

<p style="text-align: center;">ACTIONS Board of Supervisors Meeting of August 1, 2018</p>		
		August 2, 2018
<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>VIDEO</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 1:04 p.m., by the Chair, Ms. Mallek. All BOS members present with the exception of Mr. Dill. Also present were Jeff Richardson, John Blair, Claudette Borgersen and Travis Morris. 		
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> By a vote of 5:0 (Dill absent), ADOPTED the final agenda. 		
<p>5. Brief Announcements by Board Members.</p> <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> Announced the Ivy Transfer Station ribbon cutting ceremony on August 23, 2018. Reminded McIntire Recycling center users be mindful and not cross contaminate recycling donations. <p><u>Rick Randolph:</u></p> <ul style="list-style-type: none"> Reported on his attendance at the third charrette held in Southwood. Reported on his attendance of the Virginia Association of Planning District Commissions summer conference. Announced he was elected first vice president of the Virginia Association of Planning District Commissions. <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> Mentioned the presentation made by John Martin, Southeastern Institute of Research, at the RTP (Regional Transit Partnership) retreat. Announced that the Virginia History teacher of the year is Dr. Rusty Carlock, who worked on the murals on Georgetown and Hydraulic Roads. <p><u>Ned Gallaway</u></p> <ul style="list-style-type: none"> Reported on his attendance at the Albemarle County Fair. Announced an open house for the Rio 29 Small Area Plan on August 9, 2018 from 6:00 p.m. – 8:00 p.m. at the North Side Library. Reported his attendance of the Charlottesville-Albemarle Metropolitan Planning Organization (MPO) meeting at their new location at the Charlottesville Albemarle Airport. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Acknowledged the loss of Dr. Lincoln Brower, biologist, professor and expert on the Monarch Butterfly; and the loss of VL (Virgil Lee) James, Jr., who had been an active member of the Crozet Volunteer Fire Company since 1956. Informed the Board that she will provide information to them regarding the NACo Conference she attended. 		

[Link to video](#)

6.	<p>Proclamations and Recognitions:</p> <p>a. Proclamation Recognizing August 26, 2018 as Women's Equality Day.</p> <ul style="list-style-type: none"> By a vote of 5:0 (Dill absent), ADOPTED proclamation and presented to Charlotte Gibson. <p>b. Resolution in Support of Ratification by Virginia of the Equal Rights Amendment to the United States Constitution.</p> <ul style="list-style-type: none"> By a vote of 5:0 (Dill absent), ADOPTED resolution and presented to Charlotte Gibson. <p>c. Digital Counties Survey Award.</p> <ul style="list-style-type: none"> Presented award to Mike Culp. <p>d. Resolution of Appreciation for Elaine Echols.</p> <ul style="list-style-type: none"> By a vote of 5:0 (Dill absent), ADOPTED Resolution and presented to Elaine Echols. 	<p>(Attachment 1)</p> <p>(Attachment 2)</p> <p>(Attachment 3)</p>	
7.	<p>From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <u>Gary Grant</u>, spoke on Albemarle County's Residential Burn Laws. <u>The following individuals spoke on agenda item #12, Thru-Truck Restrictions for Miller School Road and Owensville Road:</u> <ul style="list-style-type: none"> <u>Mike Drude</u> <u>Sam Speedy</u> <u>Alex Struminger</u> 		
8.2	<p>FY 2018 Appropriations.</p> <ul style="list-style-type: none"> ADOPTED Resolution to approve appropriation #2018097 for local government division projects and programs. 	<p><u>Clerk</u>: Forward copy of signed resolution to OMB and County Attorney's office. (Attachment 4)</p>	
8.3	<p>Use of FY 19 Reserve for Contingencies.</p> <ul style="list-style-type: none"> APPROVED, a Project Coordinator in the Department of Facilities and Environmental Services, Trail Crew Technician in the Department of Parks and Recreation, and an increase of a part-time administrative position to full-time in the County Executive's Office. 		
8.4	<p>FY 19 - FY 23 Capital Improvement Program.</p> <ul style="list-style-type: none"> APPROVED, the FY 19 - FY 23 Capital Improvement Plan (CIP) as described. 	<p><u>OMB</u>: Proceed as approved.</p>	
8.5	<p>Housing Principal Planner Position.</p> <ul style="list-style-type: none"> AUTHORIZED, Community Development to increase its staffing level by one housing planner position for the remainder of FY19. 	<p><u>Clerk</u>: Schedule appropriation on September agenda.</p>	
8.6	<p>Albemarle-Jouett-Greer Safe Ride to School Pedestrian/Bike Improvements.</p> <ul style="list-style-type: none"> ADOPTED, Resolution approving the Albemarle Jouett Greer School Safe Ride to School (SRST) Pedestrian-Bike Improvements Project Administration Agreement. 	<p><u>Clerk</u>: Forward copy of signed resolution to Facilities and Environmental Services and County Attorney's office. (Attachment 5)</p> <p><u>County Attorney</u>: Provide Clerk with fully executed copy of agreement. (Attachment 6)</p>	
8.7	<p>Cale Elementary School Safe Ride to School Pedestrian-Bike Improvements.</p> <ul style="list-style-type: none"> ADOPTED, Resolution approving the Cale Elementary School SRTS Pedestrian-Bike Improvements Project Administration Agreement. 	<p><u>Clerk</u>: Forward copy of signed resolution to Facilities and Environmental Services and County Attorney's office. (Attachment 7)</p> <p><u>County Attorney</u>: Provide Clerk with fully executed copy of agreement. (Attachment 8)</p>	

8.7a	<p>Authorizing the Edward Byrne Justice Assistance Grant.</p> <ul style="list-style-type: none"> • ADOPTED, Resolution authorizing the Chair to sign Certifications and Assurances for the Edward Byrne JAG Program, once approved by the County Attorney. 	<p><u>Clerk</u>: Forward copy of signed resolution to OMB and County Attorney's office. (Attachment 9)</p>	
8.8	<p>Cancel August 8, 2018, Regular Night Meeting.</p> <ul style="list-style-type: none"> • CANCELLED, August 8, 2018, Regular Night Meeting. 	<p><u>Clerk</u>: Notify appropriate individuals.</p>	
9.	<p>Briefing on Preparations for Weekend of August 10-12.</p> <ul style="list-style-type: none"> • RECEIVED. 		
10.	<p>Joint Charlottesville/Albemarle Agency Budget Review Team (ABRT) Process.</p> <ul style="list-style-type: none"> • DIRECTED staff to bring more information to the Board at the August 8, 2018 meeting. 	<p><u>Clerk</u>: Schedule on August 8 agenda.</p> <p><u>OMB</u>: Proceed as directed.</p>	
11.	<p>Department of Social Services (DSS) requests for New Eligibility Worker Positions:</p> <ol style="list-style-type: none"> Department of Social Services Request for New Positions for Medicaid Expansion. <ul style="list-style-type: none"> • By a vote of 5:0 (Dill absent), APPROVED the hiring of three additional positions in FY19 to meet the demands of Medicaid Expansion, which is beginning January 1, 2019. <ol style="list-style-type: none"> Social Services Request for New Positions for the UVA Medicaid Unit. <ul style="list-style-type: none"> • By a vote of 5:0 (Dill absent), APPROVED the hiring of three additional positions for the UVA Medicaid unit in FY19 to meet the demands of Medicaid Expansion, which is beginning January 1, 2019. 	<p><u>Social Services</u>: Proceed as authorized.</p>	
12.	<p>Thru-Truck Restrictions for Miller School Road and Owensville Road.</p> <ul style="list-style-type: none"> • By a vote of 5:0 (Dill absent), AUTHORIZED a public hearing on October 10, 2018 to consider Resolutions requesting the Commonwealth Transportation Board to approve Through Truck Restrictions on Miller School Road (Route 635). • By a vote of 5:0 (Dill absent), AUTHORIZED a public hearing on October 10, 2018 to consider Resolutions requested the Commonwealth Transportation Board to approve Through Truck Restrictions on Owensville Road (Route 678). 	<p><u>Clerk</u>: Schedule on October 10, 2018 agenda and advertise in Daily Progress.</p>	
13.	<p>Closed Meeting.</p> <ul style="list-style-type: none"> • At 4:14 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia: • Under Subsection (19), to receive information pertaining to operations, procedures, tactical planning, security plans and measures, and personnel deployments for the events expected to be held the weekend of August 10-12 related to the anniversary of last year's Unite the Right event, where discussion in an open meeting would jeopardize the safety of any person or the safety of County facilities and buildings. • 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.	
14.	<p>Certify Closed Meeting.</p> <ul style="list-style-type: none"> At 6:06 p.m., the Board reconvened into open meeting and certified the closed meeting. 	
23.	<p>From the County Executive: Report on Matters Not Listed on the Agenda. Moved to earlier on the agenda.</p> <p><u>Jeff Richardson:</u></p> <ul style="list-style-type: none"> Provided update on the court negotiations between the City and County. 	
15.	<p>From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> There were none. 	
16.	<p>Appeal: SDP201800027-Verizon-Frys Spring Tier II (5th Street Station).</p> <ul style="list-style-type: none"> By a vote of 3:2 (Mallek/Palmer) (Dill absent), APPROVED the appeal of staff's decision regarding SDP 2018-00027 Verizon Frys Spring Tier II (5th Street Station), with a condition indicating that this was an exception and not in any way a precedent due to several demarcating factors: 1) It was a commercial location; 2) It was sited along an interstate; 3) It had minimal visibility on entrance corridors and surrounding property, both residential and commercial; and 4) The reference tree would be preserved and if it was cut down the tower must be removed. 	
17.	<p><u>FY 19 Budget Amendment and Appropriations.</u></p> <ul style="list-style-type: none"> By a vote of 5:0 (Dill absent), ADOPTED resolution to approve appropriations #2019011, #2019012, #2019013, #2019014, #2019015, #2019016, #2019017, #2019018, #2019019, #2019020 and #2019021 for local government and school projects and programs. 	<p><u>Clerk:</u> Forward copy of signed resolutions to OMB and County Attorney's office. (Attachments 10)</p>
18.	<p><u>Pb. Hrg: Ordinance Amendment - Administration; Elections; Jack Jouett Magisterial District; University Hall Precinct - Change of Precinct Name and Polling Place Location.</u></p> <ul style="list-style-type: none"> By a vote of 5:0 (Dill absent), ADOPTED Ordinance. 	<p><u>Clerk:</u> Forward copy of signed ordinance to Registrar's and County Attorney's office. (Attachment 11)</p>
19.	<p><u>Pb. Hrg: ZMA201700010 Boar's Head Connector Road (Sign # 53).</u></p> <ul style="list-style-type: none"> By a vote of 5:0 (Dill absent), ADOPTED ordinance with proffers dated July 18, 2018. 	<p><u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 12)</p>
20.	<p><u>Pb. Hrg: SP201700032 UVA Outdoor Tennis Facility.</u></p> <ul style="list-style-type: none"> By a vote of 5:0 (Dill absent), ADOPTED Resolution to approve SP201700032 with conditions. By a vote of 5:0 (Dill absent), ADOPTED Resolution to approve the Special Exception with conditions. 	<p><u>Clerk:</u> Forward copy of signed resolutions to Community Development and County Attorney's office. (Attachments 13 and 14)</p>
21.	<p><u>Pb. Hrg: ZMA201700007 - Hogwaller Farm.</u></p> <ul style="list-style-type: none"> By a vote of 5:0 (Dill absent), ADOPTED ordinance to approve ZMA201700007 with proffers indicating that the maximum square foot of the sheds is 600 sq. ft., and the parking lot will be gravel. 	<p><u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 15)</p>
22.	From the Board: Committee Reports and Matters	

	<p>Not Listed on the Agenda.</p> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Mentioned she would like to have a discussion on the safer chemical policy. <p><u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> Inquired about when the residential burning policy would come before the Board. <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> Mentioned revisiting the Ivy Creek Natural area turn lane. 		
23.	<p>From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> Announced that the County has launched the Community Remembrance Project webpage. Provided update on the CACVB Executive Committee. 		
25.	<p>Adjourn to August 7, 2018, 3:00 p.m., Room 241.</p> <ul style="list-style-type: none"> The meeting was adjourned at 9:02 p.m. 		

ckb/tom

Attachment 1 – Proclamation Recognizing Women's Equality Day.

Attachment 2 – Resolution in Support of Ratification by Virginia of the Equal Rights Amendment to the United States Constitution.

Attachment 3 – Resolution of Appreciation for Elaine Echols.

Attachment 4 – Resolution to Approve Additional FY 18 Appropriation.

Attachment 5 – Resolution Approving a Project Administration Agreement for the Albemarle Jouett Greer SRTS Pedestrian-Bike Improvements.

Attachment 6 – Standard Project Administration Agreement (Jouett Greer)

Attachment 7 – Resolution Approving a Project Administration Agreement for the Cale Elementary School SRTS Pedestrian-Bike Improvements.

Attachment 8 – Standard Project Administration Agreement (Cale)

Attachment 9 – Resolution to Authorize Byrne Justice Assistance Grants

Attachment 10 – Resolution to Approve Additional FY 19 Appropriations.

Attachment 11 – Ordinance No. 18-2(4).

Attachment 12 – Ordinance No. 18-A(4) ZMA 2017-10 Boar's Head Connector Road.

Attachment 13 – Resolution to Approve Special Exception for SP 2017-32 UVA Outdoor Tennis, Permanent Connector Road, And Birdwood Golf Course Addition

Attachment 14 – Resolution to Approve SP 2017-32 UVA Outdoor Tennis, Permanent Connector Road, and Birdwood Golf Course Addition

Attachment 15 – Ordinance No. 18-A(5) ZMA 2017-07 Hogwaller Farm

PROCLAMATION

WHEREAS, this is the 98th Anniversary of the Nineteenth Amendment to the U.S. Constitution giving women the right to vote in 1920; and

WHEREAS, in 1848, 170 years ago in Seneca Falls, the need was recognized and proclaimed, but after great effort there is still more work to be done to ensure reliable protection in the U.S. Constitution for women against sex discrimination in general; and

WHEREAS, in many other ways the tasks of providing equal opportunities to women and men, and the tasks of removing burdens which fall unjustly on women as compared with men remain uncompleted.

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

August 26, 2018,

as

WOMEN'S EQUALITY DAY

in remembrance of all those women and men who have worked to develop a more equitable community, which acknowledges both the real similarities and the important differences between women and men, with liberty and justice for all.

Signed this 1st day of August, 2018.

**Resolution in Support of Ratification by Virginia of the Equal Rights Amendment
to the United States Constitution**

WHEREAS, the United States Constitution does not explicitly guarantee equal rights and equal protection for the sexes and the 14th Amendment to the United States Constitution and state constitutional statements of equality generally do not provide the strict scrutiny for sex-based classifications that is provided for classifications based on race, religion, and national origin; and

WHEREAS, state laws are not uniform and federal laws are not comprehensive, and these laws can be repealed or reduced, and the people of the United States continue to experience the negative effects of lack of political parity between men and women, workplace discrimination, health care inequities, disparate rates of poverty, rape and domestic violence assaults;

WHEREAS, the Equal Rights Amendment (ERA) provides that "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex" and the Amendment would help ensure women and men have the same constitutional protections; and

WHEREAS, the ERA was passed by Congress in 1972, and has been ratified by 37 states, the most recent being Nevada in 2017 and Illinois in 2018 and the time limit for the ERA appears only in the preamble and Congress presently is considering a bill that removes the time limit for ratification of the ERA; and

WHEREAS, for 47 years, the Virginia State Constitution has sought to protect Virginians from discrimination by the Commonwealth on the basis of sex;

NOW, THEREFORE, BE IT RESOLVED that we, the Albemarle County Board of Supervisors, support the ratification of the Equal Rights Amendment; and

BE IT FURTHER RESOLVED, that we, the Albemarle County Board of Supervisors urge the General Assembly of the Commonwealth of Virginia to ratify the ERA to the U.S. Constitution, as proposed by Congress on March 22, 1972, during the 2019 legislative session.

Signed this 1st day of August, 2018.

