

An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on July 11, 2018, at 2:00 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia. The meeting was adjourned from July 11, 2018. The regular night meeting was held at 6:00 p.m.

PRESENT: Mr. Ned Gallaway, Ms. Ann Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer and Mr. Rick Randolph.

ABSENT: Mr. Norman G. Dill.

OFFICERS PRESENT: County Executive, Jeff Richardson, County Attorney, Greg Kamptner, Clerk, Claudette Borgersen, and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. Call to Order. The meeting was called to order at 2:04 p.m., by the Chair, Ms. Mallek.

Agenda Item No. 2. **Work Session:** Volunteer Fire Rescue Capital Funding.

The Executive Summary presented to the Board states that the Albemarle County Fire Rescue (ACFR) volunteer funding policy SAP-DEP-007 (Attachment A) was approved by the Board in 2008 to provide volunteer organizations with clear guidance regarding funding for annual operating costs and the purchase of emergency response vehicles according to the approved System Fleet Plan and County Capital Improvement Plan (CIP). The policy provides for a case-by-case review of capital maintenance expenditures and full access to the County CIP process and is reflective of the Board's desire at that time to have the County fund the daily operations of volunteer organizations, while leaving the responsibility of funding facilities maintenance to volunteer fundraising efforts.

At its March 28, 2017 work session, the Board directed staff to review the ACFR volunteer funding policy and make recommendations regarding opportunities to address volunteer organization budget shortfalls, including possible funding for building maintenance. As part of this review, at its May 24, 2017 work session, the Albemarle County Fire and EMS (FEMS) Board along with volunteer treasurers and ACFR staff, considered modifications to the volunteer funding policy. Though changes to the CIP process were discussed during this meeting, there were several unresolved questions and the FEMS Board voted to maintain the existing policy of case-by-case consideration of capital funding while staff worked out more details on a revised CIP process.

At the July 12, 2017 Board meeting, ACFR and Office of Management and Budget (OMB) staff provided recommended changes to the annual operating policy for consideration starting in the FY 19 budget process. The Board approved those specific recommendations and further directed staff to report back with suggested changes and impacts for the inclusion of maintenance items for volunteer fire and rescue organizations, including the use of the County's CIP, in time for the FY 20 budget process.

ACFR staff worked with OMB, the FEMS Board, and the Albemarle County Department of Facilities and Environmental Services (FES) to determine the scope of this funding initiative. Following these discussions, staff is suggesting an amendment to the existing policy to provide three distinct funding opportunities for volunteer organizations (See Attachment C). The proposed policy changes will continue to provide access to CIP funds and provide for two distinct additions to determining funding for the volunteer organizations.

- Annual Operating Maintenance
- Capital Maintenance
- Capital Building Replacement/Renovation/Expansion

Annual Operating Maintenance

It is proposed that Annual Operating Maintenance (AOM) be an annual operating donation intended for the use of ongoing maintenance of volunteer stations. ACFR will manage a contracted four-year Facilities Condition Assessment (FCA) whereby buildings and systems are evaluated to determine what maintenance projects are required to preserve the building. The FCA will also determine the Plant Replacement Value (PRV) for the facility. As part of this program, FES will create an Annual Preventative Maintenance Plan (APMP) of cyclical and preventative items for each volunteer organization, informed by the FCA and volunteer leadership. The AOM will be based on a percentage of PRV. This percentage is established each year and based on industry standards. This donation is intended to address organization needs outlined in the APMP as well any maintenance deemed necessary at by the local organization.

Although volunteer organizations will not be required to request AOM funding, participation in the four-year assessment will be required. This assessment will allow volunteer organizations to plan their maintenance, regardless of the source of that funding. Volunteer organizations using AOM funds will affirm compliance with the APMP.

Capital Maintenance

It is proposed that Capital Maintenance (CM) funding be used for significant items that are part of the volunteer department's building or complex (i.e., replacing the roof or HVAC system). The FCA process will help develop and revise the 10-year capital maintenance needs assessment to inform volunteer CM proposals for consideration in the County CIP process. As with other Fire Rescue projects in the CIP, FES will manage all CM projects, and ACFR will serve as the fiscal agent for these projects.

Volunteer participation in the CM program will be voluntary. Given that these funds are a donation and that the buildings are not owned or cotitled with the county, only cash funds can be used for these projects. *To achieve these goals and administer the program, FES will require an additional FTE.*

Capital Building Replacement/Renovation/Expansion

It is proposed that Capital Building Replacement/Renovation/Expansion (CBRRE) be defined as a capital project intended to completely replace, substantially renovate, and/or expand a volunteer building. Under current policy, volunteer organizations may work with ACFR to request County funding through the existing CIP. These requests will be considered on a case-by-case basis. Volunteer organizations providing matching funds in these requests will see a positive impact on their score during the County CIP process. *Under the proposed policy, this process will not change.*

Concerns Expressed by FEMS Board Representatives:

The FEMS Board and ACFR staff discussed the proposed policy at the December FEMS Board work session. Several members of the FEMS Board expressed concern (Attachment B) with the Capital Maintenance portion of the policy - specifically with the involvement of FES. However, FES ensures compliance with state procurement laws and County policy and provides the technical expertise required to make certain projects ultimately meet the needs of the volunteer organization.

Annual Operating Maintenance: The proposed volunteer funding policy changes would increase volunteer operational funding in FY20 by an estimated \$177,180.

Capital Maintenance: The Facilities Condition Assessment (FCA) conducted in FY17 indicates that total capital spending over fiscal years 20-24 may total as much as \$3,164,467 (cash only), depending on volunteer station participation.

Further, it is expected that FES will require an additional FTE to manage the proposed maintenance program at a projected FY20 cost of \$107,403 (includes one-time costs).

Staff is proposing specific modifications to the ACFR Volunteer Funding Policy to provide for annual operating maintenance financial support and capital maintenance financial support in response to Board direction provided in July, 2017. If and when the Board is satisfied that the modified policy accomplishes its goals in this regard, it is recommended that the Board then approve the policy as amended. Once approved, the policy will guide relevant funding assumptions for FY20 and thereafter.

Mr. John Oprandy, Deputy Fire Chief, addressed the Board and thanked them for the opportunity to talk about the volunteer facilities maintenance program. He recognized the efforts of Chief Tom LaBelle, Mr. Trevor Henry, Ms. Lori Allshouse, and other County staff for their work on the project. He explained that the desired outcome was to either approve the amended volunteer funding policy in portion or in total, or to direct staff to reflect the impact of the policy in the upcoming Five-Year Plan and CIP discussions. He explained that the volunteer funding policy guides the development of the Albemarle County Fire/Rescue annual budget, which includes the requests of each station. He said that ACFR have assisted the stations with planning and preparation for capital maintenance items, though there was not a lot of funding that went towards capital, until last year when the Board directed staff to make changes to the County policy to allow funding of building maintenance.

Mr. Oprandy described the process as being "long and collaborative" and said that staff has included suggestions in the recommended policy changes, which attempts to strike a balance that allows for some flexibility and autonomy at the volunteer station level while providing an appropriate level of County support and oversight. He said that staff has simultaneously worked with Fitch & Associates to analyze the ACFR system and presented the results to the Board on July 5, 2018. He said the Fire and EMS stations were well-situated geographically to provide a basic level of service and that funds expended to ensure the future condition and usefulness of these buildings were a sound investment in terms of standards of cover.

Mr. Oprandy presented a slide that listed three ways of funding maintenance items: Annual Operating Maintenance (AOM), Capital Maintenance, and Capital Improvement/Expansion. He explained that annual operating maintenance involves ongoing building maintenance, such as the changing of filters, flushing hot water tanks, and servicing boilers and other systems. He said that the Board makes a formula-based donation to each volunteer agency every year for ongoing maintenance. The donation is primarily based on a formula. He explained that the formula was based on a percentage of the facility's planned replacement value, as well as building assessments and an annual preventive maintenance plan developed by Facilities and Environmental Services. He explained that funds and maintenance were managed by volunteer leadership, with ACFR and FES playing smaller roles, as ACFR facilitates the annual budget process and quadrennial facility assessment, while FES officials serves as subject matter experts on the building assessment reports, to come up with the annual checklist of work to be done. Mr. Oprandy emphasized that a station could opt out of AOM funding, as participation was voluntary, and he said he would bring a couple of key points to the Board's attention. The first was that the FCA was mandatory, regardless of funding, and in this way, they could get a facility condition assessment on each building that the volunteers could use, if they were not going to participate in the County program. He said that FES creates an annual maintenance plan from this report for any station that does not participate. He continued that if funding was provided through the County program, the volunteer agency must confirm that the funds were used for the items recommended in the maintenance plan.

Mr. Oprandy presented a chart of FY 19 Volunteer Maintenance Funding:

Existing Maintenance Funding	\$102,378
Lawn Care and Janitorial	\$109,984
Subtotal	\$212,362
FY20 AOM Estimate	\$177,180
Total Maintenance Costs	\$389,542

Ms. Mallek asked if lawn care and janitorial services includes snowplowing. Mr. Oprandy confirmed this.

Mr. Oprandy emphasized that the FY20 AOM estimate represents additional funding if the Board approves the policy change. He next presented a graph that indicated the annual volunteer donations in dollars for each year over a 12-year period. He noted that the Board has supported staff and volunteers to consolidate a number of line items, including maintenance for apparatus, fuel for apparatus, and personal protective gear, which has been centralized in ACFR's budget and were not recognized in the graph. He said that those items, which includes both career and volunteer funding, totals just under \$1.5 million in the annual budget for ACFR.

Mr. Oprandy next reviewed capital maintenance and explained that this involves the replacement and repair of HVAC systems, roofs, and parking lots, as well as other larger capital items. He noted that participation in the program by volunteer stations was voluntary and that the County has more involvement than in the annual operating budget category. He said that fiscal management was provided by ACFR, with FES providing individual project management support. He noted that several volunteer stations have expressed concern with FES's management, and these concerns were documented in an attachment (copy on file) to the executive summary provided to the Board.

Ms. Palmer asked Mr. Oprandy to expand on that matter. Mr. Oprandy said that most concerns have to do with decisions made during the life of a project, such as the materials used, and some volunteer agencies would prefer to run projects themselves with the County providing the funds. He reminded the Board that it had approved funding for a small beta project in FY19 to replace a parking lot in Crozet, with the intent to begin alleviating some of these concerns. He said this was not much different from the new apparatus maintenance program in the CIP, with which the volunteers have been involved, although ACFR provides funding. Mr. Oprandy noted that the chiefs expressed appreciation for the assistance of a County staff member in the process. He explained that they expect to create a guiding document from the Crozet parking lot beta test to be used by volunteer departments to navigate the process.

Ms. Palmer asked when the parking lot test was expected to be complete. Mr. Oprandy replied that he does not have this information, though it would be during this fiscal year, and he expects the document to be completed shortly thereafter. He said he expects it to be somewhat of a living document as they take on new projects and develops the program.

Mr. Randolph said he was struck by the significant impact of \$3.6 million that capital maintenance would have from FY20-24, as well as annual budgetary costs for the new FES employee and the increased annual operating costs of \$177,000. Regarding the concerns expressed by both volunteer and career firefighters, he said he read the information provided in Attachment B and the theme of concerns was about trust and control, though he does not see that the department was addressing these concerns. He said he was uncomfortable signing off on something where there was a level of distrust and questions about volunteer departments' authority to make decisions.

Mr. Oprandy remarked that these issues of trust and ownership have been present since he began working for ACFR in 1999 and were grappled with daily. He acknowledged that they have continued to make progress and they are at a better place than in the past. He noted that the Division Chief of Volunteer Services present in the audience was hired five years ago to address some of these issues. Mr. Oprandy added that he does not believe they would ever fully eradicate them, as every volunteer department in the country deals with these same issues.

Mr. Randolph remarked that what the Board was essentially being asked to do was sign off on the "what" but was concerned about the "how." He said the companies lack the nuanced, granular, detailed understanding of how this would work on an operational level. He said this would be a significant leap in terms of resources, the CIP, and operational costs, and he would feel more comfortable if the departments had a chance to work out the answers to all these questions about the how, after which there would be a greater opportunity for success, and he would be supportive. He expressed that he was not confident there was a level of support to sustain this in the way they want it to be sustained.

Ms. Palmer said she shares some of Mr. Randolph's concerns, though she has learned from conversations with her chief that things were recognizably much better now than when she came on the Board 4 ½ years ago.

Mr. Doug Walker, Deputy County Executive, addressed the Board and remarked that the information before the Board was in response to direction received by staff over a year ago, and this was the first time the Board has seen the numbers. He said there was a high degree of sensitivity that staff had as to how this was presented and received by the Board in light of all their other demands and limited resources. He said the Board may be comfortable in working through the Crozet Volunteer Fire

Department pilot project to help inform the template and work through issues so they could be at a better place, like they were now with the apparatus program, which had also started with similar concerns. He acknowledged the concerns that have been expressed and said they were trying to find a middle ground to be collaborative, recognizing that the investment made was significant in the context of support for infrastructure for a combination system.

Ms. Mallek said she learned from speaking with the chiefs in the White Hall District that a private group could better leverage funding because the prices offered by contractors were different and expenses were donated by private industry. She emphasized that the three chiefs have a combined 80 years of leadership experience, and the County should not say that it could do better and ask them to get out of the way. Ms. Mallek recounted that one of the chiefs pointed out that some agencies were well organized and disciplined with a great history of doing things and do not necessarily want or need someone looking over their shoulder, whereas other agencies would welcome the guidance because they do not have time to bother with it. She said that requiring everyone to use one form could generate a lot of resentment and get in the way of a solution, using an analogy of the 2008 ordinance development. She said that downplaying differences among stations was not helpful in getting the enthusiastic cooperation needed. She added that people are confused about who would make decisions and whether their needs would be appreciated and that a trial example was ongoing. Ms. Mallek also mentioned that there have been unrectified changes in the budget process with no communication, and money was taken out of the budget by staff without communicating this.

Mr. Randolph read a concern expressed in Attachment B: "Fund drives become harder if people think their tax dollars were paying for liquid assets or primarily donated funds. What were you raising money for if maintenance for buildings was covered?" Mr. Randolph stated that it would be helpful to learn about the impact on fundraising capabilities with other companies that have moved from volunteer fundraising to a more professional level to cover building maintenance costs, as has been proposed. He remarked that when combined with the needs assessment, there was a perception that volunteer companies were not as valued or important as they were previously. He recognized that volunteerism was gradually declining and cited Robert Putnam's book, *Bowling Alone*. Mr. Randolph described volunteer fire companies as the "life bread" of some communities and said he supports efforts to encourage volunteers as much as they could, as the costs to the County to replicate them would be huge. He expressed surprise that the presenters were not able to address the question of how fundraising efforts might be affected if the County provided for maintenance costs.

Ms. Palmer remarked that the report shows the complexity of trying to implement what the Board has asked.

Ms. Mallek said that she has never asked the County to take over management of the fire company building projects and she does not know where that came from.

Mr. Gallaway remarked that one of the points made in the recommendation was that FES involvement ensured compliance but does not address the concerns, though he thought this was something that could be figured out. He recognizes that public funds could complicate fundraising efforts and said he appreciates the mindset of the volunteer departments in determining how to get what they need in utilizing resources in a creative way. Mr. Gallaway said they may be concerned that their culture of operating could change and emphasized that agencies may opt out. He acknowledged that fundraising for maintenance items was not flashy and that this was a good thing for the County to do to free up fundraising efforts when it was time to get the amenities that make it more appealing to volunteers. He added that he feels they are close enough to get to the how and to have additional conversations that would help them work it out.

Ms. McKeel agreed with the points made by Mr. Randolph and Mr. Gallaway. She said she does not want to force very limited taxpayer dollars on volunteer fire departments that do not want the money. She said she was a little confused, as this item was presented in a work session but listed as an action item, and she wondered what the expectation was for today. She said it appears that this item was not ready, though it was listed as an action item.

Mr. Oprandy commented that if the Board was not ready to adopt a policy today, it would leave the staff modeling the fiscal impact of the policy in the Five-Year Plan CIP discussions that would be held this fall. He emphasized that the FEMS Board was also interested in working out the how. He said they have worked through this same process almost every time incremental support has been added to the volunteer system, as some agencies are strong in terms of fundraising ability while others struggle and do not have the expertise on staff to address fundraising and facilities maintenance issues. He acknowledged that some stations take pride in doing all the work necessary to run an agency, as it has been run for 100 years, though this number was dwindling in light of all the work required to run a fire and EMS station and need help.

Ms. Mallek said a third option beyond the two presented was to obtain answers to the questions posed by the stations on January 24, prior to coming back with modeling results. She commented that people love Montie Breeden of FES as he has been wonderful and knows how to work with people but, when things disappear on paper they might not come back as expected, so the interchange has holes in it. She stated that she hopes they could make structural changes to solve some of the problems cited in Attachment B.

Mr. Trevor Henry, Assistant County Executive, addressed the Board and thanked them for letting him work with staff to attempt to appropriately fund the volunteer stations. He noted that the capital

maintenance program has been the one they have struggled the most with to define. He explained that they wanted to bring the County's level of experience and professionalism to the volunteer stations in the same way they address maintenance for County buildings and suggested they bring FES into a further discussion with the FEMS Board to walk through the process. He emphasized that the maintenance category seeks to replace existing systems with something equal to or better within the budget. He said the next category represents CIP enhancements, which he believes have worked well with the volunteers. He said it was a matter of working through the process to gain a better level of comfort, perhaps with a pilot approach, so that volunteer departments would be willing to try it out.

Ms. McKeel remarked that she found in the field of education that if things were worked out in a pilot, it became easier to play things out on a larger scale. She suggested that they both work with willing stations while also obtaining answers for those with concerns.

Mr. Henry said they could extend the timeframe in order to have interactive feedback. He remarked on how the County was replacing four square miles of roofs this summer and had conducted procurement in a way that maximized benefits.

Ms. Mallek said she has no qualms with the project management side but does with the approach in getting community support.

Ms. McKeel said they should work with the groups that want to work with the County and said that the others may join once some of the issues were worked through.

Ms. Mallek remarked on a comment made recently about having increased oversight in the operations and asked if someone could respond to this concern.

Mr. Walker said staff was careful in the wording in its recommendation as they recognized this was the Board's first look at the information. Staff was trying to be responsive to the Board's interest which was expressed over a year ago. He emphasized that staff would be seeking guidance on incorporating this into the budget planning, if and when the Board was ready.

Mr. Randolph said it was essential for Mr. Henry to be present at the meeting of the FEMS Board so they would understand who he is, the process, and the value FES brought to maintenance issues. He asked Mr. Henry to consider involving Supervisors in the meeting so they would realize how important this issue was to the Board. He agreed with Ms. McKeel's point that they should begin working with willing volunteer departments and that they may be able to gradually persuade the others by example that there was real value in going with this direction.

Mr. Oprandy continued his presentation with a slide on the Capital Budget Maintenance Budget Impact:

- annual operating impact of \$107,000
- full-time employee for FES management and oversight
- five-year projection of \$3,164,467
- cash funds only
- borrowed funds cannot be utilized in non-County owned buildings
- maintaining volunteer ownership of buildings was a paramount concern for volunteers

Mr. Oprandy next discussed the third category, Capital Building Improvement/Expansion, which he explained entails building expansion and renovation projects and was currently allowed in the CIP process, with no action required of the Board to continue. He noted that FES manages these projects.

Mr. Gallaway asked if this was based on each station's facilities assessment. Mr. Oprandy confirmed this, though he added that in some cases FES has been asked to provide guidance, which has informed the CIP request put forward.

Mr. Gallaway remarked that the facilities assessment was a very positive aspect.

Mr. Oprandy clarified that existing facilities are assessed and reports are issued regarding their maintenance, though they do not speak to expansion or anything in this category. He concluded the presentation and remarked that the Board's direction was clear that they should answer some of the how questions before they come back to the Board with the rest of the impact.

Ms. McKeel asked that the Board be provided with information about which stations are willing to move forward. She reminded everyone that they have spent many years addressing only critical maintenance items in the CIP because of the economy.

Ms. Mallek added that they were very far behind and catching up was quite challenging.

Mr. Gallaway said it would be helpful to see the breakout of the \$3.2 million so he could line up dollars and projects to the stations, to fully understand the consequences of stations not opting in.

Ms. Palmer asked for confirmation that the concerns regarding FES involvement and control were in the capital improvements and expansions section, whereas they were more apt to accept annual operating maintenance. She asked which categories had the biggest pushback. Mr. Oprandy responded that capital maintenance had the biggest pushback, while annual operating maintenance has been the

most accepted. He said there have been less conversation regarding capital improvements as not many stations were looking to make a capital request in this category.

