

An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on January 13, 2015 at 5:00 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia. The meeting was adjourned from January 7, 2015.

PRESENT: Mr. Kenneth C. Boyd, Ms. Ann Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer and Mr. Brad L. Sheffield.

ABSENT: Ms. Jane D. Dittmar,

OFFICERS PRESENT: County Executive, Thomas C. Foley, County Attorney, Larry W. Davis, and Clerk, Ella W. Jordan.

Agenda Item No. 1. Call to Order. The meeting was called to order at 5:01 p.m., by the Vice Chair, Ms. Palmer.

Ms. Palmer announced that staff would provide a brief overview of the meeting to be following by public comment.

Mr. Sheffield announced that the Borches item was moved up to the beginning of the meeting. He stated that there was a Planning Commission meeting at 6:00 p.m. that night, and noted that it was something the Board might want to consider in the future to avoid potential conflict.

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Agenda Item No. 2. Work Session: CPA 2013-01 Comprehensive Plan Update/Amendment.

- Chapter 12: Community Facilities, including Solid Waste
- Chapter 13: Implementation (Text from Plan)
- Recommendations from Planning Commission for Borches CPA

The executive summary forwarded to Board members states that the Planning Commission's recommended Comprehensive Plan has been provided in the draft dated January 23, 2014 and previously provided to the Board of Supervisors. The Comprehensive Plan may be found online here:

[http://www.albemarle.org/upload/images/Forms\\_Center/Departments/Community\\_Development/Forms/Comp\\_Plan\\_2013/Comp\\_Plan\\_Round\\_3/Table\\_of\\_Contents\\_Final\\_1-23-14.pdf](http://www.albemarle.org/upload/images/Forms_Center/Departments/Community_Development/Forms/Comp_Plan_2013/Comp_Plan_Round_3/Table_of_Contents_Final_1-23-14.pdf).

Recommendations regarding focused topics and information since the Commission's actions have also been identified for the Board's consideration. This work session is the eighth in the series of detailed Comprehensive Plan chapter reviews based on the Board's agreed upon review schedule which can be found here:

<http://www.albemarle.org/department.asp?department=cdd&relpage=17151>

The Board's direction to date has been recorded in Action Memos from Board meetings at which the topic was discussed.

At this meeting, the Board will begin review of **Chapter 12: Community Facilities** and recommendations from the Planning Commission, which were requested by the Board in 2014.

### **Community Facilities**

A link to the Community Facilities chapter can be found here:

[http://www.albemarle.org/upload/images/Forms\\_Center/Departments/Community\\_Development/Forms/Comp\\_Plan\\_2013/Comp\\_Plan\\_Round\\_3/12\\_Chapter\\_Community\\_Facilities\\_final\\_1-23-14.pdf](http://www.albemarle.org/upload/images/Forms_Center/Departments/Community_Development/Forms/Comp_Plan_2013/Comp_Plan_Round_3/12_Chapter_Community_Facilities_final_1-23-14.pdf)

A link to the appendices can be found here:

[http://www.albemarle.org/upload/images/Forms\\_Center/Departments/Community\\_Development/Forms/Comp\\_Plan\\_2013/Comp\\_Plan\\_Round\\_3/A.12\\_Appendix\\_Community\\_Facilities\\_Final\\_1-23-14.pdf](http://www.albemarle.org/upload/images/Forms_Center/Departments/Community_Development/Forms/Comp_Plan_2013/Comp_Plan_Round_3/A.12_Appendix_Community_Facilities_Final_1-23-14.pdf)

The appendices provide details on specific service objectives, response times, and standards.

The **Community Facilities** Goals, Objectives, Strategies, Implementation Priorities and Measures of Success are found in a single document at Attachment A. A comparison of the existing Comprehensive Plan's **Community Facilities** Goals, Objectives and Strategies to the proposed Draft is provided as Attachment B. A link to staff reports and the Planning Commission's discussions on **Community Facilities** may be found in Attachment C.

The **Community Facilities** chapter provides information on

- Expectations for all County facilities and delivery of service
- Police service delivery and standards
- School facilities standards
- Fire-Rescue facilities and standards
- Local government facilities
- Emergency operations facilities
- Solid Waste management
- Library services and facilities

- Public water and sewer service delivery
- County-owned stormwater management facilities
- Support for private utility provision of electricity, telephone, natural gas, wireless, and fiber optic service

Three topics have been raised for discussion:

- **Solid Waste**  
In October 2014, the Board of Supervisors asked the Planning Commission to re-review its recommendations for solid waste management and specifically to comment on recommendations of the Solid Waste Long Term Solutions Advisory Council. On December 16, 2014, the Commission unanimously recommended approval of the Committee's recommendations with minor modifications. Attachment D provides a "clean" and "redlined" version of the new recommendations for solid waste management.
- **Wireless**  
The existing wireless policy was inadvertently omitted from the recommended Community Facilities Plan. Attachment E provides recommended language to reference the wireless policy which will be added to the Appendix.
- **Broadband**  
The Board of Supervisors requested that a placeholder for a new broadband policy, which is being developed by the Board, be added to the Community Facilities Plan. Attachment F provides the recommended strategy and text.

#### **Planning Commission Considerations and Recommendations**

Also in October 2014, the Board of Supervisors asked the Planning Commission to review three requests for land use changes in the Development Areas along with policy changes that would be needed for a Zoning Text Amendment (ZTA) for artists' communities in the Rural Area. The result or status of the Commission's review for each item is provided below:

- **CPA201400002 Colonial Auto** -- Representing CMA Properties, Peter Borches had previously asked the Board to consider redesignating a 3.5 acre property along Berkmar Drive from Urban Density Residential to Office/R&D/Flex/Light Industrial to allow the potential for this property to be used as a standalone parking lot to replace an area that will be affected by the Rio Road interchange construction along Route 29 North.  
  
On December 16, 2014, The Planning Commission unanimously recommended approval of the land use change, which is discussed in Attachment G. The Commission endorsed specific text along with the Land Use Map change. Attachment G also contains a recommendation to the Board from the Commission related to development of the Small Area Plan recommended in the Places29 Master Plan.
- **CPA201400003 Woolen Mills** – Brian Roy and Pete Caramanis requested a land use change for the historic mill property known as Woolen Mills from its current Industrial Service to a land use category called Transitional. The recommended Southern Urban Neighborhoods Master Plan designates it as Office/R&D/Flex/Light Industrial and some of the property is in the floodplain of Moore's Creek.  
  
Staff has been working with the applicant on this proposal and outstanding issues related to fill in the floodplain prevented the Commission from considering the request in December. The Commission will hold a work session on the request on January 27, 2015. Staff will report the outcome of that request to the Board at the Board's February work session.
- **CPA201400004 Lofts at Moore's Creek** – This CPA request will be discussed at the Board's February work session.
- **ZTA201400005 Artists' Communities/Residencies** – Greg Smith, representing the Virginia Commission for the Creative Arts, previously asked the Board to consider allowing an artists' retreat/residency in the Rural Area, in support of a ZTA request he had filed in August. Following referral from the Board, the Planning Commission adopted a resolution of intent to study the request in October and held a work session on December 6, 2014. The Commission concluded that in and of itself the use was not a Rural Area use, but, if it helped to achieve historic preservation goals, it could be considered for inclusion in the Rural Area zoning district by special use permit. The Commission has asked staff for additional information, which will be discussed at the January 27, 2015 work session. Staff will report the outcome of that request to the Board at the Board's February work session.

Recommendations in the Comprehensive Plan Draft include recommendations for future capital improvements and operations.

The Board was asked to identify any substantive changes to the recommendations herein presented and concur on those changes, focusing on content rather than wordsmithing. Staff will then make any necessary changes and bring those back to the Board for approval prior to its public hearing.

