

A meeting of the Board of Supervisors of Albemarle County, Virginia, was held on 2018, at 1:00 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia. The night meeting was held at 6:00 p.m.

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

ABSENT: Mr. Norman G. Dill.

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

Agenda Item 1. Call to Order. The meeting was called to order at 1:01 p.m., by the Chair, Ms. Mallek.

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**Non-Agenda.** Ms. Mallek stated that the Board needed to make a slight change to today's agenda. It would begin with Mr. Richardson doing a recognition followed by the Board going into Closed Meeting.

Mr. Richardson stated later in the meeting, they would be doing a formal recognition of departments that pulled together and worked with County administration for the events of August 10 through August 12, 2018. There are special guests present at the meeting who are on tight time constraints. He then recognized Mr. Jim Foley, Director of School Transportation, who brought some of their unsung heroes.

Mr. Foley stated that he is extremely proud of the work that his staff did. Although they were paid, they volunteered for this duty not knowing what would happen. A lot of planning went into their efforts. He thanked the bus drivers and mechanics for all they did. He then asked that they stand and be recognized. He added that the staff covered 12-hour shifts from Friday through Monday morning.

Board members thanked the staff for attending the meeting and their work.

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Agenda Item No. 2. Closed Meeting.

At 1:03 p.m., Mr. Gallaway **moved** that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to disruptions at public meetings; and
- Under Subsection (19), to discuss plans related to the security of the County Office Building facilities at both McIntire Road and Fifth Street.

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

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

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

NAYS: None.

ABSENT: Mr. Dill.

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Agenda Item No. 3. Certify Closed Meeting.

At 2:03 p.m., the Board reconvened into open meeting, and Mr. Gallaway **moved** that the Board certify that to the best of each member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting, were heard, discussed or considered in the closed meeting. The motion was **seconded** by Ms. Mallek.

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

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

NAYS: None.

ABSENT: Mr. Dill.

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Agenda Item No. 1. Call back to Order.

The regular meeting was called back to order at 2:04 p.m., by the Chair, Ms. Mallek.

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Agenda Item No. 2. Pledge of Allegiance.

Agenda Item No. 3. Moment of Silence.

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Agenda Item No. 4. Adoption of Final Agenda.

Ms. Mallek requested a motion to move the Schools' Board-to-Board report to the Consent Agenda since the School Board Chair and Vice-Chair are not available.

Ms. Mallek **moved** that the Board-to-Board report be moved to the Consent Agenda. The motion was **seconded** by Ms. McKeel.

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

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

NAYS: None.

ABSENT: Mr. Dill.

Ms. McKeel **moved** that the Board adopt the final agenda, as amended. Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

ABSENT: Mr. Dill.

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Agenda Item No. 5. Brief Announcements by Board Members.

Ms. Mallek introduced the presiding security officer, Officer Jordan DeLang, and County staff at the dais.

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Mr. Gallaway said that a constituent of his has requested that he announce the National Drug Take Back event will be held on Saturday, October 27, 2018, from 10:00 a.m. – 2:00 p.m. He noted that the website [www.takebackday.dea.gov](http://www.takebackday.dea.gov) allows users to input their zip code to learn where they could return drugs or pharmaceuticals.

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Mr. Randolph announced that Scottsville Community Day will to be held September 7, 2018, at the farmers market in Dorrier Park, with entertainment to be provided. He encouraged all to attend.

Mr. Randolph announced that Mr. Ben King, a former resident of the County and North Garden, won Stages 4 and 9 at the Vuelta a España of the very prestigious Tour Du Spain race, and is currently in 18<sup>th</sup> place overall. He said that Mr. King rides for Dimension Data team, which also features former world champion Mark Cavendish.

Mr. Randolph announced that he recently visited Summit County, CO and had the opportunity to observe discussion of a transient housing ordinance that is being finalized. He said he would report specifics to the Board and suggested that Albemarle incorporate some of those ideas into the development of its own transient housing ordinance. He noted that they also discussed the issue of affordable housing and multimodal infrastructure. He said that in Colorado, they believe if they build it, they will come, and there is no reason not to think this could also happen in Albemarle.

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Ms. Mallek announced that the Third Annual Rivanna River Renaissance Conference will be held in the County Office Building on Friday, September 28, 2018. She said they will learn about the successes of the Reedy River development in Greenville, S.C. and work in progress in Roanoke. She said this would be followed by a review of the Rivanna River Corridor Master Plan, a joint development of the City, County, and Thomas Jefferson Planning District. The Board will have the opportunity to ask questions of staff. She added that on Saturday, September 29, 2018, beginning at 9:15 a.m., there will be a float on the Rivanna River and invited all to attend.

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Ms. Palmer announced that Ivy Material Utilization Center will hold a household hazardous waste collection from 9:00 a.m., to 2:00 p.m., on September 28, 2018 and September 29, 2018. She noted that information is listed on the Rivanna Solid Waste Authority's website at [rivanna.org](http://rivanna.org). She also described the new transfer station as have an extraordinarily beautiful view.

Ms. Palmer announced a bulky waste amnesty day scheduled for Sundays in October. She said this includes mattresses (October 6), appliances (October 13), tires (October 20), and more.

Ms. Palmer announced a celebration of the history of B. F. Yancey School to be held on October 27, 2018 and will relay additional information to the Board as the date approaches.

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Agenda Item No. 6. Proclamations and Recognitions:

Item No. 6a. Recognition of County Staff Efforts During Weekend of August 10 through August 12, 2018.

Mr. Richardson thanked the Board for the recognition. He then recognized the efforts of Deputy County Executive, Mr. Doug Walker, and Emergency Management Coordinator, Ms. Alison Farole. Mr. Richardson said he was presented with information during the past week of the departments that stepped forward with preplanning and commitment of staff resources, all leading up to a successful August 10 through August 12. He said the County worked together with the Virginia State Police, City of Charlottesville, and the University of Virginia. This was the first time he has been involved with the activities of the Emergency Operations Center. He said that he was highly impressed by the amount of coordination and cross-organizational communication to keep the community safe during this time. He recognized the contributions of other County departments that worked behind the scenes providing resources, staff expertise, assisting with resource deployment throughout Albemarle County and being on standby for additional assistance to the City and State. He then recognized Department heads and staff from Parks and Recreation, of which 14 employees were involved; Information Technology, the Sheriff's Office, Finance, Facilities and Environmental Services, Social Services, County Attorney's Office, County Executive's Office, Public Information Office, Fire Rescue, Police, 911 Communications, and bus drivers from County Department of Transportation. He asked all he had recognized to stand.

Mr. Walker recognized the efforts of Ms. Madeleine Curott, Public Information Officer, and asked her to name additional individuals.

Ms. Curott recognized the efforts of Ms. Emily Kilroy, Director of Communications & Community Engagement.

Ms. Farole addressed the Board and recognized the value of their training and preparation. She stated that their coordination and collaboration during the weekend was due to everyone coming together and supporting each other. She said they did a lot of training and exercises throughout the six months which allowed them to be successful. She expressed hope that they would have continued success in the future.

Ms. Mallek thanked everyone and pointed out that their efforts prepared them for future events.

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Item No. 6b. Virginia Association of Counties (VACo) Achievement Award - The Neighborhood Improvement Funding Initiative.

Mr. Gage Harter, Director of Communication, Virginia Association of Counties (VACo) addressed the Board. Mr. Harter stated that VACo has existed since 1934 to serve and support County officials. He said VACo's achievement awards program was established in 2003 to recognize counties that have adopted innovative approaches to the provision of services, and to identify those that could serve as models for other counties to replicate. He noted that VACo received 103 entries this year and selected 25 winners. Albemarle has won six awards in years 2003, 2005, 2008, 2016 and 2018.

Ms. Emily Kilroy thanked the Board and said it is a great honor for the County to receive the VACo 2018 Achievement Award. She reminded the Board that it issued a challenge during FY 2017 fiscal planning to develop a process to advance the small-scale quality of life improvement projects that are a priority for constituents but are difficult to fund through the Capital Improvement Program. She then asked County staff involved in these efforts to stand and be recognized. Ms. Kilroy stated that staff from many departments worked long hours to develop a process that would improve urban development and create a positive experience for all involved. She said that over 500 people participated, 400 ideas were submitted, and 9 projects were recommended and received Board approval. She noted that each of the seven development areas had a project, which demonstrate the community's sincere and sustained interest in trails, walkability, and placemaking. Ms. Kilroy stated that next month, after months of design and approval, they will begin groundbreaking on the projects. She again thanked the Board and VACo for the opportunity to share the program and allowing it to be a model for other communities in the Commonwealth.

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Agenda Item No. 7. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Ms. Mallek welcomed everyone to this portion of the meeting. She said that, as Chair of the Board, her responsibility is to ensure the smooth running of the meeting to allow the Board to effectively carry out the public business and to conduct the items on the agenda. Ms. Mallek stated that she understands and respects that citizens have concerns associated with any issue, under State law, the Board's rules do not allow disruptive, verbal, auditory or other demonstrations during their meeting. The Board will show respect for everyone involved, both citizens and Board members. She asked the public to refer to the Board's meeting rules (located on the back of the agenda) for Board meetings. For example, if citizens have signs, the signs must remain at the side where they do not block the view of others. If citizens would like to show their approval to something being said by someone at the podium, she asked that they raise their hands. The effectiveness of Board meetings depends on their ability to conduct their business and create accurate recordings and podcasts of the meetings. She asked the public to respect their procedures. She then welcomed participation by all those in attendance.

Mr. Jim Neligan, President of Old Trail Community Association and resident of the White Hall District, addressed the Board. He thanked Supervisors for serving and working together for the common good of County residents, and for their capable and responsible leadership. He expressed support for the construction of Western Park, the designation of the Crozet community as a growth area as a key component of the County's Comprehensive Plan and commitment to preserve scenic views, rural areas, and to protect natural resources. He said the Comprehensive Plan's recommendations include a strategy to create a network of public parks and greenways in the watershed of Lickinghole Creek, and the Crozet Master Plan identifies the site of Western Park as a key location within this open space network.

Mr. Neligan noted that the developers of Old Trail donated a 36-acre site for the construction of the Western Park, and the site provides access to Lickinghole Creek and other high points, with Blue Ridge Mountain views, as well as proximity to schools, neighborhoods, retirement communities, the greenway system, and links for cyclists and pedestrians. He said that community input created a vision of a mix of natural areas, trails, playgrounds, playing fields, and spaces to meet friends and family within the Park, and the Master Plan includes all of these features and is ready for implementation. He emphasized that a sum of money from each sale in Old Trail is placed in a County fund for the construction of Western Park. He said the County has the land, plan, and taxpayer money designated for the project. Mr. Neligan stated that the Park has been on the drawing board for over 10 years, and it is essential the park be constructed as it would be a central feature of the fabric of Western Albemarle and the Crozet growth area.

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Mr. Matthew Christensen, resident of the Rio District and social worker, addressed the Board. He said that he is present to emphasize the importance of leadership accountability. He stated that he believes that the County School Board has disgraced itself in refusing to hear from community members. He said that racist imagery and racism is evil and wrong in any respect and children should not be subjected to it. The display by the School Board and the Albemarle County Police Department the previous Thursday was reprehensible and should be addressed. He commented that in Albemarle they put a lot of weight on history and the founding fathers, and he speculated that had Sam Adams, George Washington, and Thomas Jefferson all been just "civil," they would not have the country as it is today, as imperfect as it is, but would still be under a king or queen and not have rights and freedom. There is a time and place for civility. He said that once leaders and elected officials stop listening and refuse to hear from the people they represent, it is a time for an end to civility and a time for accountability. He said that being confronted with these images could be harmful to the well-being of children, increase their anxiety and stress, and make it more difficult for them to learn. He added that this should not be a difficult decision.

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Ms. Stacy Norris, Founder and Director of the HOWS Project, addressed the Board. She said her organization works with dog owners to improve outside living conditions for dogs and to bridge the gap between what the law allows and what should be required for the care and wellbeing of outside dogs. She said that for over 10 years, volunteers with her organization have called on over 1,000 residences, witnessed animals that were kept in unbelievable yet legal conditions, and have seen how small changes implemented in the animal codes can reduce suffering. She thanked the Board for listening over the years and for taking steps to actively improve the lives of animals in lifechanging and lifesaving ways. She described the proposal to amend County Code Chapter 4, Animals and Fowl, as a well-crafted and ingenious approach and a true reflection of the understanding and moral courage of the Board to act for positive change. She said her organization is looking forward to the final draft and the October 10, 2018 public hearing. Ms. Norris thanked the Board for its time and attention to the matter.

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Mr. Chuck Hubert Hawkins, member of Indivisible, addressed the Board and emphasized the importance of allowing members of the community the chance to speak. He referenced an email he had sent to the Board in which he made a distinction between regimentation and thoughtful regulation. He said his organization is a loose-knit group that carries non-offensive signs on Tuesday evenings between 5:00 – 6:00 p.m. and said he has the impression that County officials do not see a distinction between a group that carries torches and AK-47s and dresses in camouflage, shields, and helmets from those who do not. He asked that members of his group be allowed to park in the County Office Building lot, as many are senior citizens and do not feel safe crossing the road. He asked the Board to view members of his organization as human beings and public-spirited citizens.

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Ms. Peggy Cone, resident of the Rio District, addressed the Board. She complimented the County's website, though she was not able to sign up to speak at the Board meeting on the site, nor was the 1:00 p.m., meeting listed. She said she moved to this area from Baltimore, where she taught school, and is aware of emergencies and civic disturbances. Ms. Cone said she wonders why there is still a state of emergency. She referred to the story of "The Boy Who Cried Wolf" to emphasize that people may not pay attention. She said she is a member of Indivisible, said the group is not a rowdy bunch, they exercise their First Amendment rights, and they found it offensive that they were spoken to in a rather dismissive way. She said she is a political activist and voter and this would be remembered if it is not addressed.

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Mr. Rolf Braunn, resident of Charlottesville and former County resident, addressed the Board. He said that members of his family live in the White Hall District. He noted that Ms. McKeel serves on the Jail Board and this Board has authority over Mr. Doug Walker, who also serves on the Jail Board. He said that 17 community organizations representing both the City and County have urged that they end ICE

notifications and an on-line petition has over 3,000 signatures. He asked that they read Charlottesville Commonwealth's Attorney, Joe Platania's, report which emphasizes that many of those reported to ICE have not yet been convicted and are out on bail. He described public drunkenness and driving without a license as minor crimes and that in Virginia the undocumented often cannot get a driver's license, though it would probably make the roads safer if the state would allow them to be licensed. He recognized that Mr. Dill recently went on the pilgrimage to Montgomery, AL, where he learned about the history of American racism. He described ICE as part of the history of racism and xenophobia and emphasized it is an agency recently created after 9/11. He suggested that Supervisors view the documentary, 9,500 Liberty, which describes the abuse of the 287(g) regime in Prince William County under the leadership of Republican Senate nominee Corey Stewart, who he said is probably not a very popular person in Charlottesville or Albemarle. He noted that Mr. Dill, Mr. Randolph, and Ms. Mallek are up for election next year and should not be running on the coat tails of having upheld the same system as Corey Stewart, who was pushing to have 287g be similar to the jail notifications. He addressed Ms. Palmer and noted that her mentor and predecessor, Sally Thomas, had urged the end to ICE notifications. He also requested that this Board have the charges dropped against peaceful protestors from the School Board meeting last week.

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Mr. Richard Hewitt, resident of Samuel Miller District, addressed the Board. He thanked Board members for all they did to make the community a special place. He expressed support for the proposed public safety four-tier pay plan (Agenda Item No. 9). He said that he served on the Citizen's Police CAC committee for six years, including the last four years as Chairman, and believes he has a reasonable understanding of the issue of public policing. He described the community as sophisticated and diverse, with a real expectation of professionalism from police officers, who put their lives on the line for the community. He noted that many view domestic calls as being the most dangerous as officers must be quick on their feet, and it could take 20 minutes for a backup officer to arrive. Mr. Hewitt said the department seeks the best and brightest, prefers that new officers have a college education, and as a result they have limited issues with litigation. He said it is his understanding that three officers may leave as a result of compensation. This issue has been on the table for some time, and reasonable people view policing as very different and an extremely challenging career. He asked the Board to move forward with the proposed public safety pay plan.

Ms. Mallek closed the Matters from the Public portion of the agenda.

Ms. Mallek asked Mr. Richardson to address a question raised by one of the speakers about the declaration. Mr. Richardson noted that a resolution to declare an end to the August 10, 2018 to August 12, 2018 local emergency, which was declared by the Board on August 8, 2018, is on tonight's Consent Agenda for consideration. This is the Board's first meeting since August 8 and the first date the Board could consider the resolution as a public body. He said the state continues to be under a State of Emergency and his office will continue to closely monitor this as it affects certain steps the County takes.

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#### Agenda Item No. 8. Consent Agenda.

**(Discussion:** Ms. Mallek noted that the Board added the School Board report as well as Resolution 8.12a, declaring an end to the local emergency. She emphasized that the state declaration would be in effect for one more week and the Board would address this issue further in one week.

Ms. Palmer added that because the State of Emergency is still in effect, the County's parking lot is still closed.

Ms. McKeel **moved** that the Board approve the Consent Agenda, as amended. The motion was **seconded** by Ms. Palmer.

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

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

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#### Item No. 8.1. Approval of Minutes: April 17, 2018.

Ms. Palmer had read her minutes of April 17, 2018, and found them to be in order.

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

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#### Item No. 8.2. FY 2018 Appropriations.

The Executive Summary forwarded to the Board states that Virginia Code §15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; provided, however, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the

budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc.

The total increase to the FY 2018 budget due to the appropriations itemized in Attachment A is \$0.00, this appropriation will not increase the total County budget. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve the appropriation for school division projects and programs as described in Attachment A.

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Appropriation #2018098			\$0.00
Source:	Borrowed Proceeds		\$ 7,526,690.00
	School CIP Fund Fund Balance		\$(7,526,690.00)

\*This appropriation will not increase the total County budget.

This request is to reconcile the School Capital Improvements Program (CIP) Fund funding carried forward from FY 17 by increasing the transfer for borrowed proceeds by \$7,526,690.00 and providing a corresponding reduction in School CIP Fund appropriated use of fund balance. These funds support various school division capital projects.

By the above-recorded vote, the Board adopted the following Resolution to approve appropriation #2018098 for local government division projects and programs:

RESOLUTION TO APPROVE  
ADDITIONAL FY 18 APPROPRIATIONS

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriation #2018098 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.

COUNTY OF ALBEMARLE  
APPROPRIATION SUMMARY

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2018098	3-9000-69000-351000-512090-6599	7,526,690.00	SA2018099 Borrowed Proceeds Transfer
2018098	3-9000-69000-351000-510100-6599	-7,526,690.00	SA2018099 School CIP Fund Balance
TOTAL		0	

Item No. 8.3. Resolution Declaring the Local Emergency Ended - May 30, 2018 Flood Event.

By the above-recorded vote, the Board adopted the following resolution declaring the Local Emergency Ended, May 30, 2018, Flood Event:

RESOLUTION DECLARING THAT LOCAL EMERGENCY IS ENDED  
(May 30, 2018 Flood Event) (Virginia Code § 44-146.21)

WHEREAS, on May 30, 2018, a major rain event occurred, during which it is estimated that between 8 and 10 inches of rain fell in the most impacted areas (the “Event”) in the County; and

WHEREAS, the Event caused major flooding resulting in the loss of life, property damage, road closures, and the loss of public water in the northern part of the County; and

WHEREAS, because of the adverse impacts of the Event, County Executive Jeffrey B. Richardson, acting in his capacity as the Director of Emergency Management, declared a local emergency on May 30, 2018 pursuant to Virginia Code § 44-146.21; and

WHEREAS, the Albemarle County Board of Supervisors confirmed the Director of Emergency Management’s declaration of a local emergency by resolution adopted on June 6, 2018; and

WHEREAS, there is no longer a need for the County to provide aid or assistance pursuant to, or to exercise the powers conferred by, Virginia Code § 44-146.21.

NOW THEREFORE, BE IT RESOLVED, that there are no further emergency actions related to the Event to be taken; and

BE IT FURTHER RESOLVED, the declared local emergency is ended.

Item No. 8.4. Police Department Over-hire.

The Executive Summary forwarded to the Board states that on July 8, 2018, the Albemarle County Police Department (ACPD) was provided orders from the Department of the Army for the deployment of a full-time member of the ACPD's sworn staff, starting July 9, 2018, and extending for a period of three years, to end on ending July 8, 2021. The deployment of this officer leaves the ACPD's Training and Professional Standards Unit down one full-time position for a three-year period.

Currently, the Training and Professional Standards Unit is comprised of three officers and is responsible for:

- all of the recruitment and hiring of new police officers and civilian staff,
- police academy training,
- regional SPARTAN training,
- the Firearms Training Facility,
- and all of the ACPD's in-service training for staff.

The loss of this position for three years would have a significant impact on this unit's ability to continue to meet the demands required for the recruitment and hiring of new police officers, as well as the required Department of Criminal Justice Services training for ACPD staff at its highest levels. Over-hiring one full-time police officer would allow the Training and Professional Standards Unit to sustain its high levels of service during the length of the deployment.

ACPD has been challenged to meet and maintain minimum staffing levels for police officers for a number of years, and has faced an attrition rate for police officers of approximately five officers per year for the past five years. ACPD proposes to over-hire one FTE for the ACPD's authorized sworn staff operations with the expectation that the normal attrition rate will offset the additional hire prior to the deployed officer's expected return to full duty with the ACPD in July, 2021. The approval to over-hire one full-time police officer can be accomplished in a cost-neutral manner within the ACPD's existing budget through surplus in salary lapse for the deployed officer's position. The current officer's salary is \$47,404.72 per year, plus 30% in benefits, which totals \$61,221.42 per year in salary as of July, 2018. A new officer's starting salary is \$38,727, plus 30% in benefits, which totals \$50,345.10 per year. Therefore, there is no expected additional expense to the existing budget. It is projected that the ACPD will be able to absorb the over-hire position into existing FTE's due to projected attrition over the course of the three-year period.

There is no budget impact anticipated

Staff recommends that the Board authorize ACPD to over-hire one additional police officer over the current FTE staff level.

**By the above-recorded vote, the Board authorized the Albemarle County Police Department to over-hire one additional police officer over the current FTE staff level.**

Item No. 8.5. Climate Action - "We Are Still In" Declaration.

The Executive Summary forwarded to the Board states that on September 6th, 2017, the Board of Supervisors passed a Resolution to Reaffirm Commitment to Support Local Actions to Reduce Climate Pollution (Attachment A). The September Resolution further commits Albemarle County to develop a community-wide Climate Action Plan (CAP). Albemarle County has a long history of supporting local climate action initiatives, including collaborating on the Local Climate Action Planning Process (LCAPP) with the City of Charlottesville and the University of Virginia beginning in 2009.

As the County begins the difficult and detailed work to develop a local Climate Action Plan, we should not miss immediate opportunities to take action - even those as simple as a declaration of intent. While the Board reaffirmed its commitment to climate action by way of the September 2017 resolution, it also has an opportunity be a signatory to an open letter to the international community. The "We Are Still In" Declaration (Attachment B) is a means by which by US cities, state and tribes, businesses, and universities are committing to continued support of climate action to meet the 2015 Paris Agreement. This initiative began in 2017 and includes over 3,000 organizations representing a contingency more than half of all Americans. The State of Virginia and City of Charlottesville signed the declaration in June of 2017.

Signing the declaration does not have direct budget impacts.

Authorize the Board Chair to sign the "We Are Still In" Declaration.

**By the above-recorded vote, the Board authorized the Board Chair to sign the "We Are Still In" Declaration:**

**"WE ARE STILL IN" DECLARATION**

Since its initial release on June 5, 2017, more than 2,800 leaders from America's city halls, state houses, boardrooms and college campuses, representing more than 160 million Americans and \$6.2 trillion of the

U.S. economy have signed the We Are Still In declaration. Hundreds more have signed similar declarations in support of climate action.

Spanning red and blue regions across 50 states, its signatories demonstrate America's enduring commitment to delivering on the promise of the Paris Agreement and America's contribution to it. To date, 'We Are Still In' is the largest cross section of the American economy yet assembled in pursuit of climate action.

**AN OPEN LETTER TO THE INTERNATIONAL COMMUNITY AND PARTIES TO THE PARIS  
AGREEMENT FROM U.S. STATE, LOCAL, AND BUSINESS LEADERS:**

We, the undersigned mayors, county executives, governors, tribal leaders, college and university leaders, businesses, faith groups, cultural institutions, and investors are joining forces for the first time to declare that we will continue to support climate action to meet the Paris Agreement.

In December 2015 in Paris, world leaders signed the first global commitment to fight climate change. The landmark agreement succeeded where past attempts failed because it allowed each country to set its own emission reduction targets and adopt its own strategies for reaching them. In addition, nations - inspired by the actions of local and regional governments, along with businesses - came to recognize that fighting climate change brings significant economic and public health benefits.

The Trump administration's announcement undermines a key pillar in the fight against climate change and damages the world's ability to avoid the most dangerous and costly effects of climate change. Importantly, it is also out of step with what is happening in the United States.

In the U.S., it is local, tribal, and state governments, along with businesses, that are primarily responsible for the dramatic decrease in greenhouse gas emissions in recent years. Actions by each group will multiply and accelerate in the years ahead, no matter what policies Washington may adopt.

In the absence of leadership from Washington, states, cities, counties, tribes, colleges and universities, businesses and investors, representing a sizeable percentage of the U.S. economy will pursue ambitious climate goals, working together to take forceful action and to ensure that the U.S. remains a global leader in reducing emissions.

It is imperative that the world know that in the U.S., the actors that will provide the leadership necessary to meet our Paris commitment are found in city halls, state capitals, colleges and universities, investors and businesses. Together, we will remain actively engaged with the international community as part of the global effort to hold warming to well below 2°C and to accelerate the transition to a clean energy economy that will benefit our security, prosperity, and health.

Addendum to the We Are Still In Declaration Recognizing Community and Economic Resilience (Summer 2018):

American communities are facing unprecedented impacts from climate disasters that science shows are increasing in frequency and severity. The global supply chains on which our communities and economy depend are also threatened, raising the need to increase our capacity to cope with and recover from impacts. Resilience to climate change must be prioritized by the federal government and at every level beyond the federal government. The signatories of We Are Still In share a commitment to elevating the attention and resources directed towards building climate resilience and enhancing the economic and environmental sustainability of the supply chains that power the US economy. They also recognize that action towards meeting both the short- and long-term goals under the Paris Agreement must ensure the safety and prosperity of American communities and competitiveness.

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Item No. 8.6. SDP201800024, Special Exception to Grade within a Required Buffer Area, Crozet Water Treatment Plant Expansion.

The Executive Summary forwarded to the Board states that the applicant, the Rivanna Water and Sewer Authority, is requesting a Special Exception to disturb a required buffer abutting a residential zoning district as required by County Code §18-26.5(c) (Buffer zone adjacent to district other than commercial or industrial district) in conjunction with its application to install a sewer line in the buffer to connect the water treatment plant facility to an ACSA sewer line on an adjacent parcel (SDP201800024). On July 11, 2018, the Board of Supervisors approved an Albemarle County Service Authority (ACSA) Jurisdictional Area Map amendment to allow the treatment plant to be connected to the adjacent ACSA sewer line.

County Code §18-26.5(d) allows the Board of Supervisors to authorize a disturbance in the buffer required by subsection (c). For such a request, the Board is required to consider whether disturbance is necessary or would result in an improved site design, provided that: (i) minimum screening requirements are met; and (ii) existing landscaping in excess of minimum requirements is substantially restored. Staff opinion is that this proposal is necessary and improves the site/site design, and that minimum screening and landscaping requirements are met and exceeded. The staff's analysis is provided in Attachment B.

Staff recommends that the Board adopt the attached Resolution (Attachment C) to approve this special exception.

By the above-recorded vote, the Board adopted the following resolution to approve the special exception:

**RESOLUTION TO APPROVE SPECIAL EXCEPTION  
FOR SDP 2018-24 IMPROVEMENTS TO CROZET WATER SYSTEM FACILITY**

**WHEREAS**, the Rivanna Water & Sewer Authority (“RWSA”) is the owner of Tax Map and Parcel Number 05700-00-00-029B0 (the “Property”);

**WHEREAS**, the owner filed an application to install a sewer line in the buffer to connect the water treatment plant facility to an ACSA sewer line on an adjacent parcel (SDP 2018-24); and

**WHEREAS**, Albemarle County Code § 18-26.5(c) requires the maintenance of a 30-foot undisturbed buffer zone adjacent to any district other than a commercial or industrial district, which may be waived by special exception; and

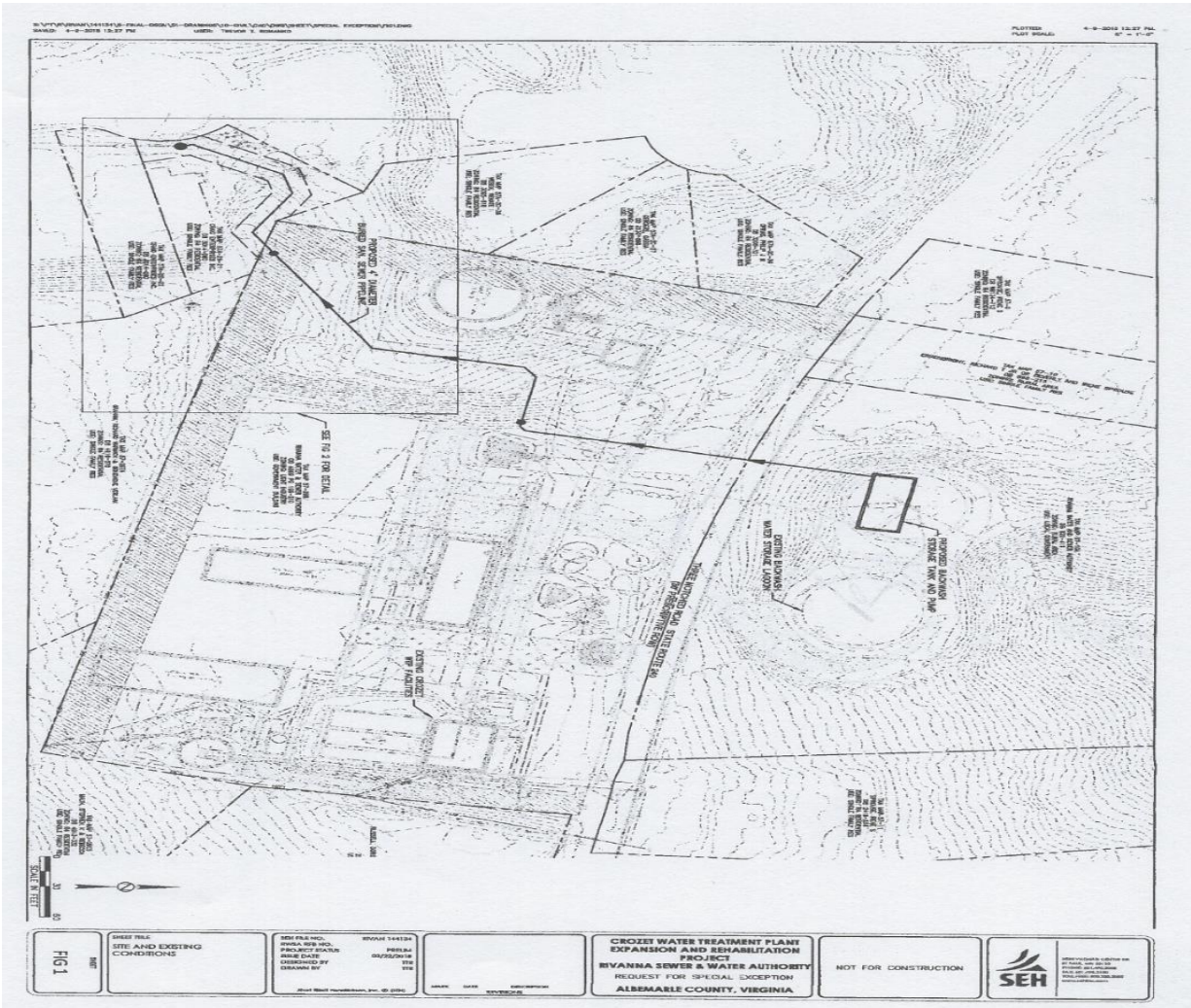
**WHEREAS**, the Applicant filed a request for a special exception in conjunction with SDP 2018-24 to waive the requirements of County Code § 18-26.5(c) to allow the disturbance of the 30-foot buffer zone.