Ms. Mallek said that those who have spoken to her thought the contract memorandum of understanding money would go to the task at hand, and had no problem with that.

Recess. 3:01 p.m., the Board recessed and reconvened at 3:10 p.m.

Agenda Item No. 3. **Presentation:** Endorsement of Process and Schedule for the Finalization of the Economic Development Strategic Plan.

The Executive Summary presented to the Board states that on July 12, 2017, the Board of Supervisors endorsed a framework Economic Development Strategic Plan, including the Mission and Guiding Principles. On October 17, 2017, the Board of Supervisors, Planning Commission, and Economic Development Authority jointly endorsed the Mission and Guiding Principles (shown on page 6 of Attachment A). The Board's adoption of the framework plan provided important direction for several critical steps in the evolution of the Economic Development Office (EDO): 1) completing hiring process for new County Executive, 2) completing the hiring process for the new Director of Economic Development, and 3) finalizing and adopting the Economic Development Strategic Plan.

At the time of framework plan adoption, the Board directed staff to pause in the finalization of the strategic plan until key staff members, specifically the new County Executive and the new Economic Development Director, were onboard to provide critical expertise, leadership and capacity. Now that those positions are filled and fully engaged, staff recommends that the finalization process get underway as expeditiously as possible.

With a County Executive and Director now in place, the EDO is ready to proceed with the finalization of the draft Economic Development Strategic Plan. Staff is seeking the Board's endorsement of the proposed process and schedule shown in Attachment B. The proposed finalization process includes engaging several internal work groups, as well as external stakeholders. The internal work groups are comprised of staff from key partners to the EDO, including the County Executive's Office, Community Development, Finance, and County Attorney's Office. The external stakeholder work group will include key community partners such as the City of Charlottesville, University of Virginia, Piedmont Virginia Community College, ACSA and many others. Members of the public will also have opportunities to provide input during the finalization process. The proposed process will allow the Board to consider the final recommended Strategic Plan by November 2018.

The completion of the Strategic Plan will provide essential direction for establishing the EDO's future priorities. Importantly, the proposed schedule allows the finalized Strategic Plan to inform the EDO's work program and budget for FY2020.

There is no direct budget impact associated with this agenda item.

Staff recommends the Board endorse the proposed process and schedule to finalize the Economic Development Strategic Plan.

Mr. Doug Walker stated that the Economic Development Strategic Plan was not under consideration at this point, just the process proposed to develop the plan. He said they are seeking the Board's endorsement of the process and preliminary feedback of the framework plan. He reviewed a recent timeline and reminded the Board that on May 25, 2017, the Board received a presentation by Decide Smart on the draft of the economic development plan. He said the concepts presented were endorsed by the Board, which gave direction, along with the Economic Development Authority, to staff to put together a framework. He said the framework was endorsed by the Board in July 2017 with the understanding that the plan would be finalized after the hiring of a new County Executive and Economic Development Director.

Mr. Walker reminded the Board of the October 17, 2017 joint meeting with the Economic Development Authority and the Planning Commission, at which all 3 bodies endorsed the mission and guiding principles of the framework plan. He acknowledged the recent hiring of Jeff Richardson as County Executive and Roger Johnson as Director of Economic Development. He said that Mr. Johnson has been working to get himself oriented to the community, develop relationships, and thereby work from a position of knowledge and context. He said that Mr. Johnson's top priority was the Strategic Plan.

Mr. Walker listed 3 anticipated process outcomes:

- adopt a finalized Economic Development Strategic Plan
- build internal and external partnerships necessary to support successful implementation of the Economic Development Strategic Plan
- ensure visibility and awareness of the Economic Development Strategic Plan

Mr. Walker presented a slide that listed roles and responsibilities:

- Board of Supervisors: accountable, final decision makers on plan content
- Economic Development Authority: inform, regular check ins to review key materials as they were developed
- Planning Commission: inform, keep in the picture as the plan was progressing
- County Executive's Office: accountable at staff level, final decision makers on recommendations going to the Board
- Staff Work Group (cross departmental): responsible for assisting with technical expertise and content development
- In House Advisory Group: consultative, providing feedback and input as requested
- External Partners: consultative, providing feedback and input as requested

Mr. Walker next presented major process steps:

July 2018: Board of Supervisors reviews plan, internal review of goals and objectives, meet with external partners and obtain public input.

September 2018: Check in with Board of Supervisors, internal review and consultation with external partners and the public.

November 2018: Board of Supervisors consideration.

He described the schedule as ambitious but one they could meet.

Mr. Roger Johnson, Director of Economic Development Authority, stated that the framework was endorsed by the Board of Supervisors, the Planning Commission, and the Economic Development Authority.

Mr. Johnson presented the Foundational Elements of the Plan: contributing policies/documents (County Vision Statement, Comp Plan, etc.)

Mission: Quality job creation and career employment, increased tax base, enhanced natural resources and community character, improved quality of life.

Guiding Principles: Diversity of jobs, collaboration, entrepreneurship, partnership, leveraging assets, build awareness of opportunities and support critical infrastructure.

Mr. Johnson stated that a group of internal stakeholders was reviewing the existing plan to make sure that any strategic plan created was consistent with existing documents and those of other County departments.

The next slide was entitled Goals and Objectives:

- strengthen existing business retention/expansion
- improve readiness to accommodate desired businesses
- align staff capacity with desired outcomes
- increase economic development visibility
- maximize external resources/partnerships
- expand efforts to build tourism sector

Mr. Johnson played a video about how a local economy works and how to generate wealth within it. After the video, he summarized that the County sought a sustainable balance between primary businesses and current businesses. He invited questions.

Mr. Gallaway asked how current the action items were. Ms. Lee Catlin, Project Manager, stated that the plan Mr. Johnson was referencing was frozen in time last year when the Board approved it in 2017 and a lot of items were pretty dated.

Mr. Gallaway said there were things they could do with site readiness and they do not need to wait until everything was final, adding that he hopes the inventorying of sites and readiness capacity was underway. Mr. Walker responded that the consultant has identified particular sites and their state of readiness and reminded the Board that Stantec was working to further this effort.

Mr. Gallaway asked Mr. Richardson and Mr. Johnson to comment on the goals and objectives of the economic development plan, which they have to own although they did not create it. He asked if they believe any goals should be added. Mr. Johnson responded that the plan was very good and quality work has been done. He added that there are some things the Supervisors should expect to see in September and November, including expanding the desire to attract private capital into the community and innovation working with willing partners to create a pipeline for entrepreneurship.

Ms. Palmer asked how the County would work on innovation since it was something the University of Virginia does. Mr. Johnson replied that the I-Corps program, sponsored by the National Science Foundation, teaches faculty, researchers, and others how to turn their research into a commercial product. Another example he gave was to have community problems analyzed by entrepreneurs, to come up with innovative solutions to match the intellectual capital of the community with those who needed assistance. He said these could be action items.

Ms. Palmer commented that she thought UVA has a similar program to I-Corps. Mr. Johnson confirmed that UVA has an I-Corps program focused on engineering, but what he was talking about was getting local talent into the pipeline.

Ms. McKeel said she understood the School Division has hired someone to focus on workforce development and careers, and she would like to see the schools involved with the economic development plan because many graduates want to stay in the area.

Mr. Gallaway asked Mr. Richardson to address his earlier request for comment about items they might wish to add to the plan. Mr. Richardson noted that he began working with the County several months before Mr. Rogers, and he recounted that he had the chance to meticulously review the draft economic development plan and expressed his enthusiastic support of it. He said the three-board collaborative discussion and endorsement was a step in the right direction. He pointed to Goal #5, "maximizing the external resources and strategic partnerships," and said he took note of opportunities to partner with the University of Virginia, Piedmont Virginia Community College, and the public school system. Mr. Richardson also recognized the partnership inside the County organization and noted that Doug Walker had taken a day-to-day supervisory role in both Community Development and Economic Development departments. Mr. Richardson acknowledged that Mr. Walker has already accessed expertise from the Community Development staff in working on economic development challenges and opportunities, as well as borrowing expertise. He said they are creating internal synergies and also recognized the work of Bill Letteri in looking at financial capacity and strategies. He recognized that officials at the University of Virginia were concerned with what goes on outside the University as much as what goes on within and had expressed to him that they want to be a strong, regional partner.

Ms. Palmer said she was looking forward to finalizing the process and schedule, and she expects it to be a lot more detailed. She stated that she would like them to follow the water and sewer infrastructure, including implementation of the water supply plan, to send a strong message to the business community. She said the new transfer station could be an economic development opportunity, as it was a source of jobs and new industry. She added that it is not just about keeping new businesses, but about doing what government does routinely, which is to maintain healthy infrastructure.

Mr. Gallaway agreed with Ms. Palmer's comments and added that Mr. Johnson has the latitude to interject new goals and objectives while they finalize the plan.

Ms. Mallek described the plan as an evolving document that could be strengthened and finished as they learn from what others were doing. She remarked that at breakfast that morning to discuss Rivanna Station, General Houston discussed the \$400 million impact that 10,000 employees on base provide to the community. She said she was glad to see a separate line item in the draft, as state agencies could recognize this and it could help to draw state and federal resources to help them expand and improve. Ms. Mallek emphasized that she wants both strong businesses and jobs, as well as a good environment and a culture that promotes both. She said that over the past year, she has been speaking with Amelia McCulley and Elaine Echols about ways to help small businesses, particularly those that help with the rural economy, and she looks forward to seeing some guidance this fall.

Mr. Randolph said there was a perception that the County was treading water as it awaited Mr. Johnson's arrival. He added that while Mr. Johnson has been busy and very strategic with many of the projects he has shared publicly and in closed session, there was no question that there has been a quantum leap in the quantity and quality of economic development work in Albemarle County. He said that they are only getting a taste of this now and would be getting more of Mr. Johnson's imprint. He added that he is enthusiastic and impressed with the work that Mr. Johnson and his team are doing.

Ms. McKeel recalled a joint meeting held a year earlier with the School Board, the PVCC Board, and the Board of Supervisors where PVCC President, Frank Friedman, said he wanted to bring back business roundtables around Workforce Development. She said that technology was a targeted industry and it would not go far without connectivity; there are still dead zones even in the urban ring. She expressed the importance of this for entrepreneurs and those working from home.

Ms. Mallek concurred and extolled the benefits of fiber infrastructure.

Ms. Palmer asked if they are working with the Director of Planning on the Small Area Plan within the Development Area and form-based code. Mr. Walker responded that they are engaged and working on the Small Area Plan and economic development planning, which would evolve as the Small Area Plan matures and implemented through form-based code, to seek economic development opportunities that fit within the context of Strategic Plan priorities.

Mr. Johnson said he echoes Mr. Walker's remarks, adding that he and Mr. Andrew Gast-Bray have held multiple conversations about these types of issues.

Ms. Palmer said she was under the impression that economic development was a primary reason why they were looking to form-based code.

Mr. Gallaway explained his thoughts about limiting expedited process to one small area plan. He said that efforts to streamline the process to help economic development cannot be limited to one small area plan as they serve other functions besides economic development and that economic development was a County-wide issue and cannot be limited to the Development Area.

Ms. Palmer clarified that her statement was not about economic development but about form-based code and similar things they have been considering for the development area.

Mr. Andrew Gast-Bray, Director of Planning, came forward and said these things are not antithetical or contradictory. He clarified that factors include the countywide economic development piece, the prosperity of a given area, and the question of how to integrate them in terms of technology and transportation. Mr. Gast-Bray said they need a target area where all the elements work together to try out this complexity, which does not exclude or preclude any of the other areas that need to thrive. He emphasized that they are not starting from where they want to be but from where they are and must fix certain things so they would have an end result that was strongly desired. He clarified that they are not being exclusionary but are targeting resources to ensure this complex integration at multiple levels occurs in one place where it could be vetted.

Ms. Mallek reminded everyone that there was a gradually improving streamlined process in effect that have been used across the County in various places within the development area. She said the Rio area was a place to try this out on a big scale, while J.B. Barnes Lumber was a place to try it on a small scale. She asked Mr. Johnson what he needed of the Board.

Mr. Johnson responded that he sought endorsement of the process, plan, and stakeholders.

Ms. Mallek **moved** that the Board endorse the proposed process and schedule to finalize the Economic Development Strategic Plan. The motion was **seconded** by Ms. McKeel.

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

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Mr. Randolph.

NAYS: None.

ABSENT: Mr. Dill.

Agenda Item No. 4. Closed Meeting.

At the 3:53 p.m., Mr. Gallaway **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 in which there are pending vacancies or requests for reappointments; and
- Under Subsection (3), to discuss and consider the disposition of real property in the City of Charlottesville related to court facilities, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County; and
- Under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to:
 1. the negotiation of an agreement for, and the possible relocation of, court facilities; and
 2. a condition related to a pending application for a special use permit.

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

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Mr. Randolph.

NAYS: None.

ABSENT: Mr. Dill.

Agenda Item No. 6. Call back to Order. At 6:00 p.m., the Chair, Ms. Mallek, called the meeting back to order.

Agenda Item No. 5. Certify Closed Meeting.

At 6:01 p.m., Mr. Gallaway **moved** that the Board of Supervisors certify by a recorded vote that, to the best of each Supervisor'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 meeting, were heard, discussed, or considered in the closed meeting. The motion was **seconded** by Ms. Palmer.

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

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Mr. Randolph.

NAYS: None.

ABSENT: Mr. Dill.

Agenda Item No. 5a. Boards and Commissions: Vacancies and Appointments.

Mr. Gallaway **moved** the following appointment:

- Ms. Suzanna Conklin to the Places 29 (Rio) Community Advisory Committee, with said term to expire September 13, 2020.

The motion was **seconded** by Ms. McKeel. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Mr. Randolph.

NAYS: None.

ABSENT: Mr. Dill.

Ms. Palmer **moved** the following appointments:

- Supervisor, Norman Dill and Supervisor, Liz Palmer to the Climate Action Plan Steering Team with said terms to expire upon completion of work of the steering team with said terms to expire December 31, 2019.
- Supervisor, Ann Mallek to the Charlottesville Albemarle Convention and Visitors Bureau (CACVB) Executive Committee as the Board of Supervisors member with said term to expire in December of 2018.
- Supervisor, Diantha McKeel to the Charlottesville Albemarle Convention and Visitors Bureau (CACVB) Executive Committee as the Board of Supervisor Member Alternative (designee in absence).

The motion was **seconded** by Ms. McKeel. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Mr. Randolph.

NAYS: None.

ABSENT: Mr. Dill.

Agenda Item No. 7. Pledge of Allegiance.

Agenda Item No. 8. Moment of Silence.

Agenda Item No. 9. Adoption of Final Agenda.

By a vote of 5:0 (Dill absent), **ADOPTED** the final agenda amended to include the addition of a discussion of the Board of Supervisors Guidelines under item #18.

Ms. Palmer asked to add discussion of the Board of Supervisors Operating Guidelines for High Quality Governance, Guideline #7, and to have the opportunity to read an alternative version, after which she would ask for Board consideration at a future meeting.

Ms. Mallek instructed that this be added as Item 18a. on the regular agenda.

Mr. Randolph **moved** that the Board adopt the final agenda, as amended. The motion was **seconded** by Ms. Palmer.

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

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Mr. Randolph.

NAYS: None.

ABSENT: Mr. Dill.

Ms. Mallek introduced the County staff sitting at the dais, and the presiding security officer, Officer Sean Hackney.

Agenda Item No. 10. Brief Announcements by Board Members.

Mr. Randolph announced that Scottsville Elementary School received a grant from the Edgar and Eleanor Shannon Excellence in Public Education Fund that enabled Kristy Obreck, a teacher in the gifted program and a librarian, to put together a program entitled, "Our Global Health," which explores cultures through traditional foods. He explained that her students baked bread using math, science, social sciences, and language arts skills, and also created dog biscuits. Mr. Randolph commended Ms. Obreck for innovation and for inspiring students. Mr. Randolph noted that Edgar Shannon was President of the University of Virginia when he was an undergraduate student there.

Ms. Palmer reminded everyone that the bridge at Route 250 West and Ivy Village would be closed for two weeks for replacement beginning July 13, 2018.

Agenda Item No. 11. Proclamations and Recognitions:

Item No. 11a. Resolution Recognizing July 12th, 2018 as John Henry James Day.

Mr. Randolph read and **moved** the adoption of the following resolution recognizing July 12, 2018 as John Henry James Day:

**Resolution
Declaring July 12, 2018 John Henry James Day**

WHEREAS, following Reconstruction, the crime of lynching succeeded slavery in the United States as an expression of racism and an upholder of white supremacy until the middle of the 20th century; and

WHEREAS, the lynching of Mr. John Henry James on July 12, 1898 was determined to have taken place in the County of Albemarle; his body shot dozens of times and his corpse hanging for hours; and

WHEREAS, ninety-nine (99) percent of all perpetrators, including those who murdered Mr. James, escaped punishment by state or local officials; and

WHEREAS, the Board of Supervisors recognizes that a history of racial injustice must be acknowledged, recognized, and most especially, remembered before a community may heal and that July 12, 2018 marks the 120th anniversary of the lynching of Mr. John Henry James; and

NOW, THEREFORE, BE IT RESOLVED, that we, the Albemarle County Board of Supervisors, do hereby recognize this tragic anniversary and declare July 12, 2018, as John Henry James Day in remembrance of our shared community history; and as a demonstration of our commitment that this tragedy will be neither forgotten nor repeated.

Signed this 11th day of July, 2018

The motion was **seconded** by Ms. McKeel.

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

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Mr. Randolph.

NAYS: None.

ABSENT: Mr. Dill.

Mr. Randolph said Mr. Dill was on the pilgrimage trip to Alabama and he spoke with him the previous night, informed him of the resolution, and asked that he inform others on the trip. He said Mr. Dill appreciated being notified about the resolution.

Ms. Mallek thanked Ms. Siri Russell for her help with the resolution.

Mr. Gallaway thanked Mr. Randolph for his poignant and heartfelt comments the previous Saturday in representing the Board of Supervisors.

Ms. McKeel asked Mr. Richardson if information on this project was available on the County website. Mr. Richardson replied that Ms. Russell was working on this and invited her to comment.

Ms. Siri Russell, Management and Policy Analyst, addressed the Board and stated that staff was collecting photos from the pilgrimage, which would be packaged together with the speech along with information on future programming and added to the website.

Mr. Richardson recognized and thanked Ms. Russell for her work in coordinating the pilgrimage trip to Montgomery, AL, that would begin the following day.

Agenda Item No. 12. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Neil Williamson, of the Free Enterprise Forum, addressed the Board. He applauded the Board's decision several years ago to hold matters from the public prior to the consent agenda, as it was helpful to allow members of the community the opportunity to comment before the consent agenda was voted on. He addressed the matter of the resolution of intent to bring the John Warner Parkway into an entrance corridor. He reminded the Board that in February they had considered a resolution of intent to remove several entrance corridors, though it did not move forward because they had been waiting for technical data. He said the Architectural Review Board staff was not enforcing regulations on the corridors, though it seems foolhardy to approve a resolution of intent to expand entrance corridors when one-third of the designated corridors are illegal, based on VDOT arterial roads. He said the Free Enterprise Forum asked that the Board take care of that business first. The Free Enterprise Forum was not taking a position on whether or not the Parkway should be in an entrance corridor, though they believe a house should be cleaned before added onto it.

Ms. Jane Kudlow, Director of Virginia Festival of the Book and County resident, addressed the Board. She thanked the Board for its long-time support of the Festival and for the support offered this fiscal year; the 25th anniversary of the Festival. She reminded the Board that the funding request comes through the ABRT process; the application was demanding, and it was a very important procedure as it requires organizations to set very specific goals and to report on how they are met. She thanked Gretchen Ellis for technical support through the process and reported that for each of the last four years, the Festival has achieved exemplary status. She said the Festival has drawn an average of 20,000 attendees over the last four years, including 30,000 in 2017 and 22,000 in 2018. Ms. Kudlow stated that authors speak to about 10,000 students in the schools, and the Festival has received over 5,400 evaluations from attendees, with 97 percent of respondents indicating that the program broadened or enriched their views. She noted that thousands of handwritten comments had provided specific qualitative responses. She said the vast majority of authors recommend the Festival to other authors, and they have worked with more than 200 community partners to develop programming that was representative of diverse interests. She again thanked the Board for its support and look forward to seeing them in March, 2019.

Mr. Randolph commended Ms. Kudlow on the selection of the Anne Frank book as being timely for the community.