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Ms. Elaine Echols, Principal Planner, stated that tonight's BOS meeting would be about community facilities, as well as recommendations from the Planning Commission on the Colonial Auto comprehensive plan land use change. She said, at its next meeting, the Board would be talking about The Lofts at Moore's Creek infill and redevelopment comprehensive plan amendment, artists' communities, and Woolen Mills. Ms. Echols stated that staff would also seek the Board's comments on the red-line chapters and prioritize the first seven chapters, with chapters 8-12 undergoing similar review in March. She said the final step would be the completion of the implementation chapter 13.

The Chair invited public comment.

Mr. Jeff Werner addressed the Board, stating that he wanted to emphasize that broadband and wireless are not always the same thing and whatever the Board approves as a broadband policy, he would like it to follow the wireless guidelines and policy. Mr. Werner said there was a pocket plant proposed on Route 250 East in an area of about 60 acres of old zoning, and it might be helpful for the County to look at some of the old sites and evaluate what will be changed by having the pocket plants go in there. He explained that a pocket plant is a sewage treatment plant that uses a modular system where sewage treatment may have failed or may not be working well, and he suggested that staff look into where these potential location sites might exist in the County. Regarding the Colonial Auto CPA request, Mr. Werner said the staff report for 2014 request states, "In light of transportation developments, there have not been plans to develop this parcel; however, there is now an urgency to maintain full access due to the construction at Rio and Route 29. He stated that he did not feel the Board should be taking any section of Route 29 and incrementally changing it in a piecemeal fashion. He said, given that this is an applicant who is actively working to derail the improvements at Rio and 29, it seems odd that the Board would request this piecemeal Comp Plan Amendment.

Mr. Neil Williamson of the Free Enterprise Forum (FEF) addressed the Board, stating that he did feel the Board should consider the piecemeal CPA for Colonial Auto Center or any other request because the only way that anything ever gets done is when private owners come forward. He said he would be really concerned if private owners had to wait for Comp Plan changes to be able to do anything. Mr. Williamson said the FEF had no opinion about this specific request, but felt it should be considered a stand-alone proposal. He stated that, with regard to pocket treatment plants and alternative septic, the landscape has changed and he encouraged the Board to get good advice from the County Attorney on that matter. Mr. Williamson said, with regard to the wireless policy, he did not feel the language was strong enough and should be amended to address the residents who have wireless service and are using their phones for broadband connections. He stated that Albemarle County has always been a very thoughtful organization regarding wireless, and felt that a larger view might be more appropriate.

Mr. Kirk Bowers, of the Rivanna District, addressed the Board, stating that the discussion regarding the wireless policy concerned him personally because of attempts to put a cell tower in Key West Subdivision, which the neighborhood strongly opposed. Mr. Bowers said, in looking at the policy that has been published, he did not feel it was strong enough to prohibit usage and placement of cell towers in subdivisions. He stated that putting cell towers in places like Key West Subdivision was not an appropriate usage.

Mr. Pete Borches, with CMA Properties and Colonial Auto Center, addressed the Board and thanked Supervisors for allowing this item back so quickly regarding the potential land use change. He said his team has been working very hard with the help of staff and the Planning Commission to find common ground solutions and appreciated all the efforts and communications received to this point, which is an encouraging sign since there was still a lot of work left to do. Mr. Borches said he was pleased to stand before the Board with the support and recommendation of the Planning Commission. He asked the Board to act on the land use change, stating that this action would pave the way for his team to work with staff on several other layers of zoning and administrative approvals necessary. Following the Comp Plan Amendment, he said Colonial Auto Center would still be required to process a rezoning, two special use permits, a site plan application, a building permit, and several other various permits. Through past experience, Mr. Borches said, by the County's own scheduling, without expedition of this process and permitting, there was a good likelihood they would not be prepared when the construction and traffic issues begin on Route 29. He stated he has been discussing the land use change for this parcel for the better part of a year, and had brought forth an attainable, common sense solution to mitigate traffic and construction hurdles. The plan also allows a local business to plan to grow through infill development, and in an organic nature. Mr. Borches said the concept had unanimous support from the Places 29 Advisory Council and the Planning Commission. Mr. Borches said it is his hope that the Board and the County recognize this as a way to provide tangible support for a local business.

Ms. Valerie Long addressed the Board, stating that she was representing CMA Properties. She said staff has made several significant comments in the Planning Commission staff report which noted two changes that have occurred since the Places 29 Plan was adopted: closure of the Greenfields Mobile Home community on the property; and the speed with which the Route 29 and Rio Road

interchange plans were moving forward. Ms. Long said, with the report describing staff's suggestion to do a small area plan, the applicant would recommend that happen fairly soon, as staff had recommended CMA leave the area of the property (where Myers Drive might connect to Berkmar) unobstructed until the small area plan could be completed and they could take a look at it as part of that plan. Ms. Long noted that the small area plan was supposed to happen before the Rio Road/29 Interchange took place, according to the Places 29 Plan, however, her understanding is that it had not been funded. She said the Planning Commission understood that dilemma and recommended that the applicant agree to a two-year period to maintain it unobstructed for that timeframe.

There being no other public comments, the Chair closed this portion of the meeting.

Ms. Echols stated that the Borches request was for a Comprehensive Plan Amendment, and reported that the applicant has been working on it for almost a year. She said Mr. Borches made application the previous February for a pre-application work session with the Planning Commission. She said, in April, the Commission provided guidance on how the property could be changed, and suggested the applicant file a CPA with the thought the Comp Plan would be adopted by this time. Between April and September, she said there was a lot of activity on developing plans for the interchange at Rio and Route 29. In September, she said the applicant submitted an application for a CPA which was taken to the Board and Commission in October. In December, Ms. Echols said the Commission recommended approval of changes to the Places 29 Master Plan for this area. Ms. Echols presented a map of the area, noting the location of the property and its proximity to Rio Road and Route 29, and superimposed the application's concept plan to accompany the rezoning. She stated the applicant has asked that the land use designation be changed to facilitate a rezoning, from R-6 residential to highway commercial. The applicant is also asking to move the car storage area (along Route 29), to the rear of the parcel to build an access road from Berkmar Drive for ease of traffic movement during the Route 29 construction work and to ultimately put a permanent building on the site.

Ms. Echols said the applicant made reference to a small area plan, which was part of the staff report, that the Places 29 Plan be one of the implementation items as preparation of a small area plan in advance of the plan for the intersection improvements there. She stated that, because of the potential for redevelopment and the need for a good transportation network through there, the small area plan was intended to have been developed, and the question as to whether or not Myers Drive is needed has still not been decided. Ms. Echols said the Planning Commission recommended that the area shown for urban density residential be changed to Office/R&D flex Light Industrial, and that there be some additional text added to the Places 29 Plan. She said two places were shown in the staff report, and the text would say that, until that Plan could be completed, anyone doing development along Rio/Berkmar/Route 29 should provide adequate right of way for future road improvements shown on the plan; and the question of Myers Drive being extended should be studied in conjunction with the small area plan. Ms. Echols said, if development was proposed near Myers Drive or Berkmar prior to that completion, the land would be kept free from impediments so the extension could be made in the future.