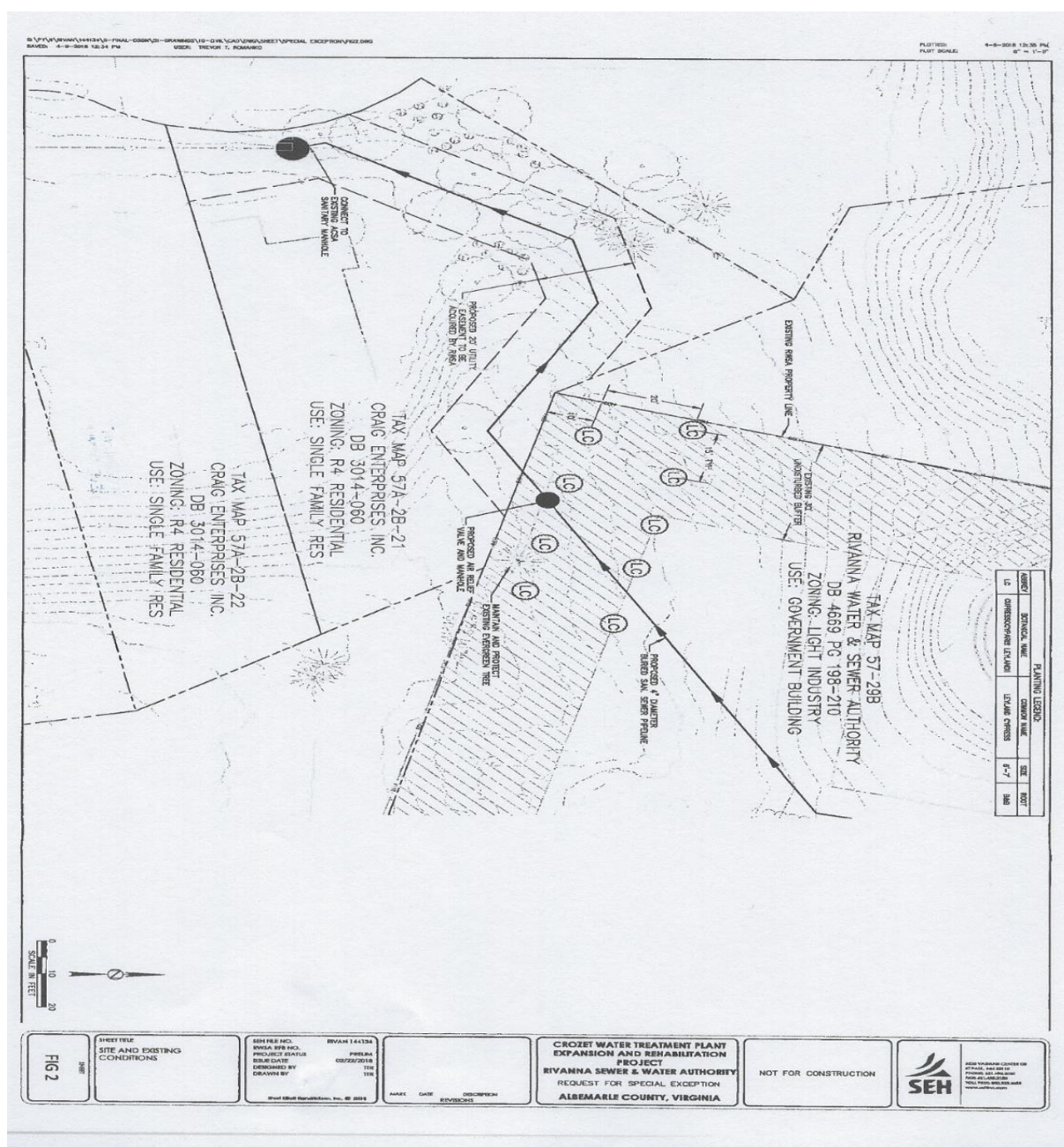
**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the executive summary and staff report prepared in conjunction with the application, all of the factors relevant to the special exceptions in County Code §§ 18-26.5(c) and (d), and 18-33.9, and the information provided at the Board of Supervisors’ meeting, the Albemarle County Board of Supervisors hereby approves the special exception to authorize the waiver of County Code § 18-26.5(c) as set forth above, subject to the condition attached hereto.

\* \* \*

**SDP 2018-24 Improvements to Crozet Water System Facility Special Exception Condition**

- 1. Disturbance of the buffer is limited to that necessary to install a sewer line in the buffer, not exceeding 20 feet in width, to connect the water treatment plant facility to an ACSA sewer line on an adjacent parcel as shown on Sheets entitled “Site and Existing Conditions” on the application plan entitled “Crozet Water Treatment Plant Expansion and Rehabilitation Project, Rivanna Sewer & Water Authority, Request for Special Exception, Albemarle County, Virginia,” prepared by Short Elliott Hendrickson (SEH), with an Issue Date of February 22, 2018 (the “Plans”).
- 2. Nine evergreen trees described on Figure 2 of the Plans shall be planted and maintained on the Property in the locations shown on Figure 2.





Item No. 8.7. ZMA201500007 – Brookhill Special Exceptions (COD).

The Executive Summary forwarded to the Board states that the applicant is requesting two changes to the Code of Development (COD) for Brookhill. The first request is to amend the wording related to where the rear setback for buildings in Block 4 will be located. The current COD states that the 10 foot minimum rear setback in Block 4 shall be measured “adjacent to” a 100 foot wide landscaping buffer between Route 29 and the new development. The applicant is proposing to eliminate the requirement specifying that the rear setback be adjacent to the Route 29 100-foot buffer. The 100-foot buffer will still be provided, and all new buildings in Block 4 will be setback from Route 29 by at least 100 feet.

The COD also requires a 50-foot planted/reforested buffer to be provided between the new development in Block 4 and an existing VDOT stormwater management pond located next to Route 29. The second variation request proposes to split the buffer into two sections. One portion of the buffer will be installed between the stormwater management pond and Block 4 and will measure between 20.8 feet and 30 feet wide. A second portion of the buffer measuring between 30 feet and 35 feet wide will be installed on the opposite side of the stormwater pond. This will result in the installation of a replanted/forested buffer measuring 50 feet in total width located in two separate sections.

County Code §18-8.5.5.3 and §18-33.5 allow special exceptions to vary approved Application Plans and Codes of Development upon considering whether the proposed variation: (1) is consistent with the goals and objectives of the comprehensive plan; (2) does not increase the approved development density or intensity of development; (3) does not adversely affect the timing and phasing of development of any other development in the zoning district; (4) does not require a special use permit; and (5) is in general accord with the purpose and intent of the approved application. County Code § 18-33.5(a)(1) requires that any request for a variation be considered and acted upon by the Board of Supervisors as a special exception. Please see Attachment C for the full staff analysis.

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

By the above-recorded vote, the Board adopted the following Resolution to approve the special exception:

RESOLUTION TO APPROVE SPECIAL EXCEPTION  
FOR ZMA201500007 BROOKHILL  
TO VARY THE CODE OF DEVELOPMENT

**WHEREAS**, the Owner of Tax Map Parcel Numbers 04600-00-00-01800, 04600-00-00-018A0, 04600-00-00-019A0, 04600-00-00-019B1, 04600-00-00-019B3, and 04600-00-00-019B4 filed a request for a special exception to vary the Code of Development approved in conjunction with ZMA201500007 Brookhill to eliminate the requirement that the rear setback in Block 4 be adjacent to the Route 29 100 foot buffer and to split the buffer to be provided between the new development in Block 4 and an existing VDOT stormwater management pond located next to Route 29 into two sections as shown on pages 17 and 19 of the Brookhill Code of Development dated August 8, 2018.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the Memorandum prepared in conjunction with the special exception request and the attachments thereto, including staff’s supporting analysis, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-8.5.5.3, 18-33.5, and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to vary the Code of Development approved in conjunction with ZMA201500007 Brookhill, as described hereinabove, subject to the condition attached hereto.

\* \* \*

Special Exception to Vary ZMA201500007 Brookhill Code of Development  
Special Exception Condition

- 1. The special exception shall apply to Block 4 as shown on pages 17 and 19 of the Brookhill Code of Development dated August 8, 2018.

8/8/2018

2.3.2.2 Urban Density Residential – Block 2 through Block 4

Requirement	Minimum	Maximum	Notes
Front Setback	5' minimum	25' maximum	Exceptions to the maximum setbacks shall be considered during the site plan process
Porches	4' minimum	25' maximum	
Side Setback	5'	No maximum	Minimum 10' bldg. separation
Side, Corner Lot Setback	5'	No maximum	
Rear Setback	10'	No maximum	
Garage Setbacks	See Figure 12	See Figure 12	Figure 12 is located on Sheet 30 of the Code of Development
Height	No minimum	4 stories/ 60'  5 stories/70' with Special Exception	Buildings greater than 3 stories must step back a minimum of 15 feet after the 3 <sup>rd</sup> story or provide a minimum 15 foot front setback or side setback adjacent to a street
Lot size	No minimum	No maximum	
Building Footprint	No minimum	15,000sf (Non-Residential) & No maximum for Residential Units	Maximum does not apply to assisted living facilities, rest homes, recreational and civic spaces, health clubs, and multi-family buildings

Note: Buildings over 3 stories shall require a 26' wide, exclusive of shoulders, aerial fire apparatus access road that is no more than 30' from the building to meet Fire and Rescue regulations.

Variation #1: August 8, 2018 – Removed Notes for Block 4 from Rear Setback

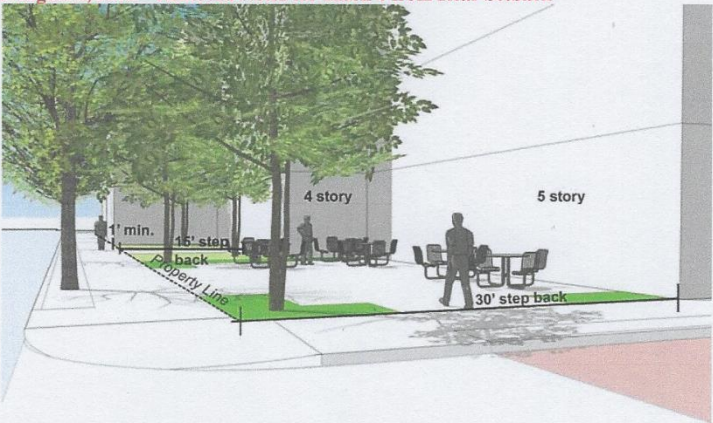


Figure 3: Front yard setbacks for Non-residential buildings within the Neighborhood Service Center and Urban Density Blocks

ZMA – Code of Development  
Brookhill

17 | Page

2.4.2 Buffers

Buffers are part of the Greenspace Area within Brookhill. There are (5) proposed Buffers to be located on the Brookhill property, which are outlined below. Each of the buffers shall be established at the time of development of the individual block that contains the buffer. If the buffers as shown on the Application plan and described below are disturbed during construction (above what is permitted), additional approvals for increases in square footage and/or dwelling units (site/subdivision plans and/or building permits) will not be approved until the buffer is restored or bonded. All buffers shall be measured from the property lines or edges of the public right-of-way. Installation and maintenance of freestanding signage, pedestrian paths, and trails shall be allowable disturbances within the buffer areas. Disturbances to the Buffer for required site distances for the roadway access points as shown on the Application plan and utility connections shall also be allowed. In addition, removal and replacement of trees within the buffer shall be allowed if the Director of Community Development determines that the existing tree or trees create a substantial risk to people or property or the trees are diseased or dying. Buffers shall not be located within any private lot, and the buffer shall be owned and maintained by the Homeowners Association.

Buffer Classification

Buffer	Buffer Width	Description	Notes
Route 29 Buffer	100 feet wide (70' Natural Undisturbed Buffer & 30' Planted / Reforested Buffer)	Buffer along Route 29 to screen development from Entrance Corridor.  Note: See Figure 4 for additional details on the Buffer.	1. 30' portion of the buffer may be disturbed for grading within the development, and shall be replanted with a mixture of deciduous and evergreen shrubs and trees to be approved by the Director of Planning. 2. Buffer shall be reduced to 50' around the VDOT stormwater management facility. The buffer shall be planted on both sides of the VDOT swm facility so long as a total of 50' buffer is provided. Any portion of the 50' buffer that is disturbed shall be replanted with a mixture of deciduous and evergreen shrubs and trees to be approved by the Director of Planning.
Perimeter Buffer	30 feet wide Buffer	Natural undisturbed buffer b/w the development and the adjacent Neighborhoods Note: See Figure 5 & 6 for additional details on the Buffer.	1. Any portion of the Perimeter Buffer that is not currently wooded shall be planted and screened with a mixture of deciduous and evergreen shrubs and trees to be approved by the Director of Planning. 2. (2) proposed connection points within the perimeter buffer – see Application plan for location.
Polo Grounds Road Buffer	30 feet wide Buffer	Natural undisturbed buffer or replanted/landscaped buffer between the development and Polo Grounds Road Note: See Figure 7 for additional details on the Buffer.	1. Any portion of the Polo Grounds Road Buffer that is not currently wooded or that is disturbed during the grading for the development or roadway improvements shall be planted and screened with a mixture of deciduous and evergreen shrubs and trees to be approved by the Director of Planning. 2. (2) proposed road connection points within the Polo Grounds Road buffer – see Application plan.
Brookhill Historic House Buffer	20 feet wide Buffer around the perimeter of the Brookhill lot	Natural undisturbed buffer and new landscaping between the development and the Brookhill lot	1. Any portion of the Brookhill Historic House Buffer that is not currently wooded shall be planted/screened in accordance with County and/or DHR buffer screening requirements.
Ashwood Connector Road Buffer	Variable width- Minimum 20 feet wide buffer	Natural undisturbed buffer or replanted evergreen landscaped buffer	1. Minimum 30 feet wide buffer between the adjacent lots and the proposed Ashwood connector road. 2. Replant any portion of buffer that is disturbed from road construction with evergreen trees and shrubs.

Variation #2: August 8, 2018 – Updated Buffer Note for Route 29 Buffer at the VDOT swm facility.

Item No. 8.8. SDP201800027 Verizon – Frys Spring Tier II - Special Exception.

The Executive Summary forwarded to the Board states that a special exception request was submitted with an application to construct a Tier II personal wireless service facility. The proposed 103' tall monopole will be sited at the Fifth Street Station Shopping Center between 120/130 Wegmans Way and Interstate 64. (See Attachment B- Location Map and Attachment C-Plans).

County Code § 18-5.1.40.a(12) allows special exceptions to waive or modify the requirements of County Code § 18-5.1.40 for personal wireless service facilities. The applicant has requested the following special exception:

- 1) Modify County Code § 18-5.1.40(b)(2)(c) projection of antennas

Staff analysis of the request is provided as Attachment A.

Staff recommends that the Board adopt the attached Resolution (Attachment D) approving the special exception, subject to the condition attached thereto.

By the above-recorded vote, the Board adopted the following Resolution approving the special exception, subject to the condition attached thereto:

RESOLUTION TO APPROVE SPECIAL EXCEPTION FOR  
SDP201800027 – VERIZON – FRYS SPRING TIER II (5<sup>TH</sup> STREET STATION)

WHEREAS, the Owner of Tax Map Parcel 076M1-00-00-00200 filed an application for a Tier II Personal Wireless Service Facility, and the application is identified as Site Development Plan 201800027 (SDP 18-27); and

**WHEREAS**, SDP 18-27 included a request for a special exception to modify the requirements of County Code § 18-5.1.40(b)(2)(c); and

**WHEREAS**, Albemarle County Code § 18-5.1.40(b)(2)(c) requires that antennas be mounted so that in no case shall the closest point of the back of the antenna be more than twelve (12) inches from the facility, which may be modified by special exception.

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

\* \* \*

**SDP201800027 Verizon – Frys Spring Tier II (5<sup>th</sup> Street Station)  
Special Exception Condition**

1. No antenna authorized by this special exception shall project more than eighteen inches (18”) from the monopole to the back of the antenna.

Item No. 8.9. Brook Hill River Park.

The Executive Summary forwarded to the Board states that the Crockett Corporation gifted Albemarle County with a 20.4-acre property located on the Southwest corner of Route 29 and Rio Mills Road along the South Fork of the Rivanna River (Attachment A). A condition of the gift (Attachment B) from the Crockett Corporation is naming the boat launch and trail park “Brook Hill River Park.”

The property is designated as Open Space, is located on properties designated as Rural Area in the Albemarle County Comprehensive Plan, and is not within the watershed of the drinking water supply protection areas.

This site provides the opportunity for the addition of a boat launch at Rio Mills which would offer an upstream public boat launch. Currently, there are currently only three public launch/landing sites along this section of the river: Darden Towe Park, Riverview Park, and Milton. The County’s Parks and Recreation Department is proposing to develop and manage a public boat launch and trail head within a small river front trail park on the Brook Hill River Park site.

This property is recognized by the State for its relevance to the history of the river and the people who settled along it. Historically, this site has been a popular destination for anglers, a launch site for kayakers and canoers, and the launch site for the annual Rivanna River Regatta. The Department of Game and Inland Fisheries recognizes the Rivanna River as an underutilized fishery due to limited access points.

The County, in partnership with the Virginia Department of Game and Inland Fisheries, is proposing to increase opportunities for the use of the Rivanna River with the establishment of a small riverfront park to serve as a public boat launch and a greenway trailhead to serve a network of future bike/pedestrian facilities in the area. A Phase 1 Environmental Site Assessment was completed on July 26, 2018, with no recognizable environmental conditions found. On August 14, 2018, the Planning Commission found the concept of the proposal to develop and manage the public boat launch and trail head to be in substantial accord with the Comprehensive Plan (Attachment C).

There were additional recommendations made that areas of archaeological findings recognized by the State Department of Historical Resources be undisturbed and that educational opportunities be taken to interpret the history.

There is no immediate budget impact related to the acceptance of this land gift. Parks and Recreation is requesting funding for the Brook Hill River Park in the CIP for FY20. WW Associates estimated cost of the project as of October 23, 2017 is \$392,000 to include design, boat launch, gravel parking, gravel trails, picnic tables, benches, trash receptacles, and signage.

Staff recommends that the Board:

- adopt the attached Resolution (Attachment D) to approve the County’s acquisition of the property
- authorize the County Executive to sign all documents necessary for this conveyance once the documents have been approved as to form and substance by the County Attorney.

**By the above-recorded vote, the Board adopted the following Resolution to approve the County’s acquisition of the property and authorized the County Executive to sign all documents necessary for this conveyance once the documents have been approved as to form and substance by the County Attorney:**

**RESOLUTION APPROVING THE ACCEPTANCE  
OF PROPERTY TO BE USED AS A PUBLIC PARK**

**WHEREAS**, Crocket Corporation owns a certain parcel identified as Tax Map Parcel 04500-00-00-066B0; and

**WHEREAS**, Crocket Corporation desires to donate Tax Map Parcel 04500-00-00-066B0 to the County for the purpose of creating a County park for the benefit of the public.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves the County's acquisition of Tax Map Parcel 04500-00-00-066B0, consisting of approximately 20.4 acres, for use as a County park, and authorizes the County Executive to sign all documents necessary for this conveyance once they have been approved as to substance and form by the County Attorney.

\*\*\*\*\*

Tax Map / Parcel: 04500-00-00-066B0  
This deed is exempt from taxation under *Virginia Code* § 58.1-811(A)(3) and from the Circuit Court Clerk's fees under *Virginia Code* § 17.1-266.  
Assessment: \$72,800.00  
Title Insurer for this transaction: None.

Prepared by and return to:  
Lair D. Haugh, VSB # 25187  
Haugh & Haugh, P.C.  
435 Park Street  
Charlottesville, Virginia 22902

THIS DEED OF GIFT dated this 1<sup>st</sup> day of August, 2018, by and between **CROCKETT CORPORATION**, a Virginia corporation, **GRANTOR**, and the **COUNTY OF ALBEMARLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, **GRANTEE**, whose address is 401 McIntire Rd., Charlottesville, Virginia 22902.

W I T N E S S E T H:

THAT for reasons sufficient to the Grantor, the said Grantor does hereby GIVE, GRANT, and CONVEY, with GENERAL WARRANTY and ENGLISH COVENANTS OF TITLE unto the Grantee, all that certain lot or parcel of land, with the improvements thereon and appurtenances thereto belonging as described in Schedule A attached hereto.

This conveyance is made expressly subject to any and all easements, conditions, restrictions, covenants, and reservations contained in duly recorded deeds, plats, and other instruments constituting constructive notice in the chain of title to the said property hereby conveyed, as the same may lawfully apply, which have not expired by a time limitation contained therein or have not otherwise become ineffective.

The Grantee, acting by and through its County Executive, duly authorized by resolution adopted by the Board of Supervisors of the County of Albemarle, Virginia, accepts this conveyance pursuant to *Virginia Code* § 15.2-1803, as evidenced by the County Executive's signature hereto and the recordation of this Deed.

WITNESS the following signatures and seals:

**CROCKETT CORPORATION**

BY: (Signed) Ann O. Haugh, President

**COUNTY OF ALBEMARLE**

BY: (Signed) Jeffrey B. Richardson, County Executive

SCHEDULE A

That certain tract of parcel of land containing 22 acres, more or less, being bounded on the North by the centerline of Virginia State Route 643; on the East by U.S. Route 29; on the South by the center of the South Fork of the Rivanna River; and, on the West by the lands now or formerly of George A. Cason and Hazel J. Cason, et al.; and being a part of the property conveyed to the Grantor herein by deed of Charles R. Haugh and E.J. Oglesby, Jr., Trustees, and E.J. Oglesby, Executor of the Estate of Lucy Elizabeth Berger Oglesby (Elizabeth B. Oglesby), deceased, dated June 20, 1977 and recorded in the Clerk's Office of the Circuit Court of Albemarle County at Deed Book 624, page 193.

LESS AND EXCEPT

(i) That certain tract or parcel of land containing 0.14 acres, more or less, described in that certain Memorandum of Lis Pendens filed by the Virginia Electric and Power Company in said Clerk's Office at Deed Book 801, page 553, and shown on the tax maps of Albemarle County as Parcel ID 04500-00-00-066B 1;

(ii) Those certain tracts or parcels of land containing 0.68859 acres, more or less, described as Parcels 002 and 003 in that certain Deed to the Commonwealth of Virginia recorded in said Clerk's Office at Deed Book 1742, page 18; and

(iii) That certain tract or parcel of land containing 55,471 square feet, more or less, described as Parcel 205 in that certain Final Order confirming title in the Commissioner of Highways, recorded in said Clerk's Office at Deed Book 4838, page 65;

BEING the same property shown on the tax maps of Albemarle County as Parcel ID 04500-00-00-066BO.

Item No. 8.10. Special Exception Request: The Vistas at South Pantops.

The Executive Summary forwarded to the Board states that Management Services Corporation (the Applicant) has recently received conditional approval of an initial site plan (SDP201800008) for a proposed residential (apartment) development on South Pantops Drive called "The Vistas at South Pantops." The proposed project, which requires County approval of a final site plan and a WPO Plan, would be a by-right development of three (3) four-story structures, each containing 48 dwelling units above one level of parking, for a total of 144 units (gross density of 10.82 units/acre). The subject property is a 13.1- acre parcel zoned R-15 Residential, and is owned by South Pantops II Land Trust.

As explained in the Application Materials (Attachment A), the Applicant requests a Special Exception (SE) to:

1. Modify (reduce) the front setback requirements of County Code §§ 18-4.9 and 18-18.8 from 15 feet to 12 feet 4 inches for the two structures closest to South Pantops Drive ("South" building and "North" building), as shown on Exhibit Sheets 1, 2, and 4 prepared by Powe Studio Architects, PC and dated July 3, 2018 (Attachment A); and
2. Waive (eliminate) the front setback requirements of County Code §§ 18-4.9 and 18-18.8 from 15 feet to 0 for the third structure ("West" building) as shown on Exhibit Sheets 1 and 7 prepared by Powe Studio Architects, PC and dated July 3, 2018 (Attachment A).

Staff analysis of this request is provided in Attachment B.

Staff recommends approval with conditions of this SE request. Specifically, Staff recommends that the Board adopt the attached Resolution (Attachment C) to approve the SE request, subject to the conditions contained therein.

**By the above-recorded vote, the Board adopted the following Resolution to approve the SE request, subject to the conditions contained therein:**

**RESOLUTION TO APPROVE SPECIAL EXCEPTION  
FOR SDP201800008 THE VISTAS AT SOUTH PANTOPS**

**WHEREAS**, the Owner of Tax Map Parcel Number 07800-00-00-02000 (the "Property") filed an Application for a special exception to modify (reduce) the front setback requirements of County Code §§ 18-4.9 and 18-18.8 from 15 feet to 12 feet 4 inches for the two proposed structures closest to South Pantops Drive ("South" building and "North" building), and to waive (eliminate) the front setback requirements of County Code §§ 18-4.9 and 18-18.8 from 15 feet to 0 for the third structure ("West" building), as shown and described on the Application Materials (including the Application for Special Exception memorandum dated July 18, 2018 and the Exhibit Sheets prepared by Powe Studio Architects, PC and dated July 3, 2018.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the Memorandum prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-18.1, 18-18.8, 18-4.19, 18-33.5, and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to modify and waive the front setback requirements for the development of the Property as set forth above, subject to the conditions attached herein.

\* \* \*

**SDP201800008 The Vistas at South Pantops  
Special Exception Conditions**

1. The front setback of the "South" building and the "North" building shall not be less than twelve feet four inches (12' 4"), and shall otherwise be consistent with the terms, details, specifications, and other information contained in the Application Materials (including the application, the Application for Special Exception memorandum dated July 18, 2018, and the Exhibit Sheets prepared by Powe Studio Architects, PC, dated July 3, 2018).
2. The front setback of the "West" building may be zero feet (0') or more, and shall otherwise be consistent with the terms, details, specifications, and other information contained in the Application Materials (including the application, the Application for Special Exception memorandum dated July 18, 2018, and the Exhibit Sheets prepared by Powe Studio Architects, PC, dated July 3, 2018).

3. Grading and construction of the proposed improvements are subject to approval of a Final Site Plan, a Water Protection Ordinance Plan, and a Virginia Stormwater Management Program permit, and all other applicable plan approval(s) and/or permit(s).

Item No. 8.11. SDP201800016 Keswick Hall Additions and Site Improvements – Major Amendment and SDP201800017 Keswick Hall Energy Plant – Major Amendment Critical Slopes Special Exception.

The Executive Summary forwarded to the Board states that at its meeting on July 11, 2018 the Board of Supervisors approved a special use permit request for Keswick Hall. In the staff report it was noted that a critical slopes waiver would need to be granted for the use and would be brought back to the Board at a later date on the consent agenda.

The applicant is proposing to disturb critical slopes for the improvements that were approved with the special use permit for Keswick Hall (Attachment A). This special exception is necessary before the site plan amendment can be approved by staff.

*County Code §18-4.2.5(a) allows any requirement of §18-4.2.3(b) to be waived or modified by special exception under §18-33.5 upon consideration of whether: a) Strict application of the requirements of section 4.2 would not forward the purposes of this chapter or otherwise serve the public health, safety or welfare; b) Alternatives proposed by the developer or subdivider would satisfy the intent and purposes of section 4.2 to at least an equivalent degree; c) Due to the property's unusual size, topography, shape, location or other unusual conditions, excluding the proprietary interest of the developer or subdivider, prohibiting the disturbance of critical slopes would effectively prohibit or unreasonably restrict the use of the property or would result in significant degradation of the property or adjacent properties; or d) Granting the modification or waiver would serve a public purpose of greater import than would be served by strict application of the regulations sought to be modified or waived.*

Please see Attachment B (on file) for full details of staff's analysis.

Staff recommends that the Board adopt the attached Resolution (Attachment C) approving the special exception, subject to the condition attached thereto.

**By the above-recorded vote, the Board adopted the following Resolution approving the special exception, subject to the condition attached thereto:**

**RESOLUTION TO APPROVE SPECIAL EXCEPTION  
FOR SDP201800016 KESWICK HALL ADDITIONS AND SITE IMPROVEMENTS- MAJOR  
AMENDMENT AND SDP201800017 KESWICK HALL ENERGY PLANT- MAJOR AMENDMENT**

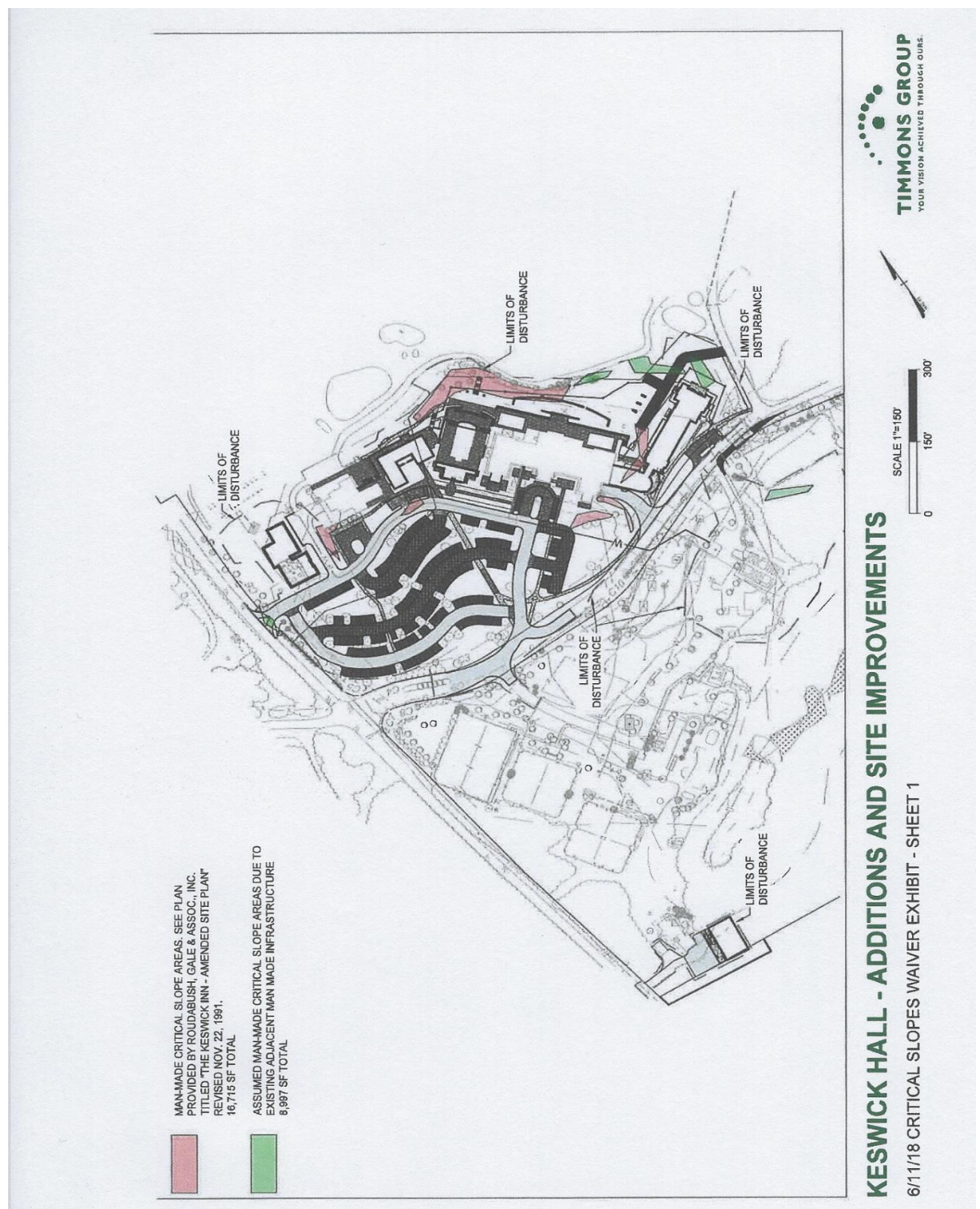
**WHEREAS**, the Owner of Tax Map Parcels 08000-00-00-008Z0, 08000-00-00-060A0, and 08000-00-00-00900 (collectively, the "Property") filed a request for a special exception in conjunction with SDP201800016 Keswick Hall Additions and Site Improvements - Major Amendment and SDP201800017 Keswick Hall Energy Plant - Major Amendment, to allow the disturbance of critical slopes, as the Property is depicted on the pending plans under review by the County's Department of Community Development.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the Memorandum prepared in conjunction with the special exception request, including staff's supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-4.2.5(a), 18-4.2.3(b), 18-33.5, and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to authorize the disturbance of critical slopes for the development of the Property, subject to the condition attached hereto.