Agenda Item No. 13. Consent Agenda.

(Discussion: Ms. McKeel asked that Item 13.2 be pulled for a short discussion at this point or at the end of the meeting. She noted that the ACE Committee has recommended that livestock be excluded from all perennial streams and future ACE easements. Ms. McKeel said there was a lot of land in the ACE program and existing property in the program was grandfathered from any changes made by the Board. She stated that a requirement of a 35-foot-wide buffer along perennial streams and future ACE easements have been proposed. She added that she asked Andy Herrick to add language that would say that as new people are rolled into the ACE program they would not be grandfathered under what may be approved today.

Mr. Andy Herrick, Senior Assistant County Attorney, explained that the ACE Committee has recommended a deed restriction of at least 35 feet in the current draft ordinance, which does not preclude a wider stream buffer if the Board so chose. He said that staff recommends that this be set for a future public hearing that was far enough away to allow the ACE Committee and staff to look at the Board's concerns and incorporate them in time for a public hearing. He said the next round of ACE applications was typically due by the end of October, so staff suggests that the public hearing be set for September or October to allow time for the Board to act on it.

Ms. McKeel emphasized that she was not looking to have those already in the program tearing down fences but was simply saying that if a future Board were to decide on a new standard, they would be able to roll people into ACE with a different stream buffer requirement.

Mr. Kamptner clarified that the deed restriction would apply only in the future and if the Board were to adopt the ordinance, it would apply to new easements. He added that separate from stream buffer provisions and any conservation easement, the stream buffer requirements under the water protection ordinance which are currently under study and are imposed through the Zoning Ordinance. Mr. Kamptner emphasized that there are multiple layers of stream buffers that may be imposed on a property, and these are voluntary and addresses the particular issue of livestock and water. He said that what was in the deed would act separately from what the County does by regulation, and they may both coexist.

Ms. McKeel said she wants to make sure that the document would change along with the regulations. Mr. Herrick confirmed this, emphasizing that the language of both the mandatory regulations of the Water Protection Ordinance as well as the regulations that would apply to those who sell conservation easements to the County voluntarily, was set by the Board which could choose to coordinate them or to have different standards.

Ms. Palmer asked if they would have plenty of time to discuss this at the public hearing. Mr. Herrick confirmed this.

Ms. Palmer expressed that she would like there to be flexibility and best management practices, given the topography of some properties, though she was certain the ACE Committee would look at this. Mr. Herrick remarked that comments from the Board and ACE Committee could be taken back to staff for fine tuning before the public hearing.

Ms. Mallek asked for confirmation that the Board could change buffers at any time but not affect those already signed in under their current deed. Mr. Kamptner confirmed that only new deeds would be subject to the revised terms.

Ms. McKeel emphasized that she wants to be sure it allows them to update standards for those already in the program who are approved under a previous standard. Mr. Herrick pointed out that the language of the current proposed ordinance language was "at least 35 feet," and there was nothing precluding a wider standard if the Board so choose in the future.

Ms. Mallek emphasized that they would be doing away with the step to change the ordinance in the future.

Mr. Kamptner pointed out that the previous week, the Board considered the Biodiversity Action Plan, which contains several references to goals and recommendations with respect to incorporating some of the principles into conservation easements, for which there was still more work to be done. He acknowledged that there would be more changes as an outcome of the Biodiversity Action Plan.

Mr. Randolph added that the water protection ordinance revisions would also fall under this.

Ms. Mallek asked for confirmation that the proposal was to pull the measure until changes were made. Mr. Kamptner replied that he thought it was understood that staff would take this back to the ACE Committee and to other staff, and a public hearing would be scheduled prior to the end of October.

Ms. McKeel emphasized that they wanted to be clear on changes that could happen in the future.

Mr. Kamptner commented that it could be part of the consent agenda and acted on with other items.

Ms. Palmer **moved** approval of the consent agenda. The motion was **seconded** by Ms. Mallek.

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

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Mr. Randolph.

NAYS: None.

ABSENT: Mr. Dill.

Item No. 13.1. Resolution of Intent to Consider Placing the John W. Warner Parkway in the Entrance Corridor Overlay District.

The Executive Summary forwarded to the Board states that the Federal Highway Administration reclassified the John W. Warner Parkway as an arterial street in 2016. It is now eligible to be classified as an entrance corridor and to be added to the Entrance Corridor Overlay District (County Code § 18-30.6). At its February 20, 2018 meeting, the Planning Commission (PC) voted unanimously to request that the County initiate fast-track zoning map and text amendments to extend the Entrance Corridor Overlay District on Rio Road East from the railroad tracks eastward to include the John W. Warner Parkway. At its March 6, 2018 meeting, with a vote of 5:0:2 (More, Firehock absent), the PC voted to ask the Board of Supervisors to consider this request.

At its February 20, 2018 meeting, the PC requested that this item be fast-tracked. The addition of the John W. Warner Parkway as an Entrance Corridor would serve the public by maintaining the visual integrity of the parkway and ensuring that new development along the parkway is compatible with the County's natural, scenic, historic and architectural resources, thereby enhancing the quality of life in the County. If approved, staff will coordinate this work with anticipated other changes to the Entrance Corridors.

This amendment has no budget impact.

Staff recommends that the Board adopt the attached Resolution of Intent (Attachment A).

By the above-recorded vote, the Board adopted the following Resolution of Intent:

RESOLUTION OF INTENT

WHEREAS, the Historic, Cultural, and Scenic Resources Chapter of the Albemarle County Comprehensive Plan states that one of the objectives of the County is to "Maintain the visual integrity of Albemarle's Entrance Corridors"; and

WHEREAS, the Albemarle County Comprehensive Plan, Chapter 5 (Historic, Cultural, and Scenic Resources), Strategy 8f proposes that consideration be given to placing the John Warner Parkway in the Entrance Corridor Overlay District to ensure that the visual integrity of the road is not diminished; and

WHEREAS, the Planning Commission passed a resolution at its February 20, 2018 meeting asking that consideration be given to placing the John Warner Parkway in the Entrance Corridor Overlay District; and

WHEREAS, development interest and activity in this heavily travelled East Rio/John Warner corridor makes this consideration timely.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code §18-30.6.2 and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein; and

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

Item No. 13.2. Ordinance to Amend County Code Appendix A.1 (Acquisition of Conservation Easements (ACE) Program).

The Executive Summary forwarded to the Board states that the Acquisition of Conservation Easements (ACE) Committee is charged with reviewing the program's ordinance and recommending any changes needed either to maintain the program's consistency with the County's Comprehensive Plan and policies, or to improve the administration, implementation and effectiveness of the program. The ACE ordinance was most recently amended in 2011.

The ACE Committee's most recent review of the ACE ordinance has focused primarily on protecting water quality. The Committee specifically recommends excluding livestock from all perennial streams in future ACE easements.

The ACE ordinance is implemented primarily through two *County Code* sections:

1. § A.1-108 provides an objective scoring system for ranking properties during their application phase.
2. After the highest-scoring properties are selected for easements, § A.1-109 then requires deed protections corresponding to the property-specific conservation values identified and scored in § A.1-108.

Along those lines, the Committee recommends the following substantive amendments to these two *County Code* sections:

ACE ranking criteria (§ A.1-108):

- ° Point values for frontage on any perennial stream(s) -- § A.1-108(C)(8) would award one point per thousand feet of frontage along any perennial stream(s), up from one-half point along certain named streams.
- ° Voluntary stream buffers - The proposed amendment would delete the existing scoring bonus for voluntary stream buffers (§ A.1-108(C)(9)), as stream buffers would be mandatory going forward.

ACE deed terms and conditions (§ A.1-109):

- ° Stream buffers -- § A.1-109(B)(3) would require a 35 foot wide buffer along all perennial streams in future ACE easements. In addition, the proposed amendment would require livestock exclusion from streams (with certain exceptions) and define structures and uses not permitted in the stream buffers.
- ° Voluntary stream buffers - The proposed amendment would delete the existing deed provisions for voluntary stream buffers (§ A.1-109(B)(6)), as stream buffers would be mandatory going forward.

The Committee is also recommending certain other minor wording revisions throughout the ordinance.

No budget impact is expected.

Staff recommends that the Board schedule a public hearing to consider the proposed amendments to the ACE Ordinance. (Attachment A).

By the above-recorded vote and discussion, the Board scheduled a future public hearing to consider the proposed amendments to the ACE Ordinance.

Item No. 13.3. Eastern Avenue Pedestrian Underpass.

The Executive Summary forwarded to the Board states that in February 2017, the Board approved ZMA2016-00005, a rezoning known as "Foothills / Daily Property". As part of this rezoning, there is a proffer obligating the property owner to construct a pedestrian underpass that connects a public trail along a stream as it passes under a roadway known as Eastern Avenue. The Virginia Department of Transportation (VDOT) does not routinely maintain pedestrian underpasses and requires the County to obtain a permit to assure the County will maintain the underpass before considering the roadway as part of the Secondary Street System. This action is to authorize the County Executive to sign this permit application on behalf of the County.

This property is located in the eastern part of the Crozet Development Area. Both the proposed Eastern Avenue roadway and the pedestrian trail running along the stream are part of the improvements shown in the Crozet Master Plan. While the property owner has proffered to construct both the roadway and pedestrian underpass, VDOT requires the County to commit to maintaining the pedestrian underpass before it will consider accepting Eastern Avenue for state maintenance. Additionally, the Foothills / Daily Property owner has verbally offered to enter into a maintenance

agreement with the County for the routine maintenance of the pedestrian underpass, allowing a “pass thru” commitment for this maintenance. VDOT requires its permit be with the County, but has no concerns with the County entering into a separate agreement with the Foothills / Daily Property owner.

It is anticipated the routine maintenance of cleanup and trash removal can be managed by the adjoining property own and/or handled as part of the routine trail maintenance without any additional need for resources or funding. Longer term, repairs to the concrete box culvert used with the pedestrian underpass could require extensive maintenance. Based on the lifespan of similar box culverts, that is not anticipated to be needed for at least 50 years.

Staff recommends that the Board adopt the attached Resolution (Attachment A) authorizing the County Executive to sign a VDOT land use permit application for the pedestrian underpass and a maintenance agreement with the Foothills / Daily Property owner that allows the anticipated homeowner’s association to provide routine maintenance for this pedestrian underpass.

By the above-recorded vote, the Board adopted the following Resolution authorizing the County Executive to sign a VDOT land use permit application for the pedestrian underpass and a maintenance agreement with the Foothills/Daily Property owner that allows the anticipated homeowner’s association to provide routine maintenance for this pedestrian underpass:

**RESOLUTION TO AUTHORIZE THE COUNTY EXECUTIVE TO SIGN
AN APPLICATION FOR A VDOT LAND USE PERMIT FOR
THE MAINTENANCE OF A PEDESTRIAN UNDERPASS UNDER EASTERN AVENUE AND A
MAINTENANCE AGREEMENT WITH THE FOOTHILLS/DAILY PROPERTY OWNER FOR THE
HOMEOWNERS’ ASSOCIATION TO PROVIDE
ROUTINE MAINTENANCE OF THE PEDESTRIAN UNDERPASS**

IT IS HEREBY RESOLVED that the Albemarle County Board of Supervisors authorizes the County Executive to sign an application for a VDOT land use permit on behalf of the County for the maintenance of a pedestrian underpass under Eastern Avenue; and

BE IT FURTHER RESOLVED that the Board hereby authorizes the County Executive to sign a maintenance agreement with the Foothills/Daily property owner that allows the anticipated homeowners’ association to provide routine maintenance of the pedestrian underpass subject to the agreement being approved as to content and form by the County Attorney.

Item No. 13.4. Ordinance Amendment – Administration; Elections; Jack Jouett Magisterial District; University Hall Precinct Precinct – Change of Polling Place and Change of Precinct Name.

The Executive Summary forwarded to the Board states that Virginia Code § 24.2-307 requires that the Board of Supervisors establish voting precincts and polling places by ordinance. Albemarle County Code § 2-101(B)(3) establishes the University Hall precinct in the Jack Jouett Magisterial District, and Albemarle County Code § 2-101(C) (3) establishes University Hall, located at 300 Massie Road, as the polling place for the University Hall Precinct. University Hall is being torn down, and can no longer serve as the polling place for the University Hall Precinct polling place after the June 12, 2018 primary election.

The Albemarle County Electoral Board investigated alternative polling place locations for the University Hall Precinct, as well as alternative names for the University Hall Precinct because the building from which the precinct takes its name is to be torn down.

The Electoral Board recommends that the University Hall Precinct be renamed the University Precinct, and that the polling place be relocated to the Slaughter Recreation Center, located at 505 Edgemont Road, Charlottesville, VA 22904. The University of Virginia has agreed to have the Slaughter Recreational Center serve as a polling place. The attached map (Attachment A) shows the former University Hall polling place location and the proposed new Slaughter Recreation Center polling place location.

The County Attorney has prepared the attached proposed ordinance (Attachment B) to reflect this precinct name change and polling place change.

The adoption of the proposed ordinance will have no budget impact.

Staff recommends that the Board schedule a public hearing in August to consider the adoption of the attached proposed ordinance.

By the above-recorded vote, the Board set a public hearing to consider the adoption of the proposed ordinance.

Item No. 13.5. Second Addendum to the County Attorney Employment Agreement.

By the above-recorded vote, the Board approved the following addendum to the County Attorney's Employment Agreement:

SECOND ADDENDUM TO THE COUNTY ATTORNEY EMPLOYMENT AGREEMENT

This Second Addendum to the County Attorney Employment Agreement, is entered into by and between the **ALBEMARLE COUNTY BOARD OF SUPERVISORS** (the "Employer") and **GUSTAV GREGORY KAMPTNER** (the "Employee").

The parties agree to the following amendment to the County Attorney Employment Agreement entered into by and between the Employer and the Employee on April 13, 2016 (the "Agreement"), as thereafter amended by the First Addendum to the County Attorney Employment Agreement approved by the Board on June 14, 2017 (the "First Addendum"):

1. The first sentence of Section Five ("Compensation"), paragraph (A) ("Salary"), is amended to state: "The Employer shall pay the Employee, and the Employee shall accept from the Employer, an annual salary of \$169,793 effective July 1, 2018, payable in installments as provided for County employees generally."

2. Except as amended above, the Agreement, as amended by the First Addendum, shall remain in full force and effect and the Employer and Employee hereby ratify and confirm all provisions, terms, and conditions set forth in the Agreement, the First Addendum, and this Addendum.

IN WITNESS THEREOF, the Albemarle County Board of Supervisors has caused this Second Addendum to the County Attorney Employment Agreement to be signed and executed in its behalf by its Chair and the Employee has signed and executed this Second Addendum, both in duplicate, the day and year first above written.

ALBEMARLE COUNTY BOARD OF SUPERVISORS

Ann H. Mallek, Chair
Albemarle County Board of Supervisors

Item No. 13.6. Clerk of the Board Employment Agreement.

By the above-recorded vote, the Board approved the following Clerk of the Board Employment Agreement:

**CLERK OF THE BOARD
EMPLOYMENT AGREEMENT**

THIS AGREEMENT is made this ___ day of July, 2018 by and between the **ALBEMARLE COUNTY BOARD OF SUPERVISORS**, hereinafter "Employer" and **CLAUDETTE K. BORGERSEN**, hereinafter "Employee."

RECITALS

- R-1** Employee was appointed as the Clerk of the Board of Supervisors (hereinafter, "Clerk") on September 7, 2016; and
- R-2** Pursuant to Employer's Rules of Procedure, Employee was re-appointed as Clerk at Employer's organizational meetings on January 4, 2017 and again on January 3, 2018; and
- R-3** Employer now desires to continue to engage the services of Employee as Clerk under the direction of the Employer, pursuant to the authority vested in Employer by Sections 15.2-512 and 15.2-1538 of the *Code of Virginia* (1950), as amended, and the terms and conditions of this Employment Agreement.

TERMS AND CONDITIONS

For reasons set forth above and in consideration of the mutual promises of the parties, Employer and Employee agree as follows:

1. Employment

Employer employs Employee as the Clerk of the Board of Supervisors of Albemarle County and Employee accepts and agrees to this employment under the terms and conditions of this Agreement.

2. Terms of Employment

Employee's terms of employment with Employer are as follows:

- A. **Term.** This Agreement shall remain in full force from the date of this Agreement until Employer terminates Employee, Employee is deemed terminated, or Employee resigns, as provided in this Agreement.
- B. **Exclusive Employment.** At all times, Employee shall be in the exclusive employ of Employer and devote all of her working time, attention, knowledge, and skills solely to the interests of Employer. Employer shall be entitled to all of the benefits arising from or incident to all work and services of Employee. The term *working time* does not include any time while Employee is on annual leave.
- C. **Performance.** Employee shall diligently exercise her powers and perform her duties established in Section 3 in a professional manner, in compliance with all applicable State and Federal laws, and in good faith. Employee's performance shall also be in compliance with the policies in the County's Personnel Policies applicable to County employees generally.
- D. **Right of Employer to Balance Its Needs With Employee's Professional Development.** Employer reserves the right to determine whether Employee is devoting the appropriate amount of time to professional development and may review and direct Employee to balance the amount of time deemed necessary for her professional development against the other needs of Employer.
- E. **County Residence Required.** Employee maintain a permanent residence in Albemarle County. *Permanent residence* means Employee's purchase or lease of a residential dwelling unit and the occupancy of that dwelling no less than 75% of the time during an average work week while in the active employment of the County.
- F. **End of Employment by Termination or Resignation.** Employee's employment by Employer may end as follows:
1. **Right of Employer to Terminate.** The Employee acknowledges that, pursuant to Section 15.2-513 of the *Code of Virginia* (1950), as amended, she may be removed or suspended at the pleasure of Employer. The right of Employer to terminate includes the right to do so if Employee is permanently disabled or is otherwise unable to perform her duties because of sickness, accident, injury, mental incapacity, or health for a period of 12 successive weeks. Employer's action to terminate Employee shall be by the affirmative vote of a majority of those members of Employer present and voting in an open meeting.
 2. **Other Acts When Employee Deemed Terminated.** Employee is deemed terminated in the following circumstances:
 - a. **Employee's Resignation at Request of Employer.** If Employee resigns following a closed meeting of Employer at which a majority of the members present request in writing that she resign, then Employee shall be deemed terminated on the date of the Board's request for purposes of Section 8.
 - b. **Employer's Failure to Comply with Terms of Agreement; Deemed Terminated at Option of Employee.** If Employer fails to comply with any provision of this Agreement that benefits Employee, the matter is not resolved within 30 days after written notice from Employee requesting Employer to comply is received by Employer and the County Attorney, and after a closed meeting discussion between Employer and Employee the matter remains unresolved, then Employee may, at her option, be deemed terminated on the date of the closed meeting discussion for purposes of Section 8. This subsection does not apply if Employee expressly consents to Employer's noncompliance.
 - c. **Employer Reduces Compensation and Benefits; Deemed Terminated at Option of Employee.** If Employer reduces Employee's compensation or other financial benefits in a greater percentage than a corresponding reduction for all other comparable level employees of Employer, or for a reason not related to budget reductions caused by the adverse fiscal circumstances of the County, then Employee may, at her option, be deemed terminated on the effective date of the reduction for purposes of Section 8.
 3. **Right of Employee to Resign.** Employee may resign at any time, provided that she gives written notice to Employer at least 45 days prior to the effective date of the resignation, unless Employer and Employee agree to a different effective date.
- G. **Employee's Rights and Benefits if Employer Terminates Employee, Employee is Deemed Terminated, or Employee Resigns at the Request of Employer.** If Employer terminates Employee, Employee is deemed terminated, or Employee resigns at the request of Employer, Employee's rights to benefits and compensation shall be governed under Section 8.
- H. **Governing Law.** This Agreement and the employment of Employee shall be subject to all applicable provisions of the *Code of Virginia* (1950), as amended.
3. **Powers and Duties of Employee**
- Employee shall exercise the following powers and perform the following duties:
- A. **Statutory Powers and Duties.** The statutory powers and duties set forth in Section 15.2-1538 of the *Code of Virginia* (1950), as amended, and any other powers and duties set forth in any other sections of the *Code of Virginia* (1950), as amended.
- B. **Powers and Duties Imposed by Ordinance or Other Action of the Employer.** The powers and duties delegated or imposed: (i) by the Albemarle County Code; or (ii) any duly adopted motion, resolution, or uncodified ordinance of Employer.
4. **Compensation**
- Effective July 1, 2018, Employer shall pay Employee, and Employee accepts from Employer, an annual salary of \$58,641, payable in installments as provided for County employees generally.