**Proclamation
Resolution of Appreciation for Elaine Echols**

WHEREAS, Elaine Echols has faithfully served the County of Albemarle over the last 21 years in multiple roles, including Chief of Planning, providing professional services, mentorship, and leadership on planning issues and promoting a proactive community planning effort that involves all stakeholders in a consensus building process and ensures that new development reflects the community's vision; and

WHEREAS, Elaine's leadership assured the success of the County's first *citizen-owned* master plan in Crozet, demonstrating that outreach and citizen participation could significantly improve community satisfaction and ownership while providing a framework that has guided development since 2004; and her leadership in supporting the Development Areas Initiative Steering Committee (DISC) led to the development of the Neighborhood Model, which received an honor award in design from the American Institute of Architects in 2002; and

WHEREAS, Elaine has contributed to every master plan completed over the last 15 years and supported the County's 2015 Comprehensive Plan through more than 70 public meetings and countless hours of work; and

WHEREAS, Elaine has proven herself a consummate planning professional by being recognized as a Fellow of the American Planning Association (APA), having her work awarded the 2018 Citizen Planner of the Year by the Virginia APA, and her many other contributions to the planning profession; and

WHEREAS, Elaine has diligently worked to advance good planning practices throughout the Commonwealth, including serving as an adjunct planning instructor for both Virginia Tech and the University of Virginia;

NOW, THEREFORE, BE IT RESOLVED, by the Albemarle County Board of Supervisors that Elaine K. Echols is hereby honored and commended for her many years of exceptional service to the County of Albemarle, the Department of Community Development, Albemarle County residents, the broader community in which we live, and the entire Commonwealth of Virginia with knowledge that Albemarle County is strengthened and distinguished by Elaine's leadership, dedication, commitment, professionalism and compassion in meeting community needs.

Signed this 1st day of August, 2018

**RESOLUTION TO APPROVE
ADDITIONAL FY 18 APPROPRIATION**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriation #2018097 is approved; and
- 2) That the appropriation referenced in Paragraph #1, above, is subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2018.

**RESOLUTION APPROVING A
PROJECT ADMINISTRATION AGREEMENT FOR THE
ALBEMARLE JOUETT GREER SRTS PEDESTRIAN-BIKE IMPROVEMENTS**

WHEREAS, the Board finds that is in the best interest of the County to enter into an agreement with the Virginia Department of Transportation for the completion of the Albemarle Jouett Greer SRTS Pedestrian-Bike Improvements.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the Standard Project Administration Agreement for the Albemarle Jouett Greer SRTS Pedestrian-Bike Improvements (Project Number EN 18-002-975; UPC 113507), and authorizes the County Executive to execute the Agreement on behalf of the County after its approval as to form and substance by the County Attorney.

STANDARD PROJECT ADMINISTRATION AGREEMENT
Federal-aid Projects

Project Number	UPC	Local Government
EN18-002-975	113507	Albemarle County

THIS AGREEMENT, made and executed in triplicate this ____ day of _____, 2018, by and between the County of Albemarle, Virginia, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT.

WHEREAS, the LOCALITY has expressed its desire to administer the work described in Appendix A, and such work for each improvement shown is hereinafter referred to as the Project; and

WHEREAS, the funds shown in Appendix A have been allocated to finance each Project; and

WHEREAS, the LOCALITY is committed to the development and delivery of each Project described in Appendix A in an expeditious manner; and;

WHEREAS, both parties have concurred in the LOCALITY's administration of the phase(s) of work for the respective Project(s) listed in Appendix A in accordance with applicable federal, state, and local law and regulations.

NOW THEREFORE, in consideration of the mutual premises contained herein, the parties hereto agree as follows:

1. The LOCALITY shall:
 - a. Be responsible for all activities necessary to complete the noted phase(s) of each Project shown in Appendix A, except for activities, decisions, and approvals which are the responsibility of the DEPARTMENT, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties. Each Project will be designed and constructed to meet or exceed current American Association of State Highway and Transportation Officials standards or supplementary standards approved by the DEPARTMENT
 - b. Meet all funding obligation and expenditure timeline requirements in accordance with all applicable federal and state laws and regulations, and Commonwealth Transportation Board and DEPARTMENT policies and as identified in Appendix A to this Agreement. Noncompliance with this requirement can result in deallocation of the funding, rescinding of state funding match, termination of this Agreement, or DEPARTMENT denial of future requests to administer projects by the LOCALITY.

- c. Receive prior written authorization from the DEPARTMENT to proceed with preliminary engineering, right-of-way acquisition and utility relocation, and construction phases of each Project.
- d. Administer the project(s) in accordance with guidelines applicable to Locally Administered Projects as published by the DEPARTMENT.
- e. Maintain accurate and complete records of each Project's development and documentation of all expenditures and make such information available for inspection or auditing by the DEPARTMENT. Records and documentation for items for which reimbursement will be requested shall be maintained for no less than three (3) years following acceptance of the final voucher on each Project.
- f. No more frequently than monthly, submit invoices with supporting documentation to the DEPARTMENT in the form prescribed by the DEPARTMENT. The supporting documentation shall include copies of related vendor invoices paid by the LOCALITY and an up-to-date project summary and schedule tracking payment requests and adjustments. A request for reimbursement shall be made within 90 days after any eligible project expenses are incurred by the Locality. For federally funded projects and pursuant to 2 CFR 200.338, Remedies for Noncompliance, violations of the provision may result in the imposition of sanctions including but not limited to possible denial or delay of payment of all or a part of the costs associated with the activity or action not in compliance.
- g. Reimburse the DEPARTMENT all Project expenses incurred by the DEPARTMENT if, due to action or inaction solely by the LOCALITY, federally funded Project expenditures incurred are not reimbursed by the Federal Highway Administration (FHWA), or reimbursements are required to be returned to the FHWA, or in the event the reimbursement provisions of Section 33.2-214 or Section 33.2-331 of the Code of Virginia, 1950, as amended, or other applicable provisions of federal, state, or local law or regulations require such reimbursement.
- h. On Projects that the LOCALITY is providing the required match to state or federal funds, pay the DEPARTMENT the LOCALITY's match for eligible Project expenses incurred by the DEPARTMENT in the performance of activities set forth in paragraph 2.a.
- i. Administer the Project in accordance with all applicable federal, state, or local laws and regulations. Failure to fulfill legal obligations associated with the project may result in forfeiture of federal or state-aid reimbursements
- j. Provide certification by a LOCALITY official that all LOCALITY administered Project activities have been performed in accordance with all federal, state, and local laws and regulations. If the locality expends over \$750,000 annually in federal funding, such certification shall include a copy of

the LOCALITY's single program audit in accordance with 2 CFR 200.501, Audit Requirements.

- k. If legal services other than that provided by staff counsel are required in connection with condemnation proceedings associated with the acquisition of Right-of-Way, the LOCALITY will consult the DEPARTMENT to obtain an attorney from the list of outside counsel approved by the Office of the Attorney General. Costs associated with outside counsel services shall be reimbursable expenses of the project.
 - l. For Projects on facilities not maintained by the DEPARTMENT, provide, or have others provide, maintenance of the Project upon completion, unless otherwise agreed to by the DEPARTMENT.
 - m. Ensure compliance with the provisions of Title VI of the Civil Rights Act of 1964, regulations of the United States Department of Transportation (USDOT), Presidential Executive Orders and the Code of Virginia relative to nondiscrimination.
2. The DEPARTMENT shall:
- a. Perform any actions and provide any decisions and approvals which are the responsibility of the DEPARTMENT, as required by federal and state laws and regulations or as otherwise agreed to, in writing, between the parties and provide necessary coordination with the FHWA as determined to be necessary by the DEPARTMENT.
 - b. Upon receipt of the LOCALITY's invoices pursuant to paragraph 1.f., reimburse the LOCALITY the cost of eligible Project expenses, as described in Appendix A. Such reimbursements shall be payable by the DEPARTMENT within 30 days of an acceptable submission by the LOCALITY.
 - c. If appropriate, submit invoices to the LOCALITY for the LOCALITY's share of eligible project expenses incurred by the DEPARTMENT in the performance of activities pursuant to paragraph 2.a.
 - d. Audit the LOCALITY's Project records and documentation as may be required to verify LOCALITY compliance with federal and state laws and regulations.
 - e. Make available to the LOCALITY guidelines to assist the parties in carrying out responsibilities under this Agreement.
3. Appendix A identifies the funding sources for the project, phases of work to be administered by the LOCALITY, and additional project-specific requirements agreed to by the parties. There may be additional elements that, once identified,

shall be addressed by the parties hereto in writing, which may require an amendment to this Agreement.

4. If designated by the DEPARTMENT, the LOCALITY is authorized to act as the DEPARTMENT's agent for the purpose of conducting survey work pursuant to Section 33.2-1011 of the Code of Virginia, 1950, as amended.
5. Nothing in this Agreement shall obligate the parties hereto to expend or provide any funds in excess of funds agreed upon in this Agreement or as shall have been included in an annual or other lawful appropriation. In the event the cost of a Project is anticipated to exceed the allocation shown for such respective Project on Appendix A, both parties agree to cooperate in providing additional funding for the Project or to terminate the Project before its costs exceed the allocated amount, however the DEPARTMENT and the LOCALITY shall not be obligated to provide additional funds beyond those appropriated pursuant to an annual or other lawful appropriation.
6. Nothing in this Agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.
7. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either party, in their individual or personal capacity for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.
8. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than the Parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the LOCALITY or the DEPARTMENT shall not be bound by any agreements between either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the LOCALITY or the DEPARTMENT has, in writing, received a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.
9. This Agreement may be terminated by either party upon 30 days advance written notice. Eligible Project expenses incurred through the date of termination shall be reimbursed in accordance with paragraphs 1.f, 1.g., and 2.b, subject to the

limitations established in this Agreement and Appendix A. Upon termination, the DEPARTMENT shall retain ownership of plans, specifications, and right of way, unless all state and federal funds provided for the Project have been reimbursed to the DEPARTMENT by the LOCALITY, in which case the LOCALITY will have ownership of the plans, specifications, and right of way, unless otherwise mutually agreed upon in writing.

10. Prior to any action pursuant to paragraphs 1.b or 1.g of this Agreement, the DEPARTMENT shall provide notice to the LOCALITY with a specific description of the breach of agreement provisions. Upon receipt of a notice of breach, the LOCALITY will be provided the opportunity to cure such breach or to provide a plan to cure to the satisfaction to the DEPARTMENT. If, within sixty (60) days after receipt of the written notice of breach, the LOCALITY has neither cured the breach, nor is diligently pursuing a cure of the breach to the satisfaction of the DEPARTMENT, then upon receipt by the LOCALITY of a written notice from the DEPARTMENT stating that the breach has neither been cured, nor is the LOCALITY diligently pursuing a cure, the DEPARTMENT may exercise any remedies it may have under this Agreement.

THE LOCALITY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

THIS AGREEMENT, when properly executed, shall be binding upon both parties, their successors, and assigns.

THIS AGREEMENT may be modified in writing by mutual agreement of both parties.

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed as of the day, month, and year first herein written.

COUNTY OF ALBEMARLE, VIRGINIA:

Typed or printed name of signatory

Date

Title

Signature of Witness

Date

NOTE: The official signing for the LOCALITY must attach a certified copy of his or her authority to execute this Agreement.

**COMMONWEALTH OF VIRGINIA, DEPARTMENT OF
TRANSPORTATION:**

Chief of Policy
Commonwealth of Virginia
Department of Transportation

Date

Signature of Witness

Date

Attachments

Appendix A – UPC 113507

Appendix A
Date: 5/29/2018

Project Number:	EN18-002-975	UPC:	113507	CFDA #	20.205	Locality:	Albemarle County
Project Location ZIP+4: 22901+8979		Locality DUNS# 0066022047			Locality Address (incl ZIP+4): 401 McIntire Road Charlottesville, VA 22902-4596		
Project Narrative							
Scope:	SRTS - GREER/JOUETT BICYCLE AND PEDESTRIAN IMPROVEMENTS						
From:	Campus wide improvements						
To:	Campus wide improvements						
Locality Project Manager Contact Info: Jack Kelsey jkelsey@albemarle.org 434-872-4501							
Department Project Coordinator Contact Info: Kim Cameron kim.cameron@vdot.virginia.gov 540-829-7704							

Project Estimates				
	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$152,290	\$0	\$536,410	\$688,700
Estimated VDOT Project Expenses	\$4,710	\$0	\$16,590	\$21,300
Estimated Total Project Costs	\$157,000	\$0	\$553,000	\$710,000

Project Cost and Reimbursement						
Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max. Reimbursement -
Preliminary Engineering	\$157,000	Enhancement	20%	\$31,400	\$125,600	
				\$0	\$0	
				\$0	\$0	
				\$0	\$0	
Total PE	\$157,000			\$31,400	\$125,600	\$120,890
Right of Way & Utilities			0%	\$0	\$0	
				\$0	\$0	
				\$0	\$0	
				\$0	\$0	
Total RW	\$0			\$0	\$0	\$0
Construction	\$358,000	Enhancement	20%	\$71,600	\$286,400	
	\$195,000	Local Funds	100%	\$195,000	\$0	
				\$0	\$0	
				\$0	\$0	
Total CN	\$553,000			\$266,600	\$286,400	\$289,810
Total Estimated Cost	\$710,000			\$298,000	\$412,000	\$390,700

Total Maximum Reimbursement by VDOT to Locality (Less Local Share)	\$412,000
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)	\$390,700

Project Financing					
Enhancement	Local Match	Local Funds			Aggregate Allocations
\$412,000	\$103,000	\$195,000			\$710,000

<p align="center">Program and Project Specific Funding Requirements</p> <ul style="list-style-type: none"> This project shall be administered in accordance with VDOT's Locally Administered Projects Manual This is a limited funds project. The Locality shall be responsible for any additional funding in excess of \$412,000 (if applicable) Reimbursement for eligible expenditures shall not exceed funds allocated each year by the Commonwealth Transportation Board in the Six Year Improvement Program. Eligible VDOT project expenses will be recovered as follows: 80% will be deducted from the federal allocation and 20% will be deducted from reimbursement requests. <p>The DEPARTMENT will conduct all environmental studies necessary to complete an environmental document in compliance with the National Environmental Policy Act. The LOCALITY is responsible for implementing any environmental commitments from the environmental document. In addition, the LOCALITY is responsible for obtaining any water quality permits and conducting any required hazardous materials due diligence efforts. VDOT's estimated cost for the environmental document and studies will be provided to the locality and deducted from the project funds.</p> <p>For Transportation Alternatives projects, the LOCALITY shall maintain the project or have it maintained in a manner satisfactory to the Department for its useful life and make ample provisions each year for such maintenance unless otherwise agreed to by the DEPARTMENT. Failure to do so, or the sale of a TAP funded improvement prior to the expectations as identified in the TAP Guide, may require repayment of federal funds.</p> <ul style="list-style-type: none"> Any ineligible items identified throughout project development will not be reimbursable. This project is a Safe Routes to Schools Project. The Project must be completed and allocated funds expended within three years of the agreement having been signed Transportation Alternative Program funds, as indicated in the Project Financing section, were approved in the following fiscal years: <ul style="list-style-type: none"> FY19 - \$157,000, FY20 - \$255,000

Authorized Locality Official and Date

Authorized VDOT Official and Date

Typed or printed name of person signing

Revised: August 14, 2017

Typed or printed name of person signing

**RESOLUTION APPROVING A
PROJECT ADMINISTRATION AGREEMENT FOR THE
CALE ELEMENTARY SCHOOL SRTS PEDESTRIAN-BIKE IMPROVEMENTS**

WHEREAS, the Board finds that is in the best interest of the County to enter into an agreement with the Virginia Department of Transportation for the completion of the Cale Elementary School SRTS Pedestrian-Bike Improvements.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the Standard Project Administration Agreement for the Cale Elementary School SRTS Pedestrian-Bike Improvements (Project Number EN 18-002-974; UPC 113508), and authorizes the County Executive to execute the Agreement on behalf of the County after its approval as to form and substance by the County Attorney.

STANDARD PROJECT ADMINISTRATION AGREEMENT
Federal-aid Projects

Project Number	UPC	Local Government
EN18-002-974	113508	Albemarle County

THIS AGREEMENT, made and executed in triplicate this ____ day of _____, 2018, by and between the County of Albemarle, Virginia, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT.

WHEREAS, the LOCALITY has expressed its desire to administer the work described in Appendix A, and such work for each improvement shown is hereinafter referred to as the Project; and

WHEREAS, the funds shown in Appendix A have been allocated to finance each Project; and

WHEREAS, the LOCALITY is committed to the development and delivery of each Project described in Appendix A in an expeditious manner; and;

WHEREAS, both parties have concurred in the LOCALITY's administration of the phase(s) of work for the respective Project(s) listed in Appendix A in accordance with applicable federal, state, and local law and regulations.