Ms. Echols stated that the applicant has indicated that a Comp Plan change was setting up for a rezoning application, and a lot of the commitments would take place through proffers, as those usually do. She said the Planning Commission thought a rezoning could take place which would set up the phasing so, for the short term, the entrance and the parking lot storage could take place. She said, there could be a study then as to whether Myers Drive was going to be needed with development of the second phase of the Plan. Ms. Echols presented the concept plan, showing Myers Drive which could provide for an interconnection that helps set up a block system, and the details of any kind of commitment for that drive would normally take place during the rezoning. She said the Planning Commission was very concerned that the applicant not be held for a long period of time without knowing they could use that piece of the property, should it be determined that Myers Drive was not needed. Ms. Echols said a two-year time period was discussed, and since the Board would be setting the Community Development work program soon, this might be of interest to Supervisors. She stated that staff's understanding of the Planning Commission's action may not be quite the same as the applicant's, but the concept is still there. She emphasized that the concept needs to be done quickly and, in order for that to happen, it would need to be included in the Community Development work program.

Ms. Echols said the Board has the Commission's recommendation involving land use and text, and she offered to answer questions. She mentioned that Rachel Falkenstein, Senior Planner for the County, was also working on this particular project.

Ms. Mallek said she visited the Berkmar site recently and was unsure where the property line was between this property and the one to the north. Because this property has a serious ravine, she asked if there were any areas designated as potential locations for the road connection.

Ms. Echols noted the location of Myers Drive on the map she had provided, and said the right of way was on the Rio Hill Shopping Center property and on the Colonial Auto property up to a particular point. She stated that there was a ravine located in part of the site, but it is not known exactly what the alignment would be for the extension of Myers Drive. She said it could potentially be extended to avoid the ravine but a redesign might be necessary to accomplish that.

Ms. Mallek said the circular sinkhole at Berkmar was the drop she was concerned about, but it looked as if it was outside this land.

Ms. Palmer asked how realistic it was to think staff could get this done in two years, given the workload in Community Development.

Mr. Mark Graham, Director of Community Development, said the work could be done in the next few years if the Board puts a high enough priority on it, however, that may mean staff would need to forego some other things which the Board may be interested in pursuing. He said, if the Board chooses to make this its highest priority, it certainly could be done.

Mr. Sheffield asked if Mr. Graham was referring just to CMA, because the applicant's concern was VDOT's timeline.

Ms. Palmer clarified that she was only talking about the small area plan.

Mr. Graham said this would all be discussed when the Board discusses the work program, and Ms. Echols would be following up with Supervisors regarding the Comp Plan.

Ms. Palmer asked if the Board needed to make a decision tonight on Myers and the two-year issue.

Ms. Echols said she did not think the Board needed to make any decision other than what the Planning Commission suggested for the text, because the applicant would like to have it kept free of impediments until the small area plan was completed.

Mr. Foley mentioned that staff would be prioritizing the small area plan for Rio, for lots of different reasons. He anticipated that it would be included in the upcoming budget presentation.

Ms. Mallek said the Planning Commission wanted this done in the next two years, and the applicant said he had to keep it available for two years. She noted that, combining those two issues and keeping them in the Plan would make it very clear as to where the Board is today, but it is not fair to say forever.

Ms. Palmer said she did not think so either, but asked if two years was an appropriate amount of time.

Mr. Sheffield said this seemed pretty open-ended, but was concerned the County would end up with a de-facto right of way that may never get connected, adding that the County might want to include a certain timeframe.

Ms. Palmer asked if Supervisors were OK with having it worked out in the proffers.

Ms. Mallek said she would prefer that it be written down today.

Ms. Long said the applicant's main concern is knowing that, if the Board adopts the Comp Plan Amendment request, the rezoning will be reviewed for conformance to that change, including any language which relates to it. She stated that the draft included in the staff report stated that the Planning Commission said the small area plan should be done within two years. She noted that, at the Commission meeting, it was discussed that the applicant would agree to keep the area free of structures or buildings for a period of two years. Ms. Long said she felt it was only fair to discuss this with the Board now, adding that she did not want to come back during the rezoning stage and have Supervisors ask why it was not discussed in January.

Mr. Sheffield said the Board needs to decide whether it wants to stipulate that the property be unobstructed for two years; or get the small area plan done for the intersection. He added that, if the small area plan is completed within the timeline expected, the Board should be able to get a small area plan done on the heels of that so the applicant will know what else the County is going to be doing. He stated that he was more in favor of accelerating the completion of the small area plan rather than having a timeline.

Ms. Long stated that the applicant was fine either way, as long as everyone is clear on what the comfort level is which seems to match what the Board has stated.

Mr. Sheffield said, given the opposition to the interchange, he wondered how much opposition the County would run into with development of a small area plan or the conflicts with expectations of the development of properties in the area and the road connections, etc. He stated that this was the major intersection of the County, so it would likely have a drawn-out conversation. He added that he did not want to leave the property owner in limbo, since there were all of these discussions about the small area plan, but he also did not want to lose the opportunity of a connected road if that is the desire of the community.

Ms. Mallek said, if there is not support for the combined approach to do all of it, as she had proposed, setting the date of January 15, 2017 would be enough encouragement for the County to get moving with the Plan.

Mr. Sheffield said the small area plan would need to be reflected in the County's FY16 budget, adding that he did not think the County could identify a date for the Plan to be completed without knowing all of the opinions yet.

Mr. Boyd said, through previous CPAs, the County has taken roads off of the Plan, therefore, just because the County is doing a small area plan does not mean it cannot be adjusted later. He noted that the County did this at Pantops and at Ashwood, so he is not concerned about including it one way or the other.

Mr. Sheffield asked what the ideal time would be to start a small area plan, and when the County might be close to completing it.

Mr. Graham said the time of year was less critical than finishing up with other tasks, such as the Comp Plan, which must be completed in order to free up staff resources, however, staff could get started on the small area plan once the Comp Plan is done. He stated that schedules have a way of being very flexible and getting adjusted. He noted that the Crozet Master Plan stayed on schedule but, with every other plan, the schedule slipped.

Mr. Sheffield said, if the applicant did not have any objections, mid-year 2017 would mean the intersection work would be done and the Board should have an understanding with that process as to whether that connection is needed, even though the small area plan may not be finished.

Mr. Graham said staff could have at least an understanding of the transportation needs at that point.

Mr. Boyd asked what funding was involved with a small area plan. Mr. Graham said staff had built in a request for this in the budget, and would include a consultant.

Mr. Foley said it would be one-time money for a consultant.

Mr. Wayne Cilimberg, Director of Planning, said staff had put together a CIP request as one way to fund it, recalling that it was, at that time, in the upper \$100,000s. He stated that, if the Board wanted to set a target date for finishing that plan, staff could list that date as part of the implementation piece of the Comp Plan to say that a small area plan would be done by a certain point in time.

Mr. Boyd said his only hesitation is that the Pantops Advisory Council is eager to get started on its five-year plan in terms of establishing priorities.

Mr. Cilimberg stated that the Board will be seeing a lot of potential projects for work as part of the implementation of the Comp Plan, and the Board would need to decide how those should be ordered for the work to get done.

Ms. McKeel said it might be hard for staff to say, at this point, what would not get done if this moved forward, and she was struggling with priorities and locking staff into something now.

Mr. Graham said he was being a bit cautious because the Board was not seeing all the priorities at this time. He noted that it would be difficult to decide on one without weighing the relative importance of others and does put the Board in a difficult position.

Ms. Palmer asked when Supervisors would likely have the priorities discussion.

Ms. Echols said, within the next two meetings, the Board would be addressing the priorities, but the applicant knows the County is eager to do this. She added that the applicant also knows what CMA is willing to do. She stated that, when the rezoning comes forward, the applicant will probably be proffering a time period. She said the time period will clarify what their expectations are and how long they are willing to wait and, if the Board was accepting of that, it would allow time before the rezoning action, and would also give Supervisors time to go through the priorities.

Mr. Foley added that the Board would have its budget by then, and Mr. Graham would present the Community Development work program at the meeting in February.