- A. **Increase Based on Market Adjustment for the Position.** If Employer determines that, following Employee's annual performance evaluation, Employee's performance is satisfactory, Employer may consider increasing Employee's annual salary. Employee may submit to Employer before May 1 of each year a survey of the market for comparable clerk positions and localities to assist Employer's decision to consider a market adjustment to Employee's annual base salary.
- B. **Increase Based on Cost of Living Adjustment for All County Employees.** In addition or in the alternative to the increase provided in Section 4(A), in the event that all full-time County staff receive a cost of living pay adjustment during the fiscal year, Employee shall receive the same cost of living adjustment, provided Employer determines that Employee's performance is satisfactory.

5. **Benefits**

Employer shall provide the following benefits to Employee:

- A. **Virginia Retirement System.** Employee shall be enrolled in the Hybrid Retirement Plan under the Virginia Retirement System. The Employer will contribute the Employer's portion and the Employee will contribute the Employee's portion as provided under the Hybrid Retirement Plan.
- B. **Leave.** Employee shall be entitled to and accrue all forms of leave at the rate provided to full-time permanent County employees under the County's Personnel Policy Manual.
- C. **Long Term Disability.** Employee will receive long-term disability insurance provided by the Hybrid Retirement Plan under the Virginia Retirement System.
- D. **Other Benefits.** Employer shall provide to Employee all other benefits that are provided to all full-time permanent County employees under the County's Personnel Policy Manual. These benefits include, but are not limited to, medical insurance, dental insurance, and the Voluntary Early Retirement Incentive Program (VERIP) when Employee meets VERIP eligibility requirements. This Agreement shall be subject to all applicable provisions of the *Code of Virginia* (1950), as amended, the Albemarle County Code, and any policies adopted from time to time by Employer, including the provisions of County Personnel Policy Manual, relating to leave, retirement, and life insurance contributions, holidays, and other benefits not specifically addressed in this Agreement.

6. **Dues, Memberships, Education, and Meetings**

Employer shall budget and pay the following for Employee:

- A. **Dues and Subscriptions in Associations and Organizations.** Employer shall budget and pay for the professional dues and subscriptions of Employee necessary for her continuation and full participation in state and local associations and organizations necessary and desirable for her continued professional participation, growth, and advancement, and for the good of Employer.
- B. **Travel Expenses.** Employer shall budget for and pay the travel and subsistence expenses of Employee for professional and official travel, meetings, and occasions adequate to continue the professional development of Employee and to adequately pursue necessary official and other functions for Employer, including but not limited to the annual conference of state and local clerk organizations of which Employee is a member.
- C. **Professional Development Expenses.** Employer shall budget and pay for the travel and subsistence expenses of Employee's conferences and seminars that are necessary for her professional development and for the good of Employer.

7. **Performance Evaluations**

Employer and Employee shall participate in performance evaluations as follows:

- A. **Annual Performance Evaluation.** Employer shall conduct an annual performance evaluation of Employee on or before May 31, or as soon thereafter as reasonably possible, of each year that this Agreement is in effect. The evaluation shall be in accordance with the reasonable criteria developed by Employer. The criteria may be changed from time to time by Employer, in consultation with Employee. Employer shall provide Employee with a written summary of the Employer's evaluation of Employee's performance and provide Employee an adequate opportunity to discuss the evaluation.
- B. **Employee's Annual Goals and Objectives.** Employer shall annually establish goals and performance objectives which it determines necessary for the Employer's proper function.
- C. **Interim Performance Evaluations.** Employer and Employee shall meet at any time during the term of this Agreement to discuss Employee's performance if either Employer or Employee requests to meet for that purpose.

8. **Compensation and Benefits Upon Severance**

If Employer terminates Employee pursuant to Section 2(F)(1), or Employee is deemed terminated pursuant to Section 2(F)(2) (collectively, "severance"), the following apply:

- A. **Compensation.** Employer shall pay for the continuation of all compensation provided in Section 4 for the current month in which the severance occurs, and for 6 additional months, payable in installments as provided for County employees generally.
- B. **Accrued Leave.** Employer shall compensate Employee for all annual leave credited and earned up to the date of severance as provided in the County's Personnel Policy Manual.

C. **Exception for Termination for Cause or Voluntary Resignation.** If Employer terminates Employee for cause or if Employee voluntarily resigns, Employer shall have no obligation to compensate Employee under Sections 8(A) and (B) and shall be obligated to compensate Employee only for work performed and accrued unused annual leave, and provide other compensation and benefits only up to the date of termination or voluntary resignation as provided in the County's Personnel Policy Manual. *Cause* exists for Employer to terminate Employee under this subsection if Employee is convicted of any illegal act involving personal gain to her or which causes damage to the reputation of the County or Employer, her conviction of a felony, an act of willful negligence, or her commission of any act which involves moral turpitude.

9. **Other Terms and Conditions**

The following terms and conditions apply:

- A. **Liability Insurance.** Employer shall provide full liability insurance, in an amount at least equal to that provided for other County employees, to cover Employee against any loss from tort, professional liability claim, demand, or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties as Clerk, subject to any exceptions or exclusions under the insurance policy provided for other County employees.
- B. **Amendments.** Any amendment to this Agreement shall be mutually agreed upon, stated in writing, and executed by Employer and Employee.
- C. **Failure to Enforce Not a Waiver.** The failure of either Employer or Employee to enforce, or to delay in enforcing, any term or condition of this Agreement, shall not be deemed to be a waiver of that party's right to enforce the term or condition.
- D. **Severability.** The terms and conditions of this Agreement are severable. In the event any term or condition is held to be invalid by any competent court, this Agreement shall be interpreted as if the invalid term or condition was not part of the Agreement.
- E. **State or Federal Laws.** Any rights, benefits, and protections provided by State or Federal laws to Employee are not affected by this Agreement.
- F. **Notices.** Any notice required by this Agreement to be provided to Employer shall be in writing and delivered to the Chair of the Board of Supervisors, County of Albemarle, 401 McIntire Road, Charlottesville, Virginia, 22902. Any notice required by this Agreement to be provided to Employee shall be in writing and delivered to Employee at her permanent residence.
- G. **Nonappropriation.** The financial obligations of Employer under this Agreement are subject to, and dependent upon, appropriations being made from time to time by Employer.
- H. **Entire Agreement.** This Agreement is the entire agreement between the parties. There are no inducements, promises, terms, conditions, or obligations made or entered into by either Employer or Employee other than those contained in this Agreement.

IN WITNESS THEREOF, the Albemarle County Board of Supervisors has caused this Agreement to be signed and executed on its behalf by its Chair and the Employee has signed and executed this Agreement, both in duplicate, the day and year first above written.

ALBEMARLE COUNTY BOARD OF SUPERVISORS

Ann H. Mallek, Chair
Albemarle County Board of Supervisors

Claudette K. Borgersen

Item No. 13.7 Board-to-Board, June 2018, **A monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors, was received for information, was received for information.**

Agenda Item No. 13a. **Action:** SP201700020. Restore'n Station.

Mr. Bill Fritz, Development Process Manager, presented. In response to a previous questions, he verified that gasoline or equivalent fuels included diesel and E85.

Ms. Mallek **moved** that the Board adopt the proposed resolution to approve SP 2017-00020 Restore'n Station, dated July 11. The motion was **seconded** by Mr. Randolph.

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

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Mr. Randolph.
NAYS: None.
ABSENT: Mr. Dill.

**RESOLUTION TO APPROVE
SP 2017-20 RESTORE'N STATION**

WHEREAS, the Owner of Tax Map Parcel 055B0-00-00-00100 filed an application to amend Conditions 5 and 6 of a previously approved special use permit (SP 2009-34) to increase the permitted hours of operation for the store from 16 hours per day to 20 hours per day, to increase the permitted hours of operation for fuel sales from 16 hours per day to 24 hours per day, and to increase the number of pump stations from seven to nine, and the application is identified as Special Use Permit 2017-00020 Restore'n Station ("SP 2017-20"); and

WHEREAS, on December 5, 2017, after a duly noticed public hearing, the Albemarle County Planning Commission recommended denial of SP 2017-20; and

WHEREAS, on July 5, 2018, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2017-20.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the written summary of the Planning Commission action, the staff report prepared for SP 2017-20 and all of its attachments, the information presented by County staff, the applicant, and members of the public at both the Board's and the Planning Commission's public hearings, the written comments received by members of the Board and the Planning Commission, and the factors relevant to this request to amend special use permit conditions in Albemarle County Code §§ 1.4(L) and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2017-20 and amends Condition 6 as stated in the conditions attached hereto; and

BE IT FURTHER RESOLVED that amended Condition 6 allows the fuel pumps to use modern fuel pump technologies without intensifying the use approved in conjunction with SP 2009-34; and

BE IT FURTHER RESOLVED that, upon the same stated considerations, Condition 5 is not amended as requested by the applicant to extend the hours of operation of the convenience store from 16 hours per day to any hours except between 12:30 a.m. and 4:30 a.m. each day, and to allow fuel pumps to be operational 24 hours per day, for the following reasons:

1. Condition 5, which was imposed in conjunction with SP 2009-34, is reasonable, was not challenged following approval of SP 2009-34, and therefore, should be retained without amendment;
2. SP 2009-34 allows a reasonable use of the Property and a reasonable use exists on the Property; and
3. The amendment to Condition 5 requested by the applicant would allow an intensification of the use approved in conjunction with SP 2009-34.

BE IT FURTHER RESOLVED that, as a separate, independent, and alternative reason for not amending Condition 5 as requested by the applicant, the requested amendment would allow an intensification of the use approved in conjunction with SP 2009-34, and that intensification would be inconsistent with the County's Comprehensive Plan and the Crozet Master Plan because:

1. The Property is designated Rural Area in the Comprehensive Plan and is not within the development area of the Crozet Master Plan; and
2. The Crozet Master Plan states that the County's policies are to have commercial and industrial development occur only within the designated development areas and that additional commercial or industrial development of the fringe areas beyond the Crozet development area is not recommended; and
3. Although the use on the Property already exists, the amendment to Condition 5 requested by the applicant would allow an intensification of the use approved in conjunction with SP 2009-34 and that intensification would be inconsistent with the Crozet Master Plan.

* * *

SP-2017-00020 Restore'n Station Conditions

1. The applicant shall install and maintain a meter on the well head to monitor water consumption. Prior to installation, the model of the meter shall be subject to approval by the Zoning Administrator in conjunction with the County Engineer. Results of daily water consumption shall be made available within forty-eight (48) hours of a request from the Zoning Administrator;
2. Water consumption from all wells on site shall not exceed one thousand six hundred twenty -five (1,625) gallons per day in the aggregate;
3. The applicant shall install and maintain a tamper-proof, flow restriction device limiting water flow to not more than one thousand six hundred twenty-five (1,625) gallons per day. Prior to installation, the model of the flow restriction device shall be subject to approval by the Zoning Administrator in conjunction with the County Engineer;

4. The total building footprint square footage shall not exceed three thousand (3,000) square feet;
5. The hours of operation shall not exceed sixteen (16) hours per day;
6. There shall be not more than nine (9) pump stations, composed of six (6) pump stations for gasoline (or equivalent fuel), one (1) pump station for diesel fuel (or equivalent fuel), one (1) pump station for off-road diesel fuel, and one (1) pump station for kerosene fuel;
7. If rainwater is collected from roof tops of the pump station canopies or the building, it shall be stored in a lined underground storage tank and utilized for on-site landscaping purposes only;
8. Overnight customer parking on -site shall not be permitted between the hours of 12:30 a.m. and 4:30 a.m. The applicant shall post signs indicating no such overnight parking in such places designated by the Site Plan Agent as a condition of final site plan approval; and
9. Development of the site shall be in general accord with the submitted preliminary site plan dated December 6, 2009. Permitted modifications may include those required by the Architectural Review Board, those necessary to satisfy the conditions of this special use permit, and additional landscaping /screening approved by the Site Plan Agent.

Agenda Item No. 14. **Action:** B201800883ATWR Country Green Special Exception.

The Executive Summary presented to the Board states that at its meeting on June 19, 2018 the Planning Commission conducted a public hearing and voted 4:1 to recommend approval of the three requested special exceptions associated with B201800883ATWR, a proposal to collocate a platform-mounted antenna array and 10' extension onto an existing 100' tall Dominion Virginia Power (Dominion) transmission tower for an overall height of 110'. The special exceptions requested included waiving showing all trees where the dripline is located within 50 feet of the facility, waiving the tree conservation plan, and modifying projection of antennas and mount type. Attachments A, B, and C are the staff report, action memo, and minutes from the June 19 meeting. Abutting property owners were provided notice of this request but there were no public comments made at the public hearing and staff has not received any questions or comments.

The request to modify antenna projection to utilize a platform mount was necessitated by a change in Dominion's policy that prohibits flush mounts on their transmission towers. Staff has recommended approval of the request, but seeks direction from the Planning Commission and Board regarding interpretation of the Personal Wireless Service Facilities Policy, particularly the conflicting recommendations to utilize Dominion transmission towers as Opportunity Sites and to avoid utilizing platform mounts due to increased visual impacts.

The Commission agreed that the recommendation to utilize these towers as Opportunity Sites should take precedence. However, some members of the Commission stated concerns about the potential for future visual impacts caused by increases in height or the collocation of additional antennas as permitted by federal law. The Commission also requested a staff presentation at a future meeting regarding wireless issues, including legislative changes, and potential subjects for a future update of the Personal Wireless Services Facilities Policy.

Staff recommends that the Board adopt the attached Resolution to approve special exceptions for B201800883ATWR (Attachment D).

Mr. Andrew Knuppel, Neighborhood Planner, presented. He explained that the application was for a Tier 1 personal service wireless facility to be collocated on an existing Dominion Power transmission tower. The Tier 1 application type permits collocation of facilities on existing structures subject to administrative review and approval if they meet design standards outlined in the Zoning Ordinance. He said the proposal has requested three special exceptions, including requests to waive showing trees within 50 feet of the facility and a tree conservation plan, and a request to modify design standards related to the projection of antennas and mount type. This request to modify a design standard is why this item is before the Board tonight.

Mr. Knuppel presented a site map and said it was located between Redfields and Oak Hill Farm/Wintergreen Farm developments along a north/south Dominion transmission line easement within a designated open space area. He presented a slide with a drawing of the proposed tower and a list of specifications. He said the ordinance allows for flush antenna mount types with the back of the antenna located 12-18 inches from the facility. He said the application proposes a platform mount type that increases the projection or standoff from the facility to about three feet six inches. He explained that a revised Dominion policy no longer allows flush mount types on transmission towers and requires the facility to be located above the static line, which he pointed to on the drawing. He said a special exception was required to modify the distance requirement.

Mr. Knuppel reminded the Board that special exception requests are evaluated based on consistency with the Comprehensive Plan and the Personal Wireless Service Facilities Policy and that Board direction was sought regarding the interpretation of the wireless policy, particularly with regard to the following two points: 1) electric transmission towers are specifically identified as "opportunity sites" in

the wireless policy; and 2) platform mount types were specifically discouraged and identified as not complying with the wireless policy's design guidelines. He emphasized that Dominion's policy poses a conflict between these two principles as platform mounts are effectively the only type now permitted on Dominion transmission towers. He noted that this was not the first time an item like this has come before the Board, and prior approvals were based on screening and mitigation of visibility impacts, recognizing that a strict interpretation of design guidelines outlined in the ordinance and policy would preclude the use of these towers as opportunity sites. He said staff seeks direction as to which of the two points was more important within the context of the application.

Mr. Knuppel presented a slide of the Wireless Policy, which he noted was in the staff report:

- The policy encourages the construction of facilities that had limited visual impact on the community.
- Visibility was the primary focus in the review of personal wireless service facilities.
- Facilities with limited visibility are encouraged.
- Personal wireless service facilities should utilize existing structures where possible.
- Antennas should be mounted close to the supporting structure and be designed to minimize visibility.

Mr. Knuppel emphasized that the County ordinance does not require invisibility as it recognizes that mitigating impacts, where necessary, could reduce or eliminate visual impacts. He reviewed the mitigating impacts of camouflage, screening, and siting the facility to avoid sky lighting. He emphasized that the Tier 1 standard acts as camouflage, and they do not consider screening or siting in the administrative review; however, the proposed platform mount prevents camouflage, and the review of the special exception may consider a facility in a broader context. He presented several photographs of the area of the proposed tower and pointed out various topographic features.

Mr. Knuppel said it remains entirely possible based on the photos that a by-right flush mounted facility would be visible, but the design type would serve to camouflage and mitigate the visibility impacts. He next presented a slide entitled Visibility Analysis:

- The proposed platform mount and 10' extension clearly prevent opportunity for camouflage.
- The site lacks opportunities for screening.
- The proposed platform mount and extension may increase sky lighting.
- Mitigation techniques found in prior approvals were not present in this request.
- Prior approvals have supported an interpretation of the Wireless Policy that prioritizes the usage of existing structures as Opportunity Sites. It was with this interpretation in mind that staff was making its recommendation.

The next slide was entitled Findings & Recommendations, and listed Factors Favorable and Unfavorable:

Factors Favorable:

- The facility would utilize an existing structure, not located in an avoidance area.
- The facility would fill in coverage gaps in wireless service to surrounding neighborhood and adjacent roadways.

Factors Unfavorable:

- The proposed "top hat" or platform-mounted antenna array was specifically discouraged by the Wireless Policy because of negative visual impacts.
- The height of the proposed antenna platform, relative to the surrounding trees, increases visibility.
- The applicant had not submitted applications to pursue alternative options in the area.

Mr. Knuppel said that staff is recommending approval of the request based on the fact that the facility was utilizing an existing structure. At its meeting on June 19, 2018, the Commission agreed, with a 4:1 vote, that the recommendation to utilize these towers should take precedence, and recommended approval of the requests. However, some members of the Commission stated concerns about the potential for future visual impacts caused by increases in height or the collocation of additional antennas as permitted by federal law. The Commission also requested a staff presentation at a future meeting regarding wireless issues, including legislative changes, and potential subjects for a future update of the policy. He noted that the presentation to the Commission has been scheduled for its August 7, 2018, meeting.

Mr. Knuppel reiterated that although staff is recommending approval, they understand that this interpretation may be a departure from what the Board has decided in prior cases, and this is why it is being brought to the Board's attention this evening.

He concluded and invited questions.

Mr. Randolph asked Mr. Knuppel and Mr. Fritz for their sense of when the Personal Wireless Service Facilities policy would be updated. Mr. Fritz replied that there was nothing being done with this now and he cannot provide a schedule.

Mr. Randolph asked Mr. Fritz for his assessment, given the change in Dominion's policy, which was predicated on assuring the highest degree of safety for their employees. He said that when there were collocations, which the Comprehensive Plan encourages, the County's policy was flawed in that it strongly contrasted with what was becoming the prevalent policy in Virginia.

Mr. Fritz agreed that there was a conflict and this was the disadvantage of having worked on the wireless policy, as there was an absolute desire to utilize opportunity sites as well as discouragement of top hats or reindeer hats. He said that since opportunity sites were not particularly attractive, they would be used but not with a top hat. Mr. Fritz noted that Dominion has gone back and forth with what it would allow, and now they want these platforms and want them above the wire. He said that if the top hat array was not supported by the Board through a special exception, they would lose most, if not all, power lines as opportunity sites.

Mr. Randolph said he was struck by the fact that staff has indicated there was the option for the applicant to put up an independent monopole to provide the desired level of connectivity. He emphasized that they already have a visual nuisance in this community, a top hat adds another degree of visual negativity, and putting up an additional monopole next to an existing electricity tower would be even more unattractive. He said the question before them was about how to address this conundrum.

Mr. Fritz emphasized that staff came down on the side of an opportunity site over the top hat.

Ms. Mallek noted that there are other opportunity sites in some parts of the County, such as the telephone systems and electric. She said she hopes they would still encourage companies to look at these alternatives, even if the Board approved the electric ones, in places where they are the most reasonable. She asked Mr. Kamptner if they would hamper themselves by encouraging other opportunity sites that do not have a platform requirement if they were to approve this one.

Mr. Kamptner replied that this was very difficult to say. He asked if they had existing telephone poles that serve as collocation sites. Mr. Fritz replied that they have had water towers, buildings, and other structures but not telephone poles.

Mr. Kamptner replied that he does not think they would hinder themselves because as they build their network, they are looking for whatever was available in a particular area.

Mr. Randolph remarked that what they are confronting at this meeting was consistent with what the Board has already decided to do at Georgetown Road.