\* \* \*

**SDP201800016 Keswick Hall Additions and Site Improvements- Major Amendment and  
SDP201800017 Keswick Hall Energy Plant- Major Amendment Special Exception Condition**

1. The area of land disturbance on critical slopes shall not exceed 30,031 square feet as shown on Sheet 1 of the plan entitled "Keswick Hall Additions and Site Improvements Critical Slopes Waiver Exhibit" prepared by Timmons Group and dated June 25, 2018.



Item No. 8.12. Board of Supervisors Operating Guidelines.

The Executive Summary forwarded to the Board states that at the Board's July 9, 2018, meeting the County Executive presented the Board's Operating Guidelines for High Quality Governance (Attachment A) as developed during the May 2-3, 2018 Board Retreat for the Board's review.

After discussion, the Board agreed to revisions to guideline numbers 4 and 6 which are reflected in Attachment B.

Further feedback was received and after additional discussion at the August 8th Board meeting there was consensus to make the final revisions outlined in the Discussion section below and incorporated in Attachment C, Operating Guidelines for High Quality Governance Final Version.

At the August 8th Board meeting, additional revisions were made to guideline numbers 2 and 7 as outlined below.

- As previously written #2 states: *We will honor the will of the majority and respect the interests of the minority opinions.*
  - o The final revision states: **We will honor the expressed will of the majority and respect the concerns of the minority.**
- As previously written #7 stated: *We ensure that we work with a careful and unified voice when we are dealing with other jurisdictions or units of government, including both the Board and the County Executive.*

- o Consensus from the Board was to remove this guideline.

There is no budget impact anticipated with the adoption of these guidelines.

Staff recommends that the Board accept the proposed revisions as agreed upon by Board Members at the August 8, 2018 meeting.

**By the above-recorded vote, the Board approved the proposed revisions as agreed upon by the Board members at the August 8, 2018 meeting:**

**ALBEMARLE COUNTY BOARD OF SUPERVISORS  
OPERATING GUIDELINES FOR HIGH QUALITY GOVERNANCE  
September 5, 2018**

**The Board commits to using the following guidelines to ensure  
high quality governance:**

1. The County's strategic priorities will guide the work of the Board and staff and will be supported by a thoughtful priority setting process and cycle.
2. We will honor the expressed will of the majority and respect the concerns of the minority.
3. We ensure that policy decisions and directions to the County Executive are communicated by the entire Board.
  - Where this is unclear, the County Executive will seek clarification from the Board.
  - No single member of the Board can provide direction on policy implementation to the County Executive.
4. Board Members do not want their interactions with and requests to staff members to negatively impact staff productivity.
  - Staff members should use judgment and explain the resources that would be required to respond to Board requests.
  - If a policy issue is going to affect workload or a policy decision, it should come through the County Executive's office.
5. When a Board Member sends a communication to a staff member, it should be copied to the department director and the appropriate member of the County Executive's Office. Urgent matters will be clearly labeled in the subject line.
6. To assure maximum productivity, the Board should focus on policy-making work and the staff should focus on day- to day operational work and provide progress reports.
7. We are responsible for our districts, the entire County, and the region; therefore, we should give our best efforts to work for the benefit of all.
8. When a Board Member has a concern regarding staff performance, we go directly to the County Executive in a timely manner so that it can be addressed.

\_\_\_\_\_  
*Norman G. Dill*

\_\_\_\_\_  
*Liz Palmer*

\_\_\_\_\_  
*Ann H. Mallek, Chair*

\_\_\_\_\_  
*Rick Randolph*

\_\_\_\_\_  
*Diantha H. McKeel*

\_\_\_\_\_  
*Ned L. Gallaway*

Item No. 8.12a. **Resolution Declaring the Local Emergency Ended – August 10-12, 2018 Event.**

**By the above-recorded vote, the Board adopted the following resolution:**

**RESOLUTION DECLARING THAT LOCAL EMERGENCY IS ENDED  
(August 10-12, 2018 Event) (Virginia Code § 44-146.21)**

**WHEREAS**, the weekend of August 10-12, 2018 was the first anniversary of last year's so-called "Unite the Right" event which resulted in demonstrations, protests, counter-protests, threatened violence, and violence which resulted in three deaths and multiple injuries; and

**WHEREAS**, because it was anticipated that there could be similar demonstrations, protests, and counter-protests on the weekend of August 10-12, 2018 (the "Event"), the Board of Supervisors authorized the County Executive, acting as the Director of Emergency Management, to declare a local emergency on August 8, 2018 pursuant to Virginia Code § 44-146.21; and

**WHEREAS**, there is no longer a need for the County to provide aid or assistance pursuant to, or to exercise the powers conferred by, Virginia Code § 44-146.21.

**NOW THEREFORE, BE IT RESOLVED**, that there are no further emergency actions related to the Event to be taken; and

**BE IT FURTHER RESOLVED**, the declared local emergency is ended.

Item No. 8.13. County Grant Application/Award Report, ***was received for information.***

The Executive Summary forwarded to the Board states that pursuant to the County’s Grant Policy and associated procedures, staff provides periodic reports to the Board on the County’s application for and use of grants.

The attached Grants Report provides brief descriptions of one grant application submitted and five grant awards received during this time period.

The budget impact is noted in the summary of each grant.

This report is to provide information only. No action is required.

**GRANT REPORT ACTIVITY – April 13, 2018 through August 10, 2018**

Applications made during this time.

Granting Entity	Grant Project	Type	Amount Requested	Match Required	Match Source	Department	Purpose
Virginia Department of Housing and Community Development	Vibrant Communities Initiative 2018:  Southwood Redevelopment Partnership  Phase 1	Federal/ State/ Private	CDBG \$1,250,000  VHDA \$1,000,000	To Be Determined	To Be Determined	Community Development	This initiative would provide \$1,250,000 in Community Development Block Grant (CDBG) funds to fund infrastructure for the first phase of the Southwood Redevelopment and \$1,000,000 in Virginia Housing Development Authority (VHDA) grant funds would be used for building 20 affordable homes in Phase 1 of the Southwood Redevelopment.

Awards received during this time.

Granting Entity	Grant Project	Type	Amount Awarded	Match Required	Match Source	Department	Purpose
Virginia Commission for the Arts	Creative Communities Partnership	State	\$4,500	\$4,500	County's Contribution to the Charlottesville Opera and the Paramount	Office of Management and Budget	This grant will provide funding for local arts activities in Albemarle County. Specifically, the funding will be provided support for the educational programs of the Charlottesville Opera and the Paramount.
Virginia Department of Criminal Justice Services	Community Corrections Act Grant Program	Federal	\$975,427	\$75,000	Central Virginia Regional Jail	Offender Aid & Restoration (OAR)	These grants include services under the Pretrial Services Act and Comprehensive Community Corrections Act.
Virginia Department of Criminal Justice Services	FY 19 Justice Assistant Grant – Problem Oriented Policing (POP)	State	\$34,975	\$104,925	Police	Police	These grant funds will be used to provide continued funding for a police Sergeant position to lead the ACPD Problem Oriented Policing (POP) Team. This is year 4 of a four-year grant.

Virginia Department of Criminal Justice Services	FY19 – Victim Witness Program	Federal State	\$100,745 (Federal) \$33,581 (State)	\$0	None	Police	This continuation grant provides funds for staffing, equipment, training, and victim assistance costs.
Department of Justice	Edward Byrne Justice Assistance Grant Program FY 2017 – Community Policing	Federal	\$14,237	\$0	None	Police	This grant will provide support for Community Policing overtime activities provided by the Albemarle County Police Department such as bike patrols, participation in community events, etc.

**Comprehensive Look at Potential Five Year Financial Plan Grant Impacts:**

The following chart includes grants that are expected to end within the next five years and an estimate of the County’s cost over the next five years if the grant-supported position, project or program is continued after the grant ends. The continuation of those positions, projects and programs will be considered as part of the County’s annual budget process.

Byrne Justice Grants have 10% match first year, 25% 2nd, 50% 3rd, 75% 4th and 100 percent in 5th year. Updated FY18 to match request

Grant Entity	Grant Name	Summary	# of FTE	Designation of Current Budget Match	Expected End Date	FY18 Grant Amount*	Potential Financial Impact - Includes Five Year Plan salary assumptions				
							FY19	FY20	FY21	FY22	FY23
Virginia Department of Criminal Justice Service	FY16 Byrne/Justice Assistance Grant (JAG) Law Enforcement	This grant provides funding for a current police Sergeant position to form and lead the new Problem Oriented Policing (POP) Team and includes overtime/equipment/ supporting costs. This grant requires the local match to increase each year with the goal at the end of the grant to be for a full time employee to be hired and associated costs to be absorbed in the department.	1	Grants Leveraging Fund	6/30/2020	\$69,950.00	\$ 104,925.00	\$ 139,900.00	\$ 139,509.00	\$ 139,509.00	\$ 139,509.00
*does not include local match funds							\$ 104,925.00	\$ 139,900.00	\$ 139,509.00	\$ 139,509.00	\$ 139,509.00

The following chart includes an estimate of the County’s cost over the next five years for the replacement of equipment that was purchased with grant funding. The replacement of such equipment will be considered as part of the County’s annual budget process.

						Potential Financial Impact					
Grant Entity	Grant Name	Summary	# of FTE	Designation of Current Budget Match	Actual End Date	FY19	FY20	FY21	FY22	FY23	
Federal Emergency Management Agency	2006 Assistance to Firefighters	This grant provided funds for the purchase of turnout gear in 2006. The equipment life is now expiring and the estimated amount of approximately \$140,000, which is typically budgeted in a given year for this expense, is now estimated to be inadequate to replace the equipment over time. The additional funds listed in this chart reflects the additional costs estimated to replace this equipment each year. Costs in the out years is estimated to decrease due to the newly centralized management process and expected efficiencies.	0	Fire Rescue Fund	6/30/2006	\$ 191,800.00	Starting in FY20 the turnout gear purchased with this grant will have been replaced based on the date of manufacture of 2008 and a useful life of 10 years after the date of manufacture.				
Virginia Department of Emergency Management	Equipment Grant	This grant provided funds for the purchase of fitness equipment. The equipment life span is expiring.	0	Fire Rescue Fund	6/30/2009	\$ 53,345.00	\$ 54,934.00	TBD	TBD	TBD	
						\$ 245,145.00	\$ 54,934.00	\$ -	\$ -	\$ -	

Item No. 8.14. Ordinance to Amend County Code Chapter 4, Animals and Fowl, ***was received for information.***

The Executive Summary forwarded to the Board states that the Board held a work session on August 8, 2018 on the proposed amendment of Chapter 4, Animals and Fowl, of the County Code. The focus of the work session was on a range of current and proposed acts that would create a rebuttable presumption of animal cruelty. The Board also considered at the August 8 work session proposed changes to draft County Code §§ 4-306 and 4-308, which would replace some discretionary authority of the trial court in the disposition of animal treatment (e.g., abandonment, animal cruelty) cases with mandatory requirements.

Chapter 4 (Attachment A) has been revised to incorporate all of the acts that would create a rebuttable presumption of animal cruelty into draft County Code § 4-301. Section 4-301 begins on page 57 of Attachment A, and the changes made to the ordinance since the August 8 work session are highlighted in grey.

The Board also considered at the August 8 work session some proposed revisions to County Code §§ 4-306 and 4-308 that would make them more stringent than State law. Those revisions centered around the trial court’s disposition of animals that have been found by a court to have been abandoned, cruelly treated, or subjected to other mistreatment. With respect to County Code § 4-306, the discussion was whether the court should be required by County ordinance to prohibit the person convicted from owning or possessing other animals. With respect to County Code § 4-308, the issue was whether the court should be required by County ordinance to prohibit the person convicted from adopting animals. The State laws on which County Code §§ 4- 306 and 4-308 are based (Virginia Code §§ 3.2-6546 and 3.2-6569) leave those decisions to the trial court’s discretion. However, localities are enabled by another State law (Virginia Code § 3.2-6543) to adopt ordinances that are more stringent than Virginia Code §§ 3.2-6546 and 3.2-6569. The most applicable definition of “stringent” to this circumstance is “marked by rigor, strictness, or severity: rigidly controlled by rule or standard.” Webster’s Third New International Dictionary (2002), p. 2263. Removing judicial discretion in the circumstances described would “rigidly control by rule or standard” and, therefore, the proposed language (“shall” instead of “may”) in County Code §§ 4-306 and 4-308 falls within this definition of “stringent.”

After the August 8 work session, the Board received a request from a citizen asking the Board to address feral cats in this ordinance. Feral cats are addressed in this ordinance to a certain extent because the definition of “companion animal” in draft Chapter 4 includes feral cats (Attachment A, pages 33-34). If the Board desires to explore additional regulations pertaining to feral cats, staff recommends that the work on that issue not delay the public hearing on draft Chapter 4 scheduled for October 10. Feral cats raise a broad range of regulatory issues that will require further study and collaboration with the Albemarle-Charlottesville SPCA and others to determine an appropriate regulatory scope and content. That work will take time.

There is no expected budget impact.

This is for information only. The public hearing on this ordinance is scheduled for October 10, 2018.

Item No. 15. Board-to-Board, August 2018, A monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors, ***was received for information.***

Agenda Item No. 9. Public Safety Pay Plan.

The Executive Summary forwarded to the Board states that Human Resources conducts position classification reviews in each department on a rotating basis. Public Safety departments were last reviewed in 2012 and are on the schedule for review this year. Based on this review, staff recommends implementing step scales for most of the sworn/essential positions in these four departments.

Starting in July 2017, a team of representatives from Police, Fire-Rescue, Emergency Communications Center, Sheriff, and Human Resources met frequently to create an equitable and predictable public safety pay scale structure for each department to attract and retain quality talent. The following principles guided the work in developing the pay plans and standard operating procedures (Attachment A):

- Create and design pay scales that value the contributions of our employees.
- Create and design pay scales that are competitive with our market.
- Where it makes sense, have consistency across all public safety pay scales (i.e., same step increases, include equivalent positions when possible).
- Create pay scales that are easy to administer and explain.

The team, with guidance from Titan Gallagher Consulting, developed step scales that would be easy to understand, transparent, and predictable, as they are based on years of experience. We used market data from our Joint Board Adopted Market, which consists of 27 Virginia localities, and worked to ensure that we were using appropriate position matches (Attachment B).

Quality Government Operations: Ensure County government's capacity to provide high quality service that achieves community priorities.

All of the pay scales are structured and administered in the same way, but each department has its own step scale that reflect its positions and the market for those positions. The scales are based on the market data for the entry/recruit positions in each department (Police Officer, Firefighter/EMT, Sheriff Deputy, and Public Safety Communications Officer) and then follows existing promotional increase practice. While this step scale breaks commonality with other classified employees, all teachers in the School Division are on a step scale, so this is not new for our organization.

All scales have an appropriate number of steps consistent with the requirements for full VRS retirement: 25 years of service for Fire-Rescue, Police, and Sheriff that are law enforcement officers and 30 years of service for the positions in the Emergency Communication Center.

These departments consist of the most critical functions of Local Government. They are highly visible in our community, frequently interact with citizens, and all participate in keeping our community safe. These departments constantly interact with one another. The proposed Public Safety Pay Plan is one more way to enhance the cohesiveness of these departments and the communication between them. The positions included are different from other classified positions, as they consist of sworn and essential personnel. The standards of training and job expectations of these positions are much different from other classified positions in local government. These positions have a much higher degree of risk in regards to personal safety, civil liability, and exposure to traumatic situations and stress. These departments have highly defined career paths and nearly all promotions are internal, with external candidates considered only at the top two highest ranks.

Included in this proposal is an increase in pay for education programs to all four public safety departments. In 2012, a Police Department program for valuing education was approved by the Board to align with our organizational value of learning and to encourage additional education. For consistency among the four departments included in the new pay plan and to uphold this value, we recommend implementing this for each of these departments. The new pay plans will result in salary increases for approximately 250 employees in the four departments (detailed in Attachment D).

The approved FY19 budgeted amount for reclassification is \$920,000. This budget amount was based on implementation costs for the previous Public Safety reclassification performed about five years ago. If the request to implement a new pay plan for the four identified departments is approved including the additional classified position reclassifications, the projected annualized cost for the first year is \$1,733,000. This projected cost of implementation includes benefits, FICA, overtime, shift differentials, and education pay.

Staff recommends approval of the proposed Public Safety Pay Plan with an implementation date of January 1, 2019 in order to be within the budget of \$920,000 for FY19. Using current data, the projected cost for an implementation date of January 1st would be \$867,000.

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Ms. Lorna Gerome, Director of Human Resources, said she was pleased to provide recommendations for the public safety pay scale, which she described as a step-scale, that address the Board's strategic objective on salary compression. She emphasized that they aligned staff so they could dedicate time to doing a deep dive and assembled a very engaged team that held 22 meetings, with representatives from Police, Fire Rescue, Emergency Communications Center, and the Sheriff's office. She acknowledged that much work has gone into this and described it as a very well-crafted and well thought out scale that would serve well in the short and long-term and allow the County to attract and keep quality talent and incent employees to seek out promotions and additional skills. Ms. Gerome stated that the team generally arrived at consensus, though the Sheriff's Office expressed concern with being placed below Police and Fire Rescue on the scale. She then introduced Ms. Dana Robb, Program Manager for Compensation and Rewards, who would review the process, impacts and elements of the scale, and to answer questions. She also acknowledged the leadership of Ms. Robb and Ms. Brook Conover, Human Resource Analyst, in co-leading the team over the past year.

Ms. Dana Robb, Program Manager for Compensation and Rewards, presented. She said she would review how the pay scale was developed, who worked on the pay scale, and answer questions. She noted that Human Resources reviews all departments on a rotational schedule every five years to determine if positions are appropriately classified. As they were going through the review, Human Resources felt that a different pay scale for public safety departments would be appropriate due to their interrelated nature as it would help with cohesiveness of the departments. She emphasized how public safety officers are of a different nature than other staff as they are sworn and essential personnel that undergo special training, have highly-defined career paths, a paramilitary culture, promote from within, and work under higher risk to personal safety, civil liability, and exposure to traumatic situations and stress.

Ms. Robb stated that they reviewed the compensation of 27 comparable localities they use as benchmarks. She said a step-scale provides transparency, eliminates the concern of compression, and noted that teachers are under a step-scale. She said they worked with a consultant, Titan Gallagher, in building the scale and looked at regional and national data to make sure they would implement something beneficial to employees. She described the charge of the team as follows: to create equitable and predictable public safety pay scales to attract and retain quality talent. She listed four guiding principles: value employee contributions, market competitive, consistency when possible, and ease of communications and administration. She said that career development programs would be part of the scales, additional pay for education, promotional pay increases, and an additional category known as Recruit Level, which she described as an attractive retention tool as recruits would be aware they would receive a pay increase after the completion of training. She noted that the steps would consist of 25 steps with 2% increments for public safety, to be consistent with Virginia Retirement System retirement eligibility, with the exception of ECC which has 30 steps. She described the steps as being transparent and enable employees to see potential future earnings. She presented a slide that listed the names of all those involved with the development of the pay scale including Police, Fire Rescue, Sheriff, ECC, and Human Resources.

Ms. Robb next reviewed the differences between the current classified scale and the proposed step scale. She explained that the step scale is transparent, simple to understand, eliminates compression, and each public safety department would have its own scale, though it does not offer flexibility, and would require additional administration. She said Human Resources will have to maintain four scales for VRS eligibility and two others for part-time positions, as those are not eligible for VRS. She said that some public safety positions would move to the step scale while others would remain under the classified scale. She said the step scale would include most sworn positions, with the exception of the two highest levels within each department, as they wish to retain flexibility in hiring, which is often from the outside. They used market data to set the base position, after which the scale follows the promotional increase practices currently in place in each department. She emphasized that the design of the scale allows for additional pay for attainment of an Associate's (\$1,000) and Bachelor's (\$2,000) degree. She next reviewed the cost impacts, with an initial estimated budget of \$920,000 which has now been revised to \$1.7 million, which includes every single cost from benefits, overtime, certification pay, education pay, shift differential, as well as projected costs for the review of other classified positions. She said they are recommending implementation on January 1, 2019 in order to fall within budget.

Ms. Mallek asked if the total amount would go into the base of the next budget. Ms. Robb confirmed this. Ms. Robb said Human Resources recommend that the Board approve the proposed public safety pay plan, to become effective January 1, 2019.

Ms. Palmer thanked Ms. Robb for her department's hard work. She asked if the additional pay for education would be for all sectors. Ms. Robb replied that every department would be eligible for this.

Mr. Gallaway expressed interest in having a conversation about the differences between the pay of the Sheriff's Office and Police. He said the new pay scale is long past due, he fully supports what it would address, and that public safety officers and teachers are grossly under paid. He acknowledged the use of market data to determine appropriate pay but expressed that at some point they could step up based on their beliefs and values. He asked Ms. Robb to address the reason for why the Sheriff's Department is below that of the Police Department. Ms. Robb explained that Human Resources matches market data of the 27 benchmarked localities based on the functions and responsibilities of a job. She said they have 10 benchmarked communities for the Police Department as the other localities have Sheriffs but not police departments. She said that in Albemarle, which has both police and sheriff, the Police Department is the number one law enforcement department and responds to 911 calls. She said the Sheriff's Department was matched with those of 7 localities that have been accredited through VALEPSE based on the core responsibilities of court protection, civil process, and prisoner transportation.

Mr. Gallaway stated that the job function is different and then the issue is how that is judged or valued. Ms. Robb responded "yes".

Ms. Palmer remarked that while there are core functions of a department there are other functions being performed, which is the part that she is struggling with.

Ms. Robb said Human Resources pulled some other additional data for review. The call volume reflects that the police are the primary responders, responding to 6,408 calls last year vs. 217 for the Sheriff's Office. She described the service of the Sheriff's Office as very valuable to the County, but she cannot recommend they be placed at the same level as police, from a compensation standpoint.

Ms. Palmer remarked that the Sheriff's Office is smaller than that of the Police and should be receiving less call volume. Ms. Robb replied that the Sheriff's Office has 24 officers while the Police Department has 141 officers.

Ms. Mallek emphasized that it is who is dispatched to the call and not how many people they have. Ms. Robb responded that that is correct.

Mr. Randolph said he was struck by the Public Safety Pay Plan market data and that it has been cited to the Board that the City of Chesapeake and Prince William County should be comparable to Albemarle because there is parity in pay of police officers and sheriff's deputies. He said that Chesapeake has a population of 237,941 and Prince William has a population of 451,723. He said the only locality they commonly cite as a comparable that has both a Sheriff's and Police Department is the City of Roanoke. He emphasized the importance of scale of capability in terms of pay and he does not have any question that when Albemarle reaches a population of 250,000 they would be close to meeting the level of service of a city such as Chesapeake. He asked Ms. Robb to address the level of training, academic qualifications, levels of responsibility, and levels of risk for Police Department and Sheriff's Office officers and asked if these were the criteria in her analysis. He emphasized that the pay scale differential between the Police and Sheriff's Office personnel is minimal.

Ms. Robb replied that the market data she collects is based on the job description, education, and training. She said the initial training for the police recruits and sheriff's deputies are the same as they go to the academy for 18 weeks after which police officers attend a Spartan academy consisting of seven weeks of advanced training while sheriff's deputies are instructed on courtroom security, civil process, and crisis intervention training. She continued that field training for a new police recruit could last up to 16 weeks while training for sheriff's deputies lasts for up to six weeks. When she does market data gathering she does not get into that level of detail, but she does look at basic qualifications needed for the positions. She reiterated that job responsibilities are core to what she reviews, and what the officer does day in and day out.

Ms. McKeel remarked that police officers are on call 24 hours per day, 7 days per week whereas the Sheriff's Office employees work Monday – Friday from 8:00 – 5:00, the time when courts are open. Ms. Robb responded that that is one difference, but they also take contractual assignments and participate in search and rescue, so the hours could vary. She asked Ms. Robb to address the level of risk. Ms. Robb remarked that she believes in general police officers have a greater risk based on their core and job responsibilities as compared to sheriff's deputies.

Ms. McKeel remarked that sheriff's deputies may leave summonses at the door of a resident whereas police summonses must be delivered in person, which entails a different level of risk. She asked Sheriff Harding to clarify.

Mr. Chip Harding, Albemarle County Sheriff, addressed the Board. He said this depends on the type of process that is being served, which can be pretty complex, and for which they conduct monthly training. He said that when he was with the Charlottesville Police Department, about 15 years ago, they conducted a pay study, which City Manager, Gary Connell, agreed was accurate, that compared the pay for law enforcement with that for school teachers and nurses, and found that law enforcement pay was well below them. He praised the County Human Resources office staff for their work over the past 11 years since he has been working for the County, though he disagrees with them on the issue of pay parity with police and fire, as he does not believe they are comparing oranges to oranges. He expressed a willingness to accept the pay scale if an accurate explanation is provided. He recounted that when he was a police officer his view of the role of a sheriff's deputy was that it was not that challenging a position but when he came to the Sheriff's Office his view changed and he described the position as extremely dangerous as deputies are dealing with the worst of the worst and physically putting their hands on them every day. He remarked that the Police Department does not provide proper training on civil process or court security. He said that he has been on both sides of the fence and believes there is parity. The Sheriff's deputies believe they have been slighted, and not had the opportunity to compare oranges to oranges with other agencies and receive an explanation as to why Human Resources does not feel there should be parity in pay with the police.

Major KC Carr, Deputy Chief, Police Department, said that the Police Department serves criminal warrants while the Sheriff's Office serves civil warrants and the Police Department takes people into custody.

Ms. Chan Bryant, Chief Deputy, Sheriff's Office, said they also serve criminal warrants daily that come out of Circuit Court cases and their face to face danger taking people into custody is the same as that of the police.

Mr. Gallaway remarked that he does not want this to drive a wedge between the two law enforcement departments and an explanation is owed if there is going to be a pay differential. He said they do not have to be in agreement with the decision and outcome but should be on the process to get there. He added that it is a conversation that needs to occur.

Ms. Palmer emphasized that the materials furnished by the Chief Deputy has some differences from the materials provided by Human Resources and suggested that Human Resources meet with the Chief Deputy of the Sheriff's Office to try to give an explanation which might get them a little further along. Ms. Gerome replied that they would be happy to do this.

Ms. McKeel expressed her opinion that the Board needs to move on this and not have further delays so the County can recruit and retain existing employees. She said the recommendation carefully follows what she saw with the School Division and the model helps with compression issues. She said it seems clear to her that the training and job responsibilities of the departments are different, and this is why their competitive markets have moved. It is also does not mean Human Resources cannot get with the Sheriff's Office for further discussion. She then asked if the Sheriff's Office was part of the meetings. Ms. Gerome responded "yes". Ms. Bryant responded that they were not included in the initial meetings, but came on board late in the game.

Ms. Mallek expressed support for the step scale and asked if it is feasible to adopt what has been presented, but to give more time to allow Human Resources to provide all the information needed to make a final decision so that they do not learn something new after a vote has been held. Ms. Gerome agreed to this.

Mr. Gallaway said he does not want this to get in the way of passing the pay scale and if there is willingness from the Board to bring the Sheriff's Office pay in line with that of the police then this is a budget question. He said a Board member could introduce a motion on the matter at a future meeting for the Board's consideration during the budget process.

Ms. Mallek commented that even with this proposal, there would be a significant increase for the Sheriff.

Ms. McKeel read the following data from the report: The Police Department's 141 employees would receive an average increase of 6.9%, Fire and Rescue's 107 employees would receive an average increase of 6.4%, Emergency Communications Center's 32 employees would see an average increase of 4.5%, and the Sheriff's Department's 23 employees would see an average increase of 15.6%.

Ms. Gerome said she has confirmed with the Sheriff's Office that there is buy in and support for moving forward with the scale.

Ms. Palmer said she is very interested in looking at the Sheriff's Department and bringing this back as a budget discussion after conducting a comparison of the training that officers in each department undergo. She expressed strong support for the step scale.

Ms. McKeel said she looks forward to the report on pay and retention to be presented to the Board by Human Resources this fall.

Mr. Gallaway referred to the draft public safety pay plan, zero line for recruit training under market promotional practice, the NA line. He asked if the zero line compares to the 18 weeks the first year. Ms. Robb replied that the recruit level is for the initial training time before the recruit is released and includes training beyond 18 weeks.

Mr. Gallaway asked if the zero on the pay plan is for the first 12 months of employment. Ms. Robb confirmed this.

Ms. Mallek remarked that approving the proposed schedule, and potentially modifying this during the budget process, is acceptable to her.

Mr. Gallaway reiterated his opinion that pay parity among the law enforcement departments is an issue to be taken up during the budget process.

Mr. Richardson said that he hears that the Board supports the recommendations provided for the four agencies to be implemented on January 1, 2019, while directing staff to analyze the budget cost to bring pay parity to the Sheriff's Department during the budget cycle. Additionally, he said he heard from a Board member that Human Resources meet with representatives of the Sheriff's Office to look at the new information furnished and that, if staff changes its recommendation based on this new information, that this be brought forward during the budget process.

Mr. Gallaway remarked that the Sheriff's Office would have to determine its priorities during the budget process and whether a pay increase was a high priority.

Ms. Palmer asked if staff knows the budget impact. Ms. Gerome said preliminary estimates are around \$60,000 to bring the Sheriff's Office up per year.

Mr. Richardson again commented that there are several issues being discussed. First, if the Board wants to know, in addition to the \$1.7 million for a full year, the costs for sheriff's deputies to be at the same entry as police officers. He said staff can do that budgetary analysis. The Human Resources Department reviewing information, and making that recommendation, is a separate process. The Human Resources Department does not drive off of budget and what the County can afford to do. Human Resources drives off of market data, job description analysis (in terms of core responsibilities), training, etc. Human Resources recommendation to this point has been that there is not data to suggest the two departments would have the same starting pay. Human Resources goes back and reviews this data with the Sheriff's Office at the table. He does not want the Board to think Human Resources drives those recommendations based on what the County can or cannot afford.

Ms. Palmer said she would never suggest the staff do that. She would like for Human Resources staff to take a look at the new material.

Ms. McKeel **moved** that the Board approve staff's recommendation for the proposed Public Safety Pay Plan to be implemented January 1, 2019. The motion was **seconded** by Mr. Randolph.

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

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

NAYS: None.

ABSENT: Mr. Dill.

Mr. Kamptner said staff needs clear direction regarding the Sheriff's Office. He added that if there is consensus to proceed there does not need to be a motion.

Ms. McKeel said it is important that the additional information provided to the Board be thoroughly reviewed because she is hearing some inaccuracies.

Board members concurred.

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Agenda Item No. 10. FY 20 Operating and Capital Budget Calendar and Recommended Process Modifications Including FY 20 Agency Budget Review Team (ABRT) Process.

The Executive Summary forwarded to the Board states that the process of developing the County's Operating Budget for Fiscal Year 20 (FY 20) and the Capital Improvements Program (CIP) for FY 20-24 is underway. On an annual basis staff provides a proposed budget calendar and highlights any other staff recommendations regarding process modifications.

This Executive Summary includes three attachments for the Board's review and consideration. Attachment A is the proposed FY 20 budget development calendar, Attachment B includes recommendations for modifications to the upcoming Budget development processes, and Attachment C includes recommendations for the County's FY 20 ABRT process.

Attachment A provides a preliminary budget calendar for the FY 20 budget process. The budget development calendar establishes specific dates for Board meetings and public hearings on the tax rate, the budget, and the CIP. Staff will continue to provide the public with as much notice as possible for planned community engagement opportunities, public hearings, and work sessions associated with the development of the upcoming budgets.