Ms. Mallek stated that this discussion is an important part of the whole ongoing record for the application so, hopefully, it would be clear if the Board were not in favor of channeling the two projects together. She also noted that the northern border seemed to be the most advantageous connection if one were permitted or desired, so nothing would be held in the middle of the property which might obstruct future use.

Mr. Boyd said he would like to hear from the applicant as to their interpretation of the discussion.

Ms. Long stated that they were comfortable with it because there has been this level of discussion, and they can work out the details in the proffers with the goal now being to work through the differences between the staff report and what transpired at the Planning Commission meeting. She said the applicant had no anticipation of the County making decisions on small area plans and deadlines, but appreciates the situation and dilemma. Ms. Long said the applicant was comfortable leaving things the way they were, as the minutes would reflect this conversation and could be referenced by the time they get to the rezoning.

Ms. Echols said, at this point, the Board's next step is deciding whether it was in agreement with what the Planning Commission recommended, and perhaps including a strategy in the priorities to address this during a particular period of time so that, during implementation, there would be a record of that.

Mr. Boyd said he thought the Board decided not to make that decision now.

Ms. Palmer said her understanding was there was some consensus to wait for the rezoning and, hopefully, be able to better articulate its priorities.

Ms. Echols confirmed that the Board was OK with the land use change and accepting of the changes to the text which were recommended by the Planning Commission.

Ms. Mallek stated that more detail could be added to the Implementation chapter in a month or two after the Board has had its priority discussion. She said staff would then be able to put some text into Chapter 13 which would help the Board finish up the Plan.

Mr. Sheffield said, in looking at the map for the grade-separated interchange, the entrance to CMA properties was at diverging lanes and, if it became a through road, it may add traffic complications. He stated that, if it were to become a through road, it may add traffic complications so they would need to consult with VDOT as it may add some turning movements which might not be really welcome.

Ms. Mallek said she would hope the feedback from VDOT on the Berkmar side would happen immediately so, if they are precluding this, the County would not be worrying about it. She stated that her question was not related to the Route 29 Solutions efforts, but to the local road planning side of VDOT.

Ms. Palmer asked Mr. Davis if he had any comments to add to the discussion. Mr. Davis said he was trying to clarify with Mr. Cilimberg when this matter would be acted upon, and the posture of it is that the Board has the five-year Comp Plan review before it, and this was initiated by a separate resolution of intent and has a separate CPA application. He said it could be folded into the Comp Plan and adopted as part of that, or it could have its own public hearing and be adopted separately. Mr. Davis said the complicating issue is when the Comp Plan would be adopted, because the zoning application might be considered in advance of that. He stated that there was some precedent for the Board considering a pending Comp Plan Amendment to support a rezoning, as it is just a guide to begin with. Therefore, he said, if Supervisors were comfortable with a proposed CPA, it could be used as a means to evaluate a pending rezoning application even though the preferred way would be under an adopted plan.

Mr. Cilimberg said staff's expectation was that this change was being combined with the full Comp Plan and would be acted upon as part of the one action on the plan, but it could be acted on separately if the Board chose to do it that way. He said the concern Mr. Davis raised was the rezoning occurring before the Comp Plan change, so the Board would be considering a change in zoning without the Comp Plan having changed. He said that was done for the Mill Creek Shopping Center because the Board understood the designation was going to change with the plan revisions. Mr. Cilimberg said, if there was concern that the Comp Plan adoption was not going to happen soon enough, staff could always make sure this particular change comes before the Board sooner.

Ms. Mallek asked if there had already been application made for rezoning. Mr. Cilimberg said it was already in progress.

Ms. Rachel Falkenstein, Senior Planner, said there was nothing scheduled yet adding that staff has just received a re-submittal based on comments provided to the applicant. She added that, should the applicant decide to go to the Commission, the earliest possible date would be the first meeting in March, which would potentially put this in front of the Board in April.

Mr. Cilimberg said, if staff sees this coming, they could make sure it is taken care of so the zoning does not happen in advance.

Mr. Boyd said he just wanted to know if the Board would be tying its hands in any way.

Mr. Cilimberg responded no.

Mr. Davis said it would be possible to have the CPA and the zoning application public hearing on the same night, taking action on the Comp Plan first and the zoning second. He explained that the Planning Commission has already held its public hearing and made its recommendation, so the only thing

that needed to happen from a legal perspective was for the Board to have a public hearing and adopt the Comp Plan.

Mr. Cilimberg stated that, if the rezoning ends up beating the adoption of the Comp Plan, staff could plan to have this Comp Plan change specifically and the rezoning heard on the same night.

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### **Community Facilities**

Ms. Echols reported that the Community Facilities section of the Comp Plan is currently varying, having different facilities standards in different places, so staff has tried to talk about the objectives and strategies in Chapter 12 for the nine different programs under Community Facilities, and then place the standards and service level expectations in the appendix. She stated that discussion always begins with the goal, and the goal for Community Facilities is a little bit different than some of the others: "Albemarle County's facilities and services will be of high quality and delivered in a responsible and cost-effective manner." Ms. Echols asked if there was anything else Board members wanted to include as part of that goal.

Ms. Mallek said the goal was broad and comprehensive and she liked it.

Ms. Palmer said the previous goal mentioned "environmentally responsible," and she would like to include something related to environmental stewardship, sustainability, or responsibility.

Ms. Echols suggested the wording, "...facilities and services will be of high quality and delivered in an environmentally responsible and cost-effective manner." Ms. Palmer agreed.

Ms. Mallek said that was already implied, but she liked it better spelled out.

Ms. Echols reported that there are nine objectives, with the first seeming less important than it actually is, as it addresses service provision which is fiscally responsible and equitable to residents. She stated that this objective stipulates how the County expects the development areas and rural area services to be provided and, in the development areas, the neighborhood model needs to be considered as part of the delivery and the construction of new facilities. Ms. Echols said this goal addresses the importance of fiscal responsibility as well as improving existing facilities before adding new ones. She stated that the second objective begins to address individual departments, such as the Police Department providing high quality service, school facilities being of high quality to support the County's excellent education system, and administrative facilities providing offices and other facilities, i.e., primarily the places where people need to go should be in a convenient location. Ms. Echols said the County is part of the Emergency Communication Center (ECC) along with the University and the City, and the objective is to provide expedient and professional service. She said staff added the word "sustainable" into the solid waste objectives. She said, for water and sewer service, the County works with the Albemarle County Service Authority to provide service in the development areas, and what has been mentioned earlier tonight has to do with private facilities for sewer service, with line extensions only to properties in the jurisdictional area. Ms. Echols added that libraries now have objectives and strategies because the County helps fund the Jefferson-Madison Regional Library system. She stated the final objective deals with private utilities and, while the County does not provide electricity, telephone service or internet, it wants private entities to be in conformity with the Comp Plan so there is a section which speaks about how private utilities should provide their facilities. She noted that wireless and broadband policies would be under the same heading.

Mr. Sheffield noted that, as the County continues to grow, there would be more opportunities to partner with the private sector on services it can provide jointly, pointing out that the County would be talking about the YMCA in that regard. He said, in his district, there is The Senior Center, which has functioned independently but may need County support as it expands, particularly as it builds a new facility. Mr. Sheffield asked if there was anything in these objectives which addresses this type of partnership.

Ms. Echols said there was nothing in the objectives which directly addresses partnerships for facilities and services.

Ms. Mallek said things might evolve, so she would like to see what some text might look like which would address that.

Mr. Sheffield said The Senior Center would be taking a leap in building its new facility, and it seems like an opportunity for the County to pursue a partnership which would be mutually beneficial.

Mr. Foley said a statement to that effect was consistent with what is in the County's strategic plans, so that is something staff could easily incorporate to address potential partnerships. He mentioned that the County has two fire stations which are slated to go in because of donated land from UVA and Martha Jefferson Hospital.