Ms. Palmer remarked that in the minutes of the Planning Commission meeting, it was mentioned that there was a concern this could go up in height by 10 feet, and she asked if Dominion has a policy on height regarding safety. Mr. Fritz responded that the staff was not aware of any but they know from past discussions with Dominion that the structural integrity of the towers prevents the ability to increase height. He added that they are very concerned about safety and so it was very unlikely they would increase the height.

Mr. Randolph noted that the FCC has granted a permit to allow Dominion to upgrade the towers on the 500 CV line, which could be a case where a higher tower could result, though the expense would be high and he does not think this would be an issue.

Ms. Mallek remarked that the cell tower company was putting up the 10-foot height extension and she was pleased to read about the 3-foot, 6-inches standoff as opposed to the 10-feet. She asked if the three feet six inches was a fixed, guaranteed number. Mr. Knuppel replied that one of the conditions of the drafted special exception limits it to 3-feet, 6-inches.

Mr. Fritz clarified that the phone provider would not be doing the work, as it would be done by Dominion.

Ms. Mallek emphasized that it was at the phone provider's initiative and they would not be falling into a trap of having 20 feet higher and 10 feet wider.

Mr. Fritz said that if this were a brand-new line, he might give a different answer, but this was an existing tower.

Ms. Palmer asked if the resolution includes the smaller standoff. Mr. Fritz confirmed this.

Ms. Palmer **moved** that the Board adopt the proposed resolution to approve the special exceptions for B2018-00883 ATWR. The motion was **seconded** by Ms. McKeel.

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

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Mr. Randolph.

NAYS: None.

ABSENT: Mr. Dill.

**RESOLUTION TO APPROVE SPECIAL EXCEPTIONS FOR
B201800883ATWR SHENTEL – 69199B COUNTRY GREEN**

WHEREAS, Shenandoah Personal Communications, LLC (“Shentel”) filed an application for a building permit to add an antenna to the existing Dominion Virginia Power transmission tower located on Tax Map Parcel Number 076S0-02-OS-0011I, which application is identified as Building Permit 2018-883ATWR Shentel-69199B Country Green (“BP 2018-883”); and

WHEREAS, BP 2018-883 included a request for a special exception to modify the requirements of County Code § 18-5.1.40(b)(2)(c) and to waive the requirements of County Code § 18-5.1.40(a)(4)(f) and § 18-5.1.40(b)(3); and

WHEREAS, Albemarle County Code § 18-5.1.40.b(2)(c) requires that antennas be mounted so that in no case shall the farthest point of the back of the antenna be more than eighteen (18) inches from the facility, which may be modified by special exception; and

WHEREAS, Albemarle County Code § 18-5.1.40.a(4)(f) requires that the caliper and species of all trees where the dripline is located within fifty (50) feet of the facility be shown on a plan; and

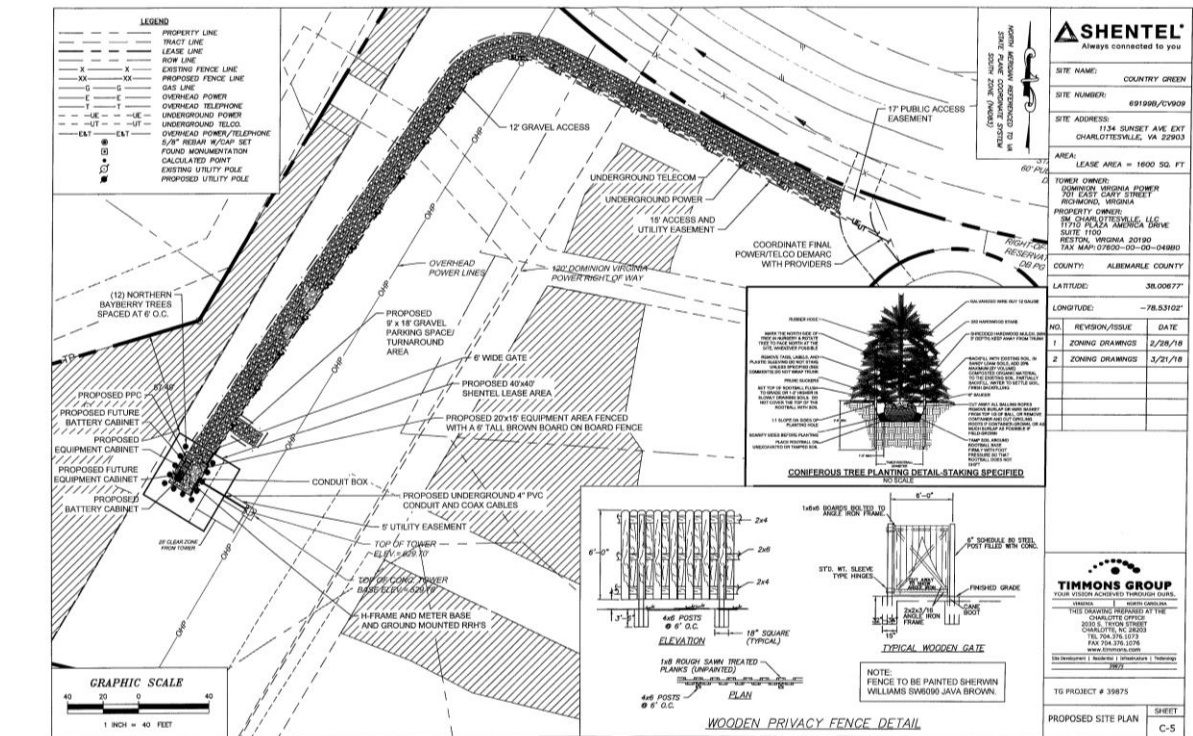
WHEREAS, Albemarle County Code § 18-5.1.40.b(3) requires that the Applicant submit a tree conservation plan.

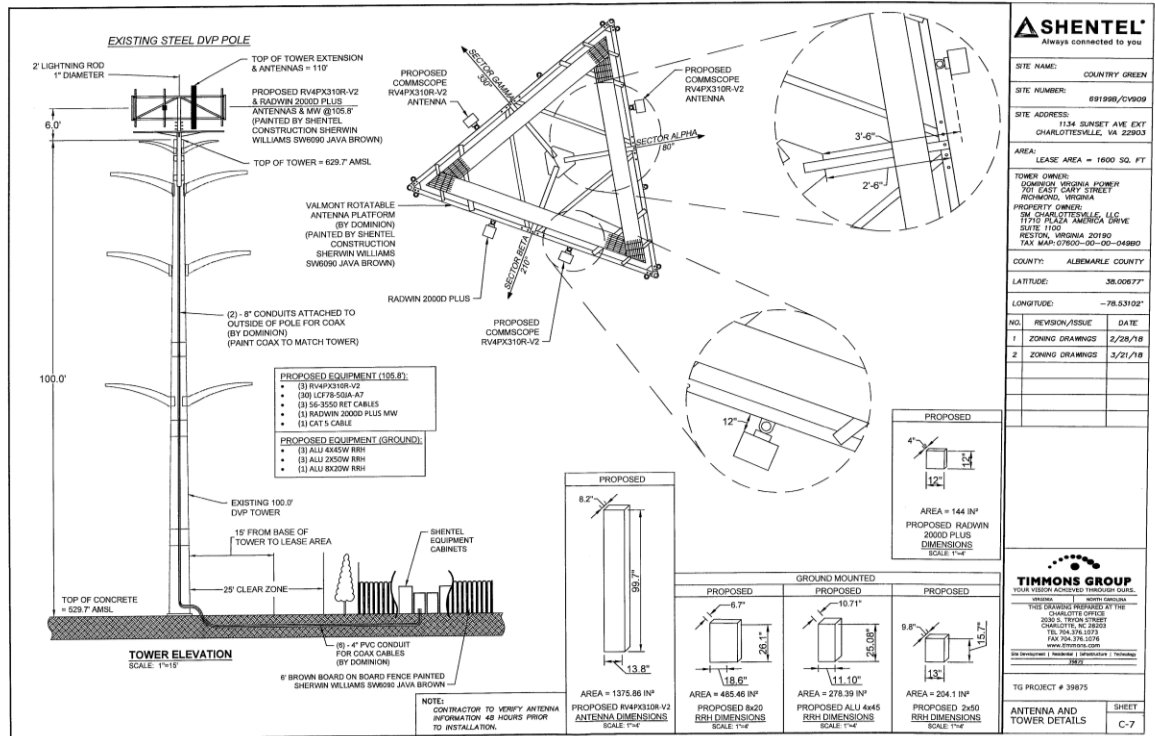
NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared in conjunction with the application, all of the factors relevant to the special exceptions in County Code §§ 18-5.1.40(b)(2)(c), 18-5.1.40(a)(4)(f), 18-5.1.40(b)(3), 18-33.5, and 18-33.9, and the information provided at the Board of Supervisors meeting, the Albemarle County Board of Supervisors hereby approves the special exceptions to modify the requirements of County Code 18-5.1.40.b(2)(c) and to waive the requirements of County Code §§ 18-5.1.40(a)(4)(f) and 18-5.1.40(b)(3), subject to the conditions attached hereto.

* * *

**B201800883ATWR Shentel – 69199B Country Green
 Special Exception Conditions**

1. No trees or vegetation shall be removed except as necessary to establish usage of the access and utility easements as depicted on Sheet C-5 of the site plan referred to as "Site Name: Country Green", prepared by Timmons Group, dated March 21, 2018.
2. The antenna shall not project more than ten (10) feet above the transmission tower as depicted on Sheet C-7 of the site plan referred to as "Site Name: Country Green", prepared by Timmons Group, dated March 21, 2018.
3. No antenna authorized by this special exception shall project more than three and one-half feet (3.5') from the center pole to the back of the antenna.





Mr. Gallaway asked when the wireless policy was last updated. Mr. Fritz replied that it was adopted in February 2000 and there have been no amendments, though the ordinance itself has been amended several times.

Ms. Mallek remarked that they are current with state law because they have amended the ordinances repeatedly.

Mr. Fritz said they would be bringing a new resolution to update the ordinance to reflect changes made in this year's General Assembly.

Mr. Randolph pointed out that the Comprehensive Plan was more recent and emphasizes utilizing opportunities.

Ms. McKeel remarked that after 18 years, there are probably new technology changes to consider and cell towers have changed, and she was interested in exploring options that might be available now that were not available 18 years ago.

Mr. Fritz remarked that it was a very different landscape.

Mr. Richardson asked if the Board would like to schedule a discussion about the wireless policy for a future date. Board members agreed that Mr. Richardson should schedule a discussion at an upcoming meeting.

Ms. Palmer noted that Community Development has its hands full with many items and while she supports having a discussion about the wireless policy, she would like to know what they would be moving aside to make the time for this.

Ms. McKeel remarked that this would tie in with the work around economic development, and it was worth looking at options, given how technology had changed.

Mr. Gallaway asked if staff has anymore of these types of requests coming to the Board in the near future. Mr. Fritz responded that he does not know how many special exceptions, but Community Development processes a lot of wireless facilities administratively that never come to the Board. He added that there is a Tier II, tree top tower, coming to the Board in the near future that staff denied, and the applicant appealed.

Agenda Item No. 15. PUBLIC HEARING: Public Recreational Facilities Authority (PRFA) Name Change.

To receive comments on a proposal to amend the Articles of Incorporation of the Albemarle County Public Recreational Facilities Authority (PRFA). The proposed amendment would change the name of the PRFA to the Albemarle Conservation Easement Authority (ACEA). (Advertised in the Daily Progress on June 27 and July 3, 2018.)

The Executive Summary presented to the Board states that the Albemarle County Public Recreational Facilities Authority (PRFA) accepts, holds, and administers open-space land easements throughout the County under the Virginia Open-Space Land Act. At its February 22 meeting, the PRFA asked staff to explore changing the name of the Authority to the Albemarle Conservation Easement Authority (ACEA) to better describe its purpose. Because the requested name contains the word

“authority,” it is permissible under *Virginia Code* § 15.2-5602(A). However, the name must be reflected in the Authority’s Articles of Incorporation, which in turn requires Board of Supervisors’ review and approval at a public hearing.

The attached memo from Authority Chair Dr. Hamilton Moses, III (Attachment A) explains both the work of the Authority and its rationale for seeking the proposed name change.

Staff has prepared the attached draft Amended Articles of Incorporation (Attachment B) for review and approval. Except for the initial recitals, the proposed new name, and the listing of current members, the draft Amended Articles largely track the Authority’s existing original Articles.

As required by *Virginia Code* § 15.2-5602(B), the Articles set forth:

1. The name of the Authority and the address of its principal office.
2. A statement that the Authority is created under the Public Recreational Facilities Authorities Act.
3. The name of each participating locality.
4. The names, addresses and terms of office of the first members of the Authority.
5. The purpose or purposes for which the Authority is to be created.

No budget impact is expected.

Following a public hearing, staff recommends approving the proposed amendments to the Authority’s Articles of Incorporation, changing its name to the Albemarle Conservation Easement Authority (ACEA).

Mr. Herrick reported that the request was for a name change for the Public Recreational Facilities Authority. He explained that the organization was created in 1989 to hold conservation easements in the County and currently holds 151 conservation easements consisting of 19,000 acres. He explained that the PRFA Articles of Incorporation limits its mission to holding open space easements, while the enabling authority provided by the General Assembly allows a public recreational facilities authority to do many things and not all PRFAs did conservation easements. He explained that they have found that some easement holders do not know what the PRFA was about and thus it has requested the name change, which requires a change to the Articles of Incorporation through a public hearing process. He said the amended articles are very similar to the original, with the name as the only substantive change. He recognized that Dr. Hamilton Moses, Chair of the PRFA, was in the audience and could answer any questions.

Ms. Palmer stated that she was thrilled they were doing this as it was a wonderful, needed change.

Mr. Randolph concurred.

Ms. Mallek opened the public hearing.

As no one came forward to address the matter, Ms. Mallek closed the public hearing.

Mr. Gallaway asked, if they approve the name change and there was a need for a PRFA they would recreate the PRFA. Mr. Herrick replied that this entity would still be a public recreational facilities authority under Virginia law. He remarked that most PRFAs in Virginia have taken on different names, such as the Convention Center Authority in Richmond.

Ms. Mallek commented that if there was some issue that came up, it may be better served by a different group. Mr. Herrick said that was correct if Albemarle wanted to construct an actual public recreational facilities authority.

Ms. Mallek reopened the public hearing to allow Mr. Sean Tubbs of the Piedmont Environmental Center to address the matter.

Mr. Sean Tubbs addressed the Board, stating that Albemarle County was fortunate to have numerous conservation-minded landowners who have collectively protected almost 100,000 acres of private land with conservation easements, which makes the County a true conservation success story and the second most protected in the Commonwealth. He said that historically, the vast majority of landowners have worked with the Virginia Outdoors Foundation to hold conservation easements, whereas over the last 10 years, this has shifted to the PRFA to the point that they hold over 150 on almost 20 percent of the County’s protected land.

Mr. Tubbs explained that this was due to numerous factors, including a reduction of staff time available at PRFA to accept new easements, increased demand for services in other parts of the Commonwealth, and increasing fees and complexity associated with donating an easement. He said the 2015 National Land Trust Census shows that of the approximately 1,300 land trusts across the country, they hold an average of 12,000 protected acres while only having 6 part or full-time staff. He said the County was running a land trust with only about .25 of a full-time employee and a summer intern. He described the proposed name change as a step in the right direction to better align the organization’s title with the work it was doing. He suggested that the Board give serious consideration to increasing staff to

ensure the County could keep up with the interest in new easements and could conduct appropriate monitoring, defense, and enforcement of existing easements. He said that accepting a new easement was the smallest and easiest part of permanent land protection, whereas the perpetual monitoring and enforcement of easement terms was where the real work began.

With no further comments, Ms. Mallek closed the public hearing.

Ms. Palmer **moved** that the Board adopt the following resolution to approve the proposed amendments to the Authority's Articles of Incorporation, changing its name to Albemarle Conservation Easement Authority. The motion was **seconded** by Mr. Randolph.

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

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Mr. Randolph.

NAYS: None.

ABSENT: Mr. Dill.

Ms. Palmer commented that she did not realize the staff issues and appreciates Mr. Tubbs bring that their attention.

**RESOLUTION APPROVING AMENDED ARTICLES OF INCORPORATION OF
THE ALBEMARLE CONSERVATION EASEMENT AUTHORITY
(Formerly the Albemarle County Public Recreational Facilities Authority)**

WHEREAS, by Resolution of November 20, 1989, the Board of Supervisors created the Public Recreational Facilities Authority of Albemarle County (the "Authority") under the provisions of the Public Recreational Facilities Authorities Act;

WHEREAS, the Authority has requested to change its name to the "Albemarle Conservation Easement Authority;"

WHEREAS, *Virginia Code* § 15.2-5602 requires that the articles of incorporation of a public recreational facilities authority set forth an appropriate name and title containing the word "authority;" and

WHEREAS, *Virginia Code* § 15.2-5602(E) provides that after public hearing, the governing bodies of participating localities may modify an authority's articles of incorporation by subsequent ordinance or resolution.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the attached Amended Articles of Incorporation of the Albemarle Conservation Easement Authority (formerly the Albemarle County Public Recreational Facilities Authority).

* * * * *

**AMENDED ARTICLES OF INCORPORATION OF
THE ALBEMARLE CONSERVATION EASEMENT AUTHORITY
(Formerly the Albemarle County Public Recreational Facilities Authority)**

1. There is hereby continued a public recreational facilities authority, whose name shall be the Albemarle Conservation Easement Authority, the address of whose principal office shall be the County Office Building, 401 McIntire Road, Charlottesville, Virginia, 22901-4596.
2. The Authority is continued under the provisions of the Public Recreational Facilities Authorities Act (Chapter 56, Title 15.2 of the Code of Virginia).
3. The name of the participating locality continues to be Albemarle County.
4. The names, addresses and terms of office of the current members of the Authority are:
 - a. Hamilton Moses, III
Post Office Box 150
North Garden, VA 22959
Term Expires 12/13/2018
 - b. Jay Fennell
2100 Millington Stable Lane
Free Union, VA 22940
Term Expires 12/13/2019
 - c. G. David Emmitt
1734 Franklin Dr.
Charlottesville, VA 22911
Term Expires 12/13/2018
 - d. Angela Lynn
4601 Grand View Drive
Charlottesville, VA 22901
Term Expires 12/13/2019
 - e. John K. (Jack) Brown
1505 Dairy Road

- Charlottesville, VA 22903
Term Expires 12/13/2019
 - f. Sherry Buttrick
P. O. Box 20
Charlottesville, VA 22902
Term Expires 12/13/2018
 - g. Jennie More
1201 Blue Ridge Ave
Crozet, VA 22932
Term Expires 12/31/2020
 - h. Peter Taylor
Castle Hill
6132 Gordonsville Road
PO Box 485
Keswick, VA 22947
Term Expires 12/13/2018
 - i. David Mitchell
4680 Fairhill Lane
Charlottesville, VA 22903
Term Expires 12/13/2018
- 5. The purposes for which the Authority was created, and for which it continues, are to accept, hold, and administer open-space land and interests therein, under the provisions of Chapter 17 of Title 10.1 of the Code of Virginia, as specifically prescribed by *Virginia Code* § 10.1-1701.
 - a. The purposes of the Authority continue not to include power to acquire interests in land by purchase or by eminent domain without the express concurrence of the Board of Supervisors of Albemarle County, but shall continue to be limited to accepting interests in land that may be voluntarily conveyed to the Authority by the owner or owners thereof.
 - b. The purposes of the Authority continue not to include the power to issue bonds or to incur debt.

Adopted November 20, 1989
Amended July 11, 2018

Agenda Item No. 16. **PUBLIC HEARING: ACSA201800001. Crozet Water Treatment Plant Expansion (Jurisdictional Area Amendment Request).**

To receive comments on its intent to amend the Albemarle County Service Authority (ACSA) Jurisdictional Area to provide a "Water and Sewer" service designation to TMP 05700 00 00 029B0 (Crozet Water Treatment Plant) and "Limited Service, water and sewer to the water treatment plant use only" to TMP 057000000010A0. The facility is located on Three Notch'd Road, approximately 400 feet west of the intersection of Three Notch'd Road and Old Three Notch'd Road; White Hall Magisterial District.
(Advertised in the Daily Progress on June 25 and July 2, 2018.)