There are several dates that are driven by Virginia Code requirements which are reflected in the attached calendar:

- Localities with a first-half tax year collection in June must adopt the tax rate on or before May 15.
- There must be at least seven days between the public advertisement of the budget public hearing and the actual hearing date.
- There must be at least seven days between the budget public hearing and the adoption of the budget.
- Localities must provide at least 30 days' notice of the tax rate public hearing if the reassessment would result in an increase of one percent or more in the total real property tax levied compared to the prior year's real property tax levies. Prior to 2009, the requirement was seven days' notice.

In addition to these Virginia Code requirements, the School Board and School Division staff have requested that a public hearing be scheduled so that it does not coincide with Spring Break.

The preliminary budget calendar for the FY 20 budget process meets the Virginia Code requirements and the School Board's request. Additionally, this calendar assumes that the reassessment would result in an increase of one percent or more in the total real property tax levied in Calendar Year (CY) 19 compared to CY 18 and incorporates the necessary 30 days' notice into the schedule.

Attachment B includes recommendations for modifications to the upcoming Budget development processes based on Board and employee feedback.

Attachment C includes recommendations for the County's upcoming FY 20 ABRT process.

This executive summary provides information on the FY 20 Budget development process.

Staff recommends that the Board adopt the preliminary budget calendar set forth in Attachment A and concur with staffs' recommendation for modifications to the upcoming budget development process, including the County's FY 20 ABRT process.

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Ms. Lori Allshouse, Director, Office of Management and Budget, presented. She noted that the Executive Summary includes the following three attachments (copies on file): Preliminary FY 20 Budget Development Calendar, FY 20 Budget Development Process Modifications, ABRT Process and Scoring Criteria. She reviewed Attachment A including a preliminary calendar, and noted that the schedule complies with Virginia Code requirements for a public hearing and public notice with March 4, 2019 set as the date for finalization of the tax rate cap for advertisement and April 16, 2019 as the date for adoption of the tax rate and FY 20 budget approval. She listed other considerations as follows: public engagement opportunities, work session schedule, timing of School Division's spring break, and February 28, 2019 revenue update. She next shared highlights from Attachment B.

Ms. Allshouse next shared highlights from Attachment B. She stated that the five-year financial planning process begins in November with three work sessions, including a joint work session with the School Board, at which they would focus on strategic financial planning, goal setting, and scenario planning. She explained that both the schools and local government would present five-year plans and likely discuss the CIP ahead of time. She said that this year is a CIP amendment year process during which new projects are not added but existing ones are amended and there would be time for CIP policy discussions. She said they will incorporate some oversight committee recommendations into the process, including a joint work session with the School Board on September 27, 2018. She noted that the work sessions will include a revenue update and have updates on nonprofit funding to furnish a comprehensive picture. She added that as the Board goes through its work sessions, it often adds items to a list for further discussion, but no clarity on when that list should come back to be discussed. Staff wants to put clarity and identify when the discussion will be held. She said the County Executive is scheduled to present the recommended budget on a Friday at noon and there has been discussion about changing the time as well as broadening their communication outreach. She emphasized that these are ways staff is looking to improve the process.

Ms. Allshouse next reviewed Attachment C, which involves the ABRT process. She said the process would be similar to prior years; the application period would begin September 7, 2018, with applications due by October 31, 2018. The ranking and application criteria will remain the same as last year, the process will be co-managed by Office of Management and Budget and Department of Social Services, the County will hire a facilitator to manage the process, and funding is available in the FY 20 budget for which a re-appropriation request will come before the Board in October. She said the review teams will continue to include community members and there will be an abbreviated review for program applications and for programs that receive an exemplary score the past two years, in order to simplify the process. She noted that site visits will not be included this year.

Mr. Randolph asked how nonprofit organizations will learn that the County would conduct the ABRT process internally and how to apply this calendar year. Ms. Allshouse replied that they are working closely with the City on an announcement, which has been submitted to all agencies on the City's contact list. Additionally, she said there will be two orientations held next week by the City and County for interested nonprofits.

Mr. Randolph asked if she has networked through the Center for Non-Profit Excellence so they can communicate this to their membership. Ms. Allshouse responded that they are working through the communications lines they have used in the past and she will check on whether they have contacted the Center for Non-Profit Excellence.

Mr. Randolph remarked that it might be helpful to make sure that public service announcements on television and radio are made so the word gets out that they have a different process. He said that he believes it is incumbent upon County staff to bend over backwards to ensure that adequate notification is sent to all of the nonprofits. He urged that they closely look at Charlottesville's communications list and compare it to the list of actual recipients through the County to make sure agencies have not been left out.

Mr. Gallaway emphasized that some newer organizations would be in the second year and asked Ms. Allshouse if she would send Supervisors an email with the ABRT process so they can communicate this to constituents.

Ms. Allshouse listed the following three recommendations to the Board:

- Board adopt preliminary FY 20 budget development calendar
- Board concur with FY 20 budget development process modifications
- Plan for FY 20 ABRT process

Ms. Mallek referred to the five-year financial planning process on Page 2, and noted that last year staff spent a lot of time on a two-year budget and she proposes they relieve themselves of the obligation to provide a narrative for two years when they cannot predict things anyway. Ms. Allshouse remarked that staff used to do five-year long-range planning, though in the last couple of years they focused on the details of the first two years, which she believes is important, though she agrees they could provide less detail on future years.

Ms. Mallek asked if it is possible to have an update on the leverage of outside funding from the County's nonprofit investments. Mr. Randolph remarked that he was a former nonprofit organization development officer and in a capital campaign there is leveraging but in the annual budget to support programs most of the money is not leveraged. He said that if they establish criteria that indicates they

would support organizations that could leverage they would automatically eliminate an entire category of nonprofits as those organizations cannot take money from the County and go to another organization to request support as the amount was too small and it does not work on that level, though it does work on the level of a capital campaign. He said the County can establish criteria but then constrict the capability of nonprofits to be viable in the consideration process.

Ms. Mallek responded that Mr. Randolph was going beyond what she is asking as she is not using this as a criterion to rule people out but would like to know how the County benefits by not having to spend because of what nonprofits are doing.

Mr. Randolph said it would be helpful to conduct a comprehensive review of all County supported nonprofit organizations, including those in the Community Development budget and ABRT, that serve governmental goals and objectives. Ms. Mallek commented that they are in agreement with what she is asking.

Ms. Allshouse noted that the criteria for ABRT on Page 3 indicates some points that are associated with leveraging. Ms. Mallek added that she would like to see this information if it is easily available; she does not want staff to have to chase after something that will take a lot of time.

Mr. Randolph remarked on the inclusion of the CIP as a discussion issue in the fall as a needed strategic and timing change in terms of financial management. It is important they track the CIP along with the budget instead of at the end of the budgetary process as it is by far the largest portion of the overall budget.

Ms. McKeel agreed with Mr. Randolph and remarked that it has been dealt with separately.

Ms. Mallek encouraged Supervisors to attend CIP meetings as it is easier than to try to catch up by reading the minutes.

Ms. McKeel described the CIP meetings as being very informative and suggested they make sure they know when those meetings are being held.

Ms. Allshouse remarked for the public's knowledge that Board members are talking about the meetings of the Oversight Committee, a sub-group that meets about the CIP. She added that staff sees the CIP process as including both Board of Supervisors and School Board conversations as well as CIP meetings.

Mr. Gallaway recalled that there was conversation about the Board understanding how they conduct revenue projections; specifically, they learned about the quantitative method in the brochure and during discussion, though there was a subjective piece to the projection which he believes the Board would want to hear about.

Ms. Mallek speculated that this could be folded into the CIP Oversight Committee meeting.

Ms. Allshouse thanked Ms. Mallek for this suggestion.

Ms. McKeel **moved** that the Board adopt the preliminary budget calendar and to concur with staff's recommendations for modifications to the upcoming budget development process, including the County's FY 20 ABRT process. The motion was **seconded** by Mr. Randolph.

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

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

NAYS: None.

ABSENT: Mr. Dill.

Ms. Mallek asked staff and the Board to consider whether work sessions should be held between 3:00 p.m., to 6:00 p.m., which is a really hard time for some.



# Proposed FISCAL YEAR 2020

<b>September 2018</b>	
7	BOS Work Session – Strategic Plan Update
27	BOS/School Joint CIP Planning Work Session
<b>October 2018</b>	
TBD	BOS/School Board Joint Work Session – Compensation and Benefits (CLERK)
<b>November 2018</b>	
TBD	BOS/School Board Joint Work Session - Long Range Financial Planning
<b>December 2018</b>	
5	BOS Work Session – Long Range Financial Planning
12	BOS Work Session – Long Range Financial Planning Guidance
<b>January 2019</b>	
17	School Superintendent presents School Division’s FY 20 Budget Request to School Board
<b>February 2019</b>	
7	School Board adopts School Budget Request
15	County Executive’s Presentation to the Board – Recommended Budget
19	Public Hearing on County Executive’s Recommended Budget
21	BOS Budget Work Session #1 – Expenditure overview including capital, schools operating, and general govt. operating, Revenue overview
26	BOS Budget Work Session #2
28	BOS Budget Work Session #3 – Revenue Update
<b>March 2019</b>	
4	BOS Budget Work Session #4 – Finalize Tax Rate for Advertisement/Approval of Board’s Proposed Budget
6	Regular BOS meeting
26	BOS Work Session #5 (If Needed)
28	BOS Work Session #6 (If Needed)
<b>April 2019</b>	
1-5	Spring Break
3	Regular BOS meeting
9	Public Hearing on the CY 19 tax rate and Board’s Proposed Budget
10	Regular BOS meeting
12	Holiday
16	BOS sets tax rate and adopts budget
25	School Board adopts School Budget
<b>May 2019</b>	
1	BOS Approves Appropriation Resolution

Public engagement opportunities will occur throughout Budget Development Process.  
To meet operational requirements, BOS must set the CY 19 tax rate by April 16.

Attachment B – Planned Budget Development Process Modifications

**FY 20 Budget Process  
Highlights of Planned Budget Development Process Improvements/Modifications**

**Five Year Financial Planning Process**

The Five Year Financial Planning process will increase its focus of long-range strategic financial planning work sessions to include goal setting and a focus on the broader fiscal picture and incorporate elements of scenario planning.

**Capital Improvement Plan (CIP)**

The FY 20 CIP Development Process will be an "Amendment Year." As such, the focus will be on amendments to projects included in the currently adopted CIP and other Board-related policy discussions.

The process will incorporate the following CIP Oversight Committee recommendations:

- The timeframe for debt policy-related charts will be expanded to provide additional information on potential debt-related impacts associated with anticipated borrowing that would occur in the 5<sup>th</sup> year of the CIP.
- Future funding requests that are for reoccurring studies not associated with a potential specific CIP project (e.g. funding to conduct Master Plans and Small Area Plans) shall be submitted as part of the operating budget development process instead of the CIP process.

A September 27 Joint Work Session has been added to the Budget Development Calendar to provide time for the Board and School Board to discuss Debt Capacity, Affordability, and Public Private Partnerships (P-3) in the Fall timeframe.

**Work Sessions**

Beginning this year, an additional revenue update will be incorporated into the regular budget development cycle in March, prior to the finalization of the tax rate for advertisement.

Staff will dedicate a time during a budget work session to provide a comprehensive summary of all non-profit funding (in addition to ABRT agencies).

Staff will clarify when items placed on the parking lot ("the list") are scheduled to be brought back for the Board's consideration at a future work session.

**Budget Development Schedule**

Staff will consider the timing and provide additional communication for the County's initial Recommended Budget presentation.

**ABRT**

Per the Board of Supervisor's direction, the FY 20 ABRT process will be managed by the County this year. Additional details are provided in Attachment C.

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**Recess.** The Board recessed its meeting at 4:13 p.m. and reconvened at 4:26 p.m.

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Agenda Item No. 11. Update on the Finalization of the Economic Development Strategic Plan.

The Executive Summary forwarded to the Board states that on July 11, 2018, the Board of Supervisors endorsed a finalization process and schedule for the Economic Development Strategic Plan. The first steps in the finalization process included engaging several internal work groups comprised of key partners to the Economic Development Office such as the County Executive's Office, Community Development, Finance, and County Attorney's Office, as well as external stakeholders such as the City of Charlottesville, University of Virginia, Piedmont Virginia Community College, ACSA and others.

Economic Development staff have now completed the initial engagement of stakeholders according the adopted finalization process and schedule. Staff recommends the Board endorse the proposed Goals and Objectives, and direct staff to continue the finalization process by developing specific Strategies to pursue the endorsed goals.

Economic Development staff used the Mission and Guiding Principles adopted in 2017 to begin the review process with internal stakeholders. Staff incorporated valuable feedback to improve the existing plan's clarity, which resulted in several additions, including an expansion of the background section, a flowchart showing how this strategic plan relates to other County plans, an organizational key, and a glossary of terms. A common understanding of how to read the plan and how it fits into other County planning processes allowed productive work on its content. Additionally, staff chose to brand the draft Economic Development Strategic Plan as "Project ENABLE" in light of its primary goal to "Enable A Better Life - Economically."

As staff moved forward to engage external partners at the local, regional, and state levels, it was clear that many services supporting the plan's Goals and Objectives were already available in some capacity. This information allowed staff to distinguish between the Goals and Objectives where it makes

sense for the County to serve as the “lead” agency versus other areas where it makes sense to play a “support” or “referral” role to key partners. The glossary of terms outlines more specifically how staff would differentiate between these approaches throughout the plan (see page 8 of Attachment A). A summary comparing the July 2017 draft to Project ENABLE is found in Attachment B.

Although the current draft of Project ENABLE contains seven broad goals that touch on fundamental economic development activities (such as business retention and expansion, site readiness, workforce development, private capital investment, marketing, tourism, etc.), staff does not propose to focus on each one in the same way; some goals will require a longer period of time to pursue than others and some objectives will require more resources than others. Staff believes the County will be most successful by maximizing our relationships with key partners and by providing services in a targeted manner. The prioritization of these goals and objectives will be fleshed out during the strategy and action plan development phase of this project. The Board will have ample opportunity to provide feedback during the subsequent work session later this fall.

This outlook is supported by the feedback from both our external partners and our Economic Development Authority (see Attachment C). There is agreement that the current Goals and Objectives provide the right foundation for the next four years and staff recommends moving forward to developing specific Strategies to achieve them.

You will recall that the framework plan endorsed by the Board in 2017 included initial thoughts about potential strategies. Because the proposed goals and objectives have been re-worked from the framework plan, the draft being presented at this meeting does not include those specific strategies. Rather, following the Board’s consideration and action on goals and objectives, strategies will be developed best reflect this work.

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

Staff recommends the Board endorse the Goals and Objectives of Project ENABLE and direct staff to return with drafted Strategies at a future Board meeting later this fall.

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Mr. Doug Walker, Deputy County Executive, addressed the Board. He said he would review the process undertaken until Mr. Johnson was hired. He recalled that in May, 2017 the Board received a consultant’s presentation on initial concepts of an Economic Development Strategic Plan at a joint meeting of the Board of Supervisors and Economic Development Authority. In July, 2017 the Board endorsed the framework with the understanding that the plan would be finalized after the hiring of a new County Executive and Economic Development Director. He noted that in October, 2017 the Board, the Planning Commission and EDA unanimously endorsed the mission and guiding principles of the Board-approved framework plan after which a County Executive was hired in November, 2017 and EDA Director in April, 2018. He turned the presentation over to Mr. Roger Johnson.

Mr. Roger Johnson, Director, Economic Development, presented. He stated that the purpose of today’s meeting is to discuss the Economic Development Strategic Plan Goals and Objects. He said they have named the plan Project ENABLE (Enabling a Better Life Economically) and seek to have the Board of Supervisors and community buy in 100%. Prior to discussing the components of the plan, it is important to discuss economic development and why it is important to the community. He explained that they used a process to obtain external + internal stakeholder feedback on the EDA. They realized that economic development should take the time to educate the community as to why economic development is important. He said the Comprehensive Plan involves the protection of natural resources, exceptional education, provision of quality police, fire, library, parks, etc. services, and the community needs economic development in order to sustain these. He presented a slide with graphics and pointed out that the commercial real property tax accounts for 15% of revenue compared with 85% of revenue comes from residential real property tax. He emphasized that there is overwhelming evidence that commercial/industrial development could improve the financial well-being of a local government whereas residential development worsens the financial situation. He said his predecessor conducted a cost of services analysis in 2016 and found that it costs \$6,750 to provide services to a household while the average residential tax is about \$3,500, which creates a revenue gap of approximately \$3,200 for each new resident. While the above is not uncommon, it is a little unusual. He explained that Project ENABLE is anticipated to bring new wealth into the area to reach the aspirational community vision and to sustain it. He then turned the presentation over to Mr. J.T. Newberry.

Mr. J.T. Newberry, Economic Development Coordinator, presented. He presented a slide with a timeline of major process steps, reminding the Board that it endorsed the finalization schedule and process for updating the strategic plan in July, 2018. He said that after this he and Mr. Johnson met with an internal work team and internal stakeholders to review and update goals and objectives, followed by meetings with external stakeholders and the EDA, with their feedback included in Attachment C (copy on file in Clerk’s office). He explained that today is the midpoint check-in, followed by a drafting of strategies by an internal work team, followed by a check-in with internal and external stakeholders, and then followed by a presentation to the Board towards the end of this year to seek approval.

Mr. Johnson said they intend to provide a year-end annual report. He remarked that economic development is changing quickly due to technology and globalization and the plan should be reviewed annually. He next presented what he referred to as attention-getting information that is not included in the ENABLE draft plan such as business recruitment, expansion of development areas, and interstate interchanges. He remarked that the community is somewhat divided as to whether they should or should

not import businesses and a recent study by the Bowman engineering group found that the County does not have sites ready to accommodate new businesses and thus, the strategic plan would focus on preparing sites. He said they want to move forward in a way so that everyone could endorse and get behind the Economic Development Plan. He next summarized feedback obtained. He said that internal stakeholders were supportive of the plan with a willing partner. He said they invited 22 key external stakeholders to a meeting and all the key institutions such as Piedmont Virginia Community College, University of Virginia, and the Albemarle County Service Authority were eager partners. He said the development community had a consistent message for the Board, which was that the process for approval should be sped up as time equals money in their world. Finally, he indicated that the Economic Development Authority is on board and wants to play an active and engaged role.

Mr. Johnson reviewed three key areas of the plan: growing the County's own businesses, focusing on development areas, and being consistent with the Comprehensive Plan goals. He read the mission statement as follows: To attract additional financial resources into the community through responsible economic development activities that enhance the County's competitive position and result in quality job creation and career employment opportunities, increased tax base, enhanced natural resources and community character, and an improved quality of life for all citizens. He remarked that he has worked in a lot of communities and has not seen the enhancement of natural resources as part of an economic development plan and wondered how this fit in until he learned about the uniqueness of this community while observing people wearing headlights and shoeing salamanders across Route 29 in the middle of the night using flares to stop traffic. He said the items in the plan support the protection of the environment. He presented a slide with the following seven goals: 1) strengthen existing business retention and/or expansion, 2) improve the business climate, 3) lead County's readiness to accommodate desired businesses, 4) lead seeking private investment to further the public good, 5) enhance the visibility of economic development, 6) lead external efforts on strategic partnerships with economic development institutions, 7) partner to expand the County's tourism sector.

Mr. Johnson reviewed Goal 1, to strengthen existing businesses through a business retention and/or expansion (BRE) plan, with objectives to lead the formalization of the existing BRE program. He indicated they will meet with large, medium, and small businesses to formalize the program and share feedback with the Board as well as to lead the recruitment and referral of potential partners to VEDP's Economic Gardening pilot program and international VALET program.

Mr. Newberry reviewed Goal 2, to improve the business climate. He said the goal is broad, but they have focused their objectives on the things they can control. He said this includes the removal and reduction of controllable barriers, such as the cost of doing business, which they believe they can work with some key partners to accomplish. He said they will also engage with Community Development on items such as zoning text amendments and work with ACSA to ensure they have the necessary infrastructure.

Mr. Johnson reviewed Goal 3, to lead the County's readiness to accommodate desired businesses. He said a study from 2012 indicates what industries they should target and the Central Virginia Partnership for Economic Development recently conducted a study that validated the 2012 study findings. He said they may investigate the potential to add B-Corporations to the list of targeted industries. He explained that B-Corporations seek to provide environmental and/or social benefits in addition to financial ones. He said they will develop some incentive programs for the Board to consider, support the integration of economic analysis and fiscal impact into the development review process, and support a skilled and trained work force.

Mr. Newberry reviewed Goal 4, to seek private investment to further the public good. He said a guiding principle was added to the draft strategic plan which seeks to attract private capital investment in the community. He said they want to build off the small area and comprehensive plans to direct capital investment that builds the type of development the community wants.

Mr. Johnson reviewed Goal 5, to enhance the visibility of economic development. He said the wording may change a bit due to feedback received about educating the community. He said they want to create a marketing campaign to raise awareness of what a great community they have to do business in, and to identify, track, and publish regular analytics to demonstrate how they are doing in order to be accountable to the community.

Mr. Newberry reviewed Goal 6, to lead external efforts to create strategic partnerships with economic development institutions. He described this part of the process as really exciting and said that every external partner they have approached has been enthusiastic. He said they will formalize partnerships through memoranda of understanding and develop strategies to engage the EDA to further the County's Strategic Plan goals.

Mr. Johnson remarked that the EDA is a fantastic group of people who are excited about what the County is doing and are ready to make a difference in the community.

Mr. Johnson reviewed Goal 7, to partner to expand efforts to build the County's tourism sector. He said this goal may be in flux due to the reconstitution of the CACVB, though tourism will be an important part of the plan. He said that state level resources of the Virginia Tourism Corporation can be leveraged to grow tourism.

Mr. Newberry concluded the presentation requesting that the Board endorse the goals and objectives and direct staff to return with objectives at a later Board date. He invited questions and comments.

Ms. Mallek remarked that 15% of tax revenue from commercial sources is low compared to Hanover County which is over 30% and the County has a lot of work to do to take the burden off of residential.

Mr. Randolph suggested a reordering of the goals and objectives, which he believes would be more effective, by making Goal 2 the most important goal. He suggested they drop "and improve business climate" from Goal 1 as that is already in Goal 2. He suggested they move Goal 5 to Goal 2 as that ties in closely with improving the business climate and change Goal 2 to Goal 3. He proposed that Goal 5 be changed to Goal 6, Goal 4 be moved to Goal 6, and the last as Goal 7. He said that this would get them where they need to be in terms of spelling out the strategy.

Ms. Mallek remarked that she did not get the sense that the goals were in order. She said that you do not want to market something until you have a place to put it first. She added that she sees these connected like a web and not in a linear way.

Mr. Johnson agreed that the goals were not intended to be in order but this feedback is very helpful.

Ms. Palmer remarked that she can appreciate and endorse this plan and wants to emphasize and bring up a couple of things. She said it is wonderful that they have been working with ACSA and that at a recent Rivanna Water and Sewer Authority meeting an attendee suggested that Mr. Bill Mawyer visit the EDA, which she thinks is a great suggestion, and she learned that he would do so. She related that in 2006 at one of her first meetings of the ACSA Board of Directors they had a situation involving Stonefield and a mixed communication between the County, RWSA, and ACSA as the Meadowcreek interceptor did not have the capacity to take on Stonefield.

Ms. Palmer emphasized the importance of staff communication and getting the boards and elected and appointed officials involved to make sure the infrastructure is in place. She expressed a desire to see more citizen involvement with the EDA and suggested its website publish agendas in advance. She added that she is a firm believer that it is important for government to put in basic infrastructure so businesses and residents have something to work off of. She noted that the new \$3.5 million transfer station recently opened, the average person throws out four pounds of trash per day, and they are trying to enhance natural resources, and have to figure out what to do with wasted food and trash. She said the local hauling industry is a little sick right now as a lot of smaller haulers have been put out of business and there is a monopoly. She said there are a lot of things that need to be done to grow local recycling options and she hopes EDA will look at this. She said the hauling industry has a business model that is similar to the brewing industry as the aim of small businesses is to sell to larger companies.

Mr. Gallaway said they talked about the focus not being on attracting outside businesses and then Mr. Johnson made a comment about site readiness. He said that when focusing on the expansion of current businesses site readiness is still an issue if they have outgrown and asked him to comment. Mr. Johnson confirmed that site readiness will not go away.

Mr. Gallaway speculated that teaming up with developers during the planning process should help expedite things as there should be fewer obstacles. He said he is glad that analytics were presented so people can see what the County has put in.

Ms. Mallek expressed appreciation for the salamander story and remarked that this is a small example of how they can have it all. The creation of this culture will encourage residents to stay to participate in this culture. She said they can make tremendous prosperity with the natural resources culture, if they are careful.

Board members asked that Mr. Johnson forward them his presentation.

Mr. Randolph **moved** that the Board endorse the Goals and Objectives of Project ENABLE and that staff to return with drafted Strategies at a future Board meeting. Ms. McKeel **seconded** the motion.

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

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

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Agenda Item No. 12. **Presentation:** Board-to-Board, August 2018, A monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors.

By the recorded vote taken to adopt the final agenda, this item was moved to the Consent Agenda as Item No. 8.15.

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Agenda Item No. 13. **Presentation:** CIP Yearly Project Update.

Mr. Trevor Henry, Assistant County Executive, addressed the Board. He introduced Mr. Blake Abplanalp. He noted that they do a quarterly report that is attached to the agenda item (copy on file in Clerk's office), though a year ago they started to do a short presentation in September to provide an update on capital projects.

Mr. Blake Abplanalp, Chief of Project Management, Facilities and Environmental Services (FES), presented. He said he is happy to share positive news about many capital projects and presented the following outline:

- I. Introduction/Information
- II. School Projects
- III. Local Government Projects
- IV. Neighborhood Improvements Funding Initiative Projects (NIFI)
- V. Transportation Projects
- VI. Environmental Projects

He next presented a slide titled, Capital Projects Update:

- in the last 4 months the Project Management Division worked on 55 projects.
- there were 23 school projects, 13 local government projects, 8 NIFI projects, 7 transportation projects, and 4 environmental projects
- in the last 3 months Project Management Division managed construction that put \$11.8 million worth of work in place. The project management team managed \$1 million of construction work per week this summer.
- six of the Project Management Division's project managers managed multiple school projects this summer and the Chief managed the Woodbrook project.

He introduced the following project managers on the team: Mr. Matt Wertman, Mr. Steve Hoffman, Mr. Neale Craft, Mr. Kyle Saunders, and Ms. Elizabeth Jones.

Mr. Abplanalp presented before and after aerial photos of Woodbrook School, said this project still had \$690,000 in contingency, and is the largest County project since Monticello High School was built in the mid-1990s, at a cost of almost \$17 million. He next presented photos of the gym, a classroom, the cafeteria, and music room. He said the contractors worked 16 hours per day, seven days per week, during the last six weeks and almost \$3.5 million of work was done this past summer.

Mr. Abplanalp next reviewed Scottsville School security and media center renovation and presented exterior and interior photos. The next project was Western Albemarle High School science lab addition and modernization for which he presented an exterior as well as several interior photos, noting that the project would be completed next summer. The next project he reviewed was Henley Middle School space modernization and security which he said would be completed by early December, for which he presented several photographs. Next was Sutherland Middle School learning space modernization, Albemarle High School. Phase 2, science lab upgrades, for which he emphasized that all the projects have introduced light into spaces. The next project was Burley Middle School science labs and he noted the writable walls; followed by Murray High School security addition. He presented photographs of the renovation work for all the schools.

Mr. Abplanalp presented a list of additional school projects that were scheduled for completion this summer and are substantially complete, as well as the names of the project managers, as follows:

- Schools Roof Replacements (5 schools) – Steve Hoffman
- Murray Elementary School Generator – Neale Craft
- Henley Middle School Switchgear – Neale Craft
- Cale Elementary School Interior Renovations – Neale Craft
- Baker Butler Elementary School Gym Ceiling Painting – Kyle Saunders
- Walton Elementary School ADA/Upgrades – Kyle Saunders
- Burley Middle School Entrance Ceiling Painting – Kyle Saunders
- WAHS/AHS Elevator Upgrades – Steve Hoffman
- Brownsville Elementary School Classroom Trailer – Matt Wertman

He explained that shades are going up in every school and in every window to make sure that nobody can look into a school and find a target.

Ms. Mallek asked if these are translucent and for an explanation. Mr. Abplanalp replied that they allow some light in.

Mr. Abplanalp presented a list of local government projects in design as follows:

Parks and Recreation

- Mint Springs Park Maintenance Facility Upgrades – Neale Craft
- Dorrier and Simpson Parks Tennis Courts – Kyle Saunders
- Crozet Park Pier/Dock – Kyle Saunders
- Walnut Creek Park Dock Replacement – Kyle Saunders
- Ivy Creek Natural Area Roof Replacement – Neale Craft
- Walnut Creek Park Vault Restroom – Neale Craft

Public Works/Environmental Services

- Department of Social Services Renovations – Neale Craft
- COB McIntire Replacement – Steve Hoffman
- COB McIntire Parking Lot Paving – Neale Craft
- COB McIntire Elevator Replacement – Steve Hoffman
- BMP Retrofits for River Run and Minor Hill – Walter Harris

NIFI Projects

- Baker Butler Elementary School Campus Improvements – Steve Hoffman
- Free Bridge Trail Improvements – Neale Craft
- Greenbrier Drive Crossing – Neale Craft
- Rivanna Greenway Stabilization – Walter Harris
- Cale Elementary School Safe Routes to School – Jack Kelsey
- The Crozet Square – Jack Kelsey
- Albemarle/Jack Jouett/Greer Safe Routes to School – Jack Kelsey
- Avon Street Extended Study – Jack Kelsey

Mr. Gallaway and Ms. McKeel asked if project designs could be shared with the Community Advisory Councils. Mr. Abplanalp agreed to do so.

Mr. Abplanalp continued with the following:

Transportation Projects

- Rio Road/Avon Street/Route 250W – Crozet Sidewalks
- Hydraulic Road and Barracks Road Sidewalk Improvements
- Ivy Road Sidewalk Improvements

Transportation Projects in Programming

- Commonwealth/Dominion: Appropriation request was included in projects on the consent agenda at 9/5/18 BOS meeting
- Berkmar Drive: On 8/20/18 a design firm provided the required information for the County to submit a Smart Scale application to VDOT
- Ivy Creek Safety Entrance: Proposal from design firm for a roadway safety assessment was received on 8/22/18
- Library Avenue Extension: VDOT approved revenue sharing for FY 20

Mr. Abplanalp explained that the Rio Road project is in the right-of-way phase and he anticipates construction to begin with completion next year. He said the design team is looking at alternatives in case the right-of-way issue cannot be resolved. Regarding the Hydraulic Road project, the engineers are working through a drainage issue in the parking lot.

Ms. McKeel said she received a call from a constituent in Canterbury Hills who still has a work sign in the yard and wondered why. She said she replied that the work was still ongoing. She thanked staff for their extra work on the Hydraulic Road project as they struggled with CenturyLink and COMCAST. She related that she recently called CenturyLink to report a service problem and a representative arrived the next day and informed her that he had come from Florida to address a work backlog as a result of storms. CenturyLink was so far behind in their work orders because they did not have enough staff. CenturyLink is bringing in representatives from all over the East Coast to try and clear out the work orders.

Mr. Abplanalp commented that VDOT requires them to move or relocate any utilities before they can start construction, and, in this case, Dominion informed them that the pole did not have to be moved, but later an inspector informed them that it should be moved. He said that Mr. Jack Kelsey and the engineer finally came up with a solution that allowed them to move forward.

Ms. McKeel said that CenturyLink is really trying to catch up and to make amends and get things moving again.

In terms of the Ivy Creek entrance, Mr. Abplanalp said they have received a proposal from a design firm to conduct a safety analysis and provide options and related costs for each option. He said a turn lane would be a very significant project.

Ms. Mallek remarked that sight line is good but there is no place to go for vehicles if they need to stop.