Mr. Sheffield stated that the County will be seeing this kind of collaboration in some of its projects in which residents want to have a public service, such as a police station embedded in a commercial area and he hoped that was the direction in which the County was going.

Mr. Boyd clarified that Worrell Properties donated the land at Pantops.

Mr. Foley agreed, stating that the County has a partnership with Martha Jefferson Hospital to run EMS service out of the hospital at Pantops.

Ms. Palmer asked if Supervisors were going to address strategies under these objectives. Ms. Echols said the only strategies staff had pulled out for specific discussion were solid waste, broadband and wireless so, if Board members wanted to talk about strategies other than those, now would be a good time to do so.

Ms. Palmer said, under objective one, she would like to add the term "environmentally responsible" in addition to "energy efficient" under objective 1-H. She said she also wanted to have some discussion on the pocket sewage plants and the small well systems in small neighborhoods, as the County has always discouraged those in the past, however, the state has made some changes with respect to these.

Mr. Davis said there was a big change which came about in the General Assembly in 2011, when the state mandated that localities had to approve alternate onsite sewage systems, with the effect being that, prior to that change, the County only allowed conventional onsite sewage systems to serve individual lots, which required a subsurface drainfield that had to be located in areas with adequate soil to support or sustain those. He stated that, for larger, industrial users, the size of the drainfield was a limiting factor because it was very difficult to size a drainfield to handle a commercial industrial district. Mr. Davis said, in 2011, the General Assembly provided a mandate on localities which said localities had to approve alternative sewage treatment systems, which no longer required having subsurface drainfields as long as those were systems which had nonpoint discharge, and were only subject to approval from the Health Department. He stated that, in 2012, the County amended its zoning and subdivision ordinance to comply with the new state mandate that the systems be approved. Mr. Davis said the result has been that sites in the County for which the soil would not perk are now open to development for these individual systems, provided they can design an alternative system that is approvable by the Health Department. He stated that he did not feel there had been a tremendous impact on developments in the County, but it does open the door to the Health Department criteria being addressed to determine whether or not the systems are approvable, and the County no longer has discretion under the zoning ordinance to deny those.

Mr. Davis said the concern staff had over this in 2011 and 2012 was the fact that maintenance was going to be a huge issue because, if those systems are not maintained, there is always the threat of discharge of raw sewage onto the surface, which has a number of environmental impacts.

Ms. Palmer said it was her understanding that the County was not allowed to regulate the systems or inspect them once they were installed.

Mr. Graham stated that the County really has no role with those systems other than to ensure that the Health Department has approved the system which is used and installed. He said those systems still cost about two and a half to three times what a normal septic system costs and have expensive annual maintenance costs – hundreds of dollars per year versus the cost with traditional systems of hundreds of dollars every five or so years to pump it out. He added that, if the systems are properly maintained, the alternative systems provide very high quality pollutant removal and can be far superior to a normal septic system, which was of interest to the state because of nitrogen runoff for the Chesapeake Bay, however, someone must spend money to maintain them. Mr. Graham said there was a lot of concern that this might change what staff sees in rural area development, but that concern has not materialized.

Ms. Palmer asked what the situation would be if a small neighborhood were developing in the rural area and the developer wanted to put in a pocket plant.

Mr. Graham said the County still regulates central systems if there are three or more connections and those must be brought to the Board for approval because those systems do not fall under the state exemption criteria.

Ms. Palmer asked about a light industrial piece of property that was not in the growth area and did not have septic running to it. She asked if they could possibly grow on that site where sewer was a limiting factor.

Mr. Graham said that was correct up to a certain capacity size. He said the alternative onsite sewage systems set a capacity limit on that exemption, something along the lines of 3,000 or 5,000 gallons per day.

Ms. McKeel asked if there were any checks to ensure the maintenance was happening. Mr. Graham said the state built that into its regulations which includes a certification requirement for the

person who was doing it, and an annual inspection which must be submitted to the Health Department. He noted that the County does not see those, and he is not certain how well that is working.

Ms. Mallek stated that they have come so close to getting this issue resolved every few years, and then a powerful General Assembly person would pull the rug out from under the whole thing, and the legislation would go down the tubes. She said the fact that there was no requirement to even notice in the deed that there is one of these sites on the property means that the requirement for maintenance is completely irrelevant, because a new owner does not have to find out they must spend the money to maintain this. She said, when these systems fail, they fail spectacularly – much worse than a septic field failure. She noted that, during the 2012 discussion, it never occurred to her that it would include industrial areas.

Mr. Graham explained that a wastewater treatment plant would have a surface discharge. He said an alternative onsite system is a way to treat waste onsite without a point discharge of effluent. He stated that the system currently of interest was for a single enterprise. He noted that, if there are three or more connections, approval from the Board as a central system would have to happen first, adding that DEQ has a set of standards for that. Mr. Graham reiterated that these systems can work very well, and provide a very high quality of pollutant removal if properly maintained. He stated that he did not know whether it was easier or not for a business.

Ms. Palmer said, in the past, the County has used water and sewer to control the growth in areas in order to deal with traffic issues and other impacts.

Mr. Graham said this was the same issue Mr. Davis had mentioned with development of rural properties. He noted that, as the use on a property is increased, a lot of the package wastewater treatment plants and alternative onsite systems would provide that ability. He emphasized that, if it is a central system with three or more connections, it still comes before this Board.

Ms. Mallek asked if what the Board has added to the draft was the strongest possible language in terms of regulating these systems.

Mr. Davis responded that staff included the strongest possible measures for individual systems, with some regulatory control still over central systems.

Ms. Mallek asked if there were any provisions in the Community Facilities section which implied that the County would participate in fire and rescue facilities, including renovation and upgrade for the volunteer stations in addition to others which are county-owned.

Ms. Echols responded that there are currently only three strategies with two of them relating to the training academy and the training facility, and the other addressing location of new facilities and access as currently stated in the Comp Plan. She said, if the Board wanted to add language regarding the volunteer fire departments and stations, staff could come up with something in conjunction with the County Executive's Office, because that office works with the volunteers.

Mr. Davis said there was an existing policy on this that the Board adopted several years ago.

Mr. Foley said staff has been utilizing that policy for requests from volunteer stations, but it could be elevated.

Ms. Mallek said the issue had come up a few times in the last year about the unavailability of help because a station is not county-owned. She explained that one of the County's long-time volunteer stations raised money for its building a long time ago but has been told that they cannot get assistance to do renovations for things like the kitchen upgrade, which is too small for the 25 or 30 volunteers which now serving at that station.

Mr. Boyd asked if it was the Comp Plan which was preventing that from happening.

Ms. Mallek responded that she was not sure that was the reason, however, since the Board was discussing the standards of maintenance and community facilities, this might be an appropriate place to discuss it.

Mr. Foley said staff could expand the language to include a statement saying there would be support for existing volunteer facilities. He noted that there are policies in place which evaluate individual requests based on hardship and other factors.

Ms. Echols asked the Board if there were specific items Supervisors wanted to work to complete.

Ms. Palmer suggested Supervisors work on getting the solid waste item done.

Ms. Echols said the last time solid waste was discussed, she noticed it was the only objective that referenced “establishing policies,” and she wondered if Supervisors might be amenable to phrasing it as “enabling” these things to happen instead of established policies.

Board members agreed with that change.