The Executive Summary presented to the Board states that the Rivanna Water and Sewer Authority (RWSA) is requesting that the Crozet Water Treatment Plant site, located on Tax Map Parcels (TMPs) 05700-00-00-010A0 and 05700-00-00-029B0, be designated for water and sewer service. RWSA is "undertaking an expansion of the treatment plant to secure future demand needs of the Crozet Community." Currently the sludge by-products from the water treatment process are discharged to lagoons located on TMP 05700-00-00-010A0 on the north side of Three Notch'd Road. The sludge is periodically removed from the lagoons and transported by truck to the Moore's Creek Sewer Treatment Plant. As part of the expansion, RWSA is proposing to connect the facility to an ACSA sewer line on an abutting property on Gate Post Lane in the Highlands subdivision. RWSA is also requesting that the bathroom serving the treatment facility be connected to the public sewer in order to eliminate an old septic field and tank located on the treatment plant site (see applicant's requests, Attachment A).

Most of the treatment plant is located on the parcel on the south side of Three Notch'd Road (TMP 05700-00-00-029B0). Approximately 3 acres of the total 4 acre parcel are located within the Crozet Development Area boundary. This portion of the property is designated for Light Industrial use in the Crozet Master Plan and the entire property is zoned LI, Light Industry (Attachment B), with proffers. The proffers limit the uses permitted on the entire property to public uses/buildings, public utility facilities, and fire and rescue squad stations. This entire parcel is currently designated for water only to existing structures.

TMP 05700-00-00-010A0 containing the lagoons is outside of the Development Area boundary and is designated as Rural Area in the Comprehensive Plan. The parcel is zoned RA, Rural Areas. There are two structures (lagoons) on a portion of the approximately 1 acre parcel. One of the lagoons is proposed to be converted into a backwash waste basin which would be connected to the ACSA sewer line. This parcel is currently not in the ACSA Jurisdictional Area for either water or sewer service. (Attachment C).

The Comprehensive Plan strategy regarding the provision of public water and sewer service within the County as it relates to properties located in the Rural Area states that "[t]he boundaries of the

Development Areas are to be followed in delineating jurisdictional areas. Change to these boundaries outside of the Development Areas should only be allowed when: (1) the area to be included is adjacent to existing lines; and (2) public health and/or safety is in danger.”

This strategy reflects the fact that public water and sewer systems are a potential catalyst for growth and capacities need to be efficiently and effectively used and reserved to serve the Development Areas. Continued connections of properties in the Rural Area should be the exception as the further extension of lines into the Rural Areas will strain limited water resources and capacity.

The Comprehensive Plan strategy regarding the provision of public water and sewer service within the County as it relates to properties located in the Rural Area states that “[t]he boundaries of the Development Areas are to be followed in delineating jurisdictional areas. Change to these boundaries outside of the Development Areas should only be allowed when: (1) the area to be included is adjacent to existing lines; and (2) public health and/or safety is in danger.”

This strategy reflects the fact that public water and sewer systems are a potential catalyst for growth and capacities need to be efficiently and effectively used and reserved to serve the Development Areas. Continued connections of properties in the Rural Area should be the exception as the further extension of lines into the Rural Areas will strain limited water resources and capacity.

As noted previously, most of TMP 05700-00-00-029B0 is located within the designated Development Area of Crozet. The existing LI zoning and associated proffers significantly limit the uses permitted on the property. Providing public water and sewer service to the Development Area portion of the property is consistent with the County’s policy for providing service in the designated Development Area. Providing water and sewer to the 1 acre Rural Area portion of the property is not inconsistent with the County’s growth management policy (that the public water and sewer service extension policy is intended to implement) based on the conditions established by the existing development and restricted zoning.

All of TMP 05700-00-00-010A0 is outside of the Crozet Development Area and designated as Rural Area. The policy for providing service to sites that are located outside of the Development Area call for the existence of a public health or safety issue and adjacency to an existing utility line. While there is currently no documented health or safety issues on the portions of the treatment facility site that are in the Rural Area, staff believes that the following characteristics and conditions regarding this proposal and parcels merit granting full and sewer service to the parcels:

- Provision of sewer service to the treatment plant eliminates the need to haul away by truck the sludge by product generated by the water treatment process, providing for a safer more effective way to remove the sludge from the site (reducing the chance for traffic conflicts and spills). This aspect of the proposal is addressing a health and safety issue.
- The treatment plant is an existing, long standing, facility that provides water service to a designated development consistent with the County’s growth management polices to provide public water to designated Development Areas. Continued viable use and expansion of the existing facility is also consistent with both County Community Facilities goals and objectives and the Growth Management Policy for supporting development in, and directing growth to, the Development Areas.
- A “Limited Service” designation can be used to limit the water and sewer service to the public water treatment facility use only for TMP 05700-00-00-010A0. If the treatment facility use were to be abandoned on this parcel, other potential uses would not be eligible to be served without Board approval of an amendment to this Limited Service designation. Limiting the area of the parcel designated for service to the to the one lagoon/backwash basin area will future limit the impacts of the service designation to the County’s growth management policy (see Attachment D for the proposed area for a service designation).
- An existing sewer line is located on properties abutting the water treatment facility.

Based on these site/use characteristics and conditions of approvals, staff believes the following amendments to the ACSA Jurisdictional Area Map would be consistent with County policies:

- A “Water and Sewer” designation for TMP 05700-00-00-029B0.
- A “Limited Service” designation limiting water and sewer service to the Crozet Water Treatment Plant use only for TMP 05700-00-00010A and only to the areas as shown on Attachment D (map).

There is no cost to the County. The property owners would bear any costs for water and/or sewer connection.

Staff recommends that the Board of Supervisors adopt the attached Resolution (Attachment E).

Mr. David Benish, Chief of Planning, reported that the treatment plant would be expanded as part of efforts to accommodate the needs of the Crozet area. He explained that the plant was located on 2 parcels, with the first being Tax Map 57-29B. He explained that this parcel was located mostly in the Development Area, contains most of the plant, and was zoned Light Industrial. He said that most of the uses were proffered out except for the treatment plant and some other public uses, and it was currently

designated for water services to existing structures, with this request allowing them to connect the existing bathroom to a sewer line to be installed. He said the second parcel was Tax Map 57-10A, north of Crozet Avenue, contains 2 backwash lagoons, was outside the development area, and was zoned Rural Area. He explained that the request was to allow a sewer connection to the lagoons, with a backwash basin to replace one of the lagoons. He said this would allow byproducts from the lagoons to be transported to the Moores Creek Treatment Plant by pipeline instead of by truck. Mr. Benish presented maps of the area surrounding the parcels and pointed out various features. He explained that the Comprehensive Plan's policy for the provision of service to properties in the development area was that they should be served by public water and sewer. Staff recommends that this service be provided because most of the treatment plant falls within a fully developed area of the development area.

Mr. Benish stated that the policy established in the Comprehensive Plan was to provide water and sewer service in areas designated as part of the development areas and the exception would allow changes to those boundaries only in the case of a documented health or safety issue when there was an existing, adjacent line to serve the parcel. He said there was no documented health or safety issue relating to sewage treatment on Tax Map Parcel 75-10A; however, the characteristics and conditions of the parcel and how it was used merits the granting of service and makes it consistent with the Comprehensive Plan. He said this would eliminate the need to truck out backwash byproducts and would provide for a safer means of removal, addressing potential traffic and environmental safety concerns.

Mr. Benish stated that the purpose of the treatment plant was to implement the goals and objectives of the County's growth management policy to provide for adequate service to areas where they want development to take place, and it supports the efficient use of an existing community facility, which was also consistent with policy. He emphasized that with the limited service designation option, the County could restrict the level of service provided to the parcel and to potential further extensions of service through a limited service designation. He summarized that staff recommends that Tax Map Parcel 57-29B be granted water and sewer service and that Tax Map Parcel 57-10A be designated for limited service for the purpose of serving the treatment plant only. The map designated by the County would show a limited designation of that parcel only to the area the pipe would serve. He concluded and recognized that representatives from the Albemarle County Service Authority were present to answer questions.

Ms. Palmer said she was always concerned about jurisdictional line creep, noting that Mr. Benish said they could limit this extension because of the limited use restriction on the property, and asked if the Board has to do anything extra to make sure this happens. Mr. Benish responded that he thinks the limited service designation was adequate and the County looks at requests on a case-by-case basis. The primary issue was whether there was a health or safety concern. He said the limited service designation stipulates that this was a temporary line for a single purpose, and when they look at an adjacent parcel for which they may be seeking an extension due to a health or safety issue, the staff should take into consideration that this line was intended to eventually go away, which factors how they evaluate the adjacency criteria. Mr. Benish stated that he believes there was the ability for the Board to say that the line does not provide the same level of adjacency as another line does. He said that he does not think that anything in the Board's action precludes it from specifically citing that they do not want this to be treated to provide for adjacency. He pointed out that they extended lines to Key West Subdivision, which was miles away from an adjacent line, as they had health and safety issues. He said the language provides some of the protection they are looking for in terms of the slow extension of service lines into the rural area.

Ms. Mallek asked Mr. Kamptner if he concurred. Mr. Kamptner replied that if ten years from now there was a health and safety issue, the Board would need to look at the particular application, but the conditions that are part of the resolution probably constrains it. He added that a future Board, working with staff, would have to make the call as to whether language should be added.

Mr. Benish emphasized that when they evaluate adjacency, they look at the designation, how the property was developed, the distance, and any conditions or limitations placed on the designation.

Ms. Palmer added that the language including "to the treatment plant use only and only to the area shown on Attachment D" already does that.

Ms. Mallek opened the public hearing.

As no one stepped forward to address the matter, Ms. Mallek closed the public hearing.

Ms. Mallek directed a question to a representative of the Rivanna Water and Service Authority, Senior Engineer, Tom Friedman. She remarked that it seems to be a huge benefit to the pipeline and sewer connection that the topography and location of the lagoon on the north side of the lot are straight downhill to the stream that feed Beaver Creek to the pipeline and sewer connection, as it would reduce the hazard of spills from trucking. Mr. Friedman agreed.

Mr. Randolph observed that with strict constructionism and originalism at the forefront of the national agenda with a Supreme Court nominee, he was struck by the rather loose interpretation of the health and safety clause. He emphasized that he was not objecting to the application, as he saw the economic, environmental, and safety benefits of this connection, though it has nothing to do with health and does not fit the safety part of the health and safety definition. He said he was willing to waive this but for the record, he wanted to express his concern that this was a fairly elastic interpretation of health and safety.

Ms. Palmer agreed.

Ms. Mallek remarked that in the past this has been used to address repeatedly failing septic systems that cannot be fixed in any other way.

Ms. Mallek **moved** that the Board adopt the proposed resolution as presented, as restricted limited service. The motion was **seconded** by Mr. Randolph.

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

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Mr. Randolph.

NAYS: None.

ABSENT: Mr. Dill.

**RESOLUTION TO APPROVE ACSA201800001
CROZET TREATMENT PLANT
FOR TAX MAP PARCELS 05700-00-00-010A0 AND 05700-00-00-029B0**

WHEREAS, the owner of Tax Map Parcels 05700-00-00-010A0 (TMP 57-10A) and 05700-00-00-029B0 (TMP 57-29B) has requested an amendment to the Albemarle County Service Authority (ACSA) Jurisdictional Area to include TMP 57-10A for limited water and sewer service and TMP 57-29B for water and sewer service, and the application is identified as ACSA201800001 (ACSA 2018-01); and

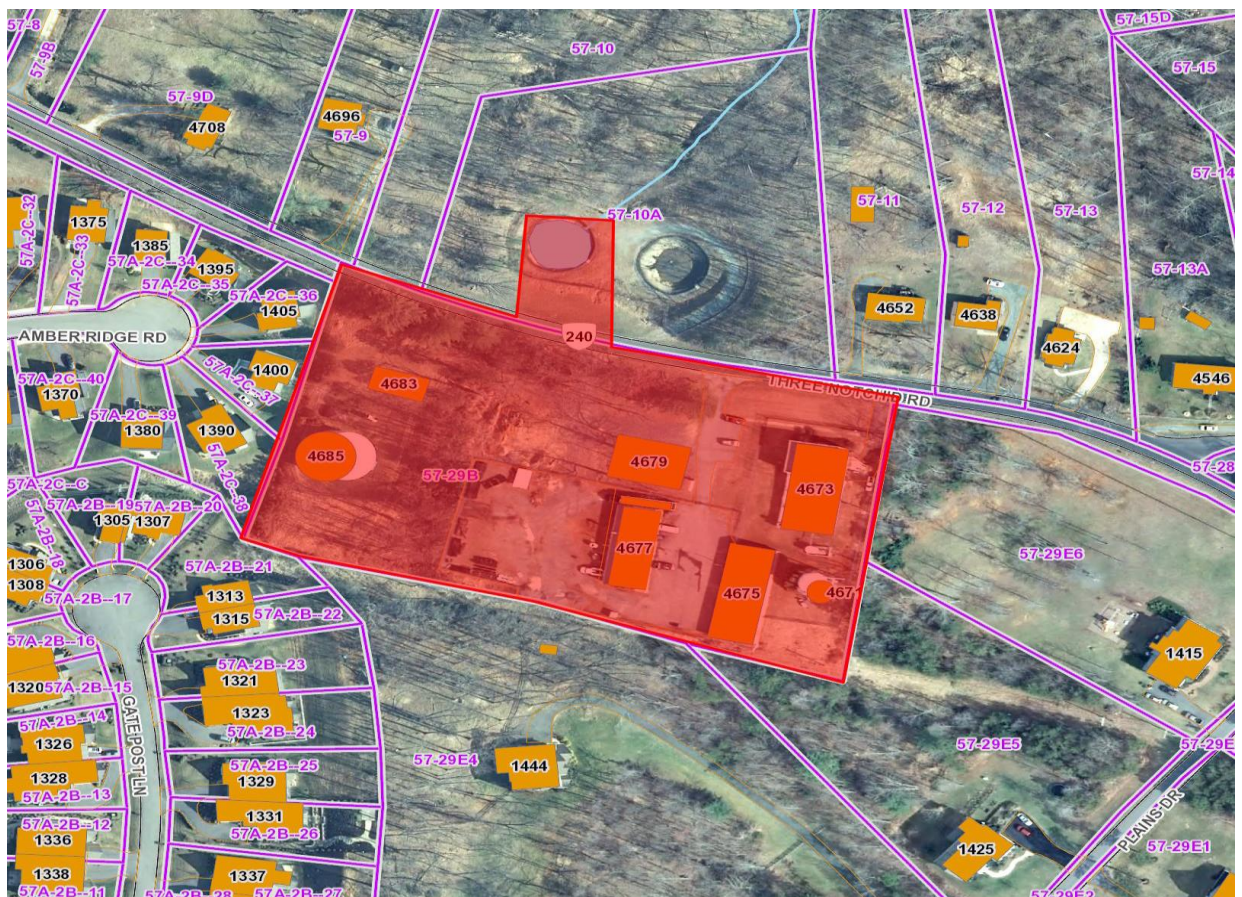
WHEREAS, on July 11, 2018, the Albemarle County Board of Supervisors held a duly noticed public hearing on ACSA 2018-01.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for ACSA 2018-01 and all of its attachments, the information presented at the public hearing, and the factors relevant to the ACSA Jurisdictional Area in Virginia Code § 15.2-5111 and in Chapter 12.1, Community Facilities, Strategy 9a, of the Albemarle County Comprehensive Plan, as well as the Comprehensive Plan's Growth Management Policy and Land Use Plan, the Albemarle County Board of Supervisors hereby approves ACSA 2018-01, subject to the conditions attached hereto.

* * * * *

ACSA201800001 Crozet Treatment Plant Conditions

1. The limited water and sewer service on TMP 57-10A shall be to serve the Rivanna Water and Sewer Authority public water treatment plant use only.
2. The portion of TMP 57-10A to be designated for water and sewer service shall be limited to the western most lagoon area and future backwash waste tank location as depicted on the GIS map dated June 25, 2018, attached hereto and incorporated herein.



Agenda Item No. 17. **PUBLIC HEARING: SP201800001 – Keswick Hall and Golf Club.**

PROJECT: SP201800001 Keswick Hall and Golf Club.

MAGISTERIAL DISTRICT: Rivanna.

TAX MAP/PARCEL(S): 080000000008Z0; 0800000000060A0; 08000000000900.

LOCATION: 3733 Keswick Road.

PROPOSAL: Amend previously approved SP200800042 to relocate and expand the spa and fitness center, add a pool bar, expand the energy plant, add a new maintenance and laundry building, relocate the existing restaurant in a stand alone building, and add a wing to the existing inn for 38 additional rooms (a total of 86 rooms). In addition, site changes to parking and circulation are proposed.

PETITION: Clubs and Lodges; Swim, Golf, Tennis or similar Athletic Facilities; Restaurants, Taverns and Inns under Section 10.2.2 of the zoning ordinance by special use permit on approximately 174 acres.

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

OVERLAY DISTRICT(S): Entrance Corridor, Flood Hazard.

COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/acre in development lots).

POTENTIALLY IN MONTICELLO VIEWSHED: Yes.

(Advertised in the Daily Progress on June 25 and July 2, 2018.)

The Executive Summary forwarded to the Board states that at its meeting on May 22, 2018, the Planning Commission voted to recommend approval of SP201800001 with the conditions and changes outlined in the staff report. The Commission's staff report, action letter, and minutes are attached (Attachments A, B, and C).

The Planning Commission recommended approval with the changes listed below, followed by staff comment on how the changes were addressed by the applicant.

1. A critical slopes waiver request be submitted for review prior to the date being set for the Board of Supervisors public hearing so that staff can confirm that affected slopes are manmade.

Staff Comment: The waiver was submitted and reviewed, however minor changes and clarifications are needed before the Board can act on it. The special use permit request is not contingent on approval and therefore this will be brought to the Board at a later date.

2. Minor changes to the concept plan be made so that the parking area is shown in more generalized location(s) and the entrance for the Maintenance and Laundry Facility is shown.

Staff Comment: The applicant submitted a new concept plan that is different from the plan that the Planning Commission reviewed and on which it based its recommendation. While staff and the Planning Commission had requested that only the parking area(s) be shown with less specificity, the applicant changed the rest of the plan so that all of the buildings including existing buildings, are generalized as well. The applicant wishes to have maximum flexibility in the future, however these changes conflict with the recommended condition 1(a) that states as a major element "location of buildings and structures". Staff also has concerns about the future interpretation of this plan that could allow the existing buildings to be modified or even removed and rebuilt. The Villa Crawford, which is a part of the existing inn, while not considered historic, is considered a contributing resource in the Southwest Mountain Rural Historic District. Another concern is that the South Parking Area, Spa and Fitness, and Maintenance and Laundry areas extend to the property line without a buffer or setback from the adjacent residential properties. Typically when a commercial use is approved in the Rural Areas there is a condition that requires commercial setbacks, and in this case no condition was recommended to the Planning Commission because these areas shown on the previous plan did not extend all the way to the property line.

Two other items expected by the Commission were the new entrance onto Keswick Road (seen on the plan reviewed by the Commission) and the entrance for the Maintenance and Laundry Facility (requested to be shown on the plan). Neither of these items is provided on the applicant's proposed plan.

Since the Planning Commission meeting, the applicant has requested that Condition #4 be amended to remove Board approval of the fire protection plan. Fire Rescue staff believes that this change is appropriate. While this change has not been seen by the Planning Commission, staff has confirmed that Fire Rescue prefers administrative instead of Board approval. Therefore, the recommended conditions have been updated to remove Board approval.

As seen in the minutes from the May 22, 2018 meeting, the Planning Commission discussed the applicants' request that Condition #2 related to provision of turn lanes be removed. This condition, which was approved with prior SPs for Keswick, requires that turn lanes be provided at the intersection of Keswick Road and Route 22 before the 76th room of the inn is built. During review of the request, VDOT commented that the improvement was needed based upon the intersection's position on their list of potential intersection improvements, crash history at the intersection, and their belief that additional traffic will likely result in an increase in crashes. At the Commission meeting, the applicant argued that VDOT

did not continue to believe this improvement was necessary at this time with the amount of traffic being added by the proposed use. However, due to safety concerns, the Commission ultimately recommended that Condition #2 remain.

Since the meeting, staff contacted VDOT for clarification and they have continued to state that this intersection is listed for potential intersection improvements due to safety concerns based on the crashes that have occurred. Going forward, the additional traffic generated by this development is not anticipated to significantly change that listing. While VDOT previously indicated in the prior SPs that the improvements should be required as part of the completed development, its current position is the improvements are justified without the proposed development and the proposed development provides a small increase to the overall traffic at the intersection.

