.0 million in the CIP for Places29 Master Planning and it is hoped that VDOT would step up and take on the six-laning of Route 29 so that the County can focus on Berkmar Drive. It then becomes a decision that if that does not happen where our money is best spent. Staff does anticipate that those are the two top projects that we need to work on – one or the other or both if we could.

Mr. Thomas said that this would be something to discuss with the Secretary of Transportation.

Mr. Benish mentioned that there is ongoing work for sidewalks, crosswalks, bike lanes, and transit improvements – as well as the access management improvements identified in the Route 29 North Corridor Transportation Study that are part of Places29. That is how when redevelopment takes places on Route 29, to provide for better or safer access. Those recommendations are being implemented at this time and are ongoing efforts that contribute to improving the function of the corridor.

Mr. Rooker asked if there had been an answer to whether Berkmar Drive Extended would ever qualify for primary road funds; Meadow Creek never did. He expressed concern about the lack of secondary road funds, and the Eastern Connector was kicked out because of concerns it would rely on those funds. He thinks they have to be cognizant when they look at these road projects, and the potential for getting them funded, of the pots of money that you might be able to tap in to get them done, and that does temper the realistic potential for a project getting done.

Mr. Benish responded that it had been the hope earlier in the Places29 process with those from the planning side of VDOT that parallel road systems and networks that contribute to providing for capacity on the route 29 corridor may be available for that funding, but they have now reached a different level where even funding for primary roads is very limited. He hopes there will be more flexibility at the State level to use those funds.

Mr. Rooker said he was a whole lot more confident they could get federal funds to widen Route 29. Both Hillsdale Drive and Meadow Creek have never gotten any federal funds. The initial construction of Berkmar Drive was primarily with County money. He thinks they need to get an answer to that before allocating money over there because it may be a road to nowhere in the sense that they may never have the money to build it out.

Mr. Benish replied that with master planning, the first step is identifying all the projects that are important and identifying the priorities. As the plan is implemented, they will need to focus on the best use of funds. He added that the traffic studies indicate that the widening of Route 29 to six lanes is vital. Mr. Benish noted that most of the recommendations for transportation improvements are based on a backlog of improvements that are already needed – which is based on approvals that have already taken place. The Places29 land use component does not intensify development beyond the original Comprehensive Plan; it is more of a form change. Staff will have to look at the cost benefits, but the form of development can be a factor in the transportation conditions.

Ms. Lee Catlin, Community Relations Director, reported that there has been significant public engagement to this point on Places29 that has involved residences, businesses, neighboring jurisdictions, and other key stakeholders. She said the effort started in 2005 with a “citizens planning academy,” and have held 17 major public engagement activities – including big and small meetings, 15 meetings with other stakeholders including the North Charlottesville Business Council, the Earle Neighborhood Group, the Chamber of Commerce, etc. Ms. Catlin said that they’ve also had 28 Board of Supervisors and/or Planning Commission work sessions, public hearings, and meetings. She stated that regardless of all those meetings, it hasn’t been reviewed or discussed with the public since the Commission approval process at the end of 2009 – so it’s appropriate now to get back in front of the public with an opportunity for them that reintroduces the Places29 Master Plan. Ms. Catlin said that this would be a chance for the County to indicate any significant changes that have been made or may be made. She added that the outcome sought from the plan is that interested stakeholders have ample opportunity to review and understand the basic concepts of the Places29 Master Plan prior to a public hearing.

Ms. Catlin said that it’s important to note that this process is not geared to solicit a huge amount of new public input, but is designed to get people informed and making them familiar so that they can bring feedback to the Board’s public hearing. If there is any significant public input, staff will provide that information to the Board. She stated that the format she is proposing is similar to what was used last fall in getting ready for the Planning Commission public hearing. Ms. Catlin suggested that after the meeting today, the final Places29 draft plan would be released to the public, shared via email and posted to the website. She noted that the Places29 website is a very thorough resource regarding the plan and the process. Ms. Catlin proposed that in the end of May and early June there be open houses held in several locations in the plan area, and in the County Office Building. The Board could hold its public hearing on June 9, 2010. She said that in July and August, staff would make revisions to the plan, hold any needed work sessions, and then prepare for another public hearing in September if deemed necessary – and then to the Board for action.