Ms. Echols stated that the Board had received some recommendations from the Solid Waste Advisory Committee and requested that those recommendations go to the Planning Commission, which then reviewed them and made a few changes. She said the advisory committee then asked the Commission to make further adjustments and then bring those back for public hearing, primarily the wording and not the substance. Ms. Echols said the changes were made in conjunction with the committee, and the Planning Commission held a public hearing with the outcome being a recommendation for a strengthened solid waste management section. She stated that the new section would talk about the County having a stronger role in ensuring proper solid waste management, referencing “reduce, reuse, recycle,” increasing outreach to the community as described in the Comp Plan and doing so in practice, and putting more emphasis on regional solutions. Ms. Echols stated that hazardous waste disposal includes not only household waste but the kind of waste such as paint which businesses might also have, so this encourages expansion of that program. She said this also encourages development of programs for electronic waste and pharmaceuticals, which are now mostly done by the private sector, and establishes true benchmarks for reduction. Ms. Echols noted that the Board had both the redline version and the clean version, and offered to answer questions or refer those to others who might better address them.

Ms. Mallek commented that this was a big improvement over the previous version.

Ms. Palmer said she would like to add wording to the paragraph regarding landfills so that it reads, “given the difficulty in locating and permitting,” which expands it beyond just permitting.

Ms. Echols stated that the personal wireless service policy objective has been brought up to date with a new strategy: “Continue to ensure that the wireless facilities are provided in accordance with the County’s policy,” and the full policy is now included in the appendix. She said staff tried to focus on the most important points about visibility and the full policy is available. She asked Board members if there were any questions regarding the strategy and text.

Ms. Echols said the Board had asked staff to provide some information on the broadband policy, which the County is currently developing. She said Supervisor Dittmar asked for a draft, which she developed with the help of Bill Fritz and Information Technology staff and shared that with the Board.

Ms. Palmer said she was OK with it, as it said, “Develop a policy...”

Ms. Mallek said the paragraphs in the attachment were also well done.

Ms. McKeel commented that she liked the attempt.

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**Recess.** The Board recessed its meeting at 6:29 p.m. and reconvened at 7:02 p.m.

The Chair, Ms. Palmer, called the meeting back to order and invited public comment.

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Agenda Item No. 3. Continuation of Work Session to include public comments and possible Board direction.

Mr. Peter Chandler, a resident of the White Hall District, said he was before the Board to express his opposition to the grade-separated interchange at Rio Road and Route 29. Mr. Chandler said, over the last few months, there had been much study of the Route 29 conditions by Smart 29, and their data conflicts with data generated by VDOT and others, when they were formulating their plan for the future traffic mitigation program. In view of this emerging data, he said there was a growing number of people who questioned whether the interchange is really necessary. He stated that it was also obvious that more of the public was hearing about this project now, and practically everyone was shocked at the addition of a grade-separated interchange at that intersection. Mr. Chandler said the general sentiment of the people is that they simply do not want this monstrosity in their front yard, and do not want the main stream of Albemarle County to be blemished by this plan. He stated that businesses know this construction project will seriously challenge all businesses in the area, and many small businesses realize that it will place them in jeopardy and possibly bankruptcy. Mr. Chandler requested that the Board of Supervisors rescind its approval of the grade-separated interchange and urged it to ask the state to place a moratorium on this one aspect of the total project.

Mr. Kirk Bowers, a resident of the Rivanna District and Conservation Chair for the Sierra Club, said its 1,130 members unequivocally support the Route 29 Solutions plan. He noted that there has been no change to the numbers for years and years and this project has been studied ad nauseum. Mr. Bowers said the studies say, if VDOT does not put this intersection in at Rio, everything else stays at the

same level of service, which is an F. He said, as a professional engineer, he can assure the public that a grade-separated interchange is the most efficient way to move traffic through an area.

Mr. Bill Kahn of the Samuel Miller District, said he has driven through the intersection of Route 29 and Rio Road four to six times per day, every weekday, for the past 35 years. Mr. Kahn said he knows this intersection well, and also knows that the proposed grade-separated interchange for this location is a particularly bad design. He explained that there are currently four lanes going both north and south at the intersection, and the proposed design reduces that to two lanes going in each direction so, effectively, the maximum capacity will be reduced by 50%. Mr. Kahn said, even considering the elimination of the traffic signal there, the reduced capacity would prevent a significant improvement in traffic flow. He stated that the plan calls for four lanes to merge into two lanes on Route 29, both north and south of the intersection, which will create a huge backup. Mr. Kahn said it makes no sense to spend \$80 million on this particular design, which will create little or no improvement in traffic flow and may actually reduce it.

Mr. Chuck Lebo addressed the Board, stating that he moved to Albemarle County about 40 years ago and owns five properties in the Route 29 corridor. He noted that his company manages over half a million square feet of commercial property within a half-mile of the Route 29/Rio intersection. Mr. Lebo said he goes through this intersection many times per day, and the longest he has to sit is one traffic light for about 40 seconds, and spending \$80 million to save that amount of time was a waste of money. He stated that he has served on the Architectural Review Board for 13 years, and they have done a lot of work to improve the entrance corridor. Mr. Lebo said he worked hard with Charlotte Humphris during the widening process to put in 150 trees in the median from Hydraulic Road to Polo Grounds Road, some of which will be torn out if this intersection is done. He stated that this intersection was not like the Charlottesville/Albemarle he has lived in for 40 years; it looks like something in Baltimore, Washington D.C., or Chicago. He said it is 2,000 feet long, it is ugly, and it will cost \$84 million. Mr. Lebo presented the Board with a petition containing 2,000-3,000 signatures from people in the area who are also opposed to the interchange.

Mr. John Hossack addressed the Board, stating that he was a City resident who lives off of Park Street, a street which is scheduled for decimation by the Rio Road grade-separated interchange. Mr. Hossack said providing for continuous US 29 flow would allow a greater proportion of regional traffic who will take Rio as an alternative to Route 29. He said absent of an eastern connector, which will not happen in the lifetime of anyone in the room, will allow increased traffic to be pipelined through his neighborhood. Mr. Hossack said the design is supposed to come from the Places 29 plan, which was approved by the Board in 2011 with four priorities and Rio is not even on the list. He said it was included for consideration for planning at \$100,000 for the second five years in the plan, 2017-2022, with an emphasis on extending the life of the current junction. He stated that, in 2011, the Board also directed the consideration of grade-separated interchanges to be delayed for five years, because there is a history up and down Route 29 of deep hostility. Mr. Hossack said Rio's previous designs were four lanes – not two lanes – and the designs were conceptual sketches. He stated that VDOT was still making up the designs and traffic numbers in October, months after approval. Mr. Hossack said, in comparison to the vision statement, this project does not fit any of those aspirations; it fails.

Mr. Timothy Hulbert of the Charlottesville Albemarle Regional Chamber of Commerce addressed the Board, and said he would restate the Chamber's position on these projects: the Chamber fully supports the doable, common ground projects, but not the grade-separated interchange at US 29 and Rio Road, nor the \$10 million in preliminary engineering allocated for grade separation at Hydraulic and 29. Mr. Hulbert asked how the Chamber could possibly give its approval to any public action which endangers the economic base of numerous members, and asked how the Board could support projects that would disrupt and injure its economic base and quality of life. He stated that, in the face of conflicting data, civic discourse, significant forewarnings about the loss of jobs, businesses and tax revenues, the Chamber asked Supervisors to pause before moving ahead, build the common ground projects now and measure its effectiveness and assess its benefit; and then, if those prove to be lacking, consider other projects. Mr. Hulbert said the Chamber has been pleased with the professional conduct of Philip Shucet, and thanked Supervisors for allowing him to speak.