NOW THEREFORE, in consideration of the mutual premises contained herein, the parties hereto agree as follows:

1. The LOCALITY shall:
 - a. Be responsible for all activities necessary to complete the noted phase(s) of each Project shown in Appendix A, except for activities, decisions, and approvals which are the responsibility of the DEPARTMENT, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties. Each Project will be designed and constructed to meet or exceed current American Association of State Highway and Transportation Officials standards or supplementary standards approved by the DEPARTMENT
 - b. Meet all funding obligation and expenditure timeline requirements in accordance with all applicable federal and state laws and regulations, and Commonwealth Transportation Board and DEPARTMENT policies and as identified in Appendix A to this Agreement. Noncompliance with this requirement can result in deallocation of the funding, rescinding of state funding match, termination of this Agreement, or DEPARTMENT denial of future requests to administer projects by the LOCALITY.

- c. Receive prior written authorization from the DEPARTMENT to proceed with preliminary engineering, right-of-way acquisition and utility relocation, and construction phases of each Project.
- d. Administer the project(s) in accordance with guidelines applicable to Locally Administered Projects as published by the DEPARTMENT.
- e. Maintain accurate and complete records of each Project's development and documentation of all expenditures and make such information available for inspection or auditing by the DEPARTMENT. Records and documentation for items for which reimbursement will be requested shall be maintained for no less than three (3) years following acceptance of the final voucher on each Project.
- f. No more frequently than monthly, submit invoices with supporting documentation to the DEPARTMENT in the form prescribed by the DEPARTMENT. The supporting documentation shall include copies of related vendor invoices paid by the LOCALITY and an up-to-date project summary and schedule tracking payment requests and adjustments. A request for reimbursement shall be made within 90 days after any eligible project expenses are incurred by the Locality. For federally funded projects and pursuant to 2 CFR 200.338, Remedies for Noncompliance, violations of the provision may result in the imposition of sanctions including but not limited to possible denial or delay of payment of all or a part of the costs associated with the activity or action not in compliance.
- g. Reimburse the DEPARTMENT all Project expenses incurred by the DEPARTMENT if, due to action or inaction solely by the LOCALITY, federally funded Project expenditures incurred are not reimbursed by the Federal Highway Administration (FHWA), or reimbursements are required to be returned to the FHWA, or in the event the reimbursement provisions of Section 33.2-214 or Section 33.2-331 of the Code of Virginia, 1950, as amended, or other applicable provisions of federal, state, or local law or regulations require such reimbursement.
- h. On Projects that the LOCALITY is providing the required match to state or federal funds, pay the DEPARTMENT the LOCALITY's match for eligible Project expenses incurred by the DEPARTMENT in the performance of activities set forth in paragraph 2.a.
- i. Administer the Project in accordance with all applicable federal, state, or local laws and regulations. Failure to fulfill legal obligations associated with the project may result in forfeiture of federal or state-aid reimbursements
- j. Provide certification by a LOCALITY official that all LOCALITY administered Project activities have been performed in accordance with all federal, state, and local laws and regulations. If the locality expends over \$750,000 annually in federal funding, such certification shall include a copy of

the LOCALITY's single program audit in accordance with 2 CFR 200.501, Audit Requirements.

- k. If legal services other than that provided by staff counsel are required in connection with condemnation proceedings associated with the acquisition of Right-of-Way, the LOCALITY will consult the DEPARTMENT to obtain an attorney from the list of outside counsel approved by the Office of the Attorney General. Costs associated with outside counsel services shall be reimbursable expenses of the project.
 - l. For Projects on facilities not maintained by the DEPARTMENT, provide, or have others provide, maintenance of the Project upon completion, unless otherwise agreed to by the DEPARTMENT.
 - m. Ensure compliance with the provisions of Title VI of the Civil Rights Act of 1964, regulations of the United States Department of Transportation (USDOT), Presidential Executive Orders and the Code of Virginia relative to nondiscrimination.
2. The DEPARTMENT shall:
- a. Perform any actions and provide any decisions and approvals which are the responsibility of the DEPARTMENT, as required by federal and state laws and regulations or as otherwise agreed to, in writing, between the parties and provide necessary coordination with the FHWA as determined to be necessary by the DEPARTMENT.
 - b. Upon receipt of the LOCALITY's invoices pursuant to paragraph 1.f., reimburse the LOCALITY the cost of eligible Project expenses, as described in Appendix A. Such reimbursements shall be payable by the DEPARTMENT within 30 days of an acceptable submission by the LOCALITY.
 - c. If appropriate, submit invoices to the LOCALITY for the LOCALITY's share of eligible project expenses incurred by the DEPARTMENT in the performance of activities pursuant to paragraph 2.a.
 - d. Audit the LOCALITY's Project records and documentation as may be required to verify LOCALITY compliance with federal and state laws and regulations.
 - e. Make available to the LOCALITY guidelines to assist the parties in carrying out responsibilities under this Agreement.
3. Appendix A identifies the funding sources for the project, phases of work to be administered by the LOCALITY, and additional project-specific requirements agreed to by the parties. There may be additional elements that, once identified,

shall be addressed by the parties hereto in writing, which may require an amendment to this Agreement.

4. If designated by the DEPARTMENT, the LOCALITY is authorized to act as the DEPARTMENT's agent for the purpose of conducting survey work pursuant to Section 33.2-1011 of the Code of Virginia, 1950, as amended.
5. Nothing in this Agreement shall obligate the parties hereto to expend or provide any funds in excess of funds agreed upon in this Agreement or as shall have been included in an annual or other lawful appropriation. In the event the cost of a Project is anticipated to exceed the allocation shown for such respective Project on Appendix A, both parties agree to cooperate in providing additional funding for the Project or to terminate the Project before its costs exceed the allocated amount, however the DEPARTMENT and the LOCALITY shall not be obligated to provide additional funds beyond those appropriated pursuant to an annual or other lawful appropriation.
6. Nothing in this Agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.
7. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either party, in their individual or personal capacity for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.
8. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than the Parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the LOCALITY or the DEPARTMENT shall not be bound by any agreements between either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the LOCALITY or the DEPARTMENT has, in writing, received a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.
9. This Agreement may be terminated by either party upon 30 days advance written notice. Eligible Project expenses incurred through the date of termination shall be reimbursed in accordance with paragraphs 1.f, 1.g., and 2.b, subject to the

limitations established in this Agreement and Appendix A. Upon termination, the DEPARTMENT shall retain ownership of plans, specifications, and right of way, unless all state and federal funds provided for the Project have been reimbursed to the DEPARTMENT by the LOCALITY, in which case the LOCALITY will have ownership of the plans, specifications, and right of way, unless otherwise mutually agreed upon in writing.

10. Prior to any action pursuant to paragraphs 1.b or 1.g of this Agreement, the DEPARTMENT shall provide notice to the LOCALITY with a specific description of the breach of agreement provisions. Upon receipt of a notice of breach, the LOCALITY will be provided the opportunity to cure such breach or to provide a plan to cure to the satisfaction to the DEPARTMENT. If, within sixty (60) days after receipt of the written notice of breach, the LOCALITY has neither cured the breach, nor is diligently pursuing a cure of the breach to the satisfaction of the DEPARTMENT, then upon receipt by the LOCALITY of a written notice from the DEPARTMENT stating that the breach has neither been cured, nor is the LOCALITY diligently pursuing a cure, the DEPARTMENT may exercise any remedies it may have under this Agreement.

THE LOCALITY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

THIS AGREEMENT, when properly executed, shall be binding upon both parties, their successors, and assigns.

THIS AGREEMENT may be modified in writing by mutual agreement of both parties.

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed as of the day, month, and year first herein written.

COUNTY OF ALBEMARLE, VIRGINIA:

Typed or printed name of signatory

Date
Title

Signature of Witness Date

NOTE: The official signing for the LOCALITY must attach a certified copy of his or her authority to execute this Agreement.

**COMMONWEALTH OF VIRGINIA, DEPARTMENT OF
TRANSPORTATION:**

Chief of Policy Date
Commonwealth of Virginia
Department of Transportation

Signature of Witness Date

Attachments
Appendix A – UPC 113508

Appendix A
Date: 5/29/2018

Project Number:	EN18-002-974	UPC:	113508	CFDA #	20.205	Locality:	Albemarle County
Project Location ZIP+4: 22902-8708		Locality DUNS# 0066022047		Locality Address (incl ZIP+4): 401 McIntire Road Charlottesville, VA 22902-4596			
Project Narrative							
Scope:	SRTS - CALE ELEMENTARY SCHOOL - PEDESTRIAN AND BICYCLE IMPROVEMENT						
From:	Avon Street Extended						
To:	Cale Elementary School						
Locality Project Manager Contact Info: Jack Kelsey jkelsey@albemarle.org 434-872-4501							
Department Project Coordinator Contact Info: Kim Cameron kim.cameron@vdot.virginia.gov 540-829-7704							

Project Estimates				
	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$89,240	\$0	\$407,491	\$496,731
Estimated VDOT Project Expenses	\$2,760	\$0	\$12,603	\$15,363
Estimated Total Project Costs	\$92,000	\$0	\$420,094	\$512,094

Project Cost and Reimbursement						
Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max. Reimbursement -
Preliminary Engineering	\$92,000	Enhancement	20%	\$18,400	\$73,600	
				\$0	\$0	
				\$0	\$0	
				\$0	\$0	
Total PE	\$92,000			\$18,400	\$73,600	\$70,840
Right of Way & Utilities			0%	\$0	\$0	
				\$0	\$0	
				\$0	\$0	
				\$0	\$0	
Total RW	\$0			\$0	\$0	\$0
Construction	\$295,094	Enhancement	20%	\$59,019	\$236,075	
	\$125,000	Local Funds	100%	\$125,000	\$0	
				\$0	\$0	
				\$0	\$0	
Total CN	\$420,094			\$184,019	\$236,075	\$223,472
Total Estimated Cost	\$512,094			\$202,419	\$309,675	\$294,312

Total Maximum Reimbursement by VDOT to Locality (Less Local Share)	\$309,675
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)	\$294,312

Project Financing					
Enhancement	Local Match	Local Funds			Aggregate Allocations
\$309,675	\$77,419	\$125,000			\$512,094

Program and Project Specific Funding Requirements	
<ul style="list-style-type: none"> This project shall be administered in accordance with VDOT's Locally Administered Projects Manual This is a limited funds project. The Locality shall be responsible for any additional funding in excess of \$309,675 (if applicable) Reimbursement for eligible expenditures shall not exceed funds allocated each year by the Commonwealth Transportation Board in the Six Year Improvement Program. Eligible VDOT project expenses will be recovered as follows: 80% will be deducted from the federal allocation and 20% will be deducted from reimbursement requests. The DEPARTMENT will conduct all environmental studies necessary to complete an environmental document in compliance with the National Environmental Policy Act. The LOCALITY is responsible for implementing any environmental commitments from the environmental document. In addition, the LOCALITY is responsible for obtaining any water quality permits and conducting any required hazardous materials due diligence efforts. VDOT's estimated cost for the environmental document and studies will be provided to the locality and deducted from the project funds. For Transportation Alternatives projects, the LOCALITY shall maintain the project or have it maintained in a manner satisfactory to the Department for its useful life and make ample provisions each year for such maintenance unless otherwise agreed to by the DEPARTMENT. Failure to do so, or the sale of a TAP funded improvement prior to the expectations as identified in the TAP Guide, may require repayment of federal funds. Any ineligible items identified throughout project development will not be reimbursable. This project is a Safe Routes to Schools Project. The Project must be completed and allocated funds expended within three years of the agreement having been signed Transportation Alternative Program funds, as indicated in the Project Financing section, were approved in the following fiscal years: <ul style="list-style-type: none"> FY19 - \$52,000, FY20 - \$257,675 	

Authorized Locality Official and Date

Authorized VDOT Official and Date

Typed or printed name of person signing

Typed or printed name of person signing

Revised: August 14, 2017

RESOLUTION TO AUTHORIZE BYRNE JUSTICE ASSISTANCE GRANTS

WHEREAS, the U.S. Department of Justice has conditionally awarded the County of Albemarle an Edward Byrne Justice Assistance Grant (the “Grant”) for Fiscal Year 2017; and

WHEREAS, the final award of the Fiscal Year 2017 Grant is conditioned on the execution of certain “Certifications and Assurances by the Chief Executive of the Applicant Government;” and

WHEREAS, the U.S. Department of Justice has indicated that for purposes of this Grant Program, it now considers the Chair of the Board of Supervisors to be the “Chief Executive of the Applicant Unit of Local Government.”

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia hereby authorizes the Chair and/or the County Executive to execute “Certifications and Assurances by the Chief Executive of the Applicant Government” for the Edward Byrne Justice Assistance Grant Program on behalf of the County, once those Certifications and Assurances have been approved as to form and substance by the County Attorney.

**RESOLUTION TO APPROVE
ADDITIONAL FY 19 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That the FY 19 Budget is amended to decrease it by \$24,370,013.80;
- 2) That Appropriations #2019011, #2019012, #2019013, #2019014, #2019015, #2019016, #2019017, #2019018, #2019019, #2019020 and #2019021 are approved; and
- 3) That the appropriations referenced in Paragraph #2, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2019.

ORDINANCE NO. 18-2(4)

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, ARTICLE 1, ELECTIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 2, Administration, Article 1, Elections, is hereby amended and reordained as follows:

By Amending:

Sec. 2-101 Jack Jouett Magisterial District.

Chapter 2. Administration**Article 1. Elections**

.....

Sec. 2-101 Jack Jouett Magisterial District.

The Jack Jouett Magisterial District shall be bounded, and contain precincts and polling places, as follows:

- A. *Description of district.* Beginning at the intersection of Seminole Trail (U.S. Route 29) and Greenbrier Drive; then northwest along Greenbrier Drive to its intersection with Whitewood Road; then west along Whitewood Road to its intersection with Hydraulic Road (State Route 743); then northeast along Hydraulic Road to its intersection with Earlysville Road (State Route 743); then north along Earlysville Road to its intersection with the South Fork Rivanna River; then meandering north and west along the South Fork Rivanna River to its confluence with the Mechums River; then meandering southwest along the Mechums River to its intersection with Garth Road (State Routes 614, 676 and 601); then east and south along Garth Road to its intersection with Ivy Creek; then west and south along Ivy Creek to its intersection with Old Ballard Road (State Route 677); then south along Old Ballard Road to its intersection with Broomley Road (State Route 677); then south along Broomley Road to its intersection with the CSX Railway right-of-way; then east along the railway to its intersection with the U.S. Route 29/250 Bypass; then south along the U.S. Route 29/250 Bypass to its intersection with the U.S. Route 29 Bypass; then south along the U.S. Route 29 Bypass to its intersection with Fontaine Avenue Extended/U.S. Route 29 Business; then east along Fontaine Avenue Extended/U.S. Route 29 Business to its intersection with the Charlottesville city limits; then meandering north and east along the Charlottesville city limits to its intersection with Seminole Trail (U.S. Route 29); then north along Seminole Trail to its intersection with Greenbrier Drive, the point of origin.
- B. *Precincts.* The district shall be divided into three precincts, which are described as follows:
 1. *Georgetown Precinct.* Beginning at the intersection of Seminole Trail (U.S. Route 29) and Greenbrier Drive; then northwest along Greenbrier Drive to its intersection with Whitewood Road; then west along Whitewood Road to its intersection with Hydraulic Road (State Route 743); then south along Hydraulic Road to its intersection with Georgetown Road (State Route 656); then southwest along Georgetown Road to its intersection with Barracks Road (State Route 654); then southeast along Barracks Road to its intersection with Charlottesville's western city limits; then along Charlottesville's western city limits north and east to the intersection of Seminole Trail (U.S. Route 29); then north along Seminole Trail to its intersection with Greenbrier Drive, the point of origin.
 2. *Jack Jouett Precinct.* Beginning at the intersection of Barracks Road (State Route 654) and its intersection with Georgetown Road (State Route 656); then northeast along Georgetown Road to its intersection with Hydraulic Road (State Route 743); then northeast along Hydraulic Road to its intersection with Earlysville Road (State Route 743); then north along Earlysville Road to its intersection with the South Fork Rivanna River; then meandering north and west along the South Fork Rivanna River to its confluence with the Mechums River; then meandering southwest along the Mechums River to its intersection with Garth Road (State Routes 614, 676, and 601); then east and southeast along Garth Road to its intersection with Ivy Creek; then west and south along

Ivy Creek to its intersection with Old Ballard Road (State Route 677); then south along Old Ballard Road to its intersection with Broomley Road (State Route 677); then south along Broomley Road to its intersection with the CSX railway right-of-way; then east along the CSX railway right-of-way to its intersection with the US Route 29/250 bypass; then northeast along the US Route 29/250 bypass to its intersection with Charlottesville's western city limits and Barracks Road (State Route 654); then northwest along Barracks Road to its intersection with Georgetown Road, the point of origin.