Mr. Thomas asked if there is a statement available on the impact of the effect of the plan on existing businesses and residences.

Ms. Catlin replied that the staff has compiled documents that are essentially a summary of the master plan, including FAQ, top 10 questions, etc. and has made that available to the public. If someone looks at those documents and the information is not sufficient to answer their questions about “What does this mean to me?” the open houses are a good opportunity for them to talk with staff.

Mr. Thomas asked if everybody in the Emmett Street corridor and Route 29 corridor know the impact to them of interchanges, if they are installed.

Mr. Rooker said there is no way to know the impacts of an interchange in advance of some engineering work being done on its design. It is not until you design an improvement that you are going to be able to specify what the impacts are going to be; that is just a fact of life.

Mr. Cilimberg commented that the nature of master plans is similar to comprehensive plans – describing the kinds of improvements that are felt to be necessary, to lay out concepts, but it does not get into designing the improvements. He mentioned the Western Avenue design in Crozet, noting that the land was not affected as predicted – but that was OK, because the concept intended to get a road between Route 250 and Jarman’s Gap Road. Eastern Avenue has the same kind of designation in the plan. Mr. Cilimberg said that there could be small area plans where specific improvements are called for, and it is possible that a concept out of Places29 will get redefined. That is the next step. This is the setup to tell us we want to spend resources of the County to then proceed with work towards deciding how those things will be done in the future.

Mr. Rooker noted that there was some effort with Places29 to look at some areas with more specificity – but people got alarmed at the possibility that their property use would be prescribed. Adopting a master plan does not change the zoning or use of the property, nor does it prohibit a property owner from using property the way it is currently being used. It presents some options that allow them to change that use in the future. It actually should enhance their property values because it gives them perhaps higher-density potential uses in the future.

Mr. Boyd commented that the interchanges do concern him, as there is no way that they will not affect businesses. He said that he doesn’t see how any of the interchanges can be afforded, and noted that he was relieved when the MPO dropped them. He asked why put any of it on the plan if we cannot see within some acceptable timeframe that we’ll have some kind of money to do it with.

Mr. Rooker responded that it is open to discussion and there will be input from the public, adding that there has been some work done by VDOT following the Route 29 North Corridor Study. He said that there was an intersection analysis done, and VDOT thinks there are at least ten intersections along Route 29 in Albemarle County that need improvements. VDOT is saying that they will not have the money to do grade separated interchanges, but will have to do at-grade improvements for some of them. The Board needs to recognize that VDOT has identified those as intersections that need substantial improvements based on the growth of local traffic.

Mr. Boyd noted that VDOT also drops any secondary roads that cannot be funded in the next six years. The County keeps the roads in its plan, but they are not keeping it in theirs. He asked if the County should keep interchanges in its plans that are not within VDOT’s six year plan.

Mr. Rooker said that the MPO has a 20-year plan, and items were removed from that due to financial constraints; in order to get in a six-year plan, an item would have to be in the 20-year plan. There is a difference though between the six-year and the 20-year plan, and the financial constraint requirement was the 20-year plan that we were talking about.

Ms. Mallek added that it is informative for landowners who have one idea of what might be coming in the future, so there is not a surprise for the next generation.

Mr. Boyd said that having a line on the map looming over a property owner can influence their decision as to what to do with their land.

Mr. Rooker said if commercial property is taken by VDOT, it would be paid for at fair market value. He pointed out that the concern of businesses like Albemarle Place has been traffic that does not move, because people go away. He said that they’re not bothered by a grade-separated interchange at Hydraulic Road and Route 29, as their concern is that the traffic count remains in that area and improves over time but that the flow continues somehow.