Mr. Morgan Butler, of the Southern Environmental Law Center (SELC), addressed the Board, stating that he wanted to take this opportunity to reiterate the SELC's strong support for the Route 29 Solutions package. He stated that most of the people with whom they have spoken feel that traffic on Route 29 is already a problem and, when they are reminded of the new traffic that will be generated in coming years with the build out of major developments along Route 29 such as North Pointe, the Hollymead Town Center, and the University Research Park, that concern heightens. Mr. Butler said not only is this package of improvements a crucial opportunity to finally make some real progress while improving Route 29, it is happening not a moment too soon. He stated that the SELC appreciates the concern of businesses who do not wish to have construction or changes take place on the stretch of highway where they are located, but the fact is, in order to improve Route 29, they must do just that. Mr. Butler said, instead of waiting for a magic bullet to be invented that fixes the problems without any disruption, they need to move forward while keeping a sharp and constant focus on how to minimize any disruption. As a member of the Route 29 Solutions panel, he can say that VDOT and Mr. Shucet are listening to the people, are incorporating many requests, and are clearly focused on doing this right. Mr. Butler thanked the Board for the work it has done to move this important package of projects forward, and said that the SELC was glad the Board is sending a letter to express appreciation on the community's

behalf to Governor McAuliffe, Secretary Layne and VDOT for their focus on the community and for working so hard to do these project right.

Mr. David Mitchell addressed the Board, stating that the Smart 29 group has met with Philip Shucet twice and, while he is a very nice man, they do not agree with a lot of what he says. Mr. Mitchell said more developments, as commented on by Mr. Butler, would actually alleviate some of the traffic issues. He stated that Route 29 was linear and, as it develops north, people would have less reason to drive all the way into town. Mr. Mitchell said VDOT's own numbers show a declining trend, and to take a 20 or 30 year-old plan, which is what the grade-separated interchange is, and impose it on a new economy is a foolish way to spend \$84 million. He stated that it will be a difficult few years as VDOT builds Hillsdale Extended through the shopping center property which he owns but, in the end, they would have access, and traffic would be taken off of Hydraulic Road. He said the same thing could happen at Rio for about \$20-25 million, which would leave \$60 million for things the County really needs, such as extending Berkmar to the airport, the eastern connector, and many other projects.

Mr. Daniel Bowman addressed the Board, stating that he commends the Board for the letter to the Secretary of Transportation, urged it to approve the letter, and commended Supervisors for supporting the Route 29 Solutions package. Mr. Bowman said he was speaking on behalf of Advocates for a Sustainable Albemarle Population, and stated that the articulation of Route 29 North as the community's "main street" is a terrible misnomer as no one has ever experienced a main street that has six to ten lanes of traffic with no sidewalks or storefronts. He stated that the Board must look at Route 29 North as part of a regional transportation plan, and urged it to continue supporting the solutions package.

Mr. Jeff Kilmer, a resident of White Hall District, said he established his business – Photoworks Group – in 1986 and has been in the 29 North area since then. Mr. Kilmer said he was not in favor of the grade-separated interchange, felt it was a big mistake, and believed it was only a local solution, which Philip Shucet acknowledged at a meeting held at ACAC. He stated that, if all VDOT is doing is putting a big underpass up, speeding the traffic through, getting rid of three lights, and adding a bunch of lights at Stonefield, all it is doing is rushing people down the Hydraulic Road intersection to sit there at a light. Mr. Kilmer said he did not understand how it was worth \$84 million to put it in. He said he has heard tonight that it had been an idea for years and years, but he has a Places 29 list of implementation projects that was approved in February 2011, and it is not mentioned; the grade-separated interchange is only mentioned in the second 10-year period to preserve the option of doing it later. He stated that it was originally tied in with other similar interchanges at Hydraulic and at Greenbrier, but it made sense as part of that larger plan. Mr. Kilmer said he felt this was a large burden on area businesses, a poor use of funds, and a hindrance to the entrance corridor.

Mr. Jim Plotkin addressed the Board, stating that he was co-general partner of Albemarle Square Shopping Center, which his company also manages. Mr. Plotkin said Secretary Layne has stated that House Bill 2 will usher in a new era for determining how transportation needs would be met across the Commonwealth. He said Secretary Layne assured citizens that the implementation of highway projects would be evaluated and prioritized not according to political power and influence, but in accordance with the benefits relative to other projects and the benefits to local economies and quality of life in the communities where those are to be implemented. Mr. Plotkin said those criteria were not being used for Charlottesville, and subjecting the proposed grade separation to those new age criteria was the best hope for resolving the controversy in a way that will heal and not deepen the divisiveness in the community. He asked the Board to consider altering its letter to Secretary Layne to appeal to him to subject the Rio grade separation to the process, guidelines and standards set forth in House Bill 2, before implementing the grade separation. Mr. Plotkin said the funding for this is no prize for Albemarle County if it becomes a nightmare that sows seeds of disillusionment and distrust, and does irreparable damage to the community for the foreseeable future.

Mr. Eddie Giles addressed the Board, stating that he was a resident of Hydraulic Road and does not feel the grade-separated interchange project was necessary. He said it would be an eyesore that would detract on what people see as a beautiful town and City. He stated that project would have an impact on the community the businesses as well as commuting traffic along the corridor, all of which would suffer from the effects.

Mr. Sheffield recognized several people who have been participating on VDOT's project delivery advisory panel: Chuck Lebo, Eddie Giles, Morgan Butler, and Karen Weiner. He stated that he joined this group every other week for a few hours, and noted that it was a significant time commitment by these individuals.

Mr. Jeff Werner, of the Piedmont Environmental Council (PEC), addressed the Board, stating that the PEC and those he works with continue to support the Board on this matter. Mr. Werner said this process has reminded of him of the water supply plan debate, during which everything possible was thrown at him and the issue. Mr. Werner stated that he is frustrated by the misinformation that is being distributed by ACAC and others, as it splits the community. He said the Chamber has accused him for 15 years of not wanting to build anything and just wanting to study it and, ironically, he would like to get some of these things built and the Chamber wants to study, study, study. Mr. Werner stated that the Places 29 technical documents are very clear on the recommendations and what the study proposes, not what the political decision was.

Ms. Sally Thomas addressed the Board, stating that, in 1990, there was a public hearing held in which public comment favored the grade-separated interchange at Rio Road, and the public comments at that time were 12 times more favorable than negative. She said this issue has been talked about for a very long time, and she commended Supervisors for the letter to Secretary Layne. Ms. Thomas said, without this interchange, the two improvements to Berkmar and Hillsdale would dump traffic into a morass because the reason for support in 1990 was the difficulty of getting through the intersection.

Mr. John Lloyd addressed the Board, stating that he has been a businessman on Route 29 for 45 years, as owner of Lloyd's Hallmark. He said he is a resident of Carrsbook at the corner of Northfields and Carrsbrook Drive, and the cut-through would affect him if the interchange or the Hillsdale Extension are done. Mr. Lloyd said he was prepared for that, but he is not prepared for his business to go under due to the lack of access to Fashion Square, which he saw happen to Albemarle Square when the improvements on Route 29 in the 1990s were done. Mr. Lloyd said all businesses experience hardship when it comes to lack of access and/or visibility, and building this interchange would not help the business community at all, which is the County's tax base, and would end up pushing the burden onto residents through property taxes.

There being no further public comment, the Chair closed the comment period and asked the Board to consider the draft letter of support for the Route 29 Solution process.

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Agenda Item No. 4. Action: Draft Letter of Support for Route 29 Solutions Process.

Mr. Sheffield said he provided Board members with a copy of a draft letter and moved to approve the letter as presented, which would then be forwarded to Secretary Layne.