3. *University Precinct.* Beginning at the intersection of the U.S. Route 29 Bypass and Fontaine Avenue Extended/U.S. Route 29 Business; then north to its intersection with the U.S. Route 29/250 Bypass; then north and northeast along the U.S. Route 29/250 Bypass to its intersection with Charlottesville's northwestern city limits, then meandering south along the Charlottesville city limits to its intersection with Fontaine Avenue/U.S. Route 29 Business; then running west along Fontaine Avenue/U.S. Route 29 Business and the Charlottesville city limits to its intersection with Fontaine Avenue Extended/U.S. Route 29 Business; then west along Fontaine Avenue Extended/U.S. Route 29 Business to its intersection with the U.S. Route 29/250 Bypass, the point of origin.

C. *Polling places.* Each precinct shall have a polling place at the location identified below:

1. *Georgetown Precinct.* Albemarle High School, 2775 Hydraulic Road.
2. *Jack Jouett Precinct.* Jack Jouett Middle School, 210 Lambs Lane.
3. *University Precinct.* University of Virginia Slaughter Recreational Center, 505 Edgemont Road.

(8-19-71, § 1; 9-5-72; 7-15-81; Code 1988, § 6-1; 5-15-91; Ord. 95-6(1), 1-11-95; Ord. 98-A(1), 8-5-98, § 2-100(2), § 2-102; Ord. 01-2(1), 5-9-01; Ord. 03-2(2), 7-9-03; Ord. 11-2(2), 5-4-11; Ord. 18-2(1), 3-14-18; Ord. 18-2(2), 4-11-18)

State law reference – Va. Code §§ 15.2-1211, 24.2-304.1 *et seq.*, 24.2-305 *et seq.*

ORDINANCE NO. 18-A(4)
ZMA 2017-10 BOAR'S HEAD CONNECTOR ROAD

AN ORDINANCE TO AMEND ZMA 2004-15
FOR TAX MAP PARCEL NUMBER 059D2-01-00-01500

WHEREAS, the application to amend ZMA 2004-15 to construct permanent vehicular and pedestrian connections between the Boar's Head Sports Club property located on Tax Map Parcel Number 059D2-01-00-01500 and the adjoining Birdwood property is identified as ZMA 201700010 Boar's Head Connector Road ("ZMA 2017-10"); and

WHEREAS, the Planning Commission held a duly noticed public hearing on ZMA 2017-10 on June 19, 2018 and recommended approval, provided that the proffers be revised to make technical changes as recommended by staff and set forth in the Planning Commission staff report, and to include a commitment of the applicant to pay a proportionate share of the cost of potential future transportation improvement if or when warranted; and

WHEREAS, subsequent to the Planning Commission meeting, the applicant submitted revised proffers, which staff believes address the issues of concern raised by staff and the Planning Commission; and

WHEREAS, on August 1, 2018, the Albemarle County Board of Supervisors held a duly noticed public hearing on ZMA 2017-10.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the staff report prepared for ZMA 2017-10 and its attachments, including the proffers dated July 3, 2018, which include the rezoning application plan entitled "Application Plan, UVAF Boar's Head Sports Club", prepared by Dewberry Engineers Inc., dated April 27, 2018 (the "Application Plan"), the information presented at the public hearing, the material and relevant factors in Virginia Code § 15.2-2284, and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board hereby approves ZMA 2017-10 with the proffers dated July 3, 2018 and the Application Plan dated April 27, 2018.

* * *

BOAR'S HEAD SPORTS CLUB

ZMA 2017-00010

PROFFER STATEMENT

Date: July 3, 2018
ZMA#: ZMA 2017-00010
Tax Map Parcel #: 059D2-01-00-01500
Owner of Record: University of Virginia Host Properties, Inc.

The following parcel is subject to rezoning application ZMA 2017-00010 (the "Application") and thus to this proffer statement: Tax Map Parcel 059D2-01-00-01500 (the "Property"). The Applicant and owner of the Property is University of Virginia Host Properties, Inc. (the "Owner"). This proffer statement shall supersede and replace in all respects the proffer statement approved by the Board of Supervisors in connection with ZMA-2004-0015.

The Owner hereby voluntarily proffers that if the Albemarle County Board of Supervisors acts to approve the Application, as requested, the Owner and its successors and assigns shall develop the Property in accord with the following proffers pursuant to Section 15.2-2298 of the Code of Virginia, 1950, as amended, and pursuant to Section 33.3 of the Albemarle County Zoning Ordinance. These conditions are voluntarily proffered as part of the Application, and the Owner acknowledges that (1) the rezoning itself gives rise to the need for the conditions; and (2) such conditions have a reasonable relation to the rezoning requested.

In the event the Application is denied the proffers shall immediately be null and void and of no further force or effect.

1. Development of the Property shall be in general accord with the plan entitled "Application Plan" prepared by Dewberry Engineers, Inc., dated April 27, 2018, and attached hereto as Exhibit A (the "Application Plan"). The Application Plan shall not be construed to prohibit the realignment of the 14 existing outdoor tennis courts, subject to existing provisions of the Albemarle County zoning ordinance, provided that the courts remain in the area marked "Outdoor Tennis Courts" shown on the Application Plan. The Owner reserves the right to develop the Property in phases.

2. Within the Property, only the following uses shall be permitted by right, subject always to the express terms of this proffer statement:

- a. Pursuant to subsection 24.2.1 of Section 24, HC highway commercial zoning district, of the Albemarle County Zoning Ordinance, as those regulations exist on March 19, 2018, as set forth below: Section 24.2.1 numbers 6, 20, 35, 36, 37, 41, 42, 44, and 45.
- b. Pursuant to subsection 22.2.1 of Section 22, C-1 Commercial zoning district, of the Albemarle County Zoning Ordinance, as those regulations

exist on March 19, 2018, as set forth below: Section 22.2.1 numbers b.4, b.8, b.17, b.18, b.19, b.24, b.26, and b.27.

The by-right uses of the Property that are permitted pursuant to sections 24.2.1 and 22.2.1 and pursuant to this Proffer Statement are shown below without strikethrough. Uses which will not be permitted on the Property (subject always to the express terms of this proffer statement) have been indicated by strikethrough.

24.2.1 BY RIGHT

The following uses shall be permitted in any H-C district subject to the requirements and limitations of these regulations. The zoning administrator, after consultation with the director of planning and other appropriate officials, may permit as a use by right, a use not specifically permitted; provided that such use shall be similar to uses permitted by right in general character and more specifically, similar in terms of locational requirements, operational characteristics, visual impact and traffic generation. Appeals from the zoning administrator's decision shall be as generally provided in section 34.0.

1. ~~Automobile laundries.~~
2. ~~Automobile, truck repair shops.~~
3. ~~Automobile service stations (reference 5.1.20).~~
4. ~~Building materials sales.~~
5. ~~Churches, cemeteries.~~
6. Clubs, lodges (reference 5.1.02).
7. ~~Convenience stores.~~
8. ~~Educational, technical and trade schools.~~
9. ~~Factory outlet sales—clothing and fabric.~~
10. ~~Feed and seed stores (reference 5.1.22).~~
11. ~~Financial Institutions.~~
12. ~~Fire extinguisher and security products, sales and service.~~
13. ~~Fire and rescue squad stations (reference 5.1.09).~~
14. ~~Funeral homes.~~
15. ~~Furniture stores.~~
16. ~~Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.~~
17. ~~Home and business services such as grounds care, cleaning, exterminators, landscaping and other repair and maintenance services.~~
18. ~~Hardware.~~
19. ~~(Repealed 6-3-81).~~
20. Hotels, motels and inns.
21. ~~Light warehousing.~~
22. ~~Machinery and equipment sales, service and rental.~~
23. ~~Mobile home and trailer sales and service.~~
24. ~~Modular building sales.~~
25. ~~Motor vehicle sales, service and rental.~~
26. ~~New automotive parts sales.~~

27. Newspaper publishing.
28. Administrative, business and professional offices.
29. Office and business machine sales and service.
30. Eating establishment; fast food restaurants.
31. Retail nurseries and greenhouses.
32. Sale of major recreational equipment and vehicles.
33. Wayside stands—vegetable and agricultural produce (reference 5.1.19).
34. Wholesale distribution.
35. Water, sewer, energy and communications distribution facilities.
36. Public uses (reference 5.1.12).
37. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
38. Indoor theaters.
39. Heating oil sales and distribution (reference 5.1.20).
40. Temporary industrialized buildings (reference 5.8.)
41. Uses permitted by right pursuant to subsection 22.2.1 of section 22.1, commercial, C-1. (Added 6-19-91; Amended 9-9-92).
42. Indoor athletic facilities. (Added 9-15-93).
43. Farmer's market (reference 5.1.47). (Added 10-11-95).
44. Stormwater management facilities shown on an approved final site plan or subdivision plat. (Added 10-9-02)
45. Tier I and Tier II personal wireless services facilities (reference 5.1.40). (Added 10-13-04)
46. Storage yards.
47. Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
48. Manufacturing/Processing/Assembly/Fabrication and Recycling; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
49. Storage/Warehousing/Distribution/Transportation; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
50. Drive-through windows (reference 5.1.60). (Added 3-2-16).

22.2.1 BY RIGHT

The following uses shall be permitted in any C-1 district, subject to the requirements and limitations of these regulations. The zoning administrator, after consultation with the director of planning and other appropriate officials, may permit as a use by right, a use not specifically permitted; provided that such use shall be similar to uses permitted by right in general character and more specifically, similar in terms of locational requirements, operational characteristics, visual impact and

traffic generation. Appeals from the zoning administrator's decision shall be as generally provided in section 34.0.

- a. The following retail sales and service establishments:
 - 1. ~~Antique, gift, jewelry, notion and craft shops.~~
 - 2. ~~Clothing, apparel and shoe shops.~~
 - 3. ~~Department store.~~
 - 4. ~~Drug store, pharmacy.~~
 - 5. ~~Florist.~~
 - 6. ~~Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.~~
 - 7. ~~Furniture and home appliances (sales and service).~~
 - 8. ~~Hardware store.~~
 - 9. ~~Musical instruments.~~
 - 10. ~~Newsstands, magazines, pipe and tobacco shops.~~
 - 11. ~~Optical goods.~~
 - 12. ~~Photographic goods.~~
 - 13. ~~Visual and audio appliances.~~
 - 14. ~~Sporting goods.~~
 - 15. ~~Retail nurseries and greenhouses.~~
 - 16. ~~Farmers' markets (reference 5.1.47).~~ 17.
 - 17. ~~Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.~~
 - 18. ~~Manufacturing/Processing/Assembly/Fabrication and Recycling; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.~~
 - 19. ~~Drive-through windows (reference 5.1.60). (Added 3-2-16)~~
- b. The following services and public establishments:
 - 1. ~~Administrative, professional offices.~~
 - 2. ~~Barber, beauty shops.~~
 - 3. ~~Religious assembly use, cemeteries.~~
 - 4. ~~Clubs, lodges (reference 5.1.02).~~
 - 5. ~~Financial institutions.~~
 - 6. ~~Fire and rescue squad stations (reference 5.1.09).~~
 - 7. ~~Funeral homes.~~
 - 8. ~~Health spas.~~
 - 9. ~~Indoor theaters.~~
 - 10. ~~Laundries, dry cleaners.~~
 - 11. ~~Laundromat (provided that an attendant shall be on duty at all hours during operation).~~
 - 12. ~~Libraries, museums.~~
 - 13. ~~Nurseries, day care centers (reference 5.1.06).~~

14. ~~Eating establishments.~~
15. ~~Tailor, seamstress.~~
16. ~~Automobile service stations (reference 5.1.20).~~
17. Water, sewer, energy and communications distribution facilities.
18. Public uses (reference 5.1.12).
19. Temporary construction headquarters and temporary construction storage yards (reference 5.1.2).
20. ~~Dwellings (reference 5.1.21).~~
21. ~~(Repealed 4-3-13).~~
22. ~~Automobile, truck repair shop excluding body shop.~~
23. ~~Temporary industrialized buildings (reference 5.8).~~
24. Indoor athletic facilities. (added 9-15-95)
25. ~~(Repealed 5-5-10).~~
26. Stormwater management facilities shown on an approved final site plan or subdivision plat. (Added 10-9-02)
27. Tier I and Tier II personal wireless service facilities (reference 5.1.40). (Added 10-13-04)

Notwithstanding that the above-referenced uses will not be permitted on the Property, this proffer statement shall not be interpreted to prohibit uses accessory to a health spa on the Property, which accessory uses shall expressly include, but not be limited to the following: indoor tennis courts, outdoor tennis courts, multi-sport courts, other recreational or fitness facilities, a restaurant, a snack bar, a "pro shop," administrative office space, locker rooms, and a child care facility.

3. Prior to the final approval of SDP 2004-00086, the Owner shall record the subdivision plat attached hereto as Exhibit B in the Clerk's Office of the Circuit Court of Albemarle County, Virginia, to combine the portion of tax map parcel 07500-00-00-06300 shown on Exhibit B as Parcel "X" containing 1.774 acres, with tax map parcel 059D2-01-00-01500. **THIS PROFFER HAS BEEN SATISFIED IN FULL, AND THUS EXHIBIT B IS NO LONGER ATTACHED.**

4. Prior to issuance of a certificate of occupancy for the permanent use of the connector road that was approved for temporary use by SP-2017-23, the Owner shall submit for approval by the Zoning Administrator a current Event Management Plan to provide adequate parking for the public during periodic public events at the Property, and further designed to avoid or minimize public parking in adjacent and nearby residential areas during such public events. Such a plan shall include a commitment by the Owner to provide adequate event parking at the Birdwood Golf Course parking lot (with access to the Property either by shuttle service or on foot along the golf course cart paths, at the discretion of the Owner), the large surface parking lot at the northwest corner of Ednam Drive and Boar's Head Point, and/or in other parking areas controlled by the Owner or its affiliated entities, each in the discretion of the Owner given the expected attendance at each particular event. Such a plan will also provide for the use of shuttle services as necessary given the size and nature of a particular event, for the use of adequate signage directing the public to permitted parking areas, and the use of appropriate personnel to

direct the public to such permitted parking areas and to discourage or prohibit public parking in adjacent and nearby residential areas.

5. The Owner agrees to conduct warrant analyses, and to provide a pro rata financial contribution to future transportation improvements (as may be warranted), as established in conditions of approval #8 and #9 in special use permit amendment SP201700032.

WITNESS the following duly authorized signature:

UNIVERSITY OF VIRGINIA HOST PROPERTIES, INC.