Ms. McKeel said she thought Mr. Joel DeNunzio had indicated he could access a special fund for this for a park entrance. Mr. Abplanalp replied that there is safety funding and Kimley-Horn will be doing an analysis and then move to a more serious discussion.

Mr. Henry interjected that work has not started because staff is still working on funding and the funding Ms. McKeel referenced would be for construction but not design. He will further clarify that information with Mr. DeNunzio.

Ms. Mallek asked the design cost for 100 feet of middle lane. Mr. Abplanalp remarked that the design study cost \$23,000 and the design for a full turn lane cost could range from \$100,000 to \$400,000

as the road would have to be widened. To put in a turn lane, with 300 feet of deceleration coming to it, the road would have to be widened to a certain degree. There are also drop offs down the hill on the right-hand side which would have to be expanded; the road size increased and fill in would cost a couple of million dollars.

Ms. Mallek commented that the landowner across the street is ready to donate, but the County needs to not mess around too long.

Mr. Gallaway recalled that Mr. Kevin McDermott explained during an August meeting that funding would come from several places.

Mr. Henry said that if they could get the safety study funded they would have better options for the Board to consider.

Mr. Abplanalp reviewed the following Environmental Projects:

- Hollywood Dam Spillway
- Chapel Hills Stream Restoration

He noted that bids for the dam spillway are due next week and he hopes they are favorable. There are required items to make the dam 100 percent safe.

Ms. Mallek remarked that this is an example of how different issues are woven together. If the County had better grading regulations from the beginning in 2004 they would not have had 80 acres of dirt running into the lake which significantly reduced its capacity and has dumped a cost on the taxpayers.

Mr. Abplanalp explained that for Chapel Hills, bids were received on August 16, 2018 and were 20% under budget. The construction work should begin towards the end of this month or early next month.

Ms. Mallek asked if the Hollymead Dam construction project requires multiple skillsets or have a narrow focus. Mr. Abplanalp replied that it has a narrow focus consisting primarily of site work and concrete. He concluded the presentation and invited questions.

Mr. Henry said they are connecting with the CACs on a couple of projects for which they are finalizing design and Mr. Abplanalp will take these for action. He said he will try to get the team back together on the Ivy Creek entrance and reconnect with Mr. Joel DeNunzio on funding.

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Agenda Item No. 14. Closed Meeting.

At 5:30 p.m., Mr. Gallaway **moved** that the Board go into a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (1), to consider appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointments; and
- Under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to a pending application for a special use permit.

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

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

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

NAYS: None.

ABSENT: Mr. Dill.

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Agenda Item No. 15. Certify Closed Meeting.

At 6:08 p.m., the Board reconvened into open meeting, and Mr. Gallaway **moved** that the Board certify by a recorded vote that, to the best of each member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting, were heard, discussed, or considered in the closed meeting. The motion was **seconded** by Ms. Mallek.

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

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

NAYS: None.

ABSENT: Mr. Dill.

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Agenda Item No. 16a. Boards and Commissions: Vacancies and Appointments.

Ms. Palmer **moved** that the Board make the following appoints/reappointments:

- **appoint**, Mr. Roger Ray to the Acquisition of Conservation Easements Committee (ACE), with said term to expire August 1, 2021.
- **appoint**, Mr. George Hodson to the Charlottesville-Albemarle Convention and Visitors Bureau (CACVB) Executive Committee, with said term to expire September 30, 2020.
- **appoint**, Ms. Catherine Hughes to the Pantops Community Advisory Committee, with said term to expire June 30, 2020.
- **reappoint**, Mr. John Neal to the Places 29 (Hydraulic) Community Advisory Committee, with said term to expire August 5, 2020.
- **appoint**, Mr. Brian MacMillan to the Places 29 (Rio) Community Advisory Committee, with said term to expire September 30, 2020.

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

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

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

NAYS: None.

ABSENT: Mr. Dill.

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Agenda Item No. 17. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Ms. Mallek welcomed everyone to this portion of the meeting. She said that as Chair of the Board, her responsibility is to ensure the smooth running of the meeting to allow the Board to effectively carry out the public business and to conduct the items on the agenda. Ms. Mallek stated that she understands and respects that citizens have concerns associated with any issue, under State law, the Board's rules do not allow disruptive, verbal, auditory or other demonstrations during their meeting. The Board will show respect for everyone involved, both citizens and Board members. She asked the public to refer to the Board's meeting rules (located on the back of the agenda) for Board meetings. For example, if citizens have signs, the signs must remain at the side where they do not block the view of others. If citizens would like to show their approval to something being said by someone at the podium, she asked that they raise their hands. The effectiveness of Board meetings depends on their ability to conduct their business and create accurate recordings and podcasts of the meetings. She asked the public to respect their procedures. She then welcomed participation by all those in attendance.

Mr. Antwon Brinson, Owner of Culinary Concepts, addressed the Board. He said he would talk about a workforce issue that restaurants are facing with staffing. Tourism is a top revenue producer for the state. There are over 500 restaurants within a 10-mile area of Charlottesville, a number that continues to grow. The number one reason for restaurants closing is staffing. He said that as an executive chef he has experienced the wrath of an underprepared workforce which is why he started his own company. On average he said that he receives 30 to 40 employment applications per month but only three or four have the skills needed to fill positions. He said that, though many have experience in the industry, they lack the education to understand the investment needed in order to grow with one property and are job hopping for minor wage increases and do not understand what they need to do. He said his company offers training programs in partnership with City of Charlottesville that teaches life skills in the culinary arts, however, it is only available to City residents and nonresidents of the County. He asked if the County can help find a way to allow these individuals to attend the training.

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Ms. Nancy Carpenter addressed the Board. She urged the County to provide an emergency fund to residents to cover rental assistance, utility payments, and car repairs, as City of Charlottesville does. She said the Alliance for Interfaith Ministry is the only nonprofit she is aware of that assists County residents, but do not have enough funding. She asked that the Board consider, in its next budget cycle, allocating \$4,000 - \$5,000/month to help County residents. She next addressed the issue of the schools' dress code and said she attended the two recent School Board meetings on August 23 and August 30. She said she finds confederate imagery offensive as there are people that would have owned and sold the ancestors of her son and she finds it repugnant. She said she finds it repugnant how the School Board personnel treated invited guests who were going to provide testimony about how the Orange County, N.C. School Board was able to successfully create a dress code policy that did not accept confederate imagery. She said that one of the ladies present had ties to the Charlottesville area as she was a University of Virginia graduate when there were fewer women and minority students and played on the basketball team. She said the woman remains in contact with varsity level coaches yet she was dismissed by Ms. Acuff with a comment of, "Go back to North Carolina." She said the School Board missed an important opportunity to hear strategies of how they could be successful in adopting a dress code that would put Albemarle County on the right side of history and what the movement was about.

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Ms. Donni Long, 18-year resident of Rivanna District, addressed the Board regarding a proposal to terminate an existing agreement between Immigration and Customs Enforcement (ICE) Authority and the Albemarle-Charlottesville Regional Jail whereby the Jail notifies ICE of the date and time a suspected illegal immigrant charged with another crime is expected to be released. She expressed approval for the current policy of ICE notification and said she is against any termination or alteration of the agreement as notification is a way to protect all of us. She asked Supervisors to look after the safety of their constituents

and County residents and allows the Jail to continue to notify ICE of release dates of suspected illegal immigrants.

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Ms. JoAnn Robertson, a resident of the County, addressed the Board. She said this was her first time in the County Office Building and she became nervous upon seeing all the police officers and said that after viewing a video of what occurred here she is scared to come into the building. She said she has worked in many area schools but she is afraid to say which ones because Ms. Acuff could have her ejected after all the anti-bullying work she has done in the schools. She remarked that that a student would not be allowed to use the "N" word in school yet kids wearing confederate flags and memorabilia would be talked to and then sent home to the same racist home where they hear this stuff and they would wear it again. She said kids know the "N" word is wrong because the Supervisors are their leaders and tell them it is wrong but they are not doing it with the confederate flag. She remarked that Dylan Roof had a confederate flag in his hands when he killed people in Charleston, the NAZIs have the flags and carried them in Charlottesville and Albemarle, and Ms. Acuff does not get it. She said the Board does not want to get it but if it was their child committing suicide or getting PTSD they would listen. She said she plans to return for every meeting and go on and on and on until somebody listens.

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Mr. Richard Wise, a resident of 565 Bloomfield Road in the Samuel Miller District, said he is present to address the currently in force emergency that precludes citizens from exercising their constitutional rights of free speech, though he fully understands why this ordinance was enacted, and the events of August 2017. He emphasized that the mid-term elections are approaching and this is a needless restriction on the first amendment rights of citizens. He asked the Board to rescind this emergency ordinance this evening.

Ms. Mallek responded that the Board took care of this earlier today, though the state declaration would continue for one more week.

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Ms. Megan Bloom, former resident of White Hall District and current resident of City of Charlottesville, addressed the Board. She said she is a mother of school age children and what she witnessed at last week's School Board meeting was an all-out attack on dissent. She remarked that what started out months ago as passive ignorance on the part of the School Board has culminated in an unprovoked and brutal assault of a community member by a ranked police officer and numerous unjustified arrests. She said that members of the Board of Supervisors are as culpable as anyone else for this transgression and have an obligation to publicly apologize for the County's response to last week's School Board meeting, to call for all of the charges against those arrested to be dropped, and to place Chief Deputy Major Greg Jenkins on probation and open an investigation into his actions, effective immediately. She said she would also address the issue of just schools.

Ms. Bloom remarked that the County touts its school system as top in the nation but what gets lost in this designation is that for every 10 white students, nine are performing at grade level while for every 10 black students, five are not, which does not represent an achievement gap, but are the live effects of systemic racism. She said that learning cannot take place under conditions of threat, and racism is a threat which should be acknowledged, and an environment should be created that is safe for all students. She said the Board could start by banning racist imagery and set a precedent by establishing a zero-tolerance policy for idolizing racists and remove the idol to confederate Johnny Reb from County courthouse property immediately. She urged that the Board support the School Board in following the lead of the Hate Free Schools Coalition to further address the deep structural issues at play in the school system. She urged that the Board dismantle racism and white supremacy and that Supervisors start asking themselves the really hard questions, such as who does the Board of Supervisors work for, who do they listen to, who benefits most from policies in place, and who else have they shut out or shut down intentionally or otherwise. She said that what she witnessed at last week's School Board meeting was an egregious act of repression, domination, and brutality and a vicious blight on democracy was on full display. She said that County elected officials chose to protect themselves, their authority, and their agenda over the people they represent. She said they are not going away. She remarked that the meetings are not accessible as food is not permitted, there is no child care, and she had to leave the earlier meeting to pick up her kids from school.

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Ms. Dolly Joseph, a life-long County resident, addressed the Board. She described the policy of notifying ICE when suspects are released from the Albemarle County Regional Jail as racist and she has not seen statistics that indicate it keeps the community any safer. She asked the Board to revisit this policy.

Ms. Mallek closed the public comment portion of the meeting.

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#### Agenda Item No. 18. Keswick Hall & Golf Club: Expansion of Existing Central Water System.

The Executive Summary forwarded to the Board states that Keswick Hall & Golf Club is an existing development including 124 residential units, a club house and golf course, a 48-room Inn, dining rooms, tennis courts, pools, a spa, and a fitness facility. The development is located on Club Drive in Keswick (Tax Map Parcels 08000-00-00-008Z0 and 08000-00-00-00900). It is not located in the development and jurisdictional areas of the Comprehensive Plan.

An amendment (SP201800001) to the previously approved special use permit to relocate and expand the spa and fitness center, add a pool bar, expand the energy plant, add a new maintenance and laundry building, relocate the existing inn for 38 additional rooms (a total of 86 rooms), including changes to the parking lot layout, was approved by the Board on July 11, 2018.

As required by County Code § 16-102, the property owner has notified the Clerk of the Board of Supervisors of an intent to expand a central water supply system to serve their existing and proposed development. County Code §§ 16-104 and 16-105 require the Board to consider this proposal and either approve or deny this request.

Two Virginia Stormwater Management Program ("VSMP") applications and two site plans are currently under review. Approval of this request is required prior to the issuance of any building permit related to Phase 1A of the "Water and Wastewater Facilities Plan 2017 Update for Keswick Hall & Golf Club" prepared by Timmons Group dated December 1, 2017 and revised March 19, 2018. No certificates of occupancy for the improvements in Phase 1A shall be issued prior to the approval of the Virginia Department of Health, the Virginia Department of Environmental Quality, the Albemarle County Fire Rescue Department, and completion of the aforementioned water system improvements. The existing water system is owned and operated by Keswick Utilities, Inc., located at 701 Club Drive, Keswick, VA 22947.

This request is for the expansion of an existing central water supply system under County Code § 16-102 by installing up to 4 additional groundwater wells (Attachment A). The property is not within the County's Jurisdictional Area for public water and sewer and relies on private water and sewer systems to serve the property. The Virginia Department of Health Office of Drinking Water (VDH-ODW) has reviewed the proposed expansion plans and issued a letter with conditions (attached) approving the construction of the proposed wells (Attachment B). A Groundwater Exploration Report, which includes proposed well locations, is included as Attachment C. A graphic showing the existing water distribution system is provided as Attachment D.

Staff recommends that, if approved, the Board impose conditions requiring that:

1. the additional wells shall be constructed in accord with the VDH-ODW approval letter with conditions and the "Groundwater Exploration Report" dated May 14, 2018;
2. well construction documentation shall be submitted to the County Engineer and final expansion plans and specifications shall be approved by the County Engineer prior to commencing construction of the wells;
3. a VSMP/VESCP (Virginia Erosion and Sediment Control Program) permit shall be obtained by the applicant for land disturbance associated with this expansion if it exceeds 10,000 square feet;
4. no certificates of occupancy for the improvements in Phase 1A of the "Water and Wastewater Facilities Plan" shall be issued prior to the approval of the Virginia Department of Health, the Virginia Department of Environmental Quality, the Albemarle County Fire Rescue Department, and completion of the aforementioned water system improvement;
5. the operation and maintenance of the expanded well system shall remain the responsibility of the owner (Keswick Estates Utilities LLC); and 6. if requested by the County Engineer, the owner shall provide the County Engineer annual documentation of maintenance that demonstrates compliance with all State operation and maintenance requirements.

This is considered to require minimal staff time to verify that ongoing maintenance is being provided; no budget impact is anticipated.

Staff recommends that the Board adopt the attached Resolution (Attachment D) approving the expansion of the existing central water supply system, subject to the conditions therein.

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Mr. Mark Graham, Director of Community Development, presented. He said he was sitting in for County Engineer, Frank Pohl, who had an unforeseen family conflict. He noted that Supervisors have a revised resolution before them. The applicant's attorney proposed some relatively minor changes and some important clarifications on the conditions, which are highlighted in yellow in the proposed resolution. He said that staff does not believe these alter the intent or the application of the conditions but does clarify the intents. He noted that this is a follow up to the Board's consideration of a special-use permit for Keswick Hall. During that consideration staff noted the need to also amend the approval for the central water system. He noted that the Board's package of information includes the owner's request letter, Virginia Department of Health letters indicating they have reviewed and approved the changes, an accompanying ground water report with the water system map, and the new resolution. He said he does not believe there is a need to go into matters beyond that except to note that this change is necessary with changes that have been approved with the special-use permit and to adequately serve the existing and proposed lots in Keswick. He invited questions.

Mr. Randolph referred to Item 6: "If requested by the County Engineer..." He asked if, given the scope of the well system on the site and the 110,000 gallons/day volume capacity for water, it would be prudent, and a good standard, to ask the applicant to provide the County Engineer with an annual documentation of maintenance that demonstrates compliance with all state operations and maintenance requirements. He said he assumes that for state operations there is an assurance the perk rates can be

maintained on an annual basis so that the system's estimated capacity would be ongoing. Mr. Graham replied that the groundwater report adequately deals with capacity questions and the applicant has a representative present to respond to questions on this. He said this is the identical condition staff has used on a number of central water systems and the intent has always been that if complaints or concerns are made the County can verify that the maintenance is being done and, if not, be able to require that maintenance be performed.

Mr. Randolph said he is less concerned about the maintenance, as he believes the owner would follow through on what good management practices require, but more concerned that there would be an assurance on an annual basis that the County would be aware of the ability of those aquifers to generate the quantity of water necessary on site to operate the facility, knowing how droughts could affect wells. He asked if now is the time to consider the effects of climate change. Mr. Graham responded that he is not prepared to totally respond to this issue tonight, though through the groundwater assessment conducted he feels more confident about their ability to maintain a sustainable system during an intense drought than he would with individual wells located around the area. He said this system should have much more resilience and capacity for those kinds of events than with individual wells.

Ms. Mallek invited the applicant or his representatives to address the Board.

Ms. Valerie Long, Williams Mullen law firm and representing the applicant, addressed the Board. She said she is joined by Mr. Bruce Strickland and Mr. Craig Katarski, water infrastructure and civil engineers with Timmons Group, respectively. She thanked Mr. Graham and Mr. Pohl for working with them on the technical clarifications to the conditions. She said the owners are excited to move forward with this step in the expansion and improvement of the infrastructure to support the residential lots. She said she would allow Mr. Strickland to address Mr. Randolph's question, but the Virginia Department of Health Office of Drinking Water heavily regulates these systems and, as part of that process, the owner and operator of a private system is already required to submit a monthly demonstration that the system is in compliance which is why they are very comfortable with proposed Condition 6 that says if the County asks for those reports they could send them. She added that she does not know if this addresses both capacity and other things and would let Mr. Strickland address this.

Mr. Bruce Strickland, registered professional engineer in Virginia with Timmons Group, addressed the Board. He said that Timmons Group is the consulting engineer on the civil side. He said he was involved with the study and would design the system for water expansion. Addressing the capacity of the wells, he said this is included in the monthly monitoring reports sent to the state. The state evaluates consumption versus permitted capacity. There are regulations in place that if the consumption were to exceed 80% of permitted capacity for three consecutive months, they would have to come up with a plan to expand the water system. Regarding the adequacy of the ground water wells, he said the United States Geological Survey, Department of Environmental Quality, and the Department of Health are involved with well monitoring in the aquifer and chart aquifer levels in the monitoring of wells, though he said he does not know if the levels of the wells in each private water system are sent to the state. He pointed out that east of I-95 is a ground water management area and heavily regulated while west of I-95 the state feels there are more abundant water sources and they keep an eye on it, though he does not know if they require each individual utility owner to report this information.

Ms. Mallek remarked that the mystery of it is that without a draw down they would not know. She commented that the Tyler well was the state's indicator well for the region since she was a kid and went dry in 2004.

Mr. Randolph **moved** that the Board adopt the proposed Resolution approving the expansion of the existing central water supply system on Tax Map Parcels 08000-00-00-06200 and 09400-00-00-042A1, subject to the conditions.

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

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

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

NAYS: None.

ABSENT: Mr. Dill.

**RESOLUTION TO APPROVE  
EXPANSION OF A CENTRAL WATER SUPPLY SYSTEM  
ON TAX MAP PARCELS 08000-00-00-06200  
AND 09400-00-00-042A1**

**WHEREAS**, on July 11, 2018, the Board of Supervisors approved Historic Hotels of Albemarle LLC's request for a special use permit to amend the previously approved SP200800042 on Tax Map Parcels 08000-00-00-008Z0, 08000-00-00-060A0, and 08000-00-00-00900 (collectively, the "property"), and the application is identified as Special Use Permit SP201800001 Keswick Hall & Golf Club ("SP 2018-01"); and

**WHEREAS**, Keswick Estates Utilities LLC is the utility provider for Keswick Hall and Golf Club; and

**WHEREAS**, in conjunction with SP 2018-01, Keswick Estates Utilities LLC requires approval to expand the existing central water supply system to serve residents and other facilities on the properties as approved in SP 2018-01; and

**WHEREAS**, well expansions are proposed on Tax Map Parcels 08000-00-00-06200 and 09400-00-00-042A1; and

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the staff report prepared for this request and all of its attachments, the information presented to the Board of Supervisors, and the factors relevant to central water supply systems in County Code Chapter 16 and the Albemarle County Comprehensive Plan, the Albemarle County Board of Supervisors hereby approves the request to expand the existing central water supply system on Tax Map Parcels 08000-00-00-06200 and 09400-00-00-042A1, subject to the conditions contained herein.

\* \* \*

**The Keswick Hall and Golf Club Central Water Supply System Expansion Conditions**

1. The additional wells shall be constructed in accord with the VDH-OWD approval letter with conditions and the “Groundwater Exploration Report” dated May 14, 2018.
2. Well completion reports and test results shall be submitted to the County Engineer and final expansion plans and specifications shall be approved by the County Engineer prior to commencing construction of the water system expansion.
3. A VSMP/VESCP permit shall be obtained by the applicant for land disturbance associated with this expansion if it exceeds ten thousand (10,000) square feet.
4. No certificates of occupancy for the improvements in Phase 1A of the “Water and Wastewater Facilities Plan” shall be issued prior to the approval of the aforementioned water system improvement by the Virginia Department of Health, the Virginia Department of Environmental Quality (if required), Albemarle County Fire Rescue Department, and completion of the aforementioned water system improvement.
5. The operation and maintenance of the expanded well system shall remain the responsibility of the owner (Keswick Estates Utilities LLC).
6. If requested by the County Engineer, the owner shall provide the County Engineer annual documentation of maintenance that demonstrates compliance with all State operation and maintenance requirements.

Agenda Item No. 19. **PUBLIC HEARING: FY 2019 Budget Amendment and Appropriations.**  
(Advertised in the Daily Progress on August 26, 2018.)

The Executive Summary forwarded to the Board states that Virginia Code § 15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; provided, however, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc.

The cumulative total of the FY 2019 appropriations itemized below is \$10,247,490.23. Because the cumulative amount of the appropriations exceeds one percent of the currently adopted budget, a budget amendment public hearing is required.

The proposed increase of this FY 2019 Budget Amendment totals \$10,247,490.23. The estimated expenses and revenues included in the proposed amendment are shown below:

**PROPOSED FY 2018-19 BUDGET AMENDMENT**

<u>ESTIMATED REVENUES</u>		
Local Revenues	\$	683,152.23
State Revenues	\$	3,247,046.00
Federal Revenues	\$	1,434,970.66
Bond Proceeds	\$	4,332,399.00
Other Fund Balances	\$	549,922.34
<b>TOTAL ESTIMATED REVENUES</b>	<b>\$</b>	<b>10,247,490.23</b>

**ESTIMATED EXPENDITURES**

General Fund	\$	408,649.00
Special Revenue Funds	\$	602,999.25
School Programs	\$	584,298.53
Capital Projects	\$	8,651,543.45
<b>TOTAL ESTIMATED EXPENDITURES</b>	<b>\$</b>	<b>10,247,490.23</b>

The budget amendment is comprised of nine (9) separate appropriations: #2019022, #2019023, #2019024, #2019025, #2019026, #2019027, #2019028, #2019029, and #2019030.

After the public hearing, staff recommends that the Board adopt the attached Resolutions (Attachments B and C) to approve the appropriations for local government and school projects and programs as described in Attachment A.

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**Appropriation #2019022** **\$404,149.00**

Source:	State Revenues	\$ 238,284.00
	Federal Revenues	\$ 165,865.00

This request is to appropriate \$404,149.00 to meet the demands of Medicaid Expansion pursuant to Board of Supervisors' actions at its August 1, 2018 meeting. This provides funding for three new benefits positions at the Department of Social Services and three new benefits positions at the University of Virginia Hospital Medicaid Unit, including related operating and one-time costs.

**Appropriation #2019023** **\$4,500.00**

Source:	State Revenues	\$ 4,500.00
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This request is to appropriate \$4,500.00 in Virginia Commission of the Arts' Creative Communities Partnership Grant revenues to supplement the County's local contribution to the Paramount Theater with \$2,500.00 and the Charlottesville Opera with \$2,000.00.

**Appropriation #2019024** **\$14,162.82**

Source:	Federal Revenue	\$ 13,156.13
	Grant Fund fund balances	\$ 1,006.69

This request is to re-appropriate two Police Department grants:

- Re-appropriate \$10,344.38 for the Department of Motor Vehicles (DMV) Driving Under the Influence (DUI) Reduction grant. This amount includes \$9,609.05 in Federal revenue and \$735.33 in Grant Fund fund balance. This grant will be used to fund overtime hours in the Police Department to provide DUI enforcement through patrols, checkpoints, and saturation patrols. The purpose of this grant is to reduce DUI accidents through increased DUI enforcement along with other traffic safety enforcement including speeding and safety restraint usage.
- Re-appropriate \$3,818.44 for the Department of Motor Vehicles (DMV) Speed Reduction grant. This amount includes \$3,547.08 in Federal revenue and \$271.36 in Grant Fund fund balance. This grant will be used to fund overtime hours in the Police Department to provide speed enforcement. The purpose of this grant is to reduce motor vehicle accidents through increased speed enforcement and saturation patrols.

**Appropriation #2019025** **\$6,209,282.88**

This request is to appropriate \$6,209,282.88 as described in the Resolution for the County's On-Going Multi-Year Capital Projects (Attachment B). This total is the remaining balance (net of transfers between CIP funds) in the FY 2018 budget for both the encumbered purchase orders and contracts and the remaining unencumbered special revenue project and capital project funds.

**Appropriation #2019026** **\$2,634.00**

Source:	Federal Grant Revenue	\$ 1,976.00
	State Grant Revenue	\$ 658.00

This request is to appropriate \$2,634.00 in additional grant revenues awarded by the Virginia Department of Criminal Justice Services for the County's on-going Victim/Witness Assistance program. The Victim/Witness Assistance Program provides comprehensive information and direct services to crime victims and witnesses in accordance with the Crime Victim and Witness Rights Act and other associated laws. This funding will help support a part-time Victim/Witness Advocate to assist Spanish-speaking crime victims and witnesses.

**Appropriation #2019027** **\$ 584,298.53**

Source:	Federal Revenue	\$ 532,298.53
	School Special Revenue Fund fund balance	\$ 52,000.00

This request is to re-appropriate \$532,298.53 in Federal revenues from the US Department of Education and \$52,000.00 in School Special Revenue Fund fund balance for a total appropriation of \$584,298.53 supporting the Investing in Innovation Fund (i3) grant program in Other School Fund. The Investing in Innovation program is a natural progression from the growing emphasis in education on the “maker curriculum” in elementary, middle, and high schools. This approach emphasizes project-based learning in which students develop their creativity and critical analysis skills as well as their ability to work in teams and communicate their findings.

**Appropriation #2019028** **\$0.00**

Source: Reserve for Contingencies\* \$ 249,976.00

\*This appropriation does not increase or decrease the total County budget.

This request is to appropriate \$249,976.00 from the Reserve for Contingencies for the following purposes pursuant to Board of Supervisors’ actions at its August 1, 2018 meeting.

- \$76,074.00 to the Community Development Department for a Housing Planner position (1.0 full-time equivalent or FTE) in order to provide for training and succession planning before the Chief of Housing’s retirement in July 2019.
- \$94,757.00 to the Department of Facilities and Environmental Services for a Project Coordinator position (1.0 FTE). This position will support the department’s contract management efforts added in the FY 19 budget such as enhanced mowing, landscaping, and street sweeping service levels in the development areas. This position will also support the department’s workload with added County facilities, such as the former Yancey Elementary School and Pantops Public Safety Station, and bring the department’s staffing per square foot of facilities to be more in line with benchmark standards from the International Facility Management Association.
- \$51,459.00 to the Department of Parks and Recreation for a Trail Crew Technician position (1.0 FTE). This position will work with the existing Trail Maintenance Supervisor, seasonal temporary workers, and volunteer groups to maintain existing trails and build new trails. Since 2008, the County has doubled its trail mileage from 35 to 70 miles without an increase in trail staffing. The justification for this position is supported by the recently completed Community Recreation Needs Assessment.
- \$27,686.00 to the County Executive’s Office to increase a part-time administrative position to full-time (0.5 FTE increase). This position will provide increased customer service, currently unsupported departmental administrative support, and support associated with anticipated needs, specifically the Project Management Office and the Business Process Optimization initiative.

After approval, the FY 19 General Fund Reserve for Contingencies balance will be \$480,917.00. Of that amount, \$256,991.00 is for unanticipated expenses that may require ongoing funding and \$223,926.00 is for expenses that may require one-time funding.

**Appropriation #2019029** **\$ 2,306,788.00**

Source: State Revenue \$ 2,306,788.00  
\*Transportation Leveraging Program \$ 2,339,436.00

\*This portion does not increase or decrease the total County budget.

This request is to appropriate \$2,339,436.00 in Transportation Leveraging Program funds and \$2,306,788.00 in Virginia Department of Transportation (VDOT) Revenue Sharing funds for the Crozet Square Project and the Commonwealth Drive and Dominion Drive Sidewalks Project pursuant to the Board’s approval on November 8, 2017.

The Crozet Square project was initiated as a Neighborhood Improvements Funding Initiative (NIFI) project with \$200,000.00 in Crozet’s NIFI funds to make up a portion of the required local match for the VDOT Revenue Sharing Program. This project is requesting \$616,713.00 in additional local funding and \$693,287.00 in VDOT Revenue Sharing Funds, for a total of \$1,310,000.00 in additional funding.

The Commonwealth Drive and Dominion Drive Sidewalks Project is requesting \$1,722,723.00 in additional local funding and \$1,613,501.00 in VDOT Revenue Sharing Funds, for a total of \$3,336,224.00 in funding.

**Appropriation #2019030** **\$721,675.00**

Source: Federal Revenue \$ 721,675.00  
\*Transportation Leveraging Program \$ 180,419.00

\*This portion does not increase or decrease the total County budget.

This request is to appropriate \$180,419.00 in Transportation Leveraging Program Funds and \$721,675.00 in Transportation Alternatives Set-Aside Grant Funds for the Albemarle Greer Jouett Pedestrian Improvements and the Cale Elementary School Pedestrian Improvements pursuant to the Board’s approval on October 4, 2017. Both of these projects were initiated as Neighborhood Improvements Funding Initiative (NIFI) projects and received an initial appropriation that has been included in the local

funding match for these grants. The remaining local funding needed is being requested from the Transportation Leveraging Program.

The Albemarle Greer Jouett Pedestrian Improvements project is requesting \$103,000.00 in local funding and \$412,000.00 in Transportation Alternatives Set-Aside Grant Funds for a total of \$515,000.00.

The Cale Elementary School Pedestrian Improvements project is requesting \$77,419.00 in local funding and \$309,675.00 in Transportation Alternatives Set-Aside Grant Funds for a total of \$387,094.00.

Mr. Andy Bowman, Budget Manager, Office of Management and Budget, presented. He said this item is a public hearing on a proposed FY 19 budget amendment. He said that Virginia Code requires the County to hold a public hearing before amending its budget when the total amount of funds appropriated exceeds one per cent of the currently adopted budget. He said the proposed amendment is an increase of approximately \$10.2 million, including nine appropriations which are discussed in detail in the above information. He explained that \$6.2 million is to carry forward capital project balances from prior fiscal years to FY 19; \$3 million is state and federal funding for transportation projects pursuant to prior Board action. He said they have funding included for various state and federal grants, local government staffing changes pursuant to the Board's actions at its August 1, 2018 meeting. He said that staff recommends adoption of Attachments B and C after the public hearing and invited questions.

Ms. Mallek opened the public hearing.

As no one came forward to speak on the matter Ms. Mallek closed the public hearing.

Mr. Randolph **moved** that the Board adopt the proposed Resolution to Appropriate FY 19 On-going Funding of Multi-Year Capital Projects, as set out in Appropriation #2019025, for local government and school projects and programs. The motion was **seconded** by Ms. Mallek.

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

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

NAYS: None.

ABSENT: Mr. Dill.