Mr. Boyd asked what prompted Mr. Sheffield to go through this again, in terms of the relationship of this Board with the Secretary of Transportation regarding this project. He stated that, when this Board was first seated, it contemplated a solid waste plan for about \$300,000, however, because Supervisors did not like the plan, it convened a group of people and gave them 18 months to study. He said now the Board is talking about an \$84 million decision, and it amazes him that there are two organizations here tonight that have the word "environmental" in its name, yet are willing to move forward with this without an environmental impact statement because it does not fit the desired timeframe. Mr. Boyd said this is all about sequencing, adding that there have been people hired who are transportation experts who have looked at this road and there has been a difference of opinion. He suggested that what the County should do is have them sit down with the VDOT engineers and have a real discussion on this, with an arbitrator present who could evaluate who is actually telling the truth. Mr. Boyd said he has heard it said that the Smart 29 and ACAC people are putting out misinformation, which he believes is not true; they have an independent study which does not match up with what VDOT has done. He stated that his information shows that there had been a development study done on Penn Park Road, which was the only one done on Rio, and there were 20,000 vehicle trips per day in 2010, with 21,000 projected in 2040. Mr. Boyd said everything VDOT was doing is based on 2040 numbers, which the County has not seen any actual data for, and traffic planners have said this data is faulty or not provided by VDOT. He asked why the Board would not want to have the parties sit down and go through the data with transportation experts who could define very specifically what information is accurate.

Mr. Sheffield said VDOT had spoken clearly about the information and direction it was going in, and the reason he was doing the letter is because he was quite satisfied with the process as it represents a whole new process of being transparent and thorough about the planning and implementation which goes into these projects. He added that, if the western bypass were built, they would not see this level of interaction and involvement, compared to VDOT's past approach.

Mr. Boyd said he was not talking about the bypass; he is talking about a grade-separated interchange which would destroy businesses.

Mr. Sheffield said he appreciated VDOT's new, more thorough approach because it provides correct information to the residents so they understand what is happening. He stated that he understood Mr. Boyd's opposition, but he had made a motion and would like to have a second and a vote.

Ms. McKeel commented that the draft letter said, "...reflected by the majority vote, multiple times this year," and since the Board is now in 2015, the letter should be clear that it includes 2014.

Mr. Boyd said it would be a 4-1 vote, not a 5-1 vote.

Ms. Mallek suggested changing it to say "majority." She stated that she had learned a lot from discussions with engineers about the change in the order of the projects and felt that the arguments were compelling. She said she had originally felt that, if Hillsdale and Berkmar were built, people could stay off Route 29 while the Rio construction was underway, but that cannot happen because one is on the east side and one is on the west. Ms. Mallek said it was really important for people to be able to cross Route 29 in an east/west fashion, and increasing the traffic demand from the two parallel roads before Rio interchange improvements would really create a bigger problem during construction of those. She stated

that limiting the closure time to the three months when there is the least traffic in the community is an excellent measure and, while it had been suggested to divert this funding to Berkmar Extended, that project was already funded. Ms. Mallek said the transportation corridor study that VDOT had done several years ago was the basis of the most recent numbers, and those were upgraded through the MPO traffic modeling within the last two or three years and they hold the raw data, so that is where it would be available.

Mr. Boyd asked why people were not able to get the MPO data. Ms. McKeel noted that it was available on their website.

Mr. Sheffield reminded Mr. Boyd that he had met with MPO staff on the modeling data months ago. Mr. Boyd said he was told the data was not available.

Ms. Palmer stated that the issue at hand was the letter and, if Mr. Boyd felt he needed to sit down with the MPO staff again, that seemed reasonable to her.

Mr. Boyd said he would like to have the MPO sit down with the independent traffic consultants who have studied this and have come up with different numbers. He said the County should certainly go through this process before making a decision such as this. He stated that he was not sure where people were getting their information about attendance in the 1990s, as mentioned by Ms. Thomas, but the public's comments at tonight's meeting was 8 to 3.

Ms. Mallek said there were about 3,000 people at the Hilton. Mr. Boyd disagreed, and said that was not true.

Ms. Palmer said she has learned some new information over the past year, one being how important this connection was to feed into the Meadow Creek (John Warner) Parkway and the interchange on the Route 250 bypass. She stated that she received a lot of comments about how long that project had taken, and a lot of people have tremendous fear that the Rio project would be similar, but VDOT would be managing this with its experienced staff, whereas the parkway project had been managed by City staff.

Ms. McKeel said there was concern expressed tonight about cut-through traffic and her fear is, if the County does not take care of the Rio intersection, the neighborhoods would be used as cut-throughs, especially as the intersection fails and she did not want to create that additional traffic.

Ms. McKeel **seconded** the motion with the amendment to the letter to reflect that the votes had spanned two calendar years.

Roll was called, and the motion passed by the following vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer and Mr. Sheffield.

NAYS: Mr. Boyd.

Mr. Sheffield asked Mr. Lloyd to stay after the meeting for a brief discussion with him.

**(The letter is set out below:)**

The Honorable Aubrey L. Layne, Jr.  
Secretary of Transportation  
Office of the Secretary of Transportation  
P.O. Box 1475  
Richmond, VA 23218

Dear Honorable Secretary Layne:

The Albemarle County Board of Supervisors would like to express its appreciation to the Governor of Virginia, the Secretary of Transportation and the staff at the Virginia Department of Transportation (VDOT) for their continued support and the effective implementation of the Route 29 Solutions Package. Further, as reflected by the majority vote multiple times in 2014 (5-1 in favor), the Board of Supervisors maintains its support for these projects.

Our community has benefited greatly from the enhanced and thorough engagement process VDOT has established with the Solutions Package. As occurs with many major transportation projects, the community understandably has a range of questions and concerns. Even though these queries come from a variety of perspectives, and some have been generated from misleading information, VDOT staff and Philip Shucet have been very receptive, consistent and inclusive in responding. The result of this approach is comprehensive information that better informs the community.

Also, the Board of Supervisors continues to recognize the importance of building the Rio Road/US29 Grade Separated Interchange first, and we support an expedited process to minimize

disruption to neighborhoods and businesses. We also recognize that VDOT will need help from the Board to ensure that accurate and timely information continues to be available to the community and the majority of our Board members remain committed to providing this assistance.

The Albemarle Board of Supervisors asks that VDOT continue its open and thorough process of engagement. Once a contractor is selected and construction is more imminent, our community expects to remain highly engaged as the details become more clearly defined. As VDOT moves into the next steps of the projects, we hope it will continue to find new ways to engage, inform and listen to the opinions of our residents.

Please share this letter and our appreciation with Governor McAuliffe and VDOT Commissioner Kilpatrick for the commitment to the Albemarle County community and for providing the necessary resources to implement the Route 29 Solutions Package.

Sincerely,

Jane D. Dittmar, Chair

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

Ms. Mallek said she had recently attended the Robotics Team competition, which was the first major qualifying event for a national competition, and it was exciting to see how middle and high school students were taking on a whole new element of engineering and experiencing success at all different levels.

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Ms. McKeel mentioned that, on January 26 at 8:00 p.m., she and Jack Jouett School Board member, Kate Acuff, would be holding an electronic tele-town hall meeting. She said there would be more information coming on how to participate and people would be notified by A-Mail.

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Ms. Palmer stated that the University of Virginia School of Architecture's "Vortex" project had chosen the Ivy Road corridor as a design exercise and Planning Commissioner, Julia Monteith, who works at UVA, would be speaking at the January 18<sup>th</sup> presentation at the Carver Recreation Center on the project.

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Mr. Boyd said, on January 29 at Sutherland Middle School, he would hold a town hall meeting beginning at 6:30 p.m.

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Agenda Item. No. 6. From the County Executive: Report on Matters Not Listed on the Agenda.

There was none.

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Agenda Item No. 7. Adjourn.

With no further business to come before the Board, the meeting was adjourned at 7:50 p.m.

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Chairman

Approved by Board
Date: 07/01/2015
Initials: EWJ