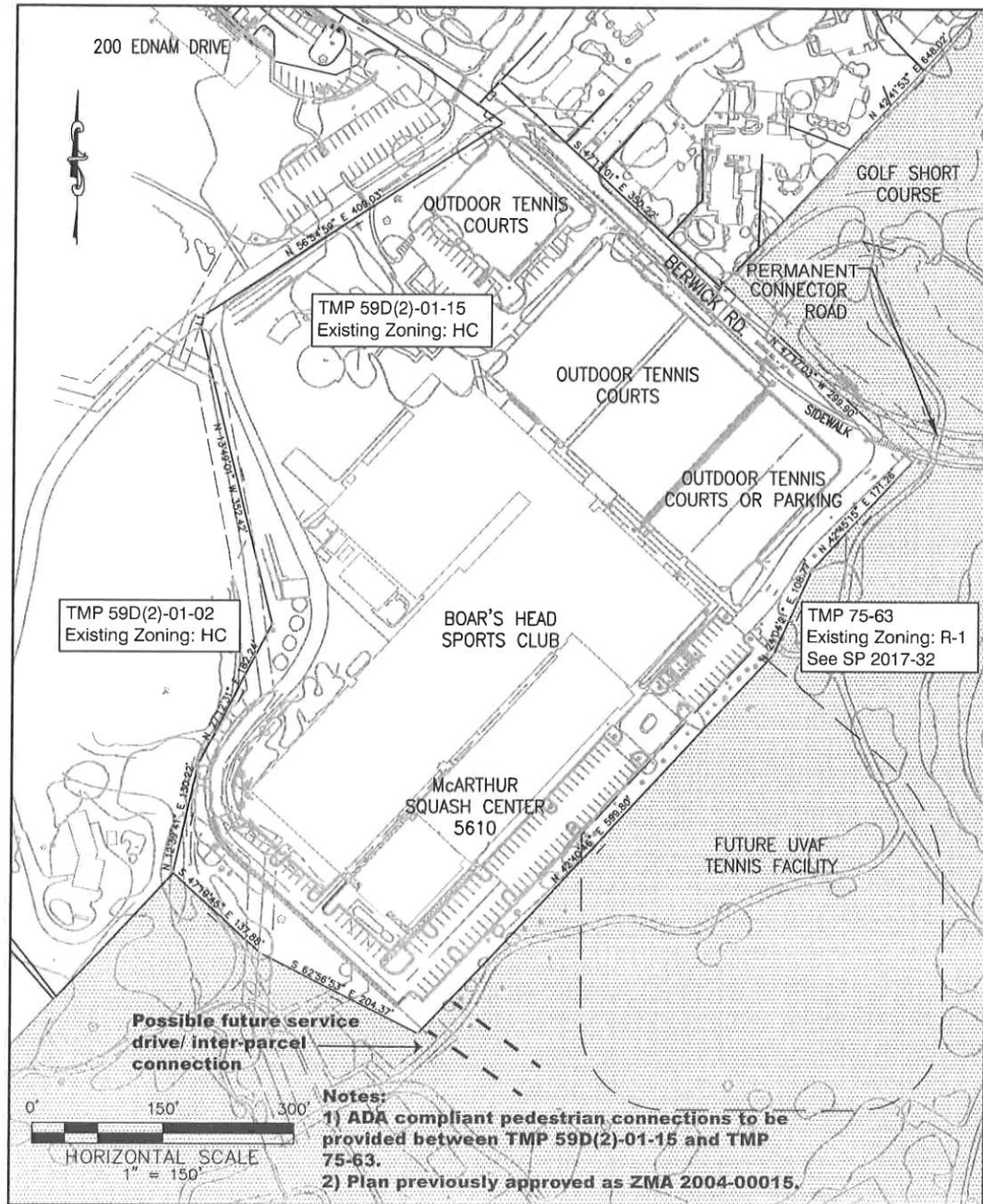
By: Patrick J. McCann
Printed Name: Patrick J. McCann
Title: Treasurer & Secretary
Date: 7/3/2018

Exhibit "A"

Application Plan

(attached)

35631779_6.docx



Dewberry
Dewberry Engineers Inc.
4805 Lake Brook Drive Suite 200
Glen Allen, VA 23060
PHONE: 804.290.7957

DATE
04/27/2018

PROJ. NO.

TITLE

APPLICATION PLAN

PROJECT

UVAF BOAR'S HEAD
SPORTS CLUB

ALBEMARLE COUNTY CODE

CHAPTER 18

ZONING

SECTION 24

HIGHWAY COMMERCIAL - HC

Sections:

- 24.1 INTENT, WHERE PERMITTED**
- 24.2 PERMITTED USES**
- 24.2.1 BY RIGHT**
- 24.2.2 BY SPECIAL USE PERMIT**
- 24.3 MINIMUM FRONTAGE, SHAPE OF DISTRICT**
- 24.4 ADDITIONAL REQUIREMENTS**

24.1 INTENT, WHERE PERMITTED

HC districts are hereby created and may hereafter be established by amendment to the zoning map to permit development of commercial establishments, other than shopping centers, primarily oriented to highway locations rather than to central business concentrations. It is intended that HC districts be established on major highways within the urban area and communities in the comprehensive plan. It is further intended that this district shall be for the purpose of limiting sprawling strip commercial development by providing sites with adequate frontage and depth to permit controlled access to public streets.

(§ 24.1, 12-10-80)

24.2 PERMITTED USES

24.2.1 BY RIGHT

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

1. Automobile laundries.
2. Automobile, truck repair shops.
3. Automobile service stations (reference 5.1.20).
4. Building materials sales.
5. Churches, cemeteries.
6. Clubs, lodges (reference 5.1.02).
7. Convenience stores.

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8. Educational, technical and trade schools.
9. Factory outlet sales - clothing and fabric.
10. Feed and seed stores (reference 5.1.22).
11. Financial institutions.
12. Fire extinguisher and security products, sales and service.
13. Fire and rescue squad stations (reference 5.1.09).
14. Funeral homes.
15. Furniture stores.
16. Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.
17. Home and business services such as grounds care, cleaning, exterminators, landscaping and other repair and maintenance services.
18. Hardware.
19. (Repealed 6-3-81)
20. Hotels, motels and inns.
21. Light warehousing.
22. Machinery and equipment sales, service and rental.
23. Manufactured home and trailer sales and service.
24. Modular building sales.
25. Motor vehicle sales, service and rental.
26. New automotive parts sales.
27. Newspaper publishing.
28. Administrative, business and professional offices.
29. Office and business machines sales and service.
30. Eating establishment; fast food restaurants.
31. Retail nurseries and greenhouses.
32. Sale of major recreational equipment and vehicles.
33. Wayside stands - vegetables and agricultural produce (reference 5.1.19).
34. Wholesale distribution.

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35. Water, sewer, energy and communications distribution facilities.
36. Public uses (reference 5.1.12).
37. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
38. Indoor theaters.
39. Heating oil sales and distribution (reference 5.1.20).
40. Temporary industrialized buildings (reference 5.8).
41. Uses permitted by right pursuant to subsection 22.2.1 of section 22.1, commercial, C-1.
42. Indoor athletic facilities.
43. Farmers' market (reference 5.1.47).
44. Stormwater management facilities shown on an approved final site plan or subdivision plat.
45. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
46. Storage yards.
47. Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
48. Manufacturing/Processing/Assembly/Fabrication and Recycling; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
49. Storage/Warehousing/Distribution/Transportation; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
50. Drive-through windows (reference 5.1.60). (Added 3-2-16)

(§ 20-24.2.1, 12-10-80; 6-3-81; 3-5-86; 11-1-89; 6-19-91; 9-9-92; 5-12-93; 9-15-93; 10-11-95; § 18-24.2.1, Ord. 98-A(1), 8-5-98; Ord.02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 08-18(6), 11-12-08; Ord. 10-18(4), 5-5-10; Ord. 13-18(2), 4-3-13; Ord. 16-18(2), 3-2-16; Ord. 18-18(1), 1-10-18)

24.2.2 BY SPECIAL USE PERMIT

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

1. Commercial recreation establishment including but not limited to amusement centers, bowling alleys, pool halls and dance halls.
2. Septic tank sales and related service.
3. Livestock sales.

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Zoning Supp. #105, 1-10-18

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CHAPTER 18

ZONING

SECTION 22

COMMERCIAL - C-1

Sections:

- 22.1 INTENT, WHERE PERMITTED**
- 22.2 PERMITTED USES**
- 22.2.1 BY RIGHT**
- 22.2.2 BY SPECIAL USE PERMIT**
- 22.3 ADDITIONAL REQUIREMENTS**

22.1 INTENT, WHERE PERMITTED

C-1 districts are hereby created and may hereafter be established by amendment to the zoning map to permit selected retail sales, service and public use establishments which are primarily oriented to central business concentrations. It is intended that C-1 districts be established only within the urban area, communities and villages in the comprehensive plan. (Amended 9-9-92)

22.2 PERMITTED USES

22.2.1 BY RIGHT

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

- a. The following retail sales and service establishments:
 - 1. Antique, gift, jewelry, notion and craft shops.
 - 2. Clothing, apparel and shoe shops.
 - 3. Department store.
 - 4. Drug store, pharmacy.
 - 5. Florist.
 - 6. Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.
 - 7. Furniture and home appliances (sales and service).
 - 8. Hardware store.
 - 9. Musical instruments.

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10. Newsstands, magazines, pipe and tobacco shops.
 11. Optical goods.
 12. Photographic goods.
 13. Visual and audio appliances.
 14. Sporting goods.
 15. Retail nurseries and greenhouses.
 16. Farmers' markets (reference 5.1.47).
 17. Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
 18. Manufacturing/Processing/Assembly/Fabrication and Recycling; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
 19. Drive-through windows (reference 5.1.60). (Added 3-2-16)
- b. The following services and public establishments:
1. Administrative, professional offices.
 2. Barber, beauty shops.
 3. Religious assembly use, cemeteries. (Amended 8-9-17)
 4. Clubs, lodges (reference 5.1.02).
 5. Financial institutions.
 6. Fire and rescue squad stations (reference 5.1.09).
 7. Funeral homes.
 8. Health spas.
 9. Indoor theaters.
 10. Laundries, dry cleaners.
 11. Laundromat (provided that an attendant shall be on duty at all hours during operation).
 12. Libraries, museums.
 13. Nurseries, day care centers (reference 5.1.06).
 14. Eating establishments.

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15. Tailor, seamstress.
16. Automobile service stations (reference 5.1.20).
17. Water, sewer, energy and communications distribution facilities.
18. Public uses (reference 5.1.12).
19. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
20. Dwellings (reference 5.1.21).
21. (Repealed 4-3-13)
22. Automobile, truck repair shop excluding body shop.
23. Temporary industrialized buildings (reference 5.8).
24. Indoor athletic facilities.
25. (Repealed 5-5-10)
26. Stormwater management facilities shown on an approved final site plan or subdivision plat.
27. Tier I and Tier II personal wireless service facilities (reference 5.1.40).

(§ 20-22.2.1, 12-10-80; 6-3-81; 3-5-86; 9-9-92; 5-2-93; 9-14-93; 10-11-95; Ord. 02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 10-18(4), 5-5-10; Ord. 13-18(2), 4-3-13; Ord. 16-18(2), 3-2-16; Ord. 17-18(4), 8-9-17; Ord. 18-18(1), 1-10-18)

22.2.2 BY SPECIAL USE PERMIT

The following uses shall be permitted only by special use permit approved by the board of supervisors:

1. Commercial recreation establishments including but not limited to amusement centers, bowling alleys, pool halls and dance halls.
2. Energy and communications transmission facilities.
3. Hospitals.
4. (Repealed 8-9-17)
5. Veterinary office and hospital (reference 5.1.11).
6. Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential - R-15, in compliance with regulations set forth therein.
7. Hotels, motels and inns.
8. Motor vehicle sales and rental in communities and the urban area as designated in the comprehensive plan.
9. Stand alone parking and parking structures (reference 4.12, 5.1.41).
10. (Repealed 3-2-16)

18-22-3

Zoning Supp. #105, 1-10-18

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR SP 2017-32 UVA OUTDOOR TENNIS, PERMANENT CONNECTOR ROAD,
AND BIRDWOOD GOLF COURSE ADDITION**

WHEREAS, the University of Virginia Foundation submitted an application to amend a previously-approved special use permit (SP 201700023) for Tax Map Parcel 07500-00-00-06300 to construct a new UVA outdoor tennis facility, to add a short course to the Birdwood Golf Course, and to allow unrestricted permanent vehicular use of a private street between Golf Course Drive on the Birdwood property and Berwick Road on the Boar's Head Sports Club property ("SP 2017-32"); and

WHEREAS, the applicant also requested a special exception pursuant to County Code § 18-4.17.5 to modify County Code § 18-13.3 to increase the maximum height of athletic lighting poles from thirty-five feet to seventy feet in conjunction with SP 2017-32; and

WHEREAS, on June 19, 2018, the Albemarle County Planning Commission considered the special exception request and recommended approval of the request with staff-recommended conditions.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared in conjunction with the application, and its supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-4.75, 18-13.3, 18-33.5, and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to modify the requirement of County Code § 18-13.3, subject to the conditions attached hereto.

* * *

**SP-2017-00032 UVA Outdoor Tennis, Permanent Connector Road,
and Birdwood Golf Course Addition Special Exception Conditions**

1. All light fixtures used in conjunction with light poles utilizing the maximum allowable height granted by Special Exception must be full cut-off dimmable LED lights, as proposed by the applicants.
2. The full cut-off dimmable LED lights may only be used at the level of illumination required for televised nighttime play during such televised nighttime play, and the lights shall be dimmed during other times (such as evening practices), as proposed by the applicants.
3. The special exception shall only apply to the proposed 12 hard courts within the proposed tennis facility; any future tennis courts located in the area denoted for "Future tennis courts" on Exhibit B – Tennis Facility Detail (Concept Plan Sheet 2 of 4) shall have outdoor lighting consisting of poles which comply with the 35 foot maximum height and full cut-off luminaires, as proposed by the applicants.
4. The maximum height of the outdoor athletic lighting poles on the proposed 12 hard courts within the proposed tennis facility on which the special exception applies as noted in Condition 3 shall be 70 feet.

**RESOLUTION TO APPROVE
SP 2017-32 UVA OUTDOOR TENNIS, PERMANENT CONNECTOR ROAD,
AND BIRDWOOD GOLF COURSE ADDITION**

WHEREAS, the University of Virginia Foundation filed an application to amend a previously-approved special use permit (SP 201700023) for Tax Map Parcel 07500-00-00-06300 to construct a new UVA outdoor tennis facility, to add a short course to the Birdwood Golf Course, and to allow unrestricted permanent vehicular use of a private street between Golf Course Drive on the Birdwood property and Berwick Road on the Boar's Head Sports Club property, and the application is identified as Special Use Permit 2017-00032 UVA Outdoor Tennis, Permanent Connect Road, and Birdwood Golf Course Addition ("SP 2017-32"); and

WHEREAS, on June 19, 2018, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2017-32 with modified conditions; and

WHEREAS, subsequent to the Planning Commission, staff worked with the applicant to modify the conditions to address the Planning Commission's concerns and to incorporate conditions that were established for previously approved special use permits; and

WHEREAS, on August 1, 2018, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2017-32.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2017-32 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 2017-32, subject to the conditions attached hereto.