**Resolution to Appropriate FY 19 On-going Funding of Multi-Year Capital Projects  
For the Fiscal Year Ending June 30, 2019  
Appropriation # 2019025**

**Whereas**, purchase orders and contracts encumbered at the end of the fiscal year must be carried over into the next year for payments; and

**Whereas**, capital and special revenue projects that are not completed within one fiscal year necessitate the budgeting and appropriation of the remaining balance of project funds from one fiscal year to the succeeding fiscal year; and

**Whereas**, the encumbrances are estimated at \$4,211,328.23 as of June 30, 2018, and approval of an estimated remaining balance of \$1,997,954.65 for unencumbered capital project balances and special revenue project balances will give the responsible departments and agencies continuous access to project funding; and

**Whereas**, the total amount of estimated encumbrances and unencumbered capital project balances and special revenue project balances, net of transfers, is \$6,209,282.88 set forth as follows:

**Total School Division Capital Improvement Fund:**

School Division Capital Improvement Fund Appropriations

Telecommunications Network Upgrade	\$625,414.73
Total School Division Capital Improvement Fund Appropriations	\$625,414.73

School Division Capital Improvement Fund Sources

Revenue From Local Sources (Other Transfers)	\$4,247,450.00
Revenue From the Commonwealth	\$526,000.00
Use of Fund Balance	\$(4,148,035.27)
Total School Division Capital Improvement Fund Sources	\$625,414.73

**Total General Government Capital Improvement Fund:**

General Government Capital Improvement Fund Appropriations

Fire Rescue Apparatus Replacement Program	\$845,954.00
City-County Owned Facilities Maintenance/Replacement	\$3,378.00
Cost of Bond Issuance	\$84,949.00

County-Owned Facilities Maintenance/Replacement	\$160,772.88
Geographic Information Services (GIS) Project	\$77,808.01
Greenways/Blueways Program	\$11,569.00
Ivy Materials Utilization Center	\$1,913,005.65
Neighborhood Improvements Funding Initiative (NIFI)	\$34,795.00
Pantops Public Safety Station	\$198,302.13
Places 29 Small Area Study	\$73,060.75
Police Technology Upgrade	\$42,472.00
Rescue 8 Renovation	\$71,018.64
Sidewalk, Hydraulic & Barracks Rd	\$802,154.14
Sidewalk, Ivy Road (US Route 250 West)	\$165,584.50
Sidewalk, Rio Rd. Avon St. Rt 250	\$364,020.20
Time and Attendance System	\$148,821.82
Borrowed Proceeds Transfer	\$4,247,450.00
<b>Total General Government Capital Improvement Fund Appropriations</b>	<b>\$9,245,115.72</b>

**General Government Capital Improvement Fund Sources**

Borrowed Proceeds	\$4,332,399.00
Revenue From Local Sources (Other Transfers)	\$567,508.39
Revenue From Other Local Sources	\$115,643.84
Use of Fund Balance	\$4,229,564.49
<b>Total General Government Capital Improvement Fund Sources</b>	<b>\$9,245,115.72</b>

**Total Water Resources Capital Improvement Fund:**

**Water Resources Capital Improvement Fund Appropriations**

Chapel Hill Stream Restoration	\$37,789.82
Hollymead Dam Spillway Improvement	\$350,912.04
Large-Scale Best Management Practice (BMP) Retrofits on Private Lands	\$123,198.92
Water Resources Infrastructure Program	\$74,301.65
<b>Total Water Resources Capital Improvement Fund Appropriations</b>	<b>\$586,202.43</b>

**Water Resources Capital Improvement Fund Sources**

Revenue From the Commonwealth	\$170,816.00
Use of Fund Balance	\$415,386.43
<b>Total Water Resources Capital Improvement Fund Sources</b>	<b>\$586,202.43</b>

**Total Special Revenue Funds:**

**Special Revenue Capital Improvement Funds Appropriations**

Estes Park Proffer Fund	\$226,151.19
Liberty Hall Proffer Fund	\$2,235.39
Livengood Proffer Fund	\$(177,281.41)
Stonefield Proffer Fund	295,700.00
Westhall 1.2 Proffer Fund	\$3,170.90
Wickham Pond Proffer Fund	\$22,557.83
Willow Glenn Proffer Fund	\$194,974.49
<b>Total Special Revenue Capital Improvement Funds Appropriations</b>	<b>\$567,508.39</b>

**Special Revenue Capital Improvement Funds Sources**

Use of Fund Balance	\$567,508.39
<b>Total Special Revenue Capital Improvement Funds Sources</b>	<b>\$567,508.39</b>

**Whereas**, approval of an estimated remaining balance amount at the beginning of the fiscal year facilitates the payment of outstanding bills and ensures continuity of ongoing projects; and

**Whereas**, a properly advertised public hearing was held on September 5, 2018 on the proposed amendment to the FY 19 Budget and all citizens who asked to speak were heard;

**Now, therefore, be it resolved that the Albemarle County Board of Supervisors:**

- Does hereby budget and appropriate the remaining balance of \$6,209,282.88 for encumbered purchase orders and contracts and the unencumbered capital and special revenue project balances of June 30, 2018, as set forth above;

2. Does hereby authorize the County Executive to adjust this amount downward, if necessary, to accurately reflect the actual encumbered amounts and actual unencumbered capital and special revenue project amounts at the end of FY 18; and
3. Does hereby authorize the County Executive to close out a Capital project and transfer any unencumbered residual funds to the Capital Improvement Fund fund balance.
- \*\*\*\*\*

Ms. McKeel then **moved** that the Board adopt the proposed Resolution to approve additional FY 19 appropriations for local government and school projects and programs. The motion was **seconded** by Ms. Mallek.

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

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

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 increase it by \$10,247,490.23;
- 2) That Appropriations #2019022, #2019023, #2019024, #2019025, #2019026, #2019027, #2019028, #2019029, and #2019030 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.

COUNTY OF ALBEMARLE  
APPROPRIATION SUMMARY

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2019022	3-1000-24000-324000-240111-1005	182,994.00	SA2019022 State Funding - Assistance
2019022	4-1000-53010-453010-110000-1005	81,941.00	SA2019022 Salaries - DSS Mgt
2019022	4-1000-53010-453010-210000-1005	6,269.00	SA2019022 FICA - DSS Mgt
2019022	4-1000-53010-453010-221000-1005	10,005.00	SA2019022 VRS - DSS Mgt
2019022	4-1000-53010-453010-241000-1005	1,073.00	SA2019022 Group Life - DSS Mgt
2019022	4-1000-53010-453010-231000-1005	16,560.00	SA2019022 Health Insur - DSS Mgt
2019022	4-1000-53010-453010-232000-1005	500.00	SA2019022 Dental Insur - DSS Mgt
2019022	4-1000-53010-453010-270000-1005	73.00	SA2019022 Worker's Comp - DSS Mgt
2019022	4-1000-53010-453010-332104-1005	656.00	SA2019022 Computer/Printer Maint. - DSS Mgt
2019022	4-1000-53010-453010-520100-1005	640.00	SA2019022 Postage - DSS Mgt
2019022	4-1000-53010-453010-520300-1005	1,710.00	SA2019022 Office Phone - DSS Mgt
2019022	4-1000-53010-453010-520315-1005	720.00	SA2019022 Cell Phone - DSS Mgt
2019022	4-1000-53010-453010-550100-1005	1,060.00	SA2019022 Travel/Training/Educ - DSS Mgt
2019022	4-1000-53010-453010-550104-1005	530.00	SA2019022 Mileage - DSS Mgt
2019022	4-1000-53010-453010-600100-1005	1,130.00	SA2019022 Office Supplies - DSS Mgt
2019022	4-1000-53010-453010-601200-1005	270.00	SA2019022 Books & Subscriptions - DSS Mgt
2019022	4-1000-53010-453010-601700-1005	380.00	SA2019022 Copy Supplies - DSS Mgt
2019022	4-1000-53010-453010-800200-1005	9,480.00	SA2019022 Furniture - DSS Mgt
2019022	4-1000-53010-453010-800700-1005	4,050.00	SA2019022 Computer/Printer/Cabling - DSS Mgt
2019022	4-1000-53010-453010-800610-1005	45,947.00	SA2019022 Renovations - DSS Mgt
2019022	3-1000-24000-324000-240525-1005	55,290.00	SA2019022 State Funding - UVA Medicaid
2019022	3-1000-33000-333000-330220-1005	165,865.00	SA2019022 Federal Funding - UVA Medicaid
2019022	4-1000-53015-453010-110000-1005	141,341.00	SA2019022 Salaries - UVA Medicaid
2019022	4-1000-53015-453010-210000-1005	10,813.00	SA2019022 FICA - UVA Medicaid
2019022	4-1000-53015-453010-221000-1005	17,258.00	SA2019022 VRS - UVA Medicaid
2019022	4-1000-53015-453010-241000-1005	1,852.00	SA2019022 Group Life - UVA Medicaid
2019022	4-1000-53015-453010-231000-1005	24,840.00	SA2019022 Health Insur - UVA Medicaid
2019022	4-1000-53015-453010-232000-1005	750.00	SA2019022 Dental Insur - UVA Medicaid
2019022	4-1000-53015-453010-270000-1005	127.00	SA2019022 Worker's Comp - UVA Medicaid
2019022	4-1000-53015-453010-332104-1005	984.00	SA2019022 Computer/Printer Maint.-UVA Medicaid
2019022	4-1000-53015-453010-520100-1005	960.00	SA2019022 Postage - UVA Medicaid
2019022	4-1000-53015-453010-520300-1005	2,565.00	SA2019022 Office Phone - UVA Medicaid
2019022	4-1000-53015-453010-520315-1005	1,080.00	SA2019022 Cell Phone - UVA Medicaid
2019022	4-1000-53015-453010-550100-1005	1,590.00	SA2019022 Travel/Training/Educ - UVA Medicaid
2019022	4-1000-53015-453010-550104-1005	795.00	SA2019022 Mileage - UVA Medicaid

2019022	4-1000-53015-453010-600100-1005	1,695.00	SA2019022 Office Supplies - UVA Medicaid
2019022	4-1000-53015-453010-601200-1005	405.00	SA2019022 Books & Subscriptions - UVA Medicaid
2019022	4-1000-53015-453010-601700-1005	570.00	SA2019022 Copy Supplies - UVA Medicaid
2019022	4-1000-53015-453010-800200-1005	9,480.00	SA2019022 Furniture - UVA Medicaid
2019022	4-1000-53015-453010-800700-1005	4,050.00	SA2019022 Computer/Printer/Cabling-UVA Medica
2019023	3-1000-24000-324000-240418-1007	4,500.00	SA2019023 VCA Creative Communities Partnership Grant
2019023	4-1000-79000-479000-560402-1007	2,000.00	SA2019023 VCA Grant Contribution - Charlottesville Opera
2019023	4-1000-79000-479000-567705-1007	2,500.00	SA2019023 VCA Grant Contribution - Paramount
2019024	3-1249-33000-333000-330011-1003	9,609.05	SA2019024 DUI Grant - Federal Revenue
2019024	3-1249-51000-351000-510100-9999	735.33	SA2019024 DUI Grant - Grant fund balance
2019024	4-1249-31013-431010-120000-1003	9,609.05	SA2019024 DUI Grant - OT Wages
2019024	4-1249-31013-431010-210000-1003	735.33	SA2019024 DUI Grant - FICA
2019024	3-1250-33000-333000-330011-1003	3,547.08	SA2019024 Speed Grant - Federal Revenue
2019024	3-1250-51000-351000-510100-9999	271.36	SA2019024 Speed Grant - Grant fund balance
2019024	4-1250-31013-431010-120000-1003	3,547.08	SA2019024 Speed Grant - OT Wages
2019024	4-1250-31013-431010-210000-1003	271.36	SA2019024 Speed Grant - FICA
2019025	4-8578-93010-493010-930010-9999	226,151.19	SA2019025 FY 18 Carry Forward to FY 19 #2- CIP
2019025	4-8544-93010-493010-930010-9999	2,235.39	SA2019025 FY 18 Carry Forward to FY 19 #2- CIP
2019025	4-8547-93010-493010-930010-9999	295,700.00	SA2019025 FY 18 Carry Forward to FY 19 #2- CIP
2019025	4-8542-93010-493010-930010-9999	3,170.90	SA2019025 FY 18 Carry Forward to FY 19 #2- CIP
2019025	4-8549-93010-493010-930010-9999	22,557.83	SA2019025 FY 18 Carry Forward to FY 19 #2- CIP
2019025	4-8574-93010-493010-930010-9999	-177,281.41	SA2019025 FY 18 Carry Forward to FY 19 #2- CIP
2019025	4-8575-93010-493010-930010-9999	194,974.49	SA2019025 FY 18 Carry Forward to FY 19 #2- CIP
2019025	3-8578-15000-315000-150101-9999	226,151.19	SA2019025 FY 18 Carry Forward to FY 19 #2- CIP
2019025	3-8544-15000-315000-150101-9999	2,235.39	SA2019025 FY 18 Carry Forward to FY 19 #2- CIP
2019025	3-8547-15000-315000-150101-9999	295,700.00	SA2019025 FY 18 Carry Forward to FY 19 #2- CIP
2019025	3-8542-15000-315000-150101-9999	3,170.90	SA2019025 FY 18 Carry Forward to FY 19 #2- CIP
2019025	3-8549-15000-315000-150101-9999	22,557.83	SA2019025 FY 18 Carry Forward to FY 19 #2- CIP
2019025	3-8574-15000-315000-150101-9999	-177,281.41	SA2019025 FY 18 Carry Forward to FY 19 #2- CIP
2019025	3-8575-15000-315000-150101-9999	194,974.49	SA2019025 FY 18 Carry Forward to FY 19 #2- CIP
2019025	4-9100-91040-491040-999999-9999	586,202.43	SA2019025 FY 18 Carry Forward to FY 19 #2- CIP
2019025	3-9100-51000-351000-510100-9999	415,386.43	SA2019025 FY 18 Carry Forward to FY 19 #2- CIP
2019025	3-9100-24000-324000-240052-1008	170,816.00	SA2019025 FY 18 Carry Forward to FY 19 #2- CIP
2019025	3-9010-19000-319000-199900-9999	130,000.00	SA2019025 FY 18 Carry Forward to FY 19 #2- CIP
2019025	3-9010-19000-319000-190207-1007	-14,356.16	SA2019025 FY 18 Carry Forward to FY 19 #2- CIP
2019025	3-9010-41400-341000-410530-9999	4,332,399.00	SA2019025 FY 18 Carry Forward to FY 19 #2- CIP
2019025	3-9010-51000-351000-510100-9999	4,229,564.49	SA2019025 FY 18 Carry Forward to FY 19 #2- CIP
2019025	4-9010-91040-491040-999999-9999	4,997,665.72	SA2019025 FY 18 Carry Forward to FY 19 #2- CIP
2019025	4-9010-91040-491040-999999-9999	4,247,450.00	SA2019025 FY 18 Carry Forward to FY 19 #2- CIP - Transfer
2019025	4-9000-91040-491040-999999-6599	625,414.73	SA2019025 FY 18 Carry Forward to FY 19 #2- CIP
2019025	3-9000-69000-351000-512090-6599	4,247,450.00	SA2019025 FY 18 Carry Forward to FY 19 #2- CIP
2019025	3-9000-69000-324000-240265-6599	526,000.00	SA2019025 FY 18 Carry Forward to FY 19 #2- CIP
2019025	3-9000-69000-351000-510100-6599	-4,148,035.27	SA2019025 FY 18 Carry Forward to FY 19 #2- CIP
2019025	3-9010-51000-351000-512083-9999	226,151.19	SA2019025 FY 18 Carry Forward to FY 19 #2- CIP

2019025	3-9010-51000-351000-512065-9999	2,235.39	SA2019025 FY 18 Carry Forward to FY 19 #2- CIP
2019025	3-9010-51000-351000-512072-9999	295,700.00	SA2019025 FY 18 Carry Forward to FY 19 #2- CIP
2019025	3-9010-51000-351000-512059-9999	3,170.90	SA2019025 FY 18 Carry Forward to FY 19 #2- CIP
2019025	3-9010-51000-351000-512085-9999	22,557.83	SA2019025 FY 18 Carry Forward to FY 19 #2- CIP
2019025	3-9010-51000-351000-512096-9999	-177,281.41	SA2019025 FY 18 Carry Forward to FY 19 #2- CIP
2019025	3-9010-51000-351000-512089-9999	194,974.49	SA2019025 FY 18 Carry Forward to FY 19 #2- CIP
2019026	3-1225-24000-324000-240500-9999	658.00	SA2019026 FY 19 Victim Witness Grant Adjustment
2019026	3-1225-33000-333000-330001-9999	1,976.00	SA2019026 FY 19 Victim Witness Grant Adjustment
2019026	4-1225-31012-431010-110000-1003	2,634.00	SA2019026 FY 19 Victim Witness Grant Adjustment
2019027	3-3225-63225-333000-330225-6599	532,298.53	SA2019027 i3 Federal
2019027	3-3225-63225-351000-510100-6599	52,000.00	SA2019027 i3 Fund Balance
2019027	4-3225-63225-461313-111400-6530	25,702.00	SA2019027 i3 Salaries-Other Management
2019027	4-3225-63225-461313-112100-6530	10,600.00	SA2019027 i3 Salaries-Teacher
2019027	4-3225-63225-461313-160300-6530	32,000.00	SA2019027 i3 Stipends-Staff/Curriculum Development
2019027	4-3225-63225-461313-210000-6530	5,230.00	SA2019027 i3 FICA
2019027	4-3225-63225-461313-221000-6530	6,200.00	SA2019027 i3 VRS
2019027	4-3225-63225-461313-231000-6530	4,000.00	SA2019027 i3 Health
2019027	4-3225-63225-461313-232000-6530	105.00	SA2019027 i3 Dental
2019027	4-3225-63225-461313-241000-6530	464.53	SA2019027 i3 VRS Group Life
2019027	4-3225-63225-461313-301210-6530	250,000.00	SA2019027 i3 Prof Services-Instructional
2019027	4-3225-63225-461313-550100-6530	160.00	SA2019027 i3 Travel-Mileage
2019027	4-3225-63225-461313-580500-6530	40,000.00	SA2019027 i3 Staff Development
2019027	4-3225-63225-461313-600260-6530	500.00	SA2019027 i3 Food/Meals for Meetings
2019027	4-3225-63225-461313-601300-6530	109,337.00	SA2019027 i3 Ed & Rec Supplies
2019027	4-3225-63225-461313-800100-6530	100,000.00	SA2019027 i3 Machinery/Equipment-Addl
2019029	4-9010-41020-441200-950081-9999	-2,339,436.00	SA20192019 Transportation Leveraging Program Distribution to Projects
2019029	4-9010-41350-441200-950508-9999	3,336,224.00	SA20192019 Commonwealth & Dominion Drive Sidewalks
2019029	4-9010-41350-441200-950528-9999	1,310,000.00	SA20192019 The Square & Oak Street
2019029	3-9010-24000-324000-240231-1004	2,306,788.00	SA20192019 Commonwealth & Dominion Drive Sidewalks - State Rev
2019030	4-9010-41020-441200-950081-9999	-180,419.00	SA20192019 Transportation Leveraging Program Distribution to Projects
2019030	4-9010-41020-443340-950081-9999	515,000.00	SA20192019 Albemarle Jouett Greer Sidewalk Improvements
2019030	4-9010-41020-443310-950081-9999	387,094.00	SA20192019 Cale ES Sidewalk Improvements
2019030	3-9010-33000-333000-330603-1004	721,675.00	SA20192019 Alb Jou Greer + Cale Imp - State Rev
2019028	4-1000-43202-443200-110000-1004	35,424.00	SA2018028 FES Prjct Crdntr frm Reserv for Conting.
2019028	4-1000-43202-443200-210000-1004	2,710.00	SA2018028 FES Prjct Crdntr frm Reserv for Conting.
2019028	4-1000-43202-443200-221000-1004	4,325.00	SA2018028 FES Prjct Crdntr frm Reserv for Conting.
2019028	4-1000-43202-443200-241000-1004	464.00	SA2018028 FES Prjct Crdntr frm Reserv for Conting.
2019028	4-1000-43202-443200-231000-1004	8,280.00	SA2018028 FES Prjct Crdntr frm Reserv for Conting.
2019028	4-1000-43202-443200-232000-1004	250.00	SA2018028 FES Prjct Crdntr frm Reserv for Conting.
2019028	4-1000-43202-443200-270000-1004	694.00	SA2018028 FES Prjct Crdntr frm Reserv for Conting.
2019028	4-1000-43202-443200-520300-1004	1,050.00	SA2018028 FES Prjct Crdntr frm Reserv for Conting.
2019028	4-1000-43202-443200-530900-1004	2,295.00	SA2018028 FES Prjct Crdntr frm Reserv for Conting.
2019028	4-1000-43202-443200-540405-1004	612.00	SA2018028 FES Prjct Crdntr frm Reserv for Conting.
2019028	4-1000-43202-443200-550100-1004	728.00	SA2018028 FES Prjct Crdntr frm Reserv for Conting.
2019028	4-1000-43202-443200-600260-1004	48.00	SA2018028 FES Prjct Crdntr frm Reserv for Conting.
2019028	4-1000-43202-443200-600800-1004	860.00	SA2018028 FES Prjct Crdntr frm Reserv for Conting.
2019028	4-1000-43202-443200-600900-1004	589.00	SA2018028 FES Prjct Crdntr frm Reserv for Conting.
2019028	4-1000-43202-443200-601100-1004	240.00	SA2018028 FES Prjct Crdntr frm Reserv for Conting.

2019028	4-1000-43202-443200-800501-1004	2,955.00	SA2018028 FES Prjct Crdntr frm Reserv for Conting.
2019028	4-1000-43202-443200-800700-1004	2,740.00	SA2018028 FES Prjct Crdntr frm Reserv for Conting.
2019028	4-1000-43202-443200-800200-1004	948.00	SA2018028 FES Prjct Crdntr frm Reserv for Conting.
2019028	4-1000-43202-443200-800500-1004	29,545.00	SA2018028 FES Prjct Crdntr frm Reserv for Conting.
2019028	4-1000-71012-471010-110000-1007	33,014.00	SA2018028 PR Trail Tech frm Reserv for Conting.
2019028	4-1000-71012-471010-210000-1007	2,526.00	SA2018028 PR Trail Tech frm Reserv for Conting.
2019028	4-1000-71012-471010-221000-1007	4,031.00	SA2018028 PR Trail Tech frm Reserv for Conting.
2019028	4-1000-71012-471010-241000-1007	432.00	SA2018028 PR Trail Tech frm Reserv for Conting.
2019028	4-1000-71012-471010-231000-1007	8,280.00	SA2018028 PR Trail Tech frm Reserv for Conting.
2019028	4-1000-71012-471010-232000-1007	250.00	SA2018028 PR Trail Tech frm Reserv for Conting.
2019028	4-1000-71012-471010-270000-1007	766.00	SA2018028 PR Trail Tech frm Reserv for Conting.
2019028	4-1000-71012-471010-520300-1007	360.00	SA2018028 PR Trail Tech frm Reserv for Conting.
2019028	4-1000-71012-471010-550100-1007	1,500.00	SA2018028 PR Trail Tech frm Reserv for Conting.
2019028	4-1000-71012-471010-601100-1007	300.00	SA2018028 PR Trail Tech frm Reserv for Conting.
2019028	4-1000-12010-412010-110000-1001	19,417.00	SA2018028 CE PT to FT Admin frm Reserv for Conting.
2019028	4-1000-12010-412010-210000-1001	1,486.00	SA2018028 CE PT to FT Admin frm Reserv for Conting.
2019028	4-1000-12010-412010-231000-1001	4,140.00	SA2018028 CE PT to FT Admin frm Reserv for Conting.
2019028	4-1000-12010-412010-232000-1001	126.00	SA2018028 CE PT to FT Admin frm Reserv for Conting.
2019028	4-1000-12010-412010-270000-1001	17.00	SA2018028 CE PT to FT Admin frm Reserv for Conting.
2019028	4-1000-12010-412010-550100-1001	500.00	SA2018028 CE PT to FT Admin frm Reserv for Conting.
2019028	4-1000-12010-412010-600100-1001	2,000.00	SA2018028 CE PT to FT Admin frm Reserv for Conting.
2019028	4-1000-81021-481020-110000-1008	49,919.00	SA2018028 CDD Housing Planner frm Reserv for Conting
2019028	4-1000-81021-481020-210000-1008	3,829.00	SA2018028 CDD Housing Planner frm Reserv for Conting
2019028	4-1000-81021-481020-221000-1008	6,166.00	SA2018028 CDD Housing Planner frm Reserv for Conting
2019028	4-1000-81021-481020-231000-1008	7,334.00	SA2018028 CDD Housing Planner frm Reserv for Conting
2019028	4-1000-81021-481020-232000-1008	189.00	SA2018028 CDD Housing Planner frm Reserv for Conting
2019028	4-1000-81021-481020-241000-1008	656.00	SA2018028 CDD Housing Planner frm Reserv for Conting
2019028	4-1000-81021-481020-270000-1008	45.00	SA2018028 CDD Housing Planner frm Reserv for Conting
2019028	4-1000-81021-481020-550100-1008	3,000.00	SA2018028 CDD Housing Planner frm Reserv for Conting
2019028	4-1000-81021-481020-332104-1008	586.00	SA2018028 CDD Housing Planner frm Reserv for Conting
2019028	4-1000-81021-481020-580100-1008	100.00	SA2018028 CDD Housing Planner frm Reserv for Conting
2019028	4-1000-81021-481020-600100-1008	100.00	SA2018028 CDD Housing Planner frm Reserv for Conting
2019028	4-1000-81021-481020-601100-1008	300.00	SA2018028 CDD Housing Planner frm Reserv for Conting
2019028	4-1000-81021-481020-360000-1008	100.00	SA2018028 CDD Housing Planner frm Reserv for Conting
2019028	4-1000-81021-481020-800700-1008	3,750.00	SA2018028 CDD Housing Planner frm Reserv for Conting
2019028	4-1000-99900-499000-999990-9999	-249,976.00	SA2018028 Reserv for Conting: CDD, FES, PR, CE
TOTAL		30,124,897.24	

Agenda Item No. 20. **PUBLIC HEARING: ZTA201800004 – Beekeeping.**

To receive comments on its intent to adopt an ordinance amending the Albemarle County Code as follows: (1) amend Section 18-3.1 to add a definition of urban beekeeping; (2) amend Sections 18-12.2.1, 18-13.2.1, 18-14.2.1, 18-15.2.1, and 18-16.2.1 to add urban beekeeping as a by right use; and (3) add Section 18-5.1.63 to establish supplementary regulations for urban beekeeping to establish setback regulations for beehives, a warning sign requirement, prohibition of wax combs and other material left on the grounds that might encourage robbing by other bees, beekeeping equipment regulations, and establishing a maximum number of bee colonies pursuant to a lot's size.

*(Advertised in the Daily Progress on August 20 and August 27, 2018.)*

The Executive Summary forwarded to the Board states that the Board of Supervisors adopted a resolution of intent on March 3, 2018 to amend the Zoning Ordinance to allow beekeeping in residential districts.

On June 26, 2018 the Planning Commission held a public hearing and recommended approval of the zoning text amendment by a 4:1 (Keller) vote.

During the Planning Commission discussion, it was noted that the ordinance is similar to others around the Commonwealth and that the City of Charlottesville does not have limitations on beekeeping. It was also stated that bees could be an attractive nuisance and may harm other pollinators.

The Planning Commission and staff recommends approval of ZTA 2018-04

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Mr. Bill Fritz, Development Process Manager, presented. He said this is an amendment to allow beekeeping in residentially zoned property and does not affect rural area districts at all. He said the staff analyzed other ordinances around the Commonwealth and the country and found significant uniformity in regulations, and from that developed standards to establish property setbacks, limitations on the number of hives, hive maintenance, materials, orientation of hive entrances, barriers, signage, and a number of other issues. He said the plan was reviewed by the Planning Commission which recommended approval by a 4:1 vote and was supported by staff. He noted that the only comment received from the Planning Commission was that bees could be an attractive nuisance that may harm other pollinators. He invited questions.

Ms. Palmer thanked staff for its work and said she would be supporting the amendment. She then referred to an article in the January 2018 Cambridge University publication that talked about how wild bees are hurt by the proliferation of urban beekeeping. She said she does not think there would be very much urban beekeeping in the area though it is something they probably should watch.

Ms. Mallek remarked that a neighbor in Free Union lost 100 hives over the winter.

Mr. Randolph said the only bee store in the County is located in his district. He asked its owner, Heather Sturtzer, to comment on the proposal. He related that she told him it is critical that the bees are purchased from a knowledgeable provider to assure the quality of bees. He emphasized how this is critical for the effectiveness of the hive and from the standpoint of public safety to ensure there are not Africanized bees mixed in with the population. He remarked that two years ago Virginia passed a limited liability law for beekeepers to encourage participation and noted that beekeeping has operated in the District of Columbia for several years. He emphasized that the proposal is not without some risk and there is an audience member who would share some of the risks.

Ms. Mallek asked Mr. Fritz if he had anything to add regarding safety management. Mr. Fritz replied that the performance standards are designed to minimize the impact of what would occur on an adjacent property.

Ms. Mallek opened the public hearing.

Mr. Paul Lagrand addressed the Board. He said he has worked with honeybees for 27 years and is responsible for the bee yards at Monticello and Highland. He explained that bees are in danger as 60% of the hives in Virginia were lost last winter, the fourth worst state in the country for losses. He remarked that people want to help but do not realize how much work is required to be a beekeeper and quite often end up losing their hives or having diseased hives that are robbed by bees from other hives which transfer bacteria or viruses to healthy hives. He said that even though people want to do the right thing it has sent them back further. He said that a problem with urban beekeeping is proximity to neighbors and no two hives are alike with personalities based on the queen bee and with whom she mates. He said that one could walk up to some hives without any guard bees bothering them while with others, one must be 10 to 15 feet away. He explained that bees require a source for water, i.e., creek, wading pond, child's pool. He listed some actions people could take to help bees as follows: 1) plant pollinator friendly shrubs and trees, 2) leave weeds at the sides of yards so that bees and other pollinators could come in, and 3) minimize the use of pesticides and bugicides. He encouraged those who are interested in becoming beekeepers to attend a course offered by the County.

Ms. Mallek closed the public hearing.

Ms. Mallek remarked that there should be requirements as to what has to happen when decommissioning a hive to prevent the transmission of disease. Mr. Fritz replied that staff included those

kinds of things which are found in the Sections G and H of the proposed ordinance. He then read the relevant language.

Ms. McKeel suggested that Section G have additional words that explains what to do when one ceases beekeeping. Mr. Fritz replied that this is contained in Section H.

Ms. McKeel said it needs to be a little clearer.

Ms. Mallek remarked that Section G could be for hive operations. Mr. Fritz offered to come up with some language and bring back to the Board.

Ms. Palmer asked if there was a best management process for beekeeping sheet that could be available on the website and explains the application process. Mr. Fritz remarked that Fairfax County requires a permit and a City official visit the property. He said they also have a handout. He added that one of the first remarks in any book on beekeeping is to figure out the local ordinances. Mr. Fritz said it is not an insignificant investment to start beekeeping, so the likelihood is that the person is going to do some research before investing in equipment.

Mr. Randolph remarked that there are people who experience a strong reaction to a single honeybee sting and he did not see anything about a requirement that a notice be furnished to neighbors. Mr. Fritz replied that, though notice is not required, there is a requirement for signage that includes a telephone number.

Mr. Randolph remarked that he is not confident that the level of notification is adequate given that the risk factor is highly mobile and could cover a lot of territory very fast. He said notification is particularly important to families with young children. Mr. Fritz offered to bring some language back to the Board.

Ms. Mallek commented that the design standards staff has gathered, and the way it diverts them up, is going to prevent them from going to the neighbors next door. Mr. Fritz replied that what he believes Mr. Randolph is speaking to is a general increase in the overall bee population within the neighborhood. These standards are designed to prevent the immediate impacts to adjacent neighbors though they do increase the overall bee population in a particular area.

Mr. Randolph commented that he does not see the need for a community meeting about it though parents should be notified because of the potential risk to children. Mr. Fritz offered to bring back language that addresses the decommissioning and notice.

Mr. Randolph added that there should be a requirement of applicants that they take some type of course. Mr. Fritz responded that would be very difficult to do as there is no licensing or requirement to take a course.

Mr. Kamptner commented that this issue would likely come back to the Board on October 3.

Ms. McKeel requested that it come back on the consent agenda unless there is a problem.

Mr. Fritz said staff can provide the Board with both a document that highlights the changes as well as the full document.

Ms. Mallek **moved** that the Board defer ZTA-2018-04 to the October 4, 2018. The motion was **seconded** by Ms. McKeel.