Mr. Cilimberg commented that the plan sets out 20 years and beyond, and Mr. Benish’s report refers to things that can be achieved in the foreseeable future. He said that there are a whole lot of other items that won’t be possible because of resource limitations, but that doesn’t mean they shouldn’t be reflected in a plan – because of the need to address what will ultimately be demanding improvements in 15, 20 or more years. Mr. Cilimberg added that one major challenge with Route 29 has been how traffic moves east-west across the corridor, and that tends to fail before the north-south traffic. If the east-west traffic doesn’t have ways to move from one side of Route 29 to another, then businesses will be affected. And that can have as much or more of a detrimental impact on businesses as Route 29’s traffic condition itself.

Mr. Boyd asked if this could be tied to growth, as the plan considers 2035 levels, and have it stipulate that when a certain population is reached an interchange would be put in.

Mr. Cilimberg said that there is some language used in some other plans as to how the County would approve new development in association with improvements to the system; there is some language in Places29 to address that. If it needed to be more precise in terms of addressing different areas where interchanges are being envisioned, staff could work on that.

Mr. Thomas commented that the entire master planning process has improved tremendously, with the Crozet plan being the pilot, but stakeholders and the public are still not completely “plugged in” with Places29.

Ms. Catlin responded that the plan has been in development for a long time, but the Board has not really had a chance to have a formal public hearing to hear what the public has to say about it. If it is not done in June, it would be September before it can happen.

Mr. Boyd said he thinks that is a good plan. He would like to take another look at the land use pros and cons based on what was in the original plan, and what was taken out by the expansion of the Hollymead South growth area.

Mr. Cilimberg replied that staff has made a recommendation that reflects what was originally provided; what the Planning Commission saw is essentially what Mr. Boyd is asking about.

Mr. Benish agreed to share that information with him.

Ms. Catlin said that now that Places29 is nearing finalization, it is a good time to resolve the future role of the Citizens Advisory Councils. There are three partners that make master plans work – the community, businesses and the County. She explained that the councils, appointed by the Board, have been established as an important community liaison tool once master plans were adopted for the development areas in order to continue the community dialogue and citizen engagement. Ms. Catlin stated that the councils were appointed at a time when things were different, when the County's CIP was much more robust and had significant funding programmed and anticipated capital investment in the infrastructure projects called for in the master plans. She noted that staffing was also at a much different level, with a full-time Community Engagement Specialist and plans for several neighborhood-based planning positions. Ms. Catlin said that at the time, the councils were envisioned as very active, hands-on working groups with work products, action plans, etc. – and were actually charged to fulfill 11 areas of responsibility and produce an annual 12-month work plan.

Ms. Catlin stated that due to recent reductions, many of the master plan projects have been pushed way out and the need for community involvement has been lessened. She said that there have also been significant reductions in staff, including elimination of the Community Engagement Specialist position and abandonment of plans for the two planning positions. Ms. Catlin also mentioned that one planner position that directly supports the councils has been eliminated, and one other planner position is scheduled for reassignment as well. She said that the Transportation Planner and Greenways Planner positions were eliminated, and they were both tied into the work of the councils. Staff needs to define a new, more targeted role that reflects current resources and creates realistic expectations. These councils have importance and value but staff cannot meet the current expectations and the charge and the mission that was initially identified for them due to funding and organizational changes. She added that if adjustments are not made, there will be frustration and tension with an unproductive working relationship.

Ms. Catlin suggested that the focus of the councils be shifted from project implementation and action planning to more of an advisory feedback/community liaison dialogue role. This would result in a more targeted mission and charge, a reduced mission schedule and significantly limited staff activity between meetings. She said that there are a total of seven groups right now, and the refined approach proposed includes bringing back a redefined charge to the Board with a more narrow focus, in time for Places29; Crozet and Pantops would be transitioned after their master plan revision processes are complete. She suggested having one meeting annually where all the councils come together, as there are some shared issues and discussions that would be beneficial. Ms. Catlin added that there would be two or three other meetings per year for each council, depending on the activity level for each development area – now and in the future. She said that the groups have adopted some self-sufficiency, but there must be some staff involvement in order to maintain information sharing and to meet FOIA requirements. Ms. Catlin stated that staff's recommendation is to bring a revised mission and charge for advisory councils back to the Board, and move forward in that way with Places29 and other master planning areas.