* * *

**SP 2017-32 UVA Outdoor Tennis, Permanent Connector Road,
and Birdwood Golf Course Addition Conditions**

1. Development of the Birdwood Property shall be in general accord with the concept plan entitled "Birdwood SP 2017-00032 Concept Plan" prepared by Elise Cruz, University of Virginia Foundation ("UVAF"), dated April 27, 2018, which includes sheets 1-4 (the "Concept Plan"), attached hereto, as determined by the Director of Planning and Zoning Administrator. To be in general accord, development and use shall reflect the following major elements shown on the Concept Plan and on each corresponding Concept Plan Detail, as noted below:
 - A. Exhibit A – Concept Plan (Sheet 1 of 4):
 - i. Locations of structures, improvements, and uses;
 - ii. Limits of Golf Course, including 18-hole Golf Course, Par 3 Short Course, Practice Ground, Short Game area, and associated improvements; and
 - iii. Location and alignment of Connector Road between Golf Course Drive and Berwick Road.
 - B. Exhibit B – Tennis Facility Detail (Concept Plan Sheet 2 of 4):
 - i. Location of Tennis Facility within area shown in green shading;
 - ii. Location of future tennis courts within area outlined in a dashed oval and entitled, "Future tennis courts", and prohibition of high mast lighting in this area; and
 - iii. Provision of ADA-compliant pedestrian infrastructure to connect Birdwood property (TMP #75-63) with neighboring Boar's Head Sports Club property (TMP #59D2-01—15).
 - C. Exhibit C – Golf Practice Facility Detail (Concept Plan Sheet 3 of 4):
 - i. Building location, orientation, and mass;
 - ii. Parking lot location;
 - iii. Installation of new landscaping for screening purposes;
 - iv. Retention of trees shown for preservation; and
 - v. Earthen berms adjacent to the new parking lot.
 - D. Exhibit D – Connector Road Detail (Concept Plan Sheet 4 of 4):
 - i. Location and alignment of Connector Road between Golf Course Drive and Berwick Road; and
 - ii. Pedestrian infrastructure (including sidewalks, crosswalks, and outdoor lighting)

Any new construction and/or improvements at the subject property, other than the site improvements that are in general accord with the Concept Plan and with each corresponding Concept Plan Detail as determined by the Director of Planning and Zoning Administrator, shall require an amended special use permit, except for the following:

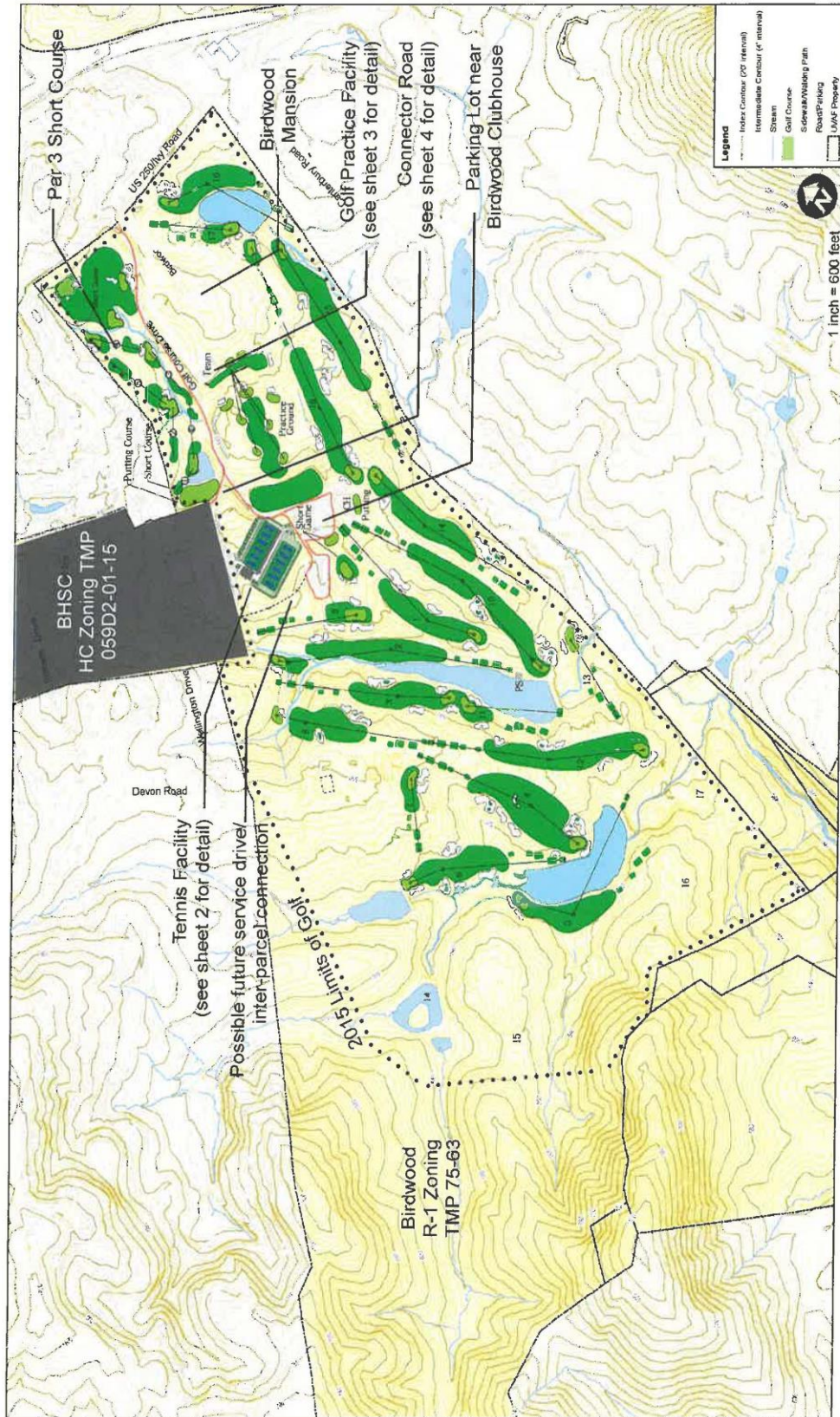
- Modifications to golf course layout within the boundaries of the existing 18-hole golf course, and outside of the boundaries of the Birdwood Mansion “Historic Core” and “Outer Precinct” as identified in the *Birdwood Landscape Site Protection and Stewardship Strategies Plan* (2015);
 - Construction of athletic-related accessory structures or other athletic-related improvements which primarily support the use of the golf course facilities and/or tennis facilities and which occur within the general area of those uses.
 - Other minor modifications to the Concept Plan or corresponding Concept Plan Details that do not otherwise conflict with the elements listed above may be made to ensure compliance with the Zoning Ordinance, as determined by the Zoning Administrator.
2. Design and development of the improvements shown on Exhibit C – Golf Practice Facility Detail (Concept Plan Sheet 3 of 4) shall be subject to the following, as determined by the Planning Director or designee:
- b. Placement of the parking lot within the “bowl” created by the existing terrain in a way that minimizes grading of the slope to the north of the new parking lot, which is to be preserved for its screening effect;
 - c. Construction of earthen berms adjacent to the parking lot which are compatible with existing topographic variation and which further reduce the visibility of the parking lot and parked cars from Golf Course Drive;
 - d. Approved planting plan and planting schedule which, at minimum, include:
 - i. New landscaping materials planted in naturalistic or informal arrangements which are consistent and compatible with the existing landscape in terms of character, density, and species;
 - ii. A meadow or similar grass landscape along Golf Course Drive; and
 - iii. The use of native plant materials; and
 - d. Submittal of a conservation plan prepared by a certified arborist to preserve trees identified for preservation, including the treatment of all ash trees (species *Fraxinus*) that are to be preserved for protection against the emerald ash borer (*Agrilus planipennis*), to be used in conjunction with any required conservation checklist. If all reasonable alternatives for preservation have been explored, and such trees cannot be retained due to the health of the tree as determined by the certified arborist, removal may occur.
3. Design and development of the improvements shown on Exhibit D – Connector Road Detail (Concept Plan Sheet 4 of 4) shall comply with the Special Exception (Grading Buffer Waiver) and all Special Exception Conditions approved by the Board of Supervisors on April 4, 2018, including but not limited to compliance with the requirements identified on the “Landscaping and Screening Exhibit” dated March 5, 2018.
4. Expansion or replacement of the Clubhouse is permissible, provided that all site plan, building permit, and all other applicable permit approvals are properly obtained.
5. No change in use of the Birdwood Mansion is permitted through this Special Use Permit Amendment.
6. All proposed outdoor lighting for the property shall comply with Albemarle County Code, except as otherwise modified or waived by the Board of Supervisors through the approval of a Special Exception request (as may be applicable). Tall mast lighting (lighting that is on a pole more than 35 feet in height) shall not be permitted for tennis courts in the area designated as “Future tennis courts” on Exhibit B – Tennis Facility Detail (Concept Plan Sheet 2 of 4), dated April 27, 2018.
7. Sound studies that demonstrate compliance with the Albemarle County Noise Ordinance, as determined by the Zoning Administrator or her designee, shall be submitted to Albemarle County prior to the issuance of a Certificate of Occupancy for the Tennis Facility.
8. The owner’s traffic consultant shall conduct signal warrant analyses for the Golf Course Drive and Ednam Drive intersections with U.S. Route 250 to determine if volumes indicate that any modification to intersection controls should be implemented. Such analyses shall be conducted a minimum of two times (the first shall occur twelve (12) months after the permanent opening of the connector road, and the second shall occur twenty-four (24) months after the permanent opening of the connector road), and shall be submitted to Albemarle County for review. If any modification is indicated based

on traffic volumes collected per standard procedures of the Virginia Department of Transportation ("VDOT"), the owner's consultant will prepare and submit the requisite Signal Justification Report evaluating alternative intersection control to VDOT and Albemarle County and engage in discussion about the appropriate measures, if any, to be taken at either intersection.

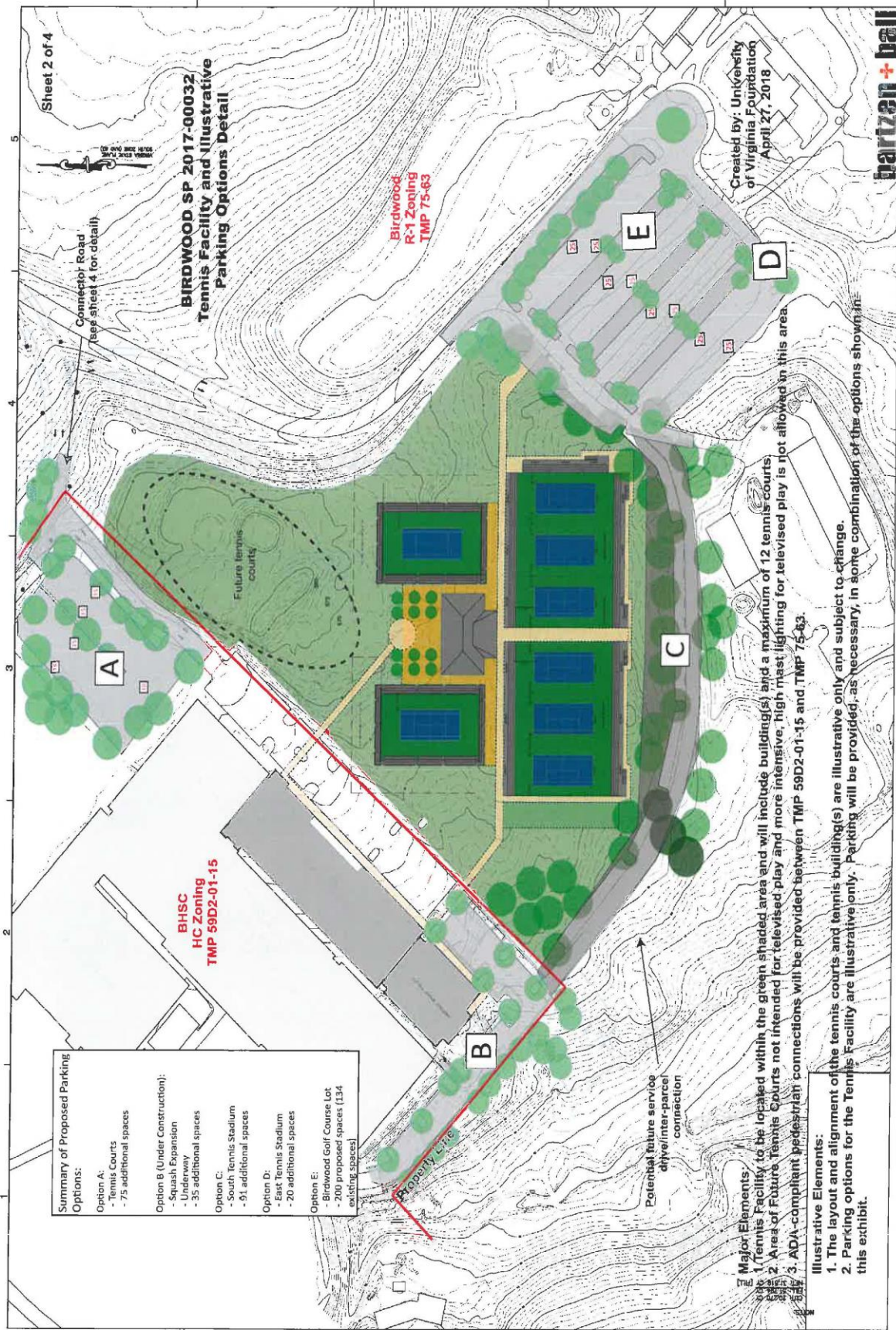
9. Potential future transportation improvements:

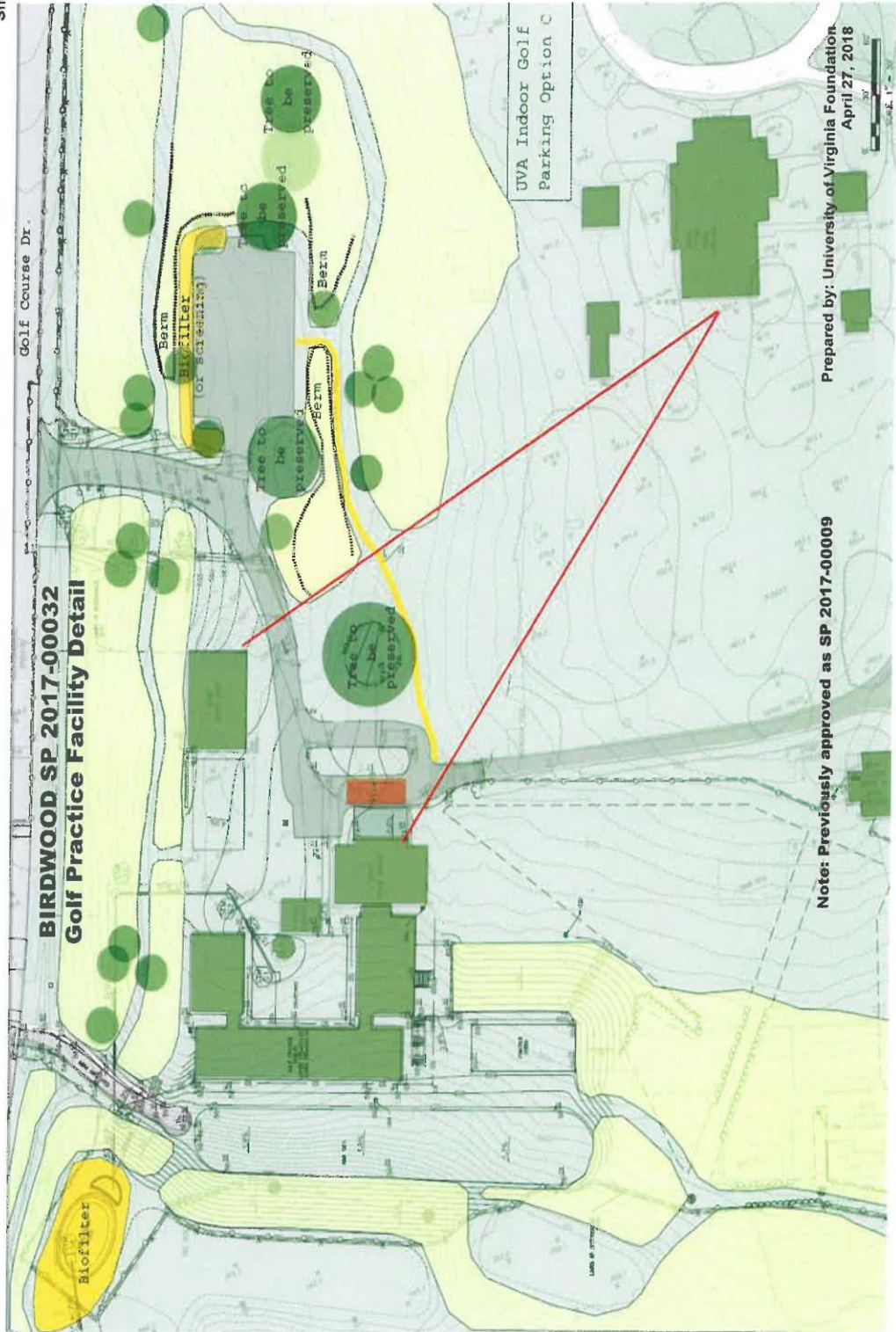
- a. If the signal warrant analyses referenced in condition #8 or any subsequent additional signal warrant analyses (collectively, the "Analyses") demonstrate that any change to the traffic control type or means of access are appropriate at either the intersection of Golf Course Drive and U.S. Route 250 and/or the intersection at Ednam Drive and U.S. Route 250 (collectively, the "Transportation Improvements") prior to the date that is five (5) years after the date of the permanent opening of the Connector Road, the Foundation will pay its pro rata share toward the cost of the Transportation Improvements, which pro rata share shall be based on the Analyses (the "UVAF Contribution").
 - b. For purposes of calculating the monetary amount of the UVAF Contribution, the cost of the Transportation Improvements shall be based on the cost of a new traffic signal and any modifications to the existing traffic signal (collectively, a "Signal") at the time the UVAF Contribution is requested by the County, even if the Transportation Improvement that is ultimately installed is something other than a Signal (such as a roundabout, or other alternative intersection control device that costs more than a Signal). However, in the event that the Transportation Improvement that is ultimately installed costs less than the cost of a Signal, the UVAF Contribution shall be based on the cost of the improvement ultimately installed, rather than the cost of a Signal.
 - c. Upon a determination by VDOT and the Albemarle County Director of Community Development that any Transportation Improvement is required pursuant to the terms of paragraph 9(a) herein, the County shall provide written notice to the Foundation (the "Notice"), of the amount of the UVAF Contribution for the Transportation Improvements. The Foundation shall have One Hundred Twenty (120) days from the date of delivery of the Notice to provide the UVAF Contribution, which may be in the form of a bond. If the Transportation Improvements have not been completed within five (5) years after the Foundation's delivery of the UVAF Contribution, the UVAF Contribution shall be returned to the Foundation. If the County has not delivered the Notice within five (5) years after the date of the permanent opening of the Connector Road, the Foundation shall be relieved of any obligation for the Transportation Improvements.
10. The owner shall continue to implement an Integrated Pest Management/Nutrient Management Plan to reduce adverse water quality impacts.
 11. Ingress and egress along Birdwood Drive shall continue to be restricted, to the satisfaction of the Zoning Administrator, to only those residences served by Birdwood Drive and shall not be used as an access to the Indoor Golf Practice Facility or other areas of Birdwood.
 12. Use of the property must adhere to the Events Management Plan as described in Proffer #4 of ZMA201700010.
 13. SP201700032 shall remain valid so long as construction of any one of the uses proposed herein is commenced on or before August 1, 2023.