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

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

NAYS: None.

ABSENT: Mr. Dill.

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Agenda Item No. 21. **PUBLIC HEARING: ZTA201700010 – Farmers Market Performance Standards.**

To receive comments on its intent to adopt an ordinance amending the Albemarle County Code as follows: (1) amend Section 18-5.1.47 to establish regulations for by right farmers' markets including prohibitions on amplified sound and lighting, limiting by right farmers' markets to twice a week, prohibiting by right farmers' markets from operating when the primary use of the property is occurring, and limiting by-right farmers' markets to properties subject to approved site plans pursuant to Section 18-32 and limiting parking to the parking areas shown on the property's approved site plan; and (2) amend Sections 18-10.2.-1, 18-11.3.1, and 18-12.2.1 to permit farmers' markets as a by right use.

*(Advertised in the Daily Progress on August 20 and August 27, 2018.)*

The Executive Summary forwarded to the Board states that on October 11, 2017, the Board of Supervisors adopted a resolution of intent to amend the ordinance to allow farmers' markets as a by-right use, subject to performance standards.

On June 26, 2018, the Planning Commission held a public hearing and unanimously recommended approval of the zoning text amendment with one revision to clarify that by-right farmers'

markets are an auxiliary use of the property and not a separate stand-alone by-right use. Staff has made the appropriate change to the ordinance.

The Planning Commission discussed potentially limiting the number of vendors, as well as provisions for verifying only local products are sold at the markets to promote local products, but did not recommend those changes at this time. Changes to the ordinance addressing products at by-right use and special use farmers' markets is a broader issue that will require further discussion.

The Planning Commission and staff recommend approval of ZTA 2017-10 Farmers' Markets Performance Standards.

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Mr. Bill Fritz presented. He reminded the Board that in October 2017, it adopted a resolution to amend the farmers' market ordinance to a by-right use subject to performance standards. He said the ordinance prepared for the Board would allow farmers' markets on properties with an approved site plan under which they must be in compliance. He pointed out that wineries, breweries, and distilleries do not have approved site plans as they are a permitted use. He emphasized that the market is limited to one to two days per week, may not be in use when the primary use of the facility is in operation, and do not permit lighting or amplified sound. He remarked that the Planning Commission gave unanimous approval, with the change to clarify that a farmers' market is an auxiliary use and not a primary or by-right use of the property. He said the Planning Commission discussed provisions to verify that only local products are sold though it did not recommend any changes at this time. He noted that the current ordinance addresses the types of products that may be sold and both the Board and Planning Commission have discussed potential changes though developing that language would be difficult, but may be possible, and would delay the implementation of this text amendment. He said that new language that addresses sales at farmers' markets could be considered as a separate item. He said that staff recommends approval and invited questions.

Ms. Mallek pointed out that Buck Mountain farmers' market has operated in the parking lot of a 300-year-old Episcopal church for 10 years, which may or may not have a site plan. She asked if they were allowed to operate because it is an existing public use for a \$25 fee. Mr. Fritz responded that he does not know how they got to be there though he believes there is a site plan.

Ms. Mallek asked about the one in a field in North Garden, which does not have a site plan, and had to come for a special permit, incurring a substantial expense. Mr. Fritz reminded the Board that it amended the site plan provisions to make the sketch plan match the level of activity in the property and this was the second part of that action.

Ms. Mallek asked for confirmation that the one located in Ms. McKeel's district that finally moved from Yoder's Country Store to Foxfield, after two years of persuading, is not in jeopardy because this is going forward. Mr. Fritz confirmed that this is only going forward.

Ms. Palmer remarked that the farmers' market at North Garden moved to Albemarle Cidery because drivers had a difficult time turning left and going down Route 29 and thought they could attract more customers. She said that this does not have a site plan though they are using the existing parking lot.

Mr. Fritz replied that Albemarle Cidery may be one exception as it was done as a site plan just prior to a change in the State Code. He noted that they have made significant changes to the site, which they are permitted to do. He said he has spoken with the Zoning Administrator and if a farmers' market operates in conjunction with the cidery then it is under the cidery's umbrella and not a farmers' market. He said that schools and churches are the properties that would primarily be impacted and representatives of the School Division have confirmed that, were this adopted, there is a way of renting the school property so that on weekends farmers' markets could operate at schools. He said there are a few others out there that could potentially make use of this. He pointed out that a property with a third dwelling must have a site plan and a farmers' market could not operate in that situation since there is no parking. He said the market could only operate if the dwelling units were not used as dwellings since a farmers' market could only operate when the primary use is not in operation. He added that a few veterinary clinics have site plans.

Ms. Mallek remarked that fire stations are too old to have site plans. Mr. Fritz remarked that he is aware of only one fire station with a site plan; most are in old Village Residential zoning districts.

Ms. Mallek said this is a huge step in the right direction.

Ms. Mallek opened the public hearing.

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

Ms. Mallek reminded the Board that years ago Ms. Susan Stimart, formerly of the Economic Development Office, had suggested that products grown in the County carry a red label.

Ms. Palmer **moved** that the Board adopt the proposed ordinance to approve ZTA-2017-10. The motion was **seconded** by Ms. Mallek.

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

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

**ORDINANCE NO. 18-18(2)**

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE II, BASIC REGULATIONS, AND ARTICLE III, DISTRICT REGULATIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article II, Basic Regulations, and Article III, District Regulations, are hereby amended and reordained as follows:

**By Amending:**

Sec. 5.1.47 Farm stands and farmers' markets.  
Sec. 10.2 Permitted uses.  
Sec. 11.3 Permitted uses.  
Sec. 12.2 Permitted uses.

**Chapter 18. Zoning**

**Article II. Basic Regulations**

**Section 5. Supplementary Regulations**

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**5.1.47 FARM STANDS AND FARMERS' MARKETS**

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

- a. *Zoning clearance.* Notwithstanding any other provision of this chapter, each farm stand or farmers' market shall obtain approval of a zoning clearance issued by the zoning administrator as provided by section 31.5 before the use is established as provided herein:
  1. *Application.* Each application for a zoning clearance shall include a letter or other evidence from the Virginia Department of Transportation establishing that it has approved the entrance from the public street to the proposed use and a sketch plan, which shall be a schematic drawing of the site with notes in a form and of a scale approved by the zoning administrator depicting: (i) all structures that would be used for the use; (ii) how access, on-site parking, outdoor lighting, signage and minimum yards will be provided in compliance with this section and this chapter; and (iii) how potential adverse impacts to adjoining property will be mitigated.
  2. If the zoning administrator requires information on the sketch plan or mitigation measures that the applicant objects to the applicant may appeal the requirement to the board of supervisors by submitting a written request for appeal to the clerk of the board of supervisors within ten (10) days after the date of the zoning administrator's request. In acting on an appeal, the board shall consider the recommendation of the zoning administrator and all other relevant evidence. The board may approve or deny the request. In approving a request on an appeal, the board may impose reasonable conditions deemed necessary to protect the public health, safety or welfare.
  3. *Notice.* The zoning administrator shall provide written notice that an application for a zoning clearance for a farm stand or by right farmers' market has been submitted to the Virginia Department of Health and to the owner of each abutting lot under different ownership than the lot on which the proposed use would be located. The notice shall identify the proposed use and its size and location and invite the recipient to submit any comments before the zoning clearance is acted upon. The notice shall be mailed at least ten (10) days prior to the action on the zoning clearance as provided in section 32.4.2.1(g). The review by the Virginia Department of Health shall be independent of the zoning administrator's review of the application for a zoning clearance and the approval of the zoning clearance shall not be dependent on any approval by the Virginia Department of Health. The notice requirements shall not apply to a zoning clearance required for a farmers' market that has been approved by special use permit.
- b. *Structure size.* Structures used in conjunction with a farm stand or farmers' market shall comply with the following:
  1. *Farm stands.* Any permanent structure established on and after May 5, 2010 (hereinafter, "new permanent structure") used for a farm stand shall not exceed one thousand five hundred (1500) square feet gross floor area. Any permanent structure, regardless of its size, established prior to May 5, 2010 (hereinafter, "existing permanent structure") may be used for a farm stand provided that if the structure does not exceed one thousand five hundred (1500) square feet gross floor area, its area may be enlarged or expanded so that

its total area does not exceed one thousand five hundred (1500) square feet gross floor area, and further provided that if the existing structure exceeds one thousand five hundred (1500) square feet gross floor area, it may not be enlarged or expanded while it is used as a farm stand.

2. *Farmers' markets.* Any new or existing permanent structure may be used for a farmers' market without limitation to its size.
- c. *Yards.* Notwithstanding any other provision of this chapter, the following minimum front, side and rear yard requirements shall apply to a farm stand or farmers' market:
1. *New permanent structures and temporary structures.* The minimum front, side and rear yards required for any new permanent structure or temporary structure shall be as provided in the bulk and area regulations established for the applicable zoning district, provided that the minimum front yard on an existing public road in the rural areas (RA) district shall be thirty-five (35) feet. The minimum required yard may be reduced by special exception upon consideration of the following: (i) there is no detriment to the abutting lot; (ii) there is no harm to the public health, safety or welfare; and (iii) written consent has been provided by the owner of the abutting lot consenting to the reduction.
  2. *Existing permanent structures.* If an existing permanent structure does not satisfy any minimum yard requirement under subsection 5.1.47(c)(1), the minimum yard required shall be the distance between the existing permanent structure and the street, road, access easement or lot line on May 5, 2010 and that distance shall not be thereafter reduced. An enlargement or expansion of the structure shall be no closer to a street, road, access easement or lot line than the existing structure.
- d. *Parking.* Notwithstanding any provision of section 4.12, the following minimum parking requirements shall apply to a farm stand or farmers' market:
1. *Number of spaces.* Each use shall provide one (1) parking space per two hundred (200) square feet of retail area.
  2. *Location.* No parking space shall be located closer than ten (10) feet to any public street right-of-way.
  3. *Design and improvements.* In conjunction with each request for approval of a zoning clearance, the zoning administrator shall identify the applicable parking design and improvements required that are at least the minimum necessary to protect the public health, safety and welfare by providing safe ingress and egress to and from the site, safe vehicular and pedestrian circulation on the site, and the control of dust as deemed appropriate in the context of the use. The zoning administrator shall consult with the county engineer, who shall advise the zoning administrator as to the minimum design and improvements. Compliance with the identified parking design and improvements shall be a condition of approval of the zoning clearance.
- e. In addition to the foregoing, by right farmers' markets shall also comply with the following:
1. *When farmers' markets are not permitted.* A property may not host a farmers' market:
    - (a) More than twice in any week.
    - (b) When the primary use of the property is occurring.
  2. *Lights.* No lighting shall be permitted at farmers' markets.
  3. *Sound.* No amplified sound shall be permitted at farmers' markets.
  4. *Site Plans.* Farmers' markets permitted by sections 10.2.1.33, 11.3.1.31, and 12.2.1.20 shall only be permitted on properties with site plans approved pursuant to section 32 for another by right use or an approved special use. Any buildings or structures utilized for the farmers' market must be shown on the approved site plan. On-site parking at farmers' markets shall only be permitted in parking areas shown on the approved site plan.

(§ 5.1.19, 12-10-80; Ord. 01-18(6), 10-3-01; §5.1.35, Ord. 95-20(3), 10-11-95; § 5.1.36, Ord. 95-20(4), 10-11-95; § 5.1.47, Ord 10-18(4), 5-5-10; Ord. 14-18(4), 11-12-14; Ord. 17-18(3), 8-9-17)

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### **Article III. District Regulations**

#### **Section 10. Rural Areas District, RA**

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##### **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.
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. Country 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).
33. Farmers' markets (reference 5.1.47 a-e).

(§ 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)

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#### **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.
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:

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

- a. 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
  - 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).
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 a-d).
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)

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## **Section 11. Monticello Historic District, MHD**

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### **Sec. 11.3 Permitted uses.**

The following uses shall be permitted in the MHD, subject to the regulations in this section and section 8 of this chapter, the approved application plan, and any accepted proffers:

#### **Sec. 11.3.1 By right.**

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

1. Uses relating to the operation of Monticello as a historic house museum and historic site as follows:
  - a. Interpretative, educational and research uses such as tours; interpretive signs, walking paths, displays and exhibits; classes, workshops, lectures, programs and demonstrations; field schools and history-related day camps; and archaeological laboratories.
  - b. Administrative and support activities including visitor ticketing and shuttle bus operations, maintenance operations, equipment storage, vehicle maintenance and refueling, security and general administration, and related support spaces and offices.
  - c. Visitor amenities including: parking lots; travelways; public restrooms; food and drink preparation and vending; picnic areas; walking paths and pedestrian bridges.
  - d. Display and sale of products related to Thomas Jefferson and the history of Monticello.
  - e. Fundraising activities and cultivation and stewardship events for the public and/or contributors, subject to section 11.5.
  - f. Other uses not expressly delineated in subsection 1(a) through (d) authorized by the zoning administrator after consultation with the director of planning and other appropriate officials; provided that the use shall be consistent with the express purpose and intent of the MHD, similar to the uses delineated in this subsection in character, locational requirements, operational characteristics, visual impact, and traffic generation.
2. Temporary events related to or supportive of the historic, educational or civic significance of Monticello, such as, but not limited to the Naturalization Ceremony on the Fourth of July, Thomas Jefferson's Birthday celebration, summer speakers series, presidential inaugural events, the Heritage Harvest Festival, wine festivals, community hiking and racing events, musical performances and concerts, and commemorative events similar to the Lewis and Clark bicentennial, subject to section 11.5.
3. Display and sale of gifts, souvenirs, crafts, food, and horticultural and agricultural products, including outdoor storage and display of horticultural and agricultural products.
4. Establishment and changes to structures shown on the approved application plan:
  - a. Modification, improvement, expansion, or demolition of "modern structures" existing on the effective date of this section 11.
  - b. Modification, improvement, re-creation, or restoration (including expansion) of "historic or interpretive structures."

- c. Establishment of “new primary structures or features” identified as such on the approved application plan.
5. Cemeteries.
6. Detached single-family dwellings, including guest cottages and rental of the same.
7. Side-by-side duplexes; 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.
8. Agriculture, forestry, and fishery uses except as otherwise expressly provided.
9. Game preserves, wildlife sanctuaries and fishery uses.
10. Water, sewer, energy, communications distribution facilities (reference 5.1.12).
11. Accessory uses and structures including home occupation, Class A (reference 5.2) and storage buildings.
12. Temporary construction uses (reference 5.1.18).
13. Public uses (reference 5.1.12).
14. Temporary sawmill (reference 5.1.15 and subject to performance standards in 4.14).
15. Agricultural service occupation (subject to performance standards in 4.14).
16. Divisions of land in accordance with section 10.3.
17. (Repealed 4-7-11)
18. 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.
19. Farm winery uses, events, and activities authorized by section 5.1.25(a), (b), and (c)(2).
20. 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).
21. Commercial stable (reference 5.1.03).
22. Stormwater management facilities shown on an approved final site plan or subdivision plat.
23. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
24. Monticello scholar residences, which shall be private lodging accommodations in dwellings for educators, academic fellows or scholars working on Jefferson related research and/or programs, Thomas Jefferson Foundation program and event participants, persons directly engaged in the programming, research, or operation of Monticello as a historic museum and historic site, and for a sole caretaker.
25. (Repealed 11-12-14)
26. Farm stands (reference 5.1.47).
27. Events that are typically conducted on a single day, but which may be conducted for up to three (3) consecutive days, for which attendance is permitted only by invitation or reservation including, but not limited to, meetings, conferences, banquets, dinners, weddings, wedding receptions, and private parties, subject to section 11.5.
28. Farm brewery uses, events, and activities authorized by section 5.1.57(a), (b), and (c)(2).
29. Events and activities at agricultural operations authorized by right under section 5.1.58(d).
30. Farm distillery uses, events, and activities authorized by section 5.1.59(a), (b), and (c)(2).

31. Farmers’ markets (reference 5.1.47 a-e).

(§ 18-11.3.1, Ord. 05-18(5), 6-8-05; Ord. 08-18(2), 5-7-08; Ord. 10-18(4), 5-5-10; Ord. 11-18(4), 4-6-11; Ord. 14-18(4), 11-12-14; Ord. 15-18(10), 12-9-15; Ord. 17-18(1), 1-18-17; Ord. 18-18(1), 1-10-18)

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**Section 12. Village Residential District, VR**

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**Sec. 12.2 Permitted uses.**

**Sec. 12.2.1 By right.**

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

1. Detached single-family dwellings.
2. Side-by-side duplexes provided that density is maintained and provided further 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. Cluster development of permitted residential uses.
4. Rental of permitted residential uses and guest cottages, provided that yard, area and other requirements of this ordinance shall be met for each such use whether or not such use is on an individual lay-out.
5. (Repealed 9-2-81)
6. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformance with Chapter 16 of the Code of Albemarle and all other applicable law. (Amended 5-12-93)
7. Accessory uses and buildings including home occupation, Class A (reference 5.2) and storage buildings.
8. Temporary construction uses (reference 5.1.18).
9. Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (reference 31.2.5); public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority (reference 31.2.5; 5.1.12). (Amended 11-1-89)
10. Tourist lodgings (reference 5.1.17).
11. Wayside stands for the display and sale of seasonal agricultural products (reference 5.1.19).
12. Group home (reference 5.1.07).
13. Agriculture.
14. Manufactured homes on individual lots (reference 5.6)
15. Stormwater management facilities shown on an approved final site plan or subdivision plat.
16. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
17. Farm sales (reference 5.1.47).
18. Farm stands (reference 5.1.47).
19. Family day homes (reference 5.1.56).
20. Farmers’ markets (reference 5.1.47 a-e).

(§ 20-12.2.1, 12-10-80; 9-2-81; 11-1-89; 11-11-92; § 18-12.2.1, Ord. 98-A(1), 8-5-98; Ord. 02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 10-18(4), 5-5-10; Ord. 13-18(5), 9-11-13; Ord. 17-18(4), 8-9-17; Ord. 18-18(1), 1-10-18)

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**Sec. 12.2.2 By special use permit.**

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

1. Community center (reference 5.1.04).
2. Clubs, lodges, civic, fraternal, patriotic (reference 5.1.02).
3. Fire and rescue squad stations (reference 5.1.09).
4. Swim, golf, tennis or similar athletic facilities (reference 5.1.16).
5. Private schools.
6. Electrical power substations, transmission lines and related towers; gas or oil transmission lines, pumping stations and appurtenances; unmanned telephone exchange centers; micro-wave and radio-wave transmission and relay towers, substations and appurtenances (reference 5.1.12).
7. Day care, child care or nursery facility (reference 5.1.06).
8. (Repealed 3-5-86)
9. Manufactured home subdivisions (reference 5.5).
10. (Repealed 11-11-92)
11. Agricultural service occupation.
12. Home occupation, Class B (reference 5.2).
13. Hog farms.
14. Cemeteries.
15. Religious assembly use.
16. Tier III personal wireless service facilities (reference 5.1.40).
17. Historical centers, historical center special events, historical center festivals (reference 5.1.42).
18. Farmers' markets (reference 5.1.47 a-d).

(§ 20-12.2.2, 12-10-80; 9-2-81; 3-5-86; 11-11-92; § 18-12.2.2, Ord. 98-A(1), 8-5-98; Ord. 04-18(2), 10-13-04; Ord 05-18(7), 6-8-05; Ord. 10-18(4), 5-5-10; Ord. 17-18(4), 8-9-17; Ord. 18-18(1), 1-10-18)

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**Note:** Ms. Mallek informed the Board that she needs to re-do the motion on ZTA-2018-00004 motion as she provided the wrong date.

Ms. McKeel **moved** that the Board reconsider the motion on ZTA-2018-00004. The motion was **seconded** by Ms. Mallek.

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

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

NAYS: None.

ABSENT: Mr. Dill.

Ms. Mallek **moved** that the Board defer action on ZTA 2018-00004, Beekeeping, until the October 3, 2018 meeting. The motion was **seconded** by Ms. McKeel.

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

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

NAYS: None.

ABSENT: Mr. Dill.

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Agenda Item No. 22. **PUBLIC HEARING: ZTA 2017-06 Updates and Clarifications to Section 33 Zoning Text Amendments (ZTAs), Zoning Map Amendments (ZMAs), Special Use Permits (SPs) and Special Exceptions.**

To receive comments on its intent to adopt an ordinance amending Secs. 18-33.1, Purpose and intent, through Sec. 18-33.9, Special exceptions; relevant factors to be considered conditions, of Chapter 18, Zoning, of the Albemarle County Code. Section 18-33 establishes the procedures and requirements for zoning text amendments (ZTAs), zoning map amendments (ZMAs), special

use permits (SPs), and special exceptions (SEs). The proposed ordinance would reorganize Section 18-33 by, among other things, splitting existing sections into multiple sections and organizing those sections into divisions based on the type of application or action, and would revise, clarify and standardize the text. The primary proposed substantive changes would: (1) amend the times by which recommendations and actions must be taken on ZTAs and County-initiated ZMAs (County Code §§ 18-33.5, 18-33.6, 18-33.11, and 18-33.12); (2) amend the criteria considered by the Director of Planning to not require certain information with applications for ZMAs and SPs (County Code §§ 18-33.15 and 18-33.32); (3) allow applications for ZMAs, SPs, and SEs to be electronically filed (County Code §§ 18-33.20, 18-33.34, and 18-33.45); (4) require notice to be given to open-space and conservation easement holders when complete ZMA, SP, or SE applications affecting the property are filed (County Code §§ 18-33.20, 18-33.34, and 18-33.45); (5) establish procedures and consequences when applications for ZMAs, SPs, and SEs are incomplete (County Code §§ 18-33.20, 18-33.34, and 18-33.45); (6) authorize the Director of Planning to require studies to identify impacts of ZMAs, SPs, and SEs (County Code §§ 18-33.21, 18-33.35, and 18-33.46); (7) incorporate the requirements of Virginia Code § 15.2-2303.4 for proffers related to residential and mixed use residential ZMAs; (8) amend the criteria for determining when a community meeting may be required for a ZMA or SP (County Code §§ 18-33.24 and 18-33.37); (9) establish when an application for an SE must be reviewed by the Planning Commission (County Code § 18-33.48); (10) authorize an SE to be revoked for noncompliance with conditions (County Code § 18-33.50); and (11) amend the procedures and requirements for deferring action, requesting action after deferral, withdrawing an application (County Code §§ 18-33.52, 18-33.53, and 18-33.54). The proposed ordinance would also: (1) delete the procedure that allowed any member of the public to apply for a ZTA (current County Code § 18-33.2); and (2) delete the State law reference to judicial review of the Board of Supervisors' decision on a ZMA or SP (current County Code § 18-33.4(t)).  
*(Advertised in the Daily Progress on August 20 and August 27, 2018.)*

The Executive Summary forwarded to the Board states that on July 17, 2018, the Planning Commission held a work session on ZTA 2017-00006, and on August 7, 2018, the Planning Commission held a public hearing and voted 5:0 (Moore, Firehock absent) to recommend approval of ZTA-2017-00006 with the understanding that the County Attorney would clarify certain written notice provisions.

During the Planning Commission's July 17, 2018 work session and August 7 public hearing, the Commission expressed concern that Zoning Map Amendments and Special Use Permit applications where the applicant does not respond to staff comments would proceed directly to the Planning Commission within 90 days of the application being submitted. The Commission was concerned that they would be reviewing applications that were incomplete and had significant outstanding issues. Staff clarified that incomplete applications are not accepted for review and would not be scheduled. The State Code requires the Commission hold a public hearing and make a recommendation on SP/ZMA applications within 90 days. Therefore, any application deemed complete is entitled to a public hearing within 90 days. No provision of the State Code requires the applicant to respond to comments made by County staff.

During both the work session and public hearing, comment was received from the public expressing concern that advertising fees would be required at the time of the initial application. Currently, advertising fees are collected after the initial application but prior to the public hearing. Fees are not addressed in this ZTA. The Planning Commission has adopted a resolution of intent to amend the fees, and that ZTA will be brought forward at a future date.

The Planning Commission and staff recommend adoption of ZTA 2017-06 (attachment E).

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Mr. Fritz presented. He credited Ms. Elaine Echols and Mr. Greg Kamptner for their great job working on this, which he said is part of a group of changes to simplify the ordinance, and approved with unanimous support by the Planning Commission at its August 7, 2018 meeting. He said that there are minor changes to update, modernize, and standardize as well as things specific to the ZTA processing. He said the ZTA cleans up Section 33 to make it easier to read. He said the County has always had limits when the Planning Commission and the Board had to act, 90 days for the Planning Commission and one year for the Board, though there is no limit on how long an applicant can defer projects.

Mr. Fritz stated that the proposed ordinance puts a three-year limit beyond which an applicant could not delay. The proposed ordinance addresses changes in the State Code and allows the County to require the necessary information be included in the application for it to be deemed complete. He said that, at the request of the Board, the County would send a notice to open space and conservation easement holders of a property that was subject to rezoning. He said there is a provision for projects that are in progress and previously submitted so if the proposal is adopted today the staff would send the applicants notice so they could take action to be brought under the ordinance. He said they have added consequences for non-compliance with a special exception and cleaned up some information about judicial reviews on zoning map amendments and special permits. He said that changes would be brought before the Board in November to allow fees to be paid up front rather than in the current two-step process as well as a standardized refund so that if an applicant requests a deferral within a set period of time the County would receive a refund. He said there would also be a re-advertising fee due to a deferral.

Ms. Mallek asked Mr. Fritz to clarify the statement: Planning Director to not require certain information. Mr. Fritz responded that if staff determines that certain information is not required for a particular application, they could say it is not needed.

Ms. Mallek asked about the statement: adding criteria for completeness in what to do. She asked if completeness is prior to advertising. Mr. Fritz replied that it is completeness before the County accepts the application; to make sure an application is complete prior to it coming across the threshold and the clock starts to tick for the 90-day review by the Planning Commission and the one-year review by the Board. He explained that during the pre-application process staff would notify the applicant of what is necessary to make a complete application without which staff would not begin work on the project.

Ms. Mallek recalled that in the past there were times when materials were not together before advertising and she understands there is a waiver that allows that to happen. She asked if this is taking away that waiver to make things more orderly. Mr. Fritz replied that it is not so much the waiver but that the staff did not have the ability to require it to be deemed a complete application, so "yes" this takes care of that problem.

Mr. Randolph referred to the word "work sessions" in Section 33.23 and remarked that this should be two words, not one word. He next cited Section 33.24, under Community Meetings (a) and said the word "with" should be added to read "... members of the public with the opportunity...". He commended staff who worked on the document and put it together in a clear and easy to reference manner as people can now know precisely what is required for a particular application. In terms of clarity, it is a huge improvement. Mr. Randolph added that when they discuss the fee structure, in particular applicants who have paid for advertising, he looks forward to the discussion.

Mr. Kamptner commented that he created the new language, and this is an example of what staff is trying to accomplish in every part of the Code.

Ms. Palmer remarked that she likes the decision tree graphic in 22(A)4 and asked what the squiggly lines between the blocks refer to. Mr. Fritz replied that they were intentionally to describe that it is a variable time.

Ms. Mallek opened the public hearing.

Mr. Neil Williamson, of the Free Enterprise Forum, addressed the Board. He complimented staff for the manner in which they brought this forward and indicated that most of his concerns were addressed with one exception. He said that under the current Code a citizen can initiate a zoning text amendment and he understands that the Board wants to eliminate this. He explained that he understands the staff's thought process as an item that does not have the support of any Supervisors would not go anywhere. He asked if this was the will of the Board and requested that they put this back without which dissent could be squelched.

Mr. Kamptner replied that this issue came before the Board within the past year.

Ms. Palmer commented that she would like to read the minutes from that meeting as she does not have a memory of it.

Mr. Fritz remarked that when a zoning text amendment is filed there is no process or guarantee of a Commission or Board hearing like there is with a special-use permit or re-zoning. He expressed that it is his understanding that the public could still come before the Board or Planning Commission, which could then initiate the rezoning which allows members of the public to come before the Board and request an ordinance amendment, though there is not an application for this, and they would have to appear in person or contact a Supervisor.

Ms. McKeel asked how they would know this if there is not an application. Mr. Fritz replied that in the past constituents have asked Board members to contact other Supervisors. Ms. Mallek commented that the beekeeping is an example.

Ms. Mallek asked if there is any less likelihood of success with the proposed process compared to the current process. Mr. Fritz replied that he does not know. If a resident wanted to have the ordinance amended staff would not tell the resident that there is no way to make an application but would refer them to a Supervisor, Planning Commission member, or come before the Board or Planning Commission which could decide whether to adopt the resolution or amend the ordinance. He explained that with an application for a zoning text amendment they would file a fee and staff would bring the matter before the Board.

Ms. Mallek remarked that there is probably a little more vetting if a formal application is filed, from a perception point of view. She asked Mr. Kamptner if they have the legal ability to have a process for a citizen to initiate. Mr. Fritz said they have a process but not a guarantee of a hearing; if someone were to file a zoning text amendment now the staff would bring it before the Board as an informational item.

Mr. Randolph expressed his opinion that it should be spelled out that a citizen may initiate a zoning text amendment, with the process to be followed included in the ordinance. Mr. Fritz said they could change this to include provisions for a zoning text amendment and establish a timeline.

Mr. Kamptner reminded the Board that on January 3, 2018 it gave direction to staff which staff can look at. He said that if the Board adopts this and staff comes back with an amendment to insert that process, it would change the organization of the chapter.

Ms. McKeel indicated that she would like to make this as simple as possible, not overreact, as each case may be a little different.

Mr. Randolph added that citizens need to know that they can do it and how to do so.

Ms. Palmer remarked that she does not think this needs to be an ordinance and; they can provide directions on the website.

Mr. Randolph said that if it is not in the ordinance, it is not treated as an exercise of equal value.

Mr. Gallaway paraphrased his understanding of Neil Williamson's remarks. He said that a constituent of a different political party from their Supervisor may be reluctant to bring up an issue with that Supervisor, whereas if the constituent initiates the matter and it is brought before the Board it gets discussion among six members instead of one Supervisor making a qualification. He recalled this matter being discussed some time ago though it seemed to be in passing and he questions whether they devote much time to the matter.

Mr. Kamptner asked that they look at Section 33.2 of the ordinance which concerns the initiation of a zoning map amendment. He suggested they insert a sentence that authorizes any citizen to make an amendment request to a member of the Board, and add to Subsection A.

Mr. Gallaway invited Mr. Williamson to speak to the matter.

Mr. Williamson remarked that in a perfect world their solution would work great but he sees a rationale for a citizen initiated and paid for zoning text amendment as an issue of good government. There are times people in the community do not feel connected to their Supervisor. He emphasized that the citizen will know that he/she is not guaranteed a hearing, though they are guaranteed it would come before the Board for prioritization and may receive a low priority.

Ms. Mallek recalled a discussion about how in the work program, they recognized that a person who may have paid for an application deserved to have a discussion.

Mr. Graham said he wants to add some perspective and acknowledged his understanding of Mr. Williamson's point of view. He said that only a handful of these matters have been brought up over the past decade and most people have learned that the best way to do this is to go directly to elected officials to obtain their support. He explained the idea is to short cut the process to encourage constituents to go directly to elected officials or the Planning Commission and advocate for their position rather than to file an application and pay a fee for something that may not receive staff support. He said the Board could then decide on what the priority should be.

Ms. Mallek commented that she would like to see the fee structure be adjusted so that a sole proprietor does not pay the same fee as a large enterprise.

Ms. Mallek suggested the Board go with what is before them and think about whether they want to put anyone through anything more and publicize the discussion.

Mr. Gallaway said he appreciates the difference between a decision by a single Supervisor and public deliberation by the Board.

At this time, Ms. Mallek closed the public hearing.

Mr. Gallaway suggested making that recommended clarification in the current ordinance.

Mr. Kamptner read his suggested wording for the ordinance change to 33.2.A: "Any resident of Albemarle County may request any Board member to ask the Board to initiate a zoning text amendment, or may directly request the Board to initiate a zoning text amendment."

Ms. McKeel **moved** that the Board adopt the proposed ordinance to approve ZTA 2017-06, as amended. The motion was **seconded** by Ms. Mallek.

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

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

NAYS: None.

ABSENT: Mr. Dill.