Mr. Boyd suggested that they become County Executive-appointed to relieve the FOIA requirements.

Ms. Catlin responded that if they do not have good staff work, it's hard for them to be very productive and they can go in a direction that is frustrating to them, or in a direction that turns out not to be possible. Staff wants them to be an identifiable community liaison, communication-feedback group. Staff thinks they can keep that component of them, given the approach that they have proposed here. She added that as things pick up in the future, the groups' focus may return to projects.

Mr. Boyd commented that with the Pantops group, there was not much for them to do other than react and comment.

Ms. Catlin responded that they had a charge to do an action plan, etc., and it caused anxiety among members. That group is functioning in a good way, but they are at odds with the mission and charge that some of them feel like they should be obligated to be doing. She thinks it is about aligning those in a better way.

Mr. Boyd said he thinks the plan is good; it is a much more practical approach to what they actually do.

Ms. Catlin said staff recognizes the need for their involvement in the community as projects come on line. It just does not seem to be a good idea to keep these groups going with a lot of work as a standing practice when there is not money to do things.

Ms. Mallek emphasized that there needs to be a happy medium, as the Crozet group will feel that a stand-down is incredibly premature given the number of projects going on there. She said that they have taken their own minutes and it would be a big mistake to change their direction now. Ms. Mallek added that she goes to almost every meeting, and they are very engaged. If these groups are willing to

step up, she thinks it would be a big mistake to tell them to stop. It is a way to get information out from County government to an incredibly diverse group of citizens.

Ms. Catlin said that this would not be a "one size fits all" approach, as there are different levels of activities depending on the planning area. She said that the ability to staff ultimately seven of these groups on anything close to a monthly schedule, keep their websites going, their A-mails, staff research, presentations and the follow-up is not something that they can accomplish right now.

Ms. Mallek suggested telling each group that their staff presence is gone, except when there are special things that need to be presented – and have the councils ask for help when they need it.

Mr. Benish said he was ready to conclude the presentation. He can show Board members the maps for the expansion areas if they want to see what the Commission presented.

Mr. Boyd asked what discussions have gone on regarding the pros and cons for leaving the expansion areas in.

Mr. Benish responded that the Forest Lakes Board provided a letter of opposition, and there were about six comments in writing against the expansion; at the meetings there was some support from developers in the area – one or two spoke in favor.

Mr. Cilimberg suggested that for Area 2, staff could package the original information provided by one of the landowners and excerpts from the meetings where that area was discussed.

Board members expressed support that idea. Mr. Rooker added that they also be provided with a copy of any letters.

Mr. Cilimberg said that the Forest Lakes area has had the most interaction on whether to add or not add the expansion area.

Mr. Benish added that he is also working to get comments from the DIA regarding the expansion, but no one has been authorized yet to speak on their behalf.

Ms. Mallek emphasized that he should tell the DIA the reason for inquiring is to avoid fencing them in and possibly restricting what they have in mind in the future.

Mr. Benish said that staff would like direction from the Board as to whether to move forward with a June 9th public hearing, and whether to include the expansion options.

Mr. Rooker said that the best course would be to proceed as it was presented today – with the expansion area as an option – and that will also "flag" the item as one that the County is particularly interested in receiving public comment on.

Mr. Benish responded that the Commission proceeded in that way. He confirmed for Mr. Thomas that the two expansion areas considered were Area 2 and Area 1.

Mr. Rooker stated that he is hoping to have a public hearing where those are presented as options for the public to comment on. He is not comfortable recommending a plan.

Mr. Benish mentioned that a second public hearing wouldn't be required unless substantial changes were made, as staff did intend to advertise the expansion areas.

Ms. Mallek said that if it were planned ahead of time, having a second public hearing would really reassure people.

Mr. Cilimberg stated that the plan then includes the procedures that Ms. Catlin pointed out between now and June 9th, with the public hearing held then on the base plan plus the options of expansion. He said that staff will prepare packets on each area to provide some history for the public and the Board.

Mr. Rooker said that if it is going to be voted on in September, the Board should have a nonpublic hearing work session between the June 9th meeting and the September meeting.