BIRDWOOD
SP 2017-00032 Conceptual Plan



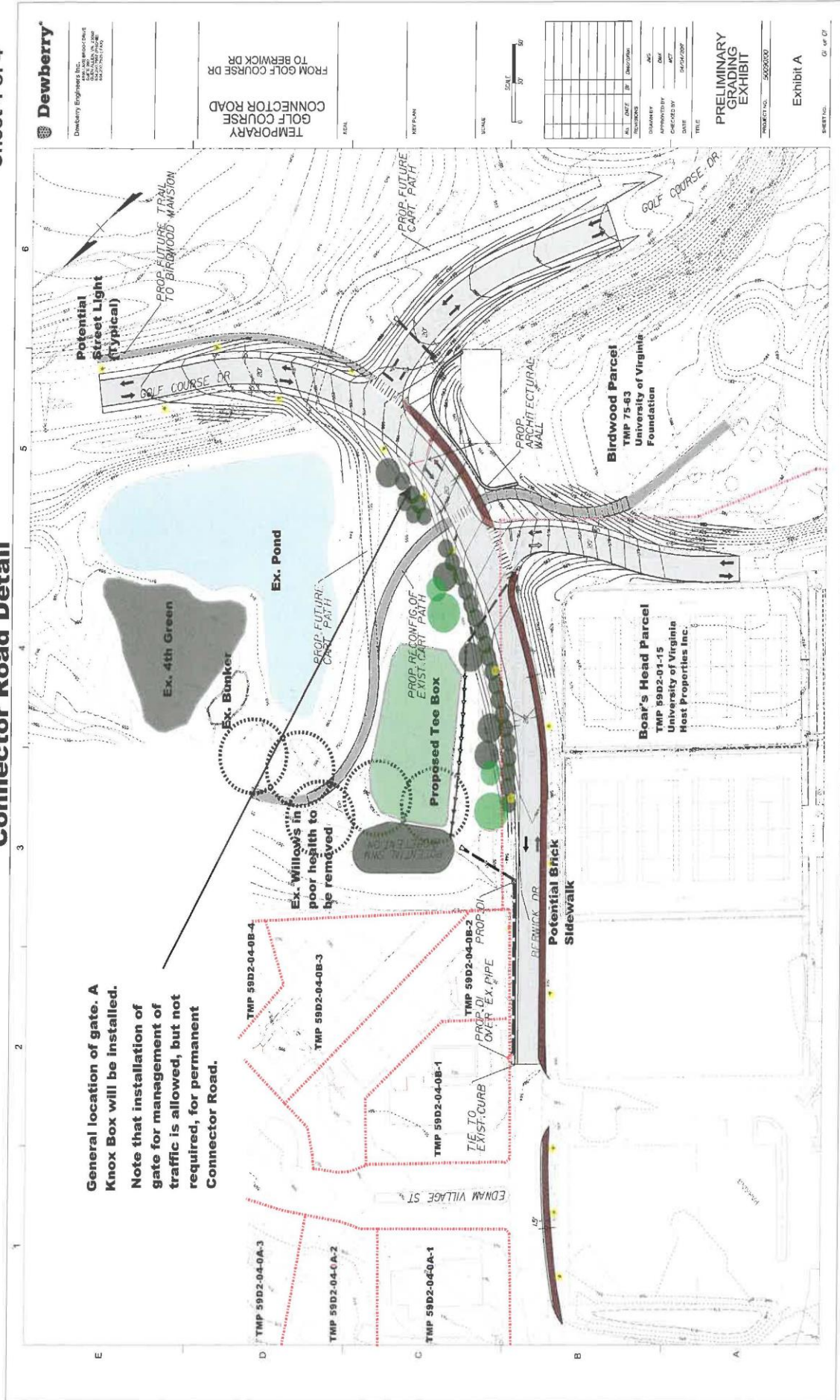
Prepared by: Elise Cruz, UVA Foundation
April 27, 2018





BIRDWOOD SP 2017-0032 Connector Road Detail

Sheet 4 of 4



Note: Previously approved as SP 2017-00023

Prepared by the UVA Foundation
 April 27, 2018

**ORDINANCE NO. 18-A(5)
ZMA 2017-07 HOGWALLER FARM**

**AN ORDINANCE TO REZONE 7.52 ACRES
FROM LI LIGHT INDUSTRIAL TO RA RURAL AREAS
FOR TAX MAP PARCEL NUMBER 07700-00-00-02000**

WHEREAS, the application to rezone 7.52 acres from LI Light Industrial to RA Rural Areas for Tax Map Parcel Number 07700-00-00-020000 is identified as ZMA 2017-00007 Hogwaller Farm ("ZMA 2017-07"); and

WHEREAS, staff recommended denial of ZMA 2017-07 for reasons set forth in the May 1, 2018 Planning Commission staff report; and

WHEREAS, the Planning Commission held a duly noticed public hearing on ZMA 2017-07 on May 1, 2018 and recommended denial; and

WHEREAS, subsequent to the Planning Commission meeting, the applicant submitted a revised conceptual plan and revised proffers, which staff believes address the issues of concern raised by staff and the Planning Commission; and

WHEREAS, on August 1, 2018, the Albemarle County Board of Supervisors held a duly noticed public hearing on ZMA 2017-07.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the staff report prepared for ZMA 2017-07 and its attachments, including the proffers dated June 29, 2018, which include the use restrictions and the establishment and maintenance of a riparian buffer as recommended by staff, and the rezoning application plan entitled "TMP 07700-00-00-02000: Hogwaller Farm, ZMA Application: 2017-00007", prepared by Shimp Engineering, P.C., dated January 16, 2018 and last revised on June 27, 2018 (the "conceptual plan"), the information presented at the public hearing, the material and relevant factors in Virginia Code § 15.2-2284, the intent of the RA Rural Areas zoning district stated in County Code § 18-10.1, and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board hereby approves ZMA 2017-07 with the proffers dated June 29, 2018 and the conceptual plan dated January 16, 2018 and last revised on June 27, 2018.

* * *

Original Proffers X
Amendment

PROFFER STATEMENT

ZMA Number: 2017-00007

Tax Map and Parcel Number: 07700-00-00-02000

Owner: Franklin St. Land Trust II; Charles Wm Hurt & Shirley L Fisher,
Trustees
PO Box 8147
Charlottesville, VA 22906

Date of Proffer Signature:

7.52 Acres to be rezoned from LI to RA

Franklin St. Land Trust II, is the owner (the “Owner”) of Tax Map and Parcel Number 07700-00-00-02000 (the “Property”) which is the subject of rezoning application ZMA No. 2017-00007, a project known as “Hogwaller Farm” (the “Project”).

Pursuant to Section 33 of the Albemarle County Zoning Ordinance (Chapter 18 of the Albemarle County Code), the Owner hereby voluntarily proffers the conditions listed below which shall be applied to the Property if it is rezoned to the requested zoning district, rural areas (RA). These conditions are proffered as a part of the requested rezoning and the Owner acknowledges that the conditions are reasonable. Each signatory below signing on behalf of the Owner covenants and warrants that it is an authorized signatory of the Owner for this Proffer Statement.

1. **SITE DEVELOPMENT:** The property will be developed in general accord with the conceptual plan titled “TMP 07700-00-00-02000: Hogwaller Farm” dated 01-16-2018 and last revised 06-27-18, as determined by the Zoning Administrator. The property will be developed to feature the major elements shown on the conceptual plan, which includes an undisturbed riparian buffer and riparian buffer signage. The conceptual plan is attached herein as Attachment A.
2. **RIPARIAN BUFFER:** An undisturbed riparian buffer area (“riparian buffer”) managed in accordance with the Albemarle County stream buffer protection regulations (County Code § 17-600, et seq.) will be established and maintained for perpetuity, provided that the area within the riparian buffer shall not be eligible for the “silvicultural activities” exemption that is otherwise provided by County Code § 17-602(c) . The riparian buffer will extend to 100’ from the top of bank of Moore’s Creek or to the limits of the

floodway, whichever is greater. A copy of County Code § 17-601 is attached herein as Attachment B for reference purposes.

3. **RIPARIAN BUFFER AREA DESIGNATION:** Signage denoting the extent of the riparian buffer along the property shall be installed by the property owner prior to the commencement of uses/activities listed in Proffer #4 "Agricultural Uses." Signage shall be maintained as long as the property is in operation with uses/activities stated in Proffer #4. Signage will be maintained by the property owner at the time the signage is in need of repair. The size, type of material(s), content, number, and locations of the signs shall be approved by the Zoning Administrator and County Engineer.
4. **FUTURE USES:** Agricultural Uses: The use of the property shall be restricted to the following by right uses pursuant to Section 10.2.1(3), (6), (7), (9), (21), (27), and (30) of the Albemarle County Zoning Ordinance, as in effect on August 1, 2018, a copy of which is attached hereto and incorporated herein as Attachment C, inclusive of modifications as shown in underline or strikethrough typeface:
 - 3. Agriculture, forestry, and fishery uses, excluding livestock activity involving swine or cows, and excluding agriculture, forestry, or fishery uses within the designated "riparian buffer" area.
 - 6. Water, sewer, energy, communications distribution facilities (reference 6.1.12)
 - 7. Accessory uses and building including major home occupations (reference 5.2A), minor home occupations (reference 5.2A), and storage buildings.
 - 9. Public uses (reference 5.1.12)
 - 21. Stormwater management facilities shown on an approved final site plan or subdivision plat.
 - 27. Farm stands (reference 5.1.47).
 - 30. Events and activities at agricultural operations authorized by right under section 5.1.58(d).

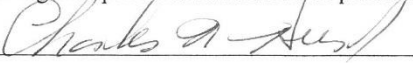
Additionally, the property may also be used for the following special uses pursuant to Section 10.2.2 of the Zoning Ordinance, as in effect on August 1, 2018, a copy of which is attached hereto and incorporated herein as Attachment C, subject to the applicable requirements of the Zoning Ordinance, provided that a special use permit is approved:

- 39. Hydroelectric power generation (reference 5.1.26).

OWNER:

Franklin St. Land Trust II

(to be signed upon final submission of proffer statement)



By: Charles Wm Hurt

Title: Trustee

Tax Map and Parcel Number: 07700-00-00-02000

The undersigned Owner hereby proffers that the use and development of the Property shall be in conformance with the proffers and conditions herein above. This document shall supersede all other agreements, proffers or conditions that may be found to be in conflict. The Owner agrees that all proffers shall be binding to the property, which means the proffers shall be transferred to all future property successors of the land.

WITNESS the following signature:

Franklin St. Land Trust II

By: 

COMMONWEALTH OF VIRGINIA

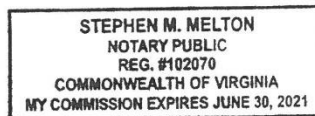
CITY/COUNTY OF Albemarle, to wit:

The foregoing instrument was acknowledged before me this 29 day of June 2018
by Dr. Charles Wm Hurt, Trustee of Franklin St. Land Trust II.

My Commission expires: June 30, 2021

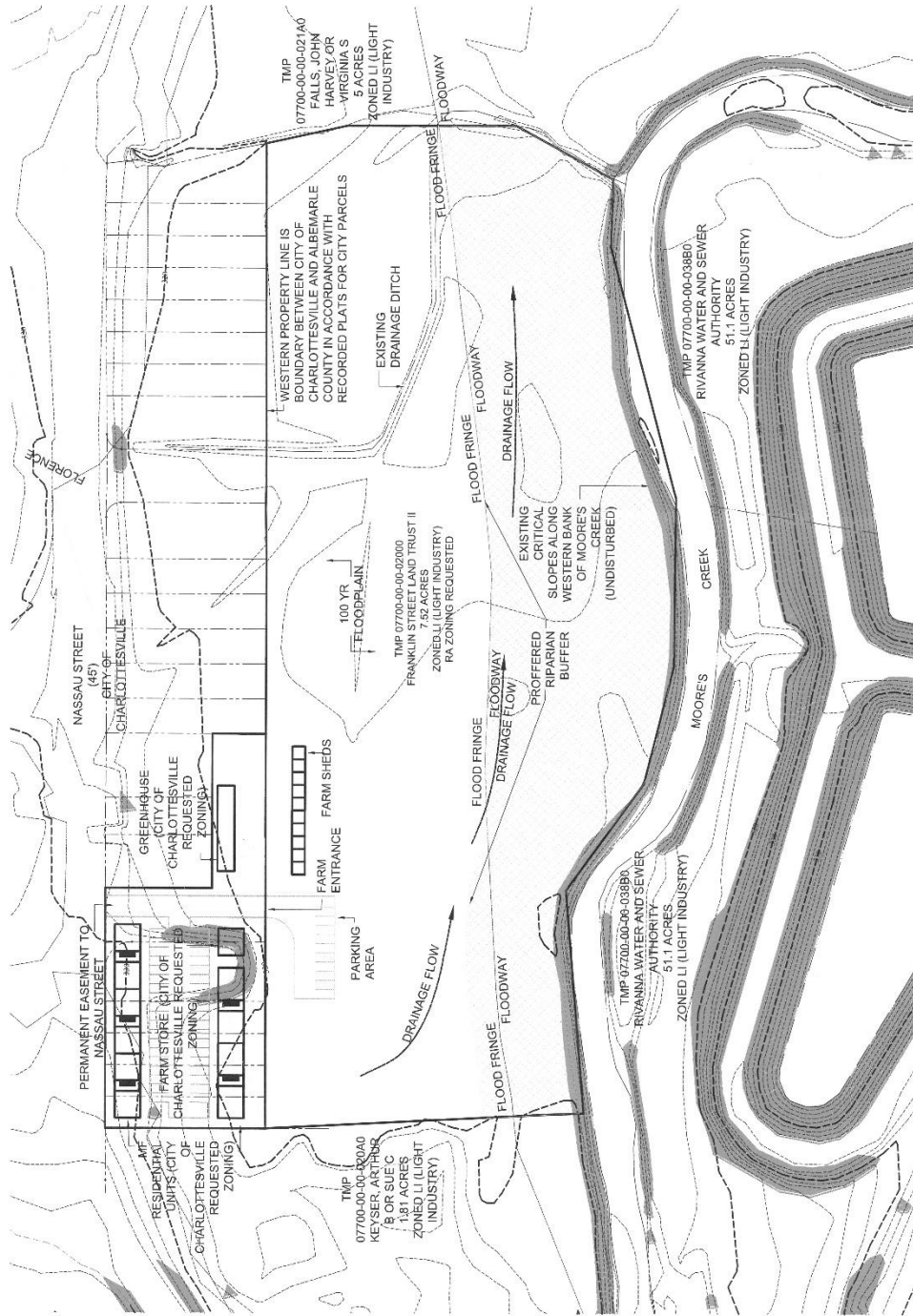


Notary Public

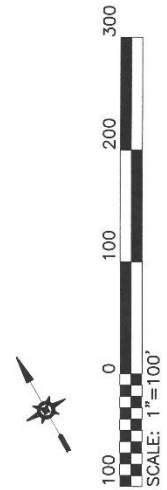


NOTES:

1. TOPOGRAPHIC INFORMATION PROVIDED BY ALBEMARLE COUNTY GIS DATA, CHARLOTTEVILLE CITY GIS DATA, AND ADDITIONAL FIELD SURVEY PROVIDED BY ROGER RAY AND ASSOCIATES.
2. THE PROPOSED STRUCTURES WITH THIS REZONING ARE ACCESSORY TO THE AGRICULTURAL USE, ARE LOCATED OUTSIDE OF THE FLOODWAY, AND ARE NOT RESIDENTIAL. ANY FENCING PROVIDED FOR THE FARM USE WILL BE DESIGNED SO AS NOT TO IMPEDE THE FLOW OF THE 100-YEAR FLOOD. SECURITY FENCING, SUCH AS CHAIN LINK, WILL NOT BE PROVIDED FOR THIS SITE.
3. PARKING AREA SHOWN IS FOR TEMPORARY VEHICLE PARKING FOR FARM VISITORS AND EMPLOYEES.
4. RIPARIAN BUFFER SHOWN IS 100' FROM TOP OF BANK OR EDGE OF FLOODWAY, WHICHEVER IS GREATER, PER PROFFER STATEMENT



TMP 07700-00-00-02000: Hogwaller Farm
 ZMA Application: 2017-00007
 Conceptual Plan
 01-16-2018
 last revised:
 06-27-2018



SHIMP ENGINEERING, P.C.
 ENGINEERING - LAND PLANNING - PROJECT MANAGEMENT
 301 E MAIN ST. STE. M
 CHARLOTTEVILLE, VA 22902
 PHONE: (434) 227-8140
 JUSTIN@SHIMP-ENGINEERING.COM

ATTACHMENT B

Sec. 17-601 Management of stream buffer.