Staff notes that, if the intersection improvements are not provided with this development, they will likely be needed at some point in the future. VDOT has stated that revenue sharing is probably the best currently available option for funding of those improvements. Revenue sharing will likely require the County to fund over half the cost of those future improvements with the remainder funded by the State through VDOT.

Staff supports the Planning Commission's recommendation. If the Board wishes to approve the special use permit as recommended by the Planning Commission including the plan the Commission reviewed, staff recommends that the Board adopt the Resolution in Attachment E. However, if the Board wishes to approve the further revised plan which is different than that considered and recommended by the Planning Commission, staff recommends that the Board adopt the attached Resolution in Attachment F.

Ms. Megan Nedostup, Principal Planner, and Mr. Kevin McDermott, Transportation Planner, presented. Ms. Nedostup presented vicinity maps and pointed out the location of the property as well as surrounding features and roadways. She presented an aerial photograph followed by a slide with the history of events relating to the property:

Keswick Hall was built and used as a hunt club and resort prior to the Keswick Estates subdivision.

- 1978: Special Use permit was approved for the inn and accessory uses for swimming pools and tennis courts (48 rooms)
- 1985: Special Use permit for residential lots and central system for water and sewer were approved.
- 1986: Special Use permit was approved for the golf course
- 1993 and 1995: Special Use permits were approved for additional subdivision lots
- 2000: Zoning text amendment was approved to allow the inn to expand; special use permit was approved to allow expansion of the inn to a total of 123 rooms. Condition of SP for phased transportation improvements (right turn taper and left turn lane)
- 2008: Amendment to the 2000 special use permit was approved to modify the phasing and allow the spa to be open to the public: total of 123 (48 existing rooms), 23 additional rooms in the first phase and 52 rooms in the second. Condition for transportation improvements remained with second phase (76th room)

The next slide was entitled SP 2018-00001 Proposal and listed:

- Reduce maximum number of rooms from 123 built in two phases to 86 total in a single phase
- Move the freestanding spa and fitness center, including eight new treatment rooms, which would be open to the public to a different location on the site
- Replace an area shown for cottages with a new wing for rooms to the inn
- Replace the existing Fossett's Restaurant with lobby and conference space
- Move the maintenance/laundry building to a different location on the site
- Realign the parking and circulation, including a new service entry off Keswick Road near the energy plant
- Remove the requirement for traffic improvements at Route 22 and Route 744, which were currently required with the construction of the 76th room

She presented a map of the Concept Plan SP2000-033 approved in 2000, followed by a map of Concept Plan SP2008-042, approved in 2008 to allow cottages.

The Planning Commission recommended approval with the following changes:

- 1) A critical slopes waiver request was submitted for review prior to the date being set for the Board of Supervisors public hearing so that staff could confirm that affected slopes were manmade.
- 2) Minor changes to the concept plan were made so that the parking area was shown in generalized locations and the entrance for the Maintenance and Laundry Facility was shown.

Ms. Nedostup said it was noted in her summary that the critical slopes waiver has been submitted; however, there are minor changes and clarifications that they have requested of the applicant. She said she expects the application to come back to the Board on the consent agenda at a later date.

She noted that the plan submitted by the applicant, to address the changes in the second recommendation, were different from what the Planning Commission reviewed and based its recommendation on. Ms. Nedostup presented a slide with a side-by-side comparison of the Planning Commission Recommended Concept Plan and the Revised Concept Plan. She said that staff had concerns that a future interpretation could allow buildings to be modified or removed and rebuilt and the Revised Concept Plan conflicted with Condition 1a, which specified the location of buildings and structures as major elements.

She noted that the building areas were extended to the property line for the spa and fitness center and maintenance facility without a buffer from the adjacent residential properties. Additionally, she said the entrance to Keswick Road and laundry maintenance facility requested by the Planning Commission were not shown on the Revised Concept Plan. She next presented SP2018-001 Revised Illustrative Plan and pointed to the area anticipated for the laundry and maintenance facilities near the property line and noted that they own the property but a boundary line adjustment would be needed if this was the building's final location.

Ms. Nedostup said there were two impacts discussed at the Planning Commission meeting. The first involved water and sewer, but staff believes the impact has been mitigated with the proposed conditions. The next were traffic impacts discussed by the Planning Commission:

- The condition for the transportation improvements was an existing condition for which the current owner purchased the property knowing that these improvements would be required.
- There was an existing safety issue at this intersection.
- The proposal was contributing and adding to the issue with the additional traffic being added to the intersection.
- There was currently no solution to mitigate the impact.

Ms. Nedostup presented a vicinity map and pointed out the location of the parcel, intersection, and nearby roads. This was followed by several photos taken at the intersection of Hunt Club Road. She introduced Mr. Kevin McDermott to continue the presentation.

Mr. McDermott said the applicant submitted a traffic impact analysis and they worked with the applicant and VDOT on an evaluation of the application. He noted that there was an identified safety problem at the Louisa Road (Route 22) and Hunt Club Road (Route 744) intersection. He presented a table that listed the number of annual crashes at this intersection for the period 2011-2017, noting that full crash report data was not available for 2011 and 2012. He emphasized that a turning vehicle was involved in 11 of 14 crashes at the intersection during this time, and it appears to be that the safety issue was related to turning movements. He said the applicant's traffic analysis evaluated for warrants based on queueing and delay at the intersection, which he explained determines if vehicles have to back up and wait before making the left turn.

Mr. McDermott stated that the analysis showed there was no need for a left turn lane, though safety issues could exist even if queueing does not occur or there was not an identified problem with the road geometry. He noted that the crashes are spread throughout the day so there does not seem to be an issue related to peak hours. He said the proposed use was in a peak hour generator and they have information regarding the expected number of vehicles at this time but not for the rest of the day. He said the analysis estimates the number of additional daily trips generated by the new uses at 390 and that there would be approximately 273 turns per day at Route 22, of which 50 would be westbound on Route 20 making a left to Hunt Club Road, the movement where the most accidents have occurred. He said the increase in the number of turn movements generated by the additional use would likely result in an increase in crashes; the recommended mitigation for this was to construct a left turn lane and right taper, which was also reflected in VDOT's comments on the application in April 2018.

Ms. Nedostup summarized that staff supports the Planning Commission's recommendation and presented two options to the Board:

- 1) Approve the Special Use permit as recommended by the Planning Commission.
- 2) Approve the Special Use permit with a revised plan.

She noted that VDOT representatives are also present to answer questions and concluded her presentation.

Ms. Palmer noted that the concept plan was fairly different from what the Planning Commission has seen and asked how often plans come before the Board before going to the Commission. Ms. Nedostup replied that it was not very often and explained that the applicant submitted the plan while she was writing a report for the Planning Commission. Ms. Nedostup said she advised the applicant that it was too different to keep moving forward if they wanted to remain on the calendar for the date that had already been set, and they reverted back to what had been submitted with comments and it was submitted again.

Ms. Palmer asked if staff frequently take plans back to the Planning Commission or postpone the Commission's meeting. Ms. Nedostup replied that if the applicant wants to move forward, then staff moves forward with bringing the plan before the Board to decide if it should be sent back to the Planning Commission.

Ms. McKeel recalled that the Board had a discussion about this three or four years ago and former Supervisor Brad Sheffield was adamant that it go back to the Planning Commission.

Mr. Randolph informed the Board that the previous night, he spoke with Mr. Dill and obtained his input on the application. He noted that Mr. Dill was away in Alabama and he would take the position of Mr. Dill since the application involves a business in Mr. Dill's magisterial district in his absence, noting that they were both in synch regarding the item.

Ms. Mallek opened the public hearing and invited the applicant's representative to address the Board.

Ms. Valerie Long, of Williams Mullen law firm and representing the owners of Keswick Hall and Golf Club, addressed the Board. She said she was joined by Molly and Robert Hardy, owners of the club, and a number of representatives from the project team including civil engineers from Timmons Group, Ashley Davies, colleague and land use planner, Hart Howerton Architects, and the club's general manager.

Ms. Long said the special use permit request was an amendment to an existing special use permit granted approved in 2001. They are seeking to merely relocate the rooms and reduce the number of treatment rooms from the previously approved 13 to 8. She presented a slide with a timeline of the history of the club and photos. She presented a slide that listed significant features of the club: 48 hotel rooms, meeting and banquet facilities, five dining outlets, seven tennis courts, spa and fitness inside golf clubhouse, golf club house and pro shop, 18-hole golf course, 3 swimming pools. She described the facility as a "unique asset" consisting of 198 acres with a hotel, club and golf course, as well as 125 residential lots and an onsite community private water and sewer system. She said the property was zoned Rural Area and a provision in the ordinance allows for restaurants and inns, provided that a private water and sewer system exists.

Ms. Long explained that the 2000 and 2008 approvals allow the existing 48 rooms to expand to 123 rooms, the spa could increase from 4 to 13 rooms, a pool may be added, and a banquet facility was permitted. She presented maps of the 2000 and 2008 plans and pointed out various features, noting that they have had to amend the 2008 plan in order to build a wing back in the location where it was originally proposed in 2000, instead of cottages that were approved in 2008. She added that the restaurant was proposed to be located between the existing golf course and swimming pool. She next presented the current illustrative map of the amendment request and pointed out the proposed locations of structures, and also presented an artist's rendering of the expanded Keswick Hall and golf course. She next presented the exhibit shown to the Planning Commission and pointed out the proposed location of a new laundry facility and compared this with what has been approved in the prior plan.

Ms. Long explained that they want the flexibility to be able to make a simple relocation of the maintenance building without having to amend the special use permit. She said they specifically called out where each of the structures and uses could be located. The plan was first revised at staff's request in order to show the location of the parking areas, though they were not yet ready to delineate precise locations of each parking space and turned to a modified bubble plan to show those locations. She noted that the spa was still being designed and they do not yet know where it would be located. Ms. Long pointed to the proposed location of the new laundry and maintenance facility on the illustrative site example, noting that the Hardy's owned the parcel and so they are not concerned with impacts on that adjacent parcel. She also pointed out the new entrance to Keswick Road and said the new facilities would be served by the existing onsite driveway.

Ms. Long next reviewed the water system, explaining that though there was enough capacity in the existing system to serve the inn and its expansion, they knew there was not enough capacity to serve the long-term needs of the undeveloped residential lots and have begun the process to expand the water system. She said this has been submitted to staff for review. She presented a slide with highlights of the traffic study results and noted that VDOT has confirmed that the expansion of the hall would not have any impact on the operation of the intersection, site distances have been confirmed to be adequate, and the use was off-peak with a very small number of trips generated by the project during peak hours. Addressing the fact that a number of crashes at the intersection has occurred during off-peak hours, she emphasized that a turn-lane analysis was not conducted during off-peak hours and all the crashes were not due to turning vehicles but were attributed to driver inattention in cases with vehicles that had collisions from the rear. She said that levels of service remain very high during peak hours and there was a de minimis amount of delay from 0.5 seconds to 0.7 seconds.

Ms. Long presented the legal standard set by the Supreme Court of Virginia in 1984: "To require the construction of off-site improvements, the need for those improvements must be substantially generated by the proposed development." She contended that the project was not generating a need for those improvements at all but was an existing safety condition. She noted that there would be economic development benefits as a result of the renovation with an estimated doubling of tax revenue and a large increase in the number of employees. She concluded and invited questions.

Mr. Heinz Gundlach addressed the Board. He said he has lived in Keswick Estates for 10 years and they are excited about the project and want to help. He requested that the Board not impose unnecessary requirements because while times are good now, they must be prepared for the future when they may not be so.

Ms. Larissa Cooper, a four-year resident of Keswick Estates, addressed the Board. She said that she and her husband support expansion of Keswick Hall. They have noticed a negative impact on quality of life since its closing. She recognized the efforts of the Hardy's, whose efforts would add to the well-being of Keswick Estates, the Keswick area, and the overall Charlottesville area. She thanked the Hardy's for their support and assistance with the water and well issues. She emphasized that the vitality of the hotel was not limited to its club members or residents but was also an important edifice for the entire Charlottesville area and Virginia communities. She expressed support for the plan to make Keswick Hall into a lovely, boutique hotel. Addressing Louisa Road (Route 22), she described this as a bucolic country road and said that to force the Hardy's to alter the road for approval of the project was unreasonable and unjust, especially since previous project phases have been approved in the past. She said that this was a VDOT project and VDOT has the resources and expertise to do this job, when and if it was necessary.

Mr. Peadar Little, a 36-year resident of Keswick, addressed the Board. He remarked that he passes through the intersection at least twice a day and his position was that he fully supports the applicant and wants to see Keswick continue to prosper. He urged caution to the Board to decouple the requirement to put turn lanes on Route 22 from this application. His view was that crashes occurred there as a result of railroad crossing gates that come down, leaving room for only three to four cars between the tracks and Route 22. He related that there have been times when he has had to pull into the wrong lane to avoid his car sticking out into the road. Mr. Little noted that a second cause of the crashes was large trailers that occupy all the space, and crashes have nothing to do with the Keswick Inn. He pointed out that there have been no attempts to install flashing lights, rumble strips, or other deterrent efforts from the Gordonsville side, which he described as being very twisty and narrow. He explained his final point, that widening Route 22 would diminish its rural aspect. The residents do not want to turn this road into a speedway.

Mr. Brian Campbell, a 15-year resident of Keswick Estates, addressed the Board. He said his career has been as a business consultant in the airline industry and currently represents the County on the Charlottesville-Albemarle Airport Commission. He said that he and his spouse fully support the expansion plan proposed by the Hardys without delay. He remarked that the expansion of the turn lane on Route 22 and the addition of a third west gate entrance have not presented credible evidence of need, and he would expect to see a cost-benefit analysis for these proposals. He said a study would include estimates of all costs and economic benefits to affected parties, including the County. He remarked that time was of the essence as the capital cost of the plan increases every day, and he urged the Board to approve the plan without delay.

Ms. Elizabeth Hyder, a 33-year County resident of Albemarle and 3-year resident of Keswick Estates, addressed the Board. She said she has been a member of Keswick Club for 23 years, has seen the reestablishment of the club by Bernard Ashley in the early 1990s, followed by the sale to Orient Express in 1999. She remarked that with each transfer of ownership comes the promise of many new and exciting changes, some which happened and some which did not. She said it appears to her that the Hardys are very serious about making this a top-rated club and hotel, and with the team of professionals they have assembled, the chance of this happening was very good. She said she hopes the Board would realize what a positive attribute the hall would be once it has been completed.

Mr. Jeff Holloway, an 8-year resident of Keswick Estates and prior Glenmore resident, addressed the Board. He said he echoes what his neighbors have said and that the Hardys have invested a significant amount of money in the facility, and the plans they have put forward would benefit both homeowners and the community by generating additional tax revenue and adding beauty to the County. He related that he routinely comes in on Route 22 or takes I-64 and has not witnessed any accidents on Route 22, though he does not question the results of the crash study. He said that when he travels north and turns right off Black Cat Road, the line of sight was much less for oncoming traffic from Gordonsville than at the intersection of Route 22 and Hunt Club Road. He said turn lanes would not add much value and would detract from the beauty of the road. He urged the Board to approve the proposal as it would add strategic value to the County in the long run.

Ms. Laura Spinelli, a 9-year resident of Keswick Estates, addressed the Board. She said she and her husband are physicians at Martha Jefferson Hospital, have 3 children, and have been very active club members. She said they have witnessed the evolution of the property over time and have learned about its history. She commented that recent owners have not made the investments or done basic maintenance, and when the Hardys took ownership they found an abundance of neglect and dilapidation and worked to fix the most pressing issues in a piecemeal fashion while creating a vision for what the club and hall would eventually become. She thanked the Hardys for ensuring adequate water supply for the hall and estate and for redoing the golf course as the first of many large investments to make Keswick Hall, a renowned destination and country club, which would benefit estate residents, hall guests, the Charlottesville community, and business owners as a whole. She said the hall has to be completely shut down as it becomes untenable to keep it running in its current state, and the Hardys are losing money as a result of the closure. She stated that this was painful, yet necessary, to secure the future and longevity of the club and hall and they do not know of any other people who would have the passion, courage, fortitude, and financial depth to take this on. She said they fully support the efforts of the Hardys as the club's success benefits them all. Addressing the issue of traffic on Route 22, she said they have never experienced issues turning in and out of Hunt Club Drive, even during the Keswick Horse Show when many vehicles used the road. She remarked that there are many routes to get to the hall, including I-64 and Keswick Road, and the entrance from Route 22 was beautiful and charming as it is. They fully support the project and ask that the Board do the same.

Mr. Steven Gunther, a 7-year resident of Keswick Estate, addressed the Board. He said he lives there with his wife and 2 boys and echoes what his neighbors have said, especially about the traffic. He remarked that as a husband and father, his biggest concern was safety. He asked how this road issue compares to other rural roads in the County where there is a side turn. He also asked how increased traffic would impact this situation. He said that during horse shows, big trucks and trailers come in – though they have not seen an increase in accidents, and he thinks the easiest thing to do was to slow down the traffic or put in blinking lights. He expressed support for the amendment.

Ms. Bea Kirtley, resident of Keswick Estate, addressed the Board. She asked audience members to raise their hand if they would like VDOT to pay for the Route 22 proposal and not the Hardys (several members of the audience raised their hands). She said it was interesting that the safety issues are not related to queuing and suggested the use of rumble strips and flashing lights to mitigate any problems. She said the burden of paying for road improvements should not be placed on the Hardys. She urged the Board to approve the application without further delay. She thanked the Board for its attention.

Ms. Long expressed appreciation for the comments and suggestions put forth by neighbors. Addressing staff comments that the increase in traffic generated by the Keswick expansion would result in an increase in crashes, she noted that there was contrary data. She said there was a year when the number of trips on Hunt Club Road through the intersection increased, though the number of crashes that year decreased.

Mr. Randolph speculated that it was during the year when Route 250 over the bridge was shut down.

Ms. Long stated that although Keswick Hall was closed, there were accidents there this year. She said they do not think this was a valid position, as VDOT has stated that the number of trips resulting from the project would be relatively small additions to the intersection. She explained that additional private land would have to be acquired to install turn lanes, and those owners are not interested in selling their land. She said the Hardys do not have condemnation authority so it would be impossible to install them. She reiterated that Keswick Road and the east entrance from the interstate and Black Cat Road are alternative entrances.

There being no one else to come forward, Ms. Mallek closed the public hearing.

Mr. Randolph asked where discharge from the water sewage treatment plant goes. Mr. Bruce Strickland, of the Timmons Group, explained that the wastewater treatment plant discharges into Carroll Creek, which then feeds into the James River.

Mr. Randolph asked for confirmation that Carroll Creek flows south underneath I-64. Mr. Strickland confirmed this.

Mr. Randolph recalled that a previous application had come before the Board that involved a service station that would use groundwater, and according to their hydrological studies, it would pull water that the County would like to see recharged.

Mr. Randolph asked for the date when the Hardys closed Keswick Hall to members of the public. Ms. Long replied that it was January 7, 2018.

Mr. Randolph asked if there was any evidence that any of the four accidents that occurred at the intersection occurred from January 1-7, 2018. Ms. Long responded that they do not have access to those traffic reports and she does not know about these. She speculated that a VDOT representative might have this information.

Mr. Randolph explained that his point was that any 2018 accidents could not be associated with Keswick Hall at that intersection. Ms. Long agreed, adding that the number of trips through the intersection has been reduced in 2018 because of the closure, yet there has been an increase in accidents to the point where there has already been more this year than in all of last year and in many of the prior years.

Mr. Randolph noted that the original site plan presented to the Planning Commission showed the fitness building and laundry building at the estate's southwest quadrant at a distance from the neighboring property, whereas the latest submission with a crescent-shaped building does not show any setbacks. He asked what they suggest as setbacks to the neighboring property lines with the proposed new site illustration. Ms. Long presented the illustrative plan and pointed out that the oval line represents the 100-foot stream buffer which they have shown to demonstrate that, regardless of where the buildings are located on the lopes, they would always stay out of the stream buffer.

Mr. Randolph clarified that he was trying to get at what the setback would be in regard to the positioning of the buildings from the property owner to the immediate south on Keswick Road. Ms. Long responded that it would be right on the line as they want to stay out of the stream buffer, though they are fortunate that the Hardys own the adjacent parcel, and they are planning to propose a very minor boundary adjustment and shift the line just enough that the building would meet the minimum setback requirements.

Ms. Nedostup clarified that they would be subject to rural area setbacks, which are 25 feet on the sides for structures and 35 feet for the rear. She said a parking setback was not required in the rural area.

Mr. Randolph asked if staff would be comfortable approving this with a boundary adjustment, given that they are the property owners. Ms. Nedostup stressed that another concern was that the spa and fitness center and parking area were extended all the way to the property line to the south, which the Hardys do not own.