Mr. Thomas commented that he will not be present for the May 12th Board meeting.

At this time, the Chair asked for public comment.

Mr. Timothy Hulbert, of the Charlottesville Regional Chamber of Commerce, said that he has received many comments from Chamber members over the last five years on Places29, and no one has ever said "this is a great idea, we need to move forward with this." There are some components that are supported by many of the Chamber members – such as fixing Route 29 South from the Waffle House down, expanding Route 29 to more lanes, the Berkmar Extension over the River, Hillsdale Drive, etc. Mr. Hulbert said that the land use components are problematic from the get-go. He commented that the Chamber has had to fight its way in with the previous MPO Director to get cost estimates. He believes there could be some estimate as to the economic dislocation. He was disappointed in the memorandum which spoke about the highest and best use after everything is all over which there is no argument with. He is concerned about the disruption that certain elements of the plan will cause. Mr. Hulbert

emphasized that the Board needs to take a step back, and suggested that they pull out the pieces that make sense and approve those, but hold tight on the other items. He said that five years ago, there was a three percent vacancy rate in the Route 29 corridor, and that is higher now.

Mr. Henry Weinschenk, a member of the North Charlottesville Business Council, said he heard a lot of assertions today that he thinks need some clarifications. A level of service "F" is typical of any urbanized area. He said that the whole definition of level of service is for rural highways, and everything he sees on Places29 is "building an expressway" – because the County does not want to build a Western Bypass. Mr. Weinschenk said that the Board has been playing a shell game, and they should treat the citizens as adults. He stated that ramps definitely affect businesses, and if the Board intends to build an expressway they should ask for "a big fat one" from VDOT so that owners can get cash for giving up their property instead of continuing to operate in a "derelict commercial area." Mr. Weinschenk said that the Board could do a lot of preliminary engineering with the \$1.0 million they have left, and the Route 29 projects demand that. He has asked repeatedly that the County show real plans. They need to see the ramps and the expressway that is being built.

Mr. L. F. Wood said that in the years he's worked for the North Charlottesville Business Council there are not many business people or citizens who know enough about Places29 to come to a public hearing and speak knowledgably about it. The people don't know what a grade separated interchange is or how it would affect them. Mr. Wood said that there is lots of confusion, and it is doubtful there would be a big turnout for the next public hearing – so the best course would be to take a step back from the master plan. Mr. Wood said he does not believe there would be enough money in his life time to build this proposal. He suggested that the County focus on five elements of the plan that can be done in a relatively short period of time and concentrate on getting them done. Mr. Wood emphasized that the reason for the plan is to serve the citizens in a convenient fashion, and he's not sure that grade-separated interchanges accomplish that. He added that the business community is willing to help as the plan moves forward. June 9th is a little early for a public hearing.

Mr. Neil Williamson, of the Free Enterprise Forum, said that he has a little bit of a different view regarding the retail absorption rate, as not all of the land that is undeveloped is currently available – and any particular parcel may not be appropriate to all users due to cost, location, size, traffic demands, etc. He said that the idea of master planning and the potential restoration of the development area is worthy of discussion. Mr. Williamson noted that the County now has a smaller development area than what they defined in 1980, with the conversion of Biscuit Run to a State park and other developable acres lessened due to regulations with stream buffers, etc. He said that many of the transportation projects presented here are already needed, have no chance of funding, and are not included in the MPO's financially constrained plan. Mr. Williamson stated that a new, more targeted plan should be developed – reflecting current resources and creating realistic expectations among citizens.