Each stream buffer required to be retained or established pursuant to section 17-600 shall be managed as provided herein:

- A. Target vegetative cover. The preferred vegetative cover in a stream buffer shall be a native riparian forest with ground cover, shrub, and tree canopy layers.
- B. Preservation of native vegetation. When evaluating a development design under subsection (C), when native vegetation may be disturbed or removed under subsection (D) and sections 17-603 and 17-604, and when stream buffers are maintained under subsection (E), native vegetation shall be preserved to the fullest extent possible.
- C. Incorporation into development design. Each stream buffer shall be incorporated into the design of the development by keeping stream buffers in open or natural spaces, and out of residential lots or areas of active use, to the fullest extent possible.
- D. Retaining native vegetation; disturbance or removal. In order to maintain the runoff, erosion, nonpoint source pollution control, stream temperature, and ecological values of the stream buffer, no native vegetation within the stream buffer shall be disturbed or removed, regardless of the size of the area affected, except to maintain the stream buffer as provided in subsection (E), provided that native vegetation may be removed to construct, install, operate or maintain any improvement, or engage in any activity, authorized by sections 17-603 and 17-604.
- E. Maintaining the stream buffer. Each stream buffer shall be maintained in as natural a condition as possible.

(§ 19.3-42, 2-11-98, § 19.2-8, 6-19-91, § 8; Code 1988, §§ 19.2-8, 19.3-42; § 17-318, Ord. 98-A(1), 8-5-98; § 17-601, Ord. 14-17(1), 5-7-14, effective 7-1-14)

State law reference – Va. Code § 62.1-44.15:73; 9VAC25-890-40.

ALBEMARLE COUNTY CODE**CHAPTER 18. ZONING****SECTION 10. RURAL AREAS DISTRICT, RA****Sections:**

10.1	Intent, where permitted.
10.2	Permitted uses.
10.2.1	By right.
10.2.2	By special use permit.
10.3	Application of regulations for development by right.
10.3.1	Conventional development.
10.3.3	Rural preservation development.
10.3.3.1	Definitions.
10.3.3.2	Intent; design standards.
10.3.3.3	Special provisions.
10.4	Area and bulk regulations.
10.5.2	Where permitted by special use permit.
10.5.2.2	Materials to be submitted by the applicant.

Sec. 10.1 Intent, where permitted.

This district (hereafter referred to as RA) is hereby created and may hereafter be established by amendment of the zoning map for the following purposes:

- Preservation of agricultural and forestal lands and activities;
- Water supply protection;
- Limited service delivery to the rural areas; and
- Conservation of natural, scenic, and historic resources.

Residential development not related to bona fide agricultural/forestal use shall be encouraged to locate in the urban area, communities and villages as designated in the comprehensive plan where services and utilities are available and where such development will not conflict with the agricultural/forestal or other rural objective. Where development does occur, rural residents should expect to receive a lower level of service delivery than will be provided to residential developments in designated growth areas. In relation to residential development, agricultural/forestal activities shall be regulated only to the extent necessary to protect public health and safety.

In regard to agricultural preservation, this district is intended to preserve the county's active farms and best agricultural and forestal lands by providing lot areas designed to insure the continued availability of such lands for preferential land use tax assessment in order to enhance the economy, and maintain employment and lifestyle opportunities. In addition, the continuation and establishment of agriculture and agriculturally-related uses will be encouraged, and landowners will be encouraged to employ Virginia State Water Control Board best management practices.

(§ 20-10.1, 12-10-80, 11-8-89; § 18-10.1, Ord. 98-A(1), 8-5-98; Ord. 01-18(6), 10-3-01)

It is intended that permitted development be restricted to land which is of marginal utility for agricultural/forestal purposes, provided that such development be carried out in a manner which is

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compatible with other purposes of this district. Roadside strip development is to be discouraged through the various design requirements contained herein.

Sec. 10.2 Permitted uses.

Sec. 10.2.1 By right.

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

1. Detached single-family dwellings, including guest cottages and rental of the same; provided that yard, area and other requirements of section 10.4, conventional development by right, shall be met for each such use whether or not such use is on an individual lot subject to section 10.3.
2. Side-by-side duplexes subject to the provisions of section 10.4; provided that density is maintained and provided that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall. Other two-family dwellings shall be permitted provided density is maintained.
3. Agriculture, forestry, and fishery uses except as otherwise expressly provided.
4. Game preserves, wildlife sanctuaries and fishery uses.
5. (Repealed 5-5-10)
6. Water, sewer, energy, communications distribution facilities (reference 5.1.12).
7. Accessory uses and buildings including major home occupations (reference 5.2A), minor home occupations (reference 5.2A), and storage buildings.
8. Temporary construction uses (reference 5.1.18).
9. Public uses (reference 5.1.12).
10. Temporary sawmill (reference 5.1.15 and subject to performance standards in 4.14).
11. Veterinary services - off-site treatment only.
12. Agricultural service occupation (subject to performance standards in 4.14).
13. Divisions of land in accordance with section 10.3.
14. Bed and breakfast (reference 5.1.48).
15. Manufactured homes, individual, qualifying under the following requirements (reference 5.6):
 - a. A property owner residing on the premises in a permanent home wishes to place a manufactured home on such property in order to maintain a full-time agricultural employee.
 - b. Due to the destruction of a permanent home an emergency exists. A permit can be issued in this event not to exceed twelve (12) months. The Zoning Administrator shall be authorized to issue permits in accordance with the intent of this ordinance and shall be authorized to require or seek any information which he may determine necessary in making a determination of cases "a" and "b" of the aforementioned uses.
16. Temporary manufactured home in accordance with section 5.7.

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17. Farm winery uses, events, and activities authorized by section 5.1.25(a),(b), and (c)(2).
 18. Borrow area, borrow pit, not exceeding an aggregate volume of fifty thousand (50,000) cubic yards including all borrow pits and borrow areas on any one parcel of record on the adoption date of this provision (reference 5.1.28).
 19. Manufactured homes on individual lots (reference 5.6).
 20. Commercial stable (reference 5.1.03).
 21. Stormwater management facilities shown on an approved final site plan or subdivision plat.
 22. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
 23. Farm worker housing, Class A (up to ten occupants and up to two sleeping structures) (reference 5.1.44).
 24. County store, Class A (reference 5.1.45).
 25. Small wind turbines (reference 5.1.46).
 26. (Repealed 11-12-14)
 27. Farm stands (reference 5.1.47).
 28. Family day homes (reference 5.1.56).
 29. Farm brewery uses, events, and activities authorized by section 5.1.57(a), (b), and (c)(2).
 30. Events and activities at agricultural operations authorized by right under section 5.1.58(d).
 31. Farm distillery uses, events, and activities authorized by section 5.1.59(a), (b), and (c)(2).
 32. Group home (reference 5.1.07).
- (§ 20-10.2.1, 12-10-80; 12-16-81; 7-6-83; 11-1-89; 11-8-89; 11-11-92; 5-12-93; Ord. 95-20(5), 11-15-95; § 18-10.2.1, Ord. 98-A(1), 8-5-98; Ord. 02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 06-18(2), 12-13-06; Ord. 08-18(7), 11-12-08; Ord. 09-18(11), 12-10-09; Ord. 10-18(3), 5-5-10; Ord. 10-18(4), 5-5-10; Ord. 11-18(1), 1-12-11; Ord. 12-18(3), 6-6-12; Ord. 13-18(5), 9-11-13; Ord. 14-18(4), 11-12-14; Ord. 15-18(10), 12-9-15; Ord. 17-18(1), 1-18-17; Ord. 17-18(4), 8-9-17; Ord. 18-18(1), 1-10-18)

Sec. 10.2.2 By special use permit.

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

1. Community center (reference 5.1.04).
2. Clubs and lodges (reference 5.1.02).
3. Fire and rescue squad stations (volunteer) (reference 5.1.09).
4. Swim, golf, tennis or similar athletic facilities (reference 5.1.16).
5. Private schools.

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6. Energy and communications transmission facilities (reference 5.1.12).
7. Day care centers (reference 5.1.06).
8. (Repealed 3-5-86)
9. Manufactured home subdivisions (reference 5.5).
10. (Repealed 11-11-92)
11. (Repealed 3-15-95)
12. Horse show grounds, permanent.
13. Custom slaughterhouse.
14. Sawmills, planing mills and woodyards (reference 5.1.15 and subject to performance standards in 4.14).
15. (Repealed 8-9-17)
16. (Repealed 11-15-95)
17. Commercial kennel (reference 5.1.11 and subject to performance standards in 4.14).
18. Veterinary services, animal hospital (reference 5.1.11 and subject to performance standards in 4.14).
19. Private airport, helistop, heliport, flight strip (reference 5.1.01).
20. Day camp, boarding camp (reference 5.1.05).
21. Sanitary landfill (reference 5.1.14).
22. Country store, Class B (reference 5.1.45).
23. Commercial fruit or agricultural produce packing plants.
24. (Repealed 11-8-89)
25. Flood control dams and impoundments.
26. (Repealed 11-8-89)
27. Restaurants, taverns, and inns that are:
 - a. Located on a site containing a structure that is a historic structure and/or site as defined in section 3.1 or located on a site containing a structure that is identified as contributing to a historic district as defined in section 3.1, provided: (i) the structure was historically used as a restaurant, tavern or inn or previously approved for such use by special use permit; and (ii) if renovation or restoration of the historic structure is proposed, such changes shall restore the structure as faithfully as possible to the architectural character of the period(s) of its significance and shall be maintained consistent therewith; and (iii) that any additions or new structures shall serve a restaurant, tavern or inn use existing within the historic structure and lawfully operating on December 14, 2016; or

18-10-4

Zoning Supp. #105, 1-10-18

ALBEMARLE COUNTY CODE

- b. Nonconforming uses, provided the restaurant or inn is served by existing water and sewerage systems having adequate capacity for both the existing and proposed uses and facilities without expansion of either system.
- 28. Divisions of land as provided in section 10.5.2.1.
- 29. Boat landings and canoe livery.
- 30. Permitted residential uses as provided in section 10.5.2.1.
- 31. (Repealed 1-12-11)
- 32. Cemetery.
- 33. Crematorium.
- 34. (Repealed 3-21-01)
- 35. Religious assembly use.
- 36. Gift, craft and antique shops.
- 37. Public garage.
- 38. Exploratory drilling.
- 39. Hydroelectric power generation (reference 5.1.26).
- 40. Borrow area, borrow pit not permitted under section 10.2.1.18.
- 41. Convent, Monastery (reference 5.1.29).
- 42. Temporary events sponsored by local nonprofit organizations which are related to, and supportive of the RA, rural areas, district (reference 5.1.27).
- 43. Agricultural Museum (reference 5.1.30).
- 44. Theatre, outdoor drama.
- 45. (Repealed 11-12-14)
- 46. Off-site parking for historic structures or sites (reference 5.1.38) or off-site employee parking for an industrial use in an industrial zoning district (reference 5.1.39).
- 47. Animal shelter (reference 5.1.11).
- 48. Tier III personal wireless service facilities (reference 5.1.40).
- 49. Historical centers, historical center special events, historical center festivals (reference 5.1.42).
- 50. Special events (reference 5.1.43).
- 51. Farm worker housing, Class B (more than ten occupants or more than two sleeping structures) (reference 5.1.44).

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- 52. Sale of gasoline and other fuels in conjunction with a country store, Class A or Class B (reference 5.1.45).
- 53. Farm winery uses, events, and activities authorized by section 5.1.25(c)(3).
- 54. Farmers' markets (reference 5.1.47).
- 55. Farm brewery uses, events, and activities authorized by section 5.1.57(c)(3).
- 56. Events and activities at agricultural operations authorized by special use permit under section 5.1.58(d).
- 57. Farm distillery uses, events, and activities authorized by section 5.1.59(c)(3).
- 58. Solar energy systems.

(§ 20-10.2.2, 12-10-80; 3-18-81; 2-10-82; 4-28-82; 7-6-83; 3-5-86; 1-1-87; 12-2-87; 11-8-89; 6-10-92; 11-11-92; Ord. 95-20(1), 3-15-95; Ord. 95-20(3), 10-11-95; Ord. 95-20(5), 11-15-95; § 18-10.2.2, Ord. 98-A(1), 8-5-98; Ord. 99-18(4), 6-16-99; Ord. 00-18(6), 10-18-00; Ord. 01-18(2), 3-21-01; Ord. 02-18(6), 10-9-02; Ord. 04-18(1), 5-5-04 effective 7-1-04; Ord. 04-18(2), 10-13-04; Ord. 05-18(7), 6-8-05; Ord. 05-18(8), 7-13-05; Ord. 06-18(2), 12-13-06; Ord. 08-18(7), 11-12-08; Ord. 10-18(3), 5-5-10; Ord. 10-18(4), 5-5-10; Ord. 11-18(1), 1-12-11; Ord. 14-18(4), 11-12-14; Ord. 15-18(10), 12-9-15; Ord. 16-18(7), 12-14-16; Ord. 17-18(1), 1-18-17; Ord. 17-18(2), 6-14-17; Ord. 17-18(4), 8-9-17; Ord. 18-18(1), 1-10-18)

Sec. 10.3 Application of regulations for development by right.

The following provisions shall apply to any parcel of record at 5:15 p.m., the tenth day of December, 1980 (reference 6.5).

(§ 20-10.3, 12-10-80; 11-8-89; § 18-10.3, Ord. 98-A(1), 8-5-98)

Sec. 10.3.1 Conventional development.

Regulations in section 10.5 governing development by right shall apply to the division of a parcel into five (5) or fewer lots of less than twenty-one (21) acres in area and to the location of five (5) or fewer dwelling units on any parcel in existence at the time of adoption of this ordinance (reference section 1.3). The aggregate acreage devoted to such lots or development shall not exceed thirty-one (31) acres, except in such case where this aggregate acreage limitation is precluded by other provisions of this ordinance. The second sentence of this provision shall not be applicable to land divided between the effective date of this ordinance (reference section 1.3) and November 8, 1989.

(§ 20-10.3.1, 12-10-80; 11-8-89; 9-9-92; § 18-10.3.1, Ord. 98-A(1), 8-5-98; Ord. 00-18(4), 6-14-00)

- 10.3.2 In addition to the foregoing, there shall be permitted by right any division of land into parcels each of which shall be twenty-one (21) acres or more in area. No such parcel shall be included in determining the number of parcels which may be created by right pursuant to section 10.3.1; provided that (a) no such division shall affect the number of parcels which may be divided pursuant to section 10.3.1; (b) there may be located not more than one (1) dwelling unit on any parcel created pursuant to this section; (c) at the time of any such division, the owner of the parcel so divided shall designate the number of parcels into which each parcel so divided may be further divided pursuant to section 10.3.1 together with aggregate acreage limitations in accordance with section 10.3.1; and (d) no such division shall increase the number of parcels which may be created pursuant to section 10.3.1.

(§ 20-10.3.2, 12-10-80; 11-8-89; 9-9-92; § 18-10.3.2, Ord. 98-A(1), 8-5-98; Ord. 01-18(6), 10-3-01)