Ms. Long presented drawings of the bubble plan and the illustrative plan, and she explained that the area was already being used as an employee parking lot and might be slightly upgraded and it likely represents the footprint of what the spa would be, though it has not yet been designed. She said they are trying to maintain some reasonable flexibility to allow the architects' and engineers' work to determine the best location and footprint for the buildings without having to come back and amend the plan. She said that the modified bubble plan would allow them to shift it back to the original location with screening between the tennis courts. Ms. Long stated that they want the flexibility to make modest adjustments, as necessary, but still committing to precise on the lopes of where the uses would be.

Mr. Randolph said that he did not know the Hardys owned the adjacent property. He said he assumes that Ms. Long would be comfortable with an additional statement, if the boundary line were moved or they agree to position the buildings at 25 feet. Ms. Nedostup clarified that this was standard and already required.

Mr. Randolph explained that he was trying to cover any loose ends he saw versus what the Planning Commission had confronted.

Mr. Kamptner interjected that they may want to consider a condition to deal with setbacks for the parking areas, which are otherwise not subject to them.

Mr. Randolph noted that there was a concern expressed in the staff comment section on the opening page about Villa Crawford: "Staff also has concerns about the future interpretation of this plan which could allow the existing buildings to be modified and even removed and rebuilt." He said Mr. Hardy had imparted his commitment to preserving Villa Crawford, though in creating flexibility there was a certain degree of ambiguity. He asked if there was an assurance, in writing, that would be appropriate to say that Villa Crawford would not be torn down during the remodeling/rebuilding process. Ms. Long responded that renovation of Villa Crawford and the existing hall was underway, which includes interior renovation of areas with asbestos as well as renovation of water damage. They plan to rebuild as close as possible to look like it already has; there are no plans to tear it down. She said they want the flexibility to carry out renovations to both the inside and outside of the buildings. She listed some new additions planned such as a staircase, HVAC containment area, and other minor areas, which she said are shown on a site plan that was currently being reviewed by County staff. She reiterated that Villa Crawford is shown for renovation, retention and preservation.

Ms. Palmer asked if the plan for the sewage treatment facility plan was being updated along with the water, and also asked for a demonstration on a map of the discharge location to Carroll Creek. Mr. Strickland responded that critical capacity was with water, and there was adequate capacity at the wastewater treatment plant for these special use permit amendment items. He pointed out the location of the sewage treatment plant and Carroll Creek.

Mr. Randolph noted that it flows on the east side of Rivanna Village and then down into Glenmore.

Ms. Palmer added that it flows into the Glenmore treatment plant and then into the Rivanna River.

Mr. Gallaway asked if they would be using the existing driveway at the maintenance and laundry spot. Ms. Long confirmed this and emphasized that the laundry facility uses golf cart-sized vehicles.

Mr. Gallaway said he was noticing the bubble plan versus specific buildings and understands why the applicant was doing this. He asked if staff was uncomfortable with this. Ms. Nedostup remarked that in rural areas, staff typically recommends commercial setbacks that are larger than required in the rural areas. She said that if this plan was approved, as long as the building and parking for that building was within the envelope and it meet the 25 feet or 35 feet Rural Area setback, they would have to approve it. Ms. Nedostup noted that she was bringing to the Board's attention that the setback could be a lesser standard than what was originally shown with the Planning Commission. She pointed out another parking area and said they could expand this up to the property line because there was not a setback for parking in the rural areas. She emphasized that zoning runs with the land.

Ms. Mallek invited Supervisors to share their thoughts about proposed Condition #2 regarding slip lanes and said it was not needed now since much has changed in the intervening years, including the reduction in the units.

Mr. Randolph remarked that he and Mr. Dill are in complete agreement that it was appropriate to waive Condition #2.

Ms. McKeel and Ms. Palmer concurred.

Mr. Gallaway said he agree but the whole matter raises other questions beyond this application that he would raise at another point.

Mr. Randolph proposed that they add two things to the conditions that were agreed to. He said he thinks they should insert a condition to provide adequate setbacks for parking and identifying them. He said staff needs a better handle as to where parking may be and what the required setbacks would be. He said they would then have 8 conditions. Mr. Randolph's second suggestion was that for Condition #9 they would have Keswick Hall take all reasonable measures to advise guests to utilize Keswick Road for access and egress rather than utilizing Route 744, exiting on the east exit to minimize cross traffic within the community. He said this would minimize outsiders driving too fast and establish a means of egress and ingress on Keswick Road where there was an inadequate line of sight. He noted that paving would commence within days for the north side to make the road completely paved in both directions.

Mr. Kamptner asked Mr. Randolph to state the proposed Condition #9.

Mr. Randolph read his proposed language: "Keswick Hall would take all reasonable measures to advise guests to utilize Keswick Road to access and exit Keswick Hall, rather than Route 744 (Hunt Club Road)." He also suggested that VDOT install signage along the road that indicates it was for local use only. Mr. Randolph said they all recognize that the line of sight along the road could be problematic for those entering off of Hunt Club Road. He emphasized that having newcomers on the road would invite problems in the future. He described the condition as "mild" and encourages the owners of the property to advise their guests on how to avoid a problematic intersection.

Mr. Gallaway asked if the condition that requires all reasonable measures was appropriate. Mr. Kamptner replied that this addresses traffic impacts by dispersing the traffic.

Ms. McKeel said it was her understanding that this was a suggestion.

Mr. Gallaway said he understands it, but he was uncomfortable putting it in as a condition.

Ms. McKeel concurred and suggested that they get the message out without requiring it as a condition.

Mr. Gallaway said it seems that the community supports the property and the property was being cared for. A specific parking requirement with a setback was a clear condition, but he is uncomfortable with putting something in a written condition that is more subjective or qualitative.

Ms. Mallek asked Ms. Nedostup if new parking areas would have screening requirements. Ms. Nedostup confirmed this.

Ms. Long said they share some of the concern about the vague nature of the proposed condition. She noted that the directions to Keswick Hall provided on the website have been updated. She said the previous signs instructed guests to turn right on to Hunt Club. She said that once the hotel was running again and could accommodate guests, they could instruct guests checking out of the hotel that the best route was to turn left out of the gate on to Keswick Road and to proceed to Route 250.

Mr. Randolph remarked that part of his concern was that there have been changes of ownership, and the hotel industry was sometimes subject to the whims of the economy and changes in priorities for hotel owners. He wants to make sure there is something in the conditions permanently given the Commission's concerns about the intersection. He asked Mr. Kamptner if it would be possible to include a condition so that a future owner of the facility would know the expectation was and they would impart information about the preferred route and exit to take to ensure safety.

Ms. Mallek wondered if reasonable phrasing could include the sentence: "The primary access shall be off Keswick Road. "

Ms. Long said she was thinking they could list examples of the measures they have discussed and take all reasonable measures to advise guests to take Keswick Road, rather than Route 22, such as providing written directions on the website and directing guests in written and verbal communication at check-in and check-out to use alternate routes. The applicants would be comfortable with those suggestions.

Mr. Kamptner remarked that an example he has found was a special permit condition for events at Castle Hill Cidery that provided that "all departing traffic shall be directed to go eastward on Turkey Sag Road except for those vehicles whose occupants reside westward on Turkey Sag Road." He recalled that Google Maps, which directed people coming from the north to take Turkey Sag Road from Route 20, had to be corrected.

Mr. Randolph recalled that the case arose in 2012 and Pam Moran spoke to the Commission on the issue.

Mr. Kamptner asked where they would be comfortable with this condition. Ms. Long replied that they would be comfortable with something similar to what Mr. Kamptner suggested; that the owners shall take reasonable measures to direct guests to leave Keswick Hall via Keswick Road as the primary access.

Mr. Kamptner asked if the Board was willing to proceed with the June 11 conceptual plan presented, with the bubble, which changes Condition #1. He stated that there are two approaches they could take: the first would be to go with the first sentence but change "general accord" to "accord" in the

first line; the second option was to retain "general accord" and modify the second sentence to read something such as "to be in general accord with the Conceptual Plan development and uses shall be within the blocks as designated in the Conceptual Plan and as described in the narrative." He asked the applicant if the narrative was still consistent with the June 11, 2018 Conceptual Plan.

Ms. Mallek remarked that she always prefers the simpler option, which was the first.

Mr. Kamptner acknowledged that Ms. Nedostup was nodding her head and offered to retain the first sentence and strike the word "general" in general accord.

Ms. Mallek remarked that this wipes out the need for the second sentence.

Mr. Kamptner agreed with this, along with the subsets and the minor modification language.

Mr. Kamptner suggested language for Condition #8, which deals with parking setbacks: "All parking areas established or expanded after July 11, 2018 shall comply with the setbacks applicable to commercial uses abutting rural areas parcels as provided in County Code Section 18-4.20 Sub-Section A." He said this would address staff's issue and apply the 50-foot commercial setbacks for the side, 35 feet for the rear, and 20 feet for parking.

Ms. Mallek interjected that it should also have a requirement for landscaping.

Mr. Kamptner said they would need to hear from the applicant on that issue. He said that if they just made the rural area setback applicable to parking, it would be a few feet deeper at 25 feet and 35 feet, instead of commercial that addresses parking.

Ms. Nedostup said the Rural Area addresses structures but not parking.

Mr. Kamptner said they would have a condition that just address parking and uses the rural areas rear and side standard of 25 feet and 35 feet, for new or expanded parking areas.

Ms. Long asked if these would be the front parking setbacks. Ms. Nedostup replied that the front setback in rural areas was 25 feet.

Ms. Long remarked that they could meet that, and she wants to make sure there was not a 75-foot setback for buildings.

Ms. Nedostup clarified that the 25 feet was from internal streets, while the external was 75 feet. She added that she does not know if 75 feet would matter for those along Keswick Road.

Ms. Long said they could do 25 feet from Keswick Road and noted that they have already had to remove two spaces from the parking area in the site plan application to meet the 25-foot setback. She said they are improving it to make more spaces, but it was the extent of the current boundaries as well. Ms. Long pointed to the area on the illustrative site map and emphasized that they want to make sure the laundry building could fit between the stream buffer and still allow room to adjust the boundary. She pointed to an area where she said they expect the spa to be and remarked that its location was undetermined, and they are trying to provide for flexibility. She said they would not extend to the property line, there would be some landscaping and natural features, and the parking lot already exists.

Mr. Kamptner interjected that the parking lot could be expanded and asked if 25 feet would work for new or expanded.

Ms. Long agreed to 25 feet all around.

Ms. Mallek surveyed the Board for consensus with what has been suggested. Board members concurred.

Mr. Kamptner offered to go through the item again. He said Condition #1 would have the first sentence revised with the word "general" struck, Condition #2 would be deleted, existing conditions would be renumbered, and Condition #8 would be worded as follows: "All parking areas established or expanded after July 11, 2018 shall comply with a 25-foot setback," and Condition #9 would state: "Applicant shall direct all guests to leave Keswick Hall via Keswick Road as the primary access."

Mr. McDermott remarked that they would want to define this as Keswick Road south. He said the Keswick School for special needs have facilities on both sides, children cross the road to the north on Keswick Road, so they would not want to direct traffic north to Route 22, and Keswick Road south to Route 250 would be better.

Ms. Mallek suggested that they say, "primary access shall be Keswick Road north to the entrance."

Mr. McDermott suggested that "Route 250 to Keswick Road" would suffice.

Mr. Gallaway proposed they replace "all reasonable measures" with "shall."

Mr. Randolph said he was not comfortable with "shall." He remarked that Little Keswick School has always had concerns with thru traffic and after Keswick Road was resurfaced, they would probably need a pedestrian crossway with white markings and flashing lights since traffic speeds would increase. He emphasized that the road would be used as a cut-through for a lot of people, not just those going to the estate or hall. He added that he is uncomfortable with use of the word "shall". Mr. Randolph stressed that they are trying to solve a problem because of another problem, and they should treat them as separate problems, and VDOT would need to address a safe pedestrian crossing. He said that GPS would direct people going to Washington, D.C. to go north. He suggested that they address this as a separate problem needing the attention of the County and VDOT.

Ms. Mallek said the primary entrance to Keswick Hall should be off of Keswick Road.

Mr. Kamptner asked Mr. Randolph if he was speaking about the reasonable measures.

Mr. Randolph confirmed that he was speaking about reasonable measures that motorists would get on Keswick Road to go north or south and be deterred to stay off of Route 744.

Mr. Gallaway expressed agreement with the applicant that it must be clear what they are being held accountable for.

Ms. Long said there are longtime club members and frequent guests who live in the Richmond area and places to the east who use the Black Cat Road entrance, and she wants to make sure this was not precluded if the Board stated that Keswick Road was the primary access.

Ms. Palmer asked Ms. Long for confirmation that she would accept Keswick Road as the primary entrance. Ms. Long replied that she thinks this works as long as it is not exclusive.

Mr. Kamptner read his revision to Condition #9: "Keswick Road shall be the primary access."

Ms. Nedostup asked if they were good with the generalization of the inn and Villa Crawford. Mr. Gallaway remarked that this gives flexibility to the owner or a future owner to work within the bubble or envelope.

Mr. Randolph then **moved** that the Board adopt the proposed resolution to approve SP 2018-00001 Keswick Hall and Golf Club Resolution as presented and revised. The motion was **seconded** by Ms. Mallek.

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

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Mr. Randolph.

NAYS: None.

ABSENT: Mr. Dill.

Ms. McKeel commented that rumble strips work beautifully on Garth Road where they have issues with distracted drivers and she encouraged VDOT to use at Keswick.

Ms. Mallek added that rumble strips work very well in Earlysville also.

RESOLUTION TO APPROVE SP 2018-01 KESWICK HALL AND GOLF CLUB

WHEREAS, the Owner of Keswick Hall filed an application to amend a previously-approved special use permit (SP 200800042) for Tax Map Parcels 08000-00-00-008Z0, 08000-00-00-060A0, and 08000-00-00-00900 to relocate and expand the spa and fitness center, add a pool bar, expand the energy plant, add a new maintenance and laundry building, relocate the existing restaurant to a stand-alone building, and add a wing to the existing inn for 38 additional rooms, as well as make site changes to the parking and circulation, and the application is identified as Special Use Permit 2018-00001 Keswick Hall and Golf Club ("SP 2018-01"); and

WHEREAS, on May 22, 2018, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2018-01 with conditions recommended by staff, and recommended minor changes to the Conceptual Plan; and

WHEREAS, subsequent to the Planning Commission meeting, the Applicant submitted an updated Conceptual Plan dated June 11, 2018 that partially addressed the Planning Commission's recommendation about changes to the Conceptual Plan, however, the updated Conceptual Plan contained additional changes that were not considered by the Planning Commission; and

WHEREAS, on July 11, 2018, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2018-01.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2018-01 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code § 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2018-01, subject to the conditions attached hereto, including

Condition #1, which references the Conceptual Plan dated June 11, 2018 and the Narrative dated January 16, 2018, updated June 11, 2018.

* * * * *

SP-2018-00001 Keswick Hall and Golf Club Conditions

1. Development and use shall be in accord with the conceptual plan titled "Keswick Hall & Golf Club Special-Use Permit Plan" prepared by Hart Howerton and dated June 11, 2018 (hereafter "Conceptual Plan"), and narrative titled "Keswick Hall and Golf Club Project Narrative" (hereafter "Narrative"), dated January 16, 2018, updated June 11, 2018, as determined by the Director of Planning and the Zoning Administrator.
2. The restaurant, tavern, and inn and accessory uses shall not consume water in excess of existing permitted capacity of the existing water system (76,000 gallons per day) and sewage system (60,000 gallons per day). If the central water or sewerage system must be expanded to meet existing or future demand for residential users, the applicant shall seek and obtain all necessary approvals for expanding the system from the Virginia Department of Health, the Virginia Department of Environmental Quality, and the Albemarle County Board of Supervisors. Any expansion of the central water or sewerage system to meet existing or future demand for residential uses shall be solely for the use of residential users.
3. The applicant shall seek and obtain all necessary approvals by the Virginia Department of Health and Albemarle County Fire Rescue Department for a water system improvement to support dedicated internal fire protection as described in the "Water and Wastewater Facilities Plan 2017 Update for Keswick Hall & Golf Club" prepared by Timmons Group dated December 1, 2017 and revised March 19, 2018 (hereinafter the "2017 Water/Wastewater Plan") before a building permit for the proposed improvements described in Phase 1A of the 2017 Water/Wastewater Plan may be issued. No certificates of occupancy for the improvements in Phase 1A shall be issued prior to the completion of the aforementioned water system improvement.
4. The applicant shall seek and obtain all necessary approvals by the Albemarle County Board of Supervisors for a water system improvement to support expanded permitted capacity of the water distribution system as described in the 2017 Water/Wastewater Plan before any building permit for the proposed improvements described in Phase 1A of the aforementioned plan may be issued. No certificates of occupancy for the improvements in Phase 1A shall be issued prior to the approval of the Virginia Department of Health, the Virginia Department of Environmental Quality, Albemarle County Fire Rescue Department, and completion of the aforementioned water system improvement.
5. No unplatted property shall be subdivided and no approved subdivision plat shall be recorded unless the applicant demonstrates to the satisfaction of the Planning Director and County Engineer that the existing central water system permitted and approved by the Virginia Department of Health, or as such permit is amended or such subsequent permit approved by the Virginia Department of Health, Division of Water Supply Engineering and the Board of Supervisors, is available and adequate to serve all of said lots, as well as all existing improvements, associated uses, and platted lots, without compromising on-site and adjacent off-site well water supplies. Nothing herein shall guarantee approval of such amendment or permit. In making this demonstration, the application shall use test procedures approved by the Virginia Department of Health and the County Engineer.
6. Except for any restaurant and spa on the property open to the general public, Keswick Hall and its associated facilities shall be used only by the guests of the inn and their invitees, and members of the Keswick Country Club and their invitees.
7. In the event that the use, structure or activity for which this special use permit is issued is not commenced on or before July 11, 2020, it shall be deemed abandoned and the permit terminated. The term "commenced" means "construction of any structure necessary to the use of the permit".
8. All parking areas established or expanded after July 11, 2018 shall comply with a minimum 25-foot setback.
9. Keswick Road shall be the primary access.

Recess. At 8:57 p.m., the Board recessed and reconvened at 9:10 p.m.

Agenda Item No. 18. From the Board: Committee Reports and Matters Not Listed on the Agenda.

There were none.

Item No. 18a. Board of Supervisors Operating Guidelines for High Quality Governance, Guideline #7.

Ms. Palmer asked that they work carefully to ensure a unified voice when dealing with other jurisdictions or units of government, including both the Board and County Executive. She said she was appreciative that votes were not considered and she has thought about this after receiving some emails. She said she wrote down the two ways of interpreting #7, which she would read for the record and send by email, after which the Board could hold a discussion, if it so chose. She stated that Option 1 was the way she would interpret #7 and read the language: "When dealing with jurisdictions or units of government regarding a matter that has been the subject of a vote of the Board, and when the vote on the matter was not unanimous, they ensure they acknowledge lack of unanimity in the vote in the interest of openness and fair dealing and encourage contact with Board members with minority views, while confirming that the majority vote constitutes the position of Albemarle County, thereby allowing the Board to speak with one, unified voice with respect to both majority and minority views."

Ms. Palmer stated that Option 2 would be how she was hoping they would not interpret this and read the language: "When dealing with jurisdictions or units of government regarding a matter that has been the subject of a vote of the Board, and when the vote on the matter was not unanimous, they ensure that Board members who voted in the minority defer to members of the majority for any and all necessary contact, communication, or negotiation with another jurisdiction or unit of government and withhold any further statement or communication of minority views from other jurisdiction or unit of government, the media, the public, and constituents to ensure that the County may speak with a unified voice of the majority of Board members." She reiterated that she would email this language to Board members.

Mr. Richardson commented that these guidelines would come before the Board on August 1, 2018 for a vote. He explained that they have scheduled this date, as Mr. Dill will have returned from his trip and the full Board would be present and in the interim they would have the opportunity to consider Ms. Palmer's proposed amendments.

Agenda Item No. 19. From the County Executive: Report on Matters Not Listed on the Agenda.

There were none.

Agenda Item No. 20. Closed Meeting. *(if needed)*

There was no need for an additional Closed Meeting.

Agenda Item No. 21. Adjourn.

At 9:15 p.m., with no further business to come before the Board, Ms. Mallek adjourned the meeting to July 18, 2018, 3:30 p.m.

Chairman

Approved by Board
Date 05/01/2019
Initials CKB