Mr. Morgan Butler, of the Southern Environmental Law Center, said that the notion that projects should not be included in the master plan if they don't have funding negates the whole point of a long-term plan. He said that a lack of current financial resources should not prevent inclusion of essential projects in a master plan. Mr. Butler stated that regarding the grade-separated interchanges at Rio Road and Hydraulic Road, it has been known for some time that Route 29 simply will not work unless the north-south and east-west traffic movements are untangled. He said that the environmental impact statement and traffic modeling done for the Route 29 Bypass show that without the grade-separated interchanges there, even with a bypass that stretch of Route 29 would still be at LOS "F," and the interchanges without a bypass reach a LOS "B," with implementation of both the interchanges and bypass bringing the LOS up to "A." He added that a lot of focus today was on the northern part of the corridor and widening Route 29. He asked that the Board keep in mind that the modeling only looked at that part of the corridor, but there are significant traffic problems that exist now further south of the corridor. It is clear that something needs to be done to untangle the traffic at the intersections. Whether it ultimately becomes a grade separated interchange or some other fix, is one of the benefits of a small area plan. The small area plan is an avenue to get folks to sit down, to consider the impacts, to consider ways to mitigate the impacts, and is a way to move forward. He does not think the optimal solution is to stick our heads in the sand, to take those off of the plan and hope that the transportation situation is going to remediate itself on its own when every other alternative they have looked at does not solve the problem.

There being no further public comment, the matter came back to the Board.

Mr. Rooker said that he believes the public hearing should move forward on June 9th, as people are not going to be any more engaged in September than they are in June. He noted that there have been 60 meetings having to do with Places29 – including 32 public participation meetings – and if the plan "misses something" there has certainly been ample opportunity for the community to weigh in as to what that is. Mr. Rooker commented that there were initially comments about the process taking too long, and now they have shifted to "we should delay it." He said that the interchanges are long-range projects, but there is no way to accommodate east-west movements across Route 29 without interchanges. He mentioned the overpasses at Dairy Road, Rio Road, and Locust an Park Streets as being absolutely necessary for traffic flow. Mr. Rooker stated that every traffic study done for the Route 29 corridor includes interchanges, but regardless that is subject to the hearing on June 9th – at which the public will have another opportunity to be heard. He thinks it is time to move forward, let the public be heard one more time and schedule this for a final decision.

Ms. Mallek added that the public may indicate at that time what the top priority items are in the plan, and move them forward.

Mr. Snow expressed serious concerns about the overpasses, but agreed it is time to move ahead. It is time to move ahead with the discussion and planning stages.

Mr. Thomas said he also agrees that it is time to move ahead. He added that Broad Street in Richmond is 12 miles or so long, and it has two interchanges on it – one on I-64 West and one on I-95 on the east end. There are no interchanges on that road and it operates fine. He does not go along with the statement that you cannot get across Route 29; you can.

Mr. Rooker asked how to get bicycles and pedestrians across Route 29, adding that he is not sure how to solve that problem without an overpass. They can be built tight so that they do not have a huge impact

Mr. Snow said that Mr. Weinshenk noted there has been no design presented of an off-ramp, and that would be helpful in evaluating the plan.

Mr. Rooker responded that there have been some preliminary designs done, as part of the 29/H250 study, and they have been made available to the public.

Mr. Thomas mentioned that there were also plans for roundabouts on Hydraulic Road.

Mr. Rooker said that there were plans for both, adding that every traffic study shows that at some point in order for traffic to flow in that area, you are going to have to have [interchanges] at the major intersections. He added that having two interchanges on Route 29 does not create an expressway, as you have many other at-grade intersections. Mr. Rooker said that an expressway has no entrances on the sides, and that is simply not the case here.

Mr. Snow stated that everyone agrees there are several items that can be done in the short term, and many that will have to be considered for the future.

It was the consensus of the Board at this time to move forward with the plan as Ms. Catlin presented, including a hearing with public comment on June 9th.

Non Agenda Item. Closed Meeting.

At 5:21 p.m., Mr. Thomas **moved** that the Board go into closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia, under subsection (1) to discuss the salary of the County Executive.

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

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

At 5:50 p.m., the Board reconvened into open meeting. Mr. Thomas **moved** that the Board certified by recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed session were heard, discussed, or considered in the closed meeting.

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

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

Agenda Item No. 22. Adjourn to May 10, 2010, 4:00 p.m., PVCC.

Mr. Rooker **moved** for the Board to adjourn to May 10, 2010 at 4:00 p.m. to the Dickenson Building at PVCC. Mr. Thomas **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Chair

Approved by the Board of
County Supervisors

Date: 09/01/2010

Initials: EWJ