### **ORDINANCE NO. 18-18(3)**

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

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

**By Amending, Renumbering, and Reorganizing:**

**Old**

Sec. 33.1	Purpose and intent.
Sec. 33.2	Uniform requirements for the initiation of zoning text amendments and zoning map amendments.
Sec. 33.3	Uniform procedures for zoning text amendments and county-initiated zoning map amendments.
Sec. 33.4	Uniform procedures for zoning map amendments not initiated by the county and special use permits.
Sec. 33.5	Uniform procedures for special exceptions.
Sec. 33.6	Zoning text amendments and zoning map amendments; relevant factors to be considered; effect of approval.
Sec. 33.7	Owner-initiated zoning map amendment; authority to accept proffers.
Sec. 33.8	Special use permits; relevant factors to be considered; conditions; revocation.
Sec. 33.9	Special exceptions; relevant factors to be considered; conditions.

**New**

Division 1. Zoning Text Amendments

Sec. 33.1	Introduction.
Sec. 33.2	Initiating a zoning text amendment.
Sec. 33.3	Work sessions, stakeholder meetings, community meetings, and other public engagement.
Sec. 33.4	Public hearings; notice.
Sec. 33.5	Recommendation by the Planning Commission.
Sec. 33.6	Action by the Board of Supervisors.

Division 2. Zoning Map Amendments Initiated by the County

Sec. 33.7	Introduction.
Sec. 33.8	Initiating a zoning map amendment.
Sec. 33.9	Work sessions, stakeholder meetings, community meetings, and other public engagement.
Sec. 33.10	Public hearings; notice.
Sec. 33.11	Recommendation by the Planning Commission.
Sec. 33.12	Action by the Board of Supervisors.

Division 3. Zoning Map Amendments Initiated by an Owner

Sec. 33.13	Introduction.
Sec. 33.14	Pre-application meeting.
Sec. 33.15	Application for a zoning map amendment.
Sec. 33.16	Information submitted with application; all applications.
Sec. 33.17	Information submitted with application; conventional districts.
Sec. 33.18	Information submitted with application; planned development districts, including neighborhood model districts.
Sec. 33.19	Information submitted with applications; neighborhood model districts.
Sec. 33.20	Filing the application; determining completeness of the application; paying fees; resubmitting an application originally determined to be incomplete.
Sec. 33.21	Studies identifying potential impacts of zoning map amendment.
Sec. 33.22	Proffers.
Sec. 33.23	Work sessions.
Sec. 33.24	Community meetings.
Sec. 33.25	Public hearings; notice.
Sec. 33.26	Recommendation by the Planning Commission.
Sec. 33.27	Action by the Board of Supervisors.
Sec. 33.28	Effect of approval of zoning map amendment; effect of proffers once accepted.
Sec. 33.29	Resubmitting a similar denied application within one year is prohibited.

Division 4. Special Use Permits

Sec. 33.30	Introduction.
Sec. 33.31	Pre-application meeting.
Sec. 33.32	Application for a special use permit.
Sec. 33.33	Information the Director of Planning may require to be submitted with application.
Sec. 33.34	Filing the application; determining completeness of the application; paying fees; resubmitting an application originally determined to be incomplete.
Sec. 33.35	Studies identifying potential impacts of special use permit.
Sec. 33.36	Work sessions.
Sec. 33.37	Community meetings.
Sec. 33.38	Public hearings; notice.
Sec. 33.39	Recommendation by the Planning Commission.
Sec. 33.40	Action by the Board of Supervisors.
Sec. 33.41	Revoking a special use permit for noncompliance with conditions.
Sec. 33.42	Resubmitting a similar denied application within one year is prohibited.

Division 5. Special Exceptions

- Sec. 33.43 Introduction.
- Sec. 33.44 Application for a special exception.
- Sec. 33.45 Filing the application; determining completeness of the application; paying fees; resubmitting an application originally determined to be incomplete.
- Sec. 33.46 Studies identifying potential impacts of special exception.
- Sec. 33.47 Public hearings; when required; notice.
- Sec. 33.48 Recommendation by the Planning Commission when required.
- Sec. 33.49 Action by the Board of Supervisors.
- Sec. 33.50 Revoking a special exception for noncompliance with conditions.
- Sec. 33.51 Resubmitting a similar denied application within one year is prohibited.

Division 6. Deferring Action and Withdrawing an Application

- Sec. 33.52 Deferring action.
- Sec. 33.52 Requesting action after deferral.
- Sec. 33.54 Withdrawing an application.

**Chapter 18. Zoning**

**Article IV. Procedure**

**Section 33**

**Zoning Text Amendments, Zoning Map Amendments,  
Special Use Permits, and Special Exceptions**

**Division 1. Zoning Text Amendments**

**Sec. 33.1 Introduction.**

This division establishes the procedures and requirements for amending the text of this chapter by adopting an ordinance (as used in this division, a “zoning text amendment”). The Board of Supervisors may adopt a zoning text amendment whenever the public necessity, convenience, general welfare, or good zoning practices requires. The Commission shall consider these bases when making a recommendation on a zoning text amendment.

**State law reference**-Va. Code §§ 15.2-2280, 15.2-2285, 15.2-2286.

**Sec. 33.2 Initiating a zoning text amendment.**

A zoning text amendment may be initiated as follows:

- A. *By the Board of Supervisors.* The Board of Supervisors may initiate a zoning text amendment by adopting a resolution. Any County resident may request any Board member to ask the Board to initiate a zoning text amendment, or may directly request the Board to initiate a zoning text amendment.
- B. *By the Commission.* The Commission may initiate a zoning text amendment by adopting either a motion or a resolution.

**State law reference**-Va. Code §§ 15.2-2285, 15.2-2286.

**Sec. 33.3 Work sessions, stakeholder meetings, community meetings, and other public engagement.**

The Director of Planning may schedule work sessions before the Board of Supervisors, the Commission, and the Architectural Review Board, if applicable. The Director is also authorized to hold stakeholder meetings, community meetings, and other forms of public engagement, as the Director determines to be appropriate or as directed by the Board of Supervisors or the Commission, to consider any proposed zoning text amendment.

**State law reference**-Va. Code §§ 15.2-2285, 15.2-2286.

**Sec. 33.4 Public hearings; notice.**

Public hearings on a proposed zoning text amendment are required as follows:

- A. *When public hearings are required.* The Commission shall hold at least one public hearing before it makes its recommendation to the Board of Supervisors. After the Board receives the recommendation from the Commission, it shall hold at least one public hearing before acting.
- B. *Notice of public hearings, generally.* The Department of Community Development shall provide notice of the public hearings before the Commission and the Board pursuant to Virginia Code § 15.2-2204.

- C. *Notice of public hearings, imposing or increasing fees.* The Department of Community Development shall provide notice of the public hearings before the Commission and the Board of Supervisors pursuant to Virginia Code §§ 15.2-107 and 15.2-2204 if the proposed zoning text amendment would impose or increase fees under this chapter.

**State law reference-**Va. Code §§ 15.2-107, 15.2-2204, 15.2-2285, 15.2-2286.

### **Sec. 33.5 Recommendation by the Planning Commission.**

The Commission shall act on a proposed zoning text amendment as follows:

- A. *Recommendation.* The Commission shall either recommend approval of the zoning text amendment as proposed, approval of the zoning text amendment with recommended changes to the text, or disapproval.
- B. *Factors to be considered.* In making its recommendation, the Commission shall consider the same factors considered by the Board of Supervisors pursuant to Section 33.6.
- C. *Time for recommendation.* The Commission shall make its recommendation on the proposed zoning text amendment within 90 days after the first Commission meeting at which it is considered. The Commission's failure to make a recommendation within the 90-day period is deemed to be a recommendation of approval, unless the Commission extends the 90-day period. If the Commission extends the 90-day period, the Board may at any time direct the Commission to make a recommendation before the deadline established by the Board.

**State law reference-**Va. Code §§ 15.2-2280, 15.2-2284, 15.2-2285.

### **Sec. 33.6 Action by the Board of Supervisors.**

The Board of Supervisors shall act on a proposed zoning text amendment as follows:

- A. *Action.* The Board may either adopt the zoning text amendment, defer action to allow further amendments to the text to be made, not adopt the zoning text amendment, or refer the matter back to the Commission for further consideration and recommendation within the time for an action provided in subsection (C).
- B. *Factors to be considered.* In acting on a zoning text amendment, the Board shall reasonably consider the following factors: (i) the existing use and character of property; (ii) the Comprehensive Plan; (iii) the suitability of property for various uses; (iv) the trends of growth or change; (v) the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies; (vi) the community's transportation requirements; (vii) the requirements for airports, housing, schools, parks, playgrounds, recreation areas, and other public services; (viii) the conservation of natural resources; (ix) preserving flood plains; (x) protecting life and property from impounding structure failures; (xi) preserving agricultural and forestal land; (xii) conserving properties and their values; and (xiii) encouraging the most appropriate use of land throughout the County. The Board's failure to expressly consider all of these factors does not invalidate its action.
- C. *Time for action.* The Board shall act on a zoning text amendment within a reasonable period as may be necessary not to exceed 12 months after the first meeting at which it was considered by the Commission, unless the Board extends the 12 month period.

**State law reference-**Va. Code §§ 15.2-2280, 15.2-2284, 15.2-2285, 15.2-2286.

## **Division 2. Zoning Map Amendments Initiated by the County**

### **Sec. 33.7 Introduction.**

This division establishes the procedures and requirements for amending the zoning map when the proposed amendment is initiated by the County (as used in this division, a "zoning map amendment"). The Board of Supervisors may adopt a zoning map amendment whenever the public necessity, convenience, general welfare, or good zoning practice requires.

**State law reference-**Va. Code §§ 15.2-2280, 15.2-2284, 15.2-2285, 15.2-2286.

### **Sec. 33.8 Initiating a zoning map amendment.**

A zoning map amendment may be initiated by the County as follows:

- A. *By the Board of Supervisors.* The Board of Supervisors may initiate a zoning map amendment by adopting a resolution.
- B. *By the Planning Commission.* The Planning Commission may initiate a zoning map amendment by adopting either a motion or a resolution.

**State law reference-**Va. Code §§ 15.2-2285, 15.2-2286.

**Sec. 33.9 Work sessions, stakeholder meetings, community meetings, and other public engagement.**

The Director of Planning may schedule work sessions before the Board of Supervisors, the Commission, and the Architectural Review Board, if applicable. The Director is also authorized to hold stakeholder meetings, community meetings, and other forms of public engagement, as the Director determines to be appropriate or as directed by the Board of Supervisors or the Commission, to consider any proposed zoning map amendment initiated by the County.

**State law reference**-Va. Code §§ 15.2-2285, 15.2-2286.

**Sec. 33.10 Public hearings; notice.**

Public hearings on a proposed zoning map amendment are required as follows:

- A. *When public hearings are required.* The Commission shall hold at least one public hearing before it makes its recommendation to the Board of Supervisors. After the Board receives the recommendation from the Commission, it shall hold at least one public hearing before acting.
- B. *Notice of public hearings.* Notice of the public hearings shall be provided as follows:
  1. *Published and mailed notice.* The Department of Community Development shall provide notice of the public hearings before the Commission and the Board as required by Virginia Code §§ 15.2-2204 and 15.2-2285(C).
  2. *Posted notice.* The Department of Community Development shall post notice of the public hearings by posting one or more signs as follows:
    - a. *When a sign must be posted.* The sign shall be posted at least 21 days before the Commission's public hearing and shall remain posted until the Board has acted on the zoning map amendment.
    - b. *Where a sign is to be located.* The sign shall be erected within 10 feet of each boundary line of the parcel(s) that is the subject of the zoning map amendment abutting a street and shall be placed so that it is clearly visible from the street. If more than one street abuts the parcel(s), then either: (i) a sign shall be erected in the same manner as above for each abutting street; or (ii) if the area of the parcel(s) to be used if the zoning map amendment is approved is confined to a particular portion of the parcel(s), a sign erected in the same manner as above for the abutting street that is in closest proximity to, or would be impacted by, the proposed use. A sign need not be posted along Interstate 64 or along any abutting street if the sign would not be visible from that street. If no street abuts the parcel(s), then signs shall be erected in the same manner as above on at least two boundaries of the parcel(s) abutting land that is not subject to the zoning map amendment in locations that are most conspicuous to the public. Before posting a sign on a parcel, the Zoning Administrator shall obtain the consent of the owner to do so if the parcel is not owned by the County.
    - c. *Content of a sign.* Each sign shall state that the parcel(s) is subject to a public hearing and explain how to obtain additional information about the public hearing.
    - d. *Maintaining the sign.* The County shall endeavor to protect each sign from vandalism and theft, maintain each sign in an erect position in its posted location, and ensure that each sign remains legible.
    - e. *Ownership of a sign; violation for removing or tampering with a sign.* Each sign is the property of the County. It is unlawful for any person to remove or tamper with any sign, except the County or its employees or authorized agents performing maintenance required by this subsection.
    - f. *Effect of failure to comply.* If the Department of Community Development fails to post any sign required by this subsection (B)(2):
      1. *Prior to action by the Board.* The Board may defer acting on a zoning text amendment if it finds that the failure to comply with this subsection materially deprived the public of reasonable notice of the public hearing.
      2. *Action is not invalid.* Neither the Commission's recommendation nor the Board's approval of a zoning map amendment is invalid solely because of the failure to post notice as required by this subsection.

**State law reference**-Va. Code §§ 15.2-2204, 15.2-2285, 15.2-2286.

**Sec. 33.11 Recommendation by the Planning Commission.**

The Commission shall act on a proposed zoning map amendment as follows:

- A. *Recommendation.* The Commission shall either recommend approval of the zoning map amendment as proposed, approval of the zoning map amendment with recommended changes, or denial of the application.
- B. *Factors to be considered.* In making its recommendation, the Commission shall consider the same factors considered by the Board of Supervisors pursuant to section 33.12.
- C. *Time for recommendation.* The Commission shall make its recommendation on the proposed zoning map amendment within 90 days after the first Commission meeting at which it is considered. The failure of the Commission to make a recommendation on the matter within the 90-day period shall be deemed to be a recommendation of approval, unless the Commission extends the 90-day period.

**State law reference-**Va. Code §§ 15.2-2280, 15.2-2284, 15.2-2285, 15.2-2286.

**Sec. 33.12 Action by the Board of Supervisors.**

The Board of Supervisors shall act on a proposed zoning map amendment as follows:

- A. *Action.* The Board may either adopt the zoning map amendment, deny the application for a zoning map amendment, or refer the matter back to the Commission for further consideration and recommendation within the time for an action provided in subsection (C). The Board may not adopt a zoning map amendment allowing a more intensive use, or including more land, than was contained in the public notice without an additional public hearing after notice is provided pursuant to Virginia Code §§ 15.2-2204 and 15.2-2285(C).
- B. *Factors to be considered.* In acting on a zoning map amendment, the Board shall reasonably consider the following factors: (i) the existing use and character of property; (ii) the Comprehensive Plan; (iii) the suitability of property for various uses; (iv) the trends of growth or change; (v) the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies; (vi) the community's transportation requirements; (vii) the requirements for airports, housing, schools, parks, playgrounds, recreation areas, and other public services; (viii) the conservation of natural resources; (ix) preserving flood plains; (x) protecting life and property from impounding structure failures; (xi) preserving agricultural and forestal land; (xii) conserving properties and their values; and (xiii) encouraging the most appropriate use of land throughout the County. The Board's failure to expressly consider all of these factors does not invalidate its action.
- C. *Time for action.* The Board shall act on a zoning text amendment within a reasonable period as may be necessary, not to exceed 12 months after the first meeting at which it was considered by the Commission, unless the Board extends the 12 month period.

**State law reference-**Va. Code §§ 15.2-2280, 15.2-2284, 15.2-2285, 15.2-2286.

**Division 3. Zoning Map Amendments Initiated by an Owner**

**Sec. 33.13 Introduction.**

This division establishes the procedures and requirements for amending the zoning map when the amendment is initiated by an owner or other persons authorized by Section 33.15 (as used in this division, a "zoning map amendment"). The Board of Supervisors may adopt a zoning map amendment whenever the public necessity, convenience, general welfare, or good zoning practice requires.

**State law reference-**Va. Code §§ 15.2-2280, 15.2-2284, 15.2-2285, 15.2-2286.

**Sec. 33.14 Pre-application meeting.**

Any prospective applicant for a zoning map amendment shall request and hold a meeting with the Department of Community Development before filing an application to the County. This meeting is referred to as the "pre-application meeting."

- A. *Submitting information.* The applicant shall complete and submit information on County-provided forms before or during the pre-application meeting.
- B. *Purposes for a pre-application meeting.* The purposes for a pre-application meeting are to: (i) provide the applicant and the County a common understanding of the proposed project; (ii) inform the applicant about the proposed project's consistency with the Comprehensive Plan, other relevant policies, and County regulations; (iii) broadly identify the planning, zoning, and other issues raised by the application that need to be addressed by the applicant; (iv) inform the applicant about the applicable procedure; and (v) allow the Director of Planning to identify the information the applicant must submit with the application pursuant to Sections 33.16 through 33.19.
- C. *When a pre-application meeting is not required.* The Director may exercise discretion and decide

that a pre-application meeting is not required upon considering the following: (i) whether the proposed use, the proposed density, the proposed scale, potential impacts, and other relevant considerations applying sound zoning principles do not warrant a pre-application meeting; (ii) whether the information that may be required pursuant to Sections 33.16 through 33.19 can be identified without the meeting; (iii) whether the application would be one of a recurring nature for which the required information and the issues raised are well-established for the proposed application; and (iv) whether the application raises any complex issues that create the need for the meeting.

**State law reference**-Va. Code §§ 15.2-2285, 15.2-2286.

**Sec. 33.15 Application for a zoning map amendment.**

Each application for a zoning map amendment is subject to the following:

- A. *Who may file an application.* An owner, a contract purchaser with the owner's consent, or the owner's authorized agent may file an application for a zoning map amendment (collectively in this division, the "owner" or the "applicant"). In addition:
  1. *Amendments to existing proffers.* Proffers that have been accepted by the Board of Supervisors in conjunction with a zoning map amendment may be amended by a later zoning map amendment. An owner whose parcel is subject to proffers may apply to amend the proffers applicable solely to that owner's parcel. An application to amend proffers is subject to the procedures and requirements of this division, provided that the requirements described below may be waived if the proposed amendment solely pertains to amending proffers that do not affect conditions of use or density and, following consultation with the Director of Planning, the applicant submits a request to the Clerk of the Board before submitting its application for a zoning map amendment:
    - a. *Waiving the requirement for public hearings.* The Board may waive the requirement for a public hearing by the Commission or by the Board, or both, and the associated notice requirements, as otherwise required by this division; and, if the Board waives the requirement for a public hearing by the Commission, it also may waive the requirement for a recommendation from the Commission.
    - b. *Waiving procedural requirements.* The Board may waive one or more of the procedural requirements in Sections 33.14, 33.22, and 33.23.
    - c. *Waiving application requirements.* The Board may waive any supplemental information which may otherwise be required to be submitted with an application under Sections 33.16 through 33.19, and determine the number of copies of the application that must be filed.
  2. *Amendments to existing planned developments.* An owner within an existing planned development may apply for a zoning map amendment applicable solely to that owner's parcel if it would not result in or require: (i) a change in use, density, or intensity on any other parcel in the planned development; (ii) a change to any regulation in a code of development that would apply to any other parcel in the planned development; (iii) a change to any other owner's express obligation under a regulation in a code of development; or (iv) a change to the application plan that would apply to any other parcel in the planned development.
- B. *Who must sign an application.* The application shall be signed by the owner of each parcel that is the subject of the proposed zoning map amendment. In addition:
  1. *Amendments to existing proffers.* The signatures of the owners of any other parcels subject to the same proffers are not required when an owner applies to amend the proffers applicable solely to its parcel.
  2. *Amendments to existing planned developments.* The signatures of any other owners within an existing planned development are not required if the owner-applicant is eligible to apply for a zoning map amendment applicable solely its parcel as provided in subsection (A)(2).
- C. *Documentation regarding the authority to apply.* The Director of Planning may require the applicant to submit documentation establishing ownership of any parcel that is the subject of the application and the authority of each signatory to sign the application on behalf of the owner.
- D. *Application forms.* The Director of Planning may establish appropriate application forms for zoning map amendments. The application forms may identify the information required to be provided pursuant to Sections 33.16 through 33.19.
- E. *Information submitted with an application.* Each application shall include the information identified in Sections 33.16 through 33.19, as applicable, provided that the Director of Planning may, upon written request received from the owner, determine that the owner is not required to provide certain information, depending on: (i) the nature or extent of the proposed zoning map amendment; (ii) the proposed use; (iii) the proposed density; (iv) the proposed district; (v) whether the application is to

establish or amend a planned development district, including a neighborhood model district; and  
(vi) other considerations the Director determines to be relevant applying sound zoning principles.

**State law reference**-Va. Code §§ 15.2-2285, 15.2-2286, 15.2-2302.

**Sec. 33.16 Information submitted with application; all applications.**

Each application for a zoning map amendment shall include the following information:

- A. *Project proposal.* A narrative of the project proposal, including its public need or benefit.
- B. *Comprehensive Plan.* A narrative of the proposed project's consistency with the Comprehensive Plan, including the land use plan and the master plan for the applicable development area.
- C. *Impacts on public facilities and infrastructure.* A narrative of the proposed project's impacts on public facilities and public infrastructure.
- D. *Impacts on environmental features.* A narrative of the proposed project's impacts on environmental features.
- E. *Maps.* One or more maps showing the proposed project's regional context and existing natural and manmade physical conditions.
- F. *Recorded plat or boundary survey.* The most recently recorded plat of the parcel(s) composing the proposed project, or a boundary survey if a portion of one or more parcels compose the proposed project, both of which shall include a metes and bounds description of the boundaries.
- G. *Ownership information.* Documents that verify the identity of all record title owners of the parcel(s) composing the proposed project and documents identifying the authorized signatories of the application and all other related documents.
- H. *Contact person.* The name, address, telephone number, and email address of a single contact person for communications between the county and the applicant.
- I. *Payment of delinquent taxes and other charges.* Satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the parcel that is the subject of the application, that are owed to the County, and have been properly assessed against the parcel, have been paid.
- J. *Other information.* Other special studies or documentation, if applicable, and any other information identified as necessary by the County on the pre-application comment form.

**State law reference**-Va. Code §§ 15.2-2285, 15.2-2286.

**Sec. 33.17 Information submitted with application; conventional districts.**

In addition to the information that may be required by Section 33.16, each application for a zoning map amendment to establish or amend a conventional district shall include a conceptual plan showing, as applicable:

- A. *Street network.* The street network, including circulation within the project and connections to existing and proposed or planned streets within and outside of the project.
- B. *Cross-sections.* Typical street cross-sections to show proportions, scale and streetscape/cross-sections/circulation.
- C. *Pedestrian and bicycle facilities.* The general location of pedestrian and bicycle facilities.
- D. *Buildings and parking.* Building envelopes and parking envelopes.
- E. *Public areas.* Public spaces and amenities.
- F. *Conservation and preservation areas.* Areas to be designated as conservation areas and preservation areas.
- G. *Stormwater management.* Conceptual stormwater detention facility locations.
- H. *Grading.* Conceptual grading.

**State law reference**-Va. Code §§ 15.2-2285, 15.2-2286.

**Sec. 33.18 Information submitted with application; planned development districts, including neighborhood model districts.**

In addition to the information that may be required by Section 33.16, each application for a zoning map amendment to establish or amend a planned development district, including a neighborhood model district, shall include the following information:

- A. *Map.* If the application is to amend an existing planned development district and the proposed amendment would affect less area than the entire district, the applicant shall submit a map showing the entire existing planned development district. The map shall also identify any area to be added to or deleted from the district, or identify the area to which the amended application plan, code of development, proffers, or any special use permit or special exception would apply.
- B. *Application plan.* If the application is to establish a planned development district, including a neighborhood model district, or to amend an approved application plan for an existing district, the applicant shall submit an application plan showing, as applicable:
  - 1. *Street network.* The street network, including circulation within the project and connections to existing and proposed or planned streets within and outside of the project.
  - 2. *Cross-sections.* Typical street cross-sections to show proportions, scale, and streetscape/cross-sections/circulation.
  - 3. *Pedestrian and bicycle facilities.* The general location of pedestrian and bicycle facilities.
  - 4. *Buildings and parking.* Building envelopes and parking envelopes.
  - 5. *Public areas.* Public spaces and amenities.
  - 6. *Conservation and preservation areas.* Areas to be designated as conservation areas and preservation areas.
  - 7. *Stormwater management.* Conceptual stormwater detention facility locations.
  - 8. *Grading.* Conceptual grading.
  - 9. *Use table.* A use table delineating use types, the number of dwelling units, non-residential square footage, building stories and/or heights, build-to lines, setbacks and yards, and other features.
  - 10. *Topography.* Topography, using the County's geographic information system or more accurate topographical information, and the source of the topographical information, supplemented where necessary by spot elevations and areas of the site where there are existing steep slopes.
  - 11. *Water and sewer systems.* The general layout for water and sewer systems.
  - 12. *Central features and major elements.* The location of central features or major elements within the project essential to the design of the project, such as major employment areas, parking areas and structures, civic areas, parks, open space, green spaces, amenities, and recreation areas.
  - 13. *Development standards.* Development standards, including proposed yards, open space characteristics, and any landscape or architectural characteristics related to scale, proportions, and massing at the edge of the district.
  - 14. *Lot layout.* A conceptual lot layout.
  - 15. *Green spaces and amenities.* If the application is to establish a neighborhood model district, the location of proposed green spaces and amenities as provided in Section 20A.9.

**State law reference**-Va. Code §§ 15.2-2285, 15.2-2286.

**Sec. 33.19 Information submitted with application; neighborhood model districts.**

In addition to the information that may be required by Sections 33.16 and 33.18, if the application is to establish a neighborhood model district, the applicant shall provide the following information:

- A. *Statement.* A statement describing how the proposed district satisfies the intent of this chapter and, if one or more characteristics of the neighborhood model delineated in Section 20A.1 are missing from an application, the applicant shall justify why any characteristics cannot or should not be provided.
- B. *Neighborhood model principles.* A narrative explaining the project's consistency with the neighborhood model as described in the Comprehensive Plan.
- C. *Code of development.* A code of development satisfying the requirements of Section 20A.5.
- D. *Parking and loading needs study.* A parking and loading needs study that demonstrates parking needs and requirements. The study shall include strategies to address the parking needs and requirements, including phasing plans, parking alternatives as provided in Section 4.12.8, and transportation demand management strategies as provided in Section 4.12.12. The Director of

Planning may authorize the applicant to submit the parking and loading needs study in conjunction with the initial site plan for the development if the applicant shows to the Director's satisfaction that the uses that may occupy the buildings are not sufficiently known at the time of the zoning map amendment.

- E. *Stormwater management.* Strategies to establish shared stormwater management facilities, off-site stormwater management facilities, and the proposed phasing to establish stormwater management facilities.

**State law reference**-Va. Code §§ 15.2-2285, 15.2-2286.

**Sec. 33.20 Filing the application; determining completeness of the application; paying fees; resubmitting an application originally determined to be incomplete.**

Each application for a zoning map amendment shall be filed as follows:

- A. *Where to file.* The application shall be filed in the Department of Community Development.
- B. *Number of copies to file.* The Director of Planning may establish for each class of application the number of collated copies of the application required to be filed, to accept electronic applications for filing, or both.
- C. *Determining completeness of the application.* The Director of Planning shall review each filed application as follows:
1. *Timing of the determination of completeness.* The Director shall determine whether an application is complete within 10 days after the application was received. An application that provides all of the required information shall be determined to be complete and be accepted for review and decision. An application omitting any required information is incomplete and shall be deemed to not be filed and shall not be accepted for review and action.
  2. *Informing an applicant if the application is incomplete.* If the Director determines that an application is incomplete, he shall inform the applicant by letter identifying what information must be submitted in order for the application to be complete. The letter shall be sent by first class mail or, if consented to by the applicant in writing, by fax or email (collectively, "sent"), or be personally delivered. The letter shall be sent or personally delivered within 10 days after the application was received.
  3. *Effect if a timely determination is not made.* If the Director does not send or personally deliver the letter as provided in subsection (C)(2) within the 10-day period, the application shall be deemed to be complete, provided that: (i) the Director may require the applicant to later provide the omitted information within a period specified by the Director; and (ii) the Director may reject the application because it is incomplete if the applicant fails to timely provide the omitted information.
  4. *If an application is incomplete; submitting information.* If an application is incomplete, the applicant may submit all of the information identified in the letter provided in subsection (C)(2) within 90 days after the letter was sent or personally delivered. The Director shall review the information submitted to determine whether the application is complete as provided in this subsection (C). An incomplete application is void if the applicant fails to submit all of the information identified in the letter provided in subsection (C)(2) within 90 days after the letter was sent or personally delivered. If the applicant fails to timely submit the information identified in the letter, the applicant may proceed only by filing a new application.
- D. *Mailed notice that a complete application has been filed.* For zoning map amendments pertaining to a parcel subject to an open-space easement or a conservation easement, the Director of Planning shall provide written notice within 10 days after the application is determined to be complete to each holder of the open-space easement, other than the County, or the conservation easement. The notice shall be sent by first class mail. The notice shall inform the recipient that the application has been filed and describe the nature of the application. An action on an application shall not be declared invalid solely because of the failure to timely mail this notice.
- E. *Paying fees.* The applicant shall pay the fees required by Section 35.1 when the application is determined to be complete. The application shall not be reviewed, and any time by which action must be taken by the Commission or the Board of Supervisors shall not begin, until the applicant pays the fees.
- F. *When an application is determined to be complete; effect.* When the Director of Planning determines that the applicant has submitted all of the required information, it is determined to be complete, it is officially submitted for review and it is deemed to be referred to the Commission for the purpose of calculating the time in which action must be taken pursuant to Sections 33.26 and 33.27.

**State law reference**-Va. Code §§ 15.2-2285, 15.2-2286.

**Sec. 33.21 Studies identifying potential impacts of zoning map amendment.**

When the filed application is complete, the Director of Planning may require an applicant to submit studies identifying the nature and extent of potential impacts resulting from a proposed zoning map amendment. In addition:

- A. *Studies pertaining to particular impacts.* The following requirements apply to particular impacts:
  - 1. *Impacts on traffic, generally.* The Director may require a traffic study for any application for a zoning map amendment. The scope of the appropriate traffic study shall be determined by the County's transportation engineer in consultation with the Virginia Department of Transportation.
  - 2. *Impacts on public transportation facilities, public safety facilities, public school facilities, and public parks; zoning map amendments for new residential development or new residential uses.* For zoning map amendments that propose new residential development or new residential uses as defined in and subject to Virginia Code § 15.2-2303.4, studies that identify the impacts of the project on public transportation facilities, public safety facilities, public school facilities, and public parks. The studies shall identify impacts that are specifically attributable to the project and, for impacts to public facilities that are located outside of the project, shall also identify: (i) the extent to which the project creates a need, or an identifiable portion of a need, for one or more public facility improvements in excess of existing public facility capacity at the time of the zoning map amendment; and (ii) the extent to which the applicant or its successors would receive direct and material benefits from any proffer related to any public facility improvements.
- B. *Form and content of studies; authority of the Director of Planning.* The Director may establish the form and determine the required content of any study.
- C. *Time to submit studies.* The Director may establish deadlines by which any studies must be submitted by the applicant in order to provide County staff adequate time to review the study before scheduling the Commission's public hearing on the application.

**State law reference**-Va. Code §§ 15.2-2285, 15.2-2286, 15.2-2303, 15.2-2303.4.

**Sec. 33.22 Proffers.**

The Board of Supervisors may accept proffers pursuant to Virginia Code §§ 15.2-2303 and 15.2-2303.4 in conjunction with zoning map amendments as follows:

- A. *Purpose.* Proffers are reasonable conditions proposed by the applicant governing the use of parcels being rezoned. The conditions are in addition to the regulations in this chapter that apply to the district.
- B. *Form.* Proffers shall be in writing and be in a form that is approved by the County Attorney. The Director of Planning may provide applicants with a proffer statement form.
- C. *Proffers addressing impacts on public transportation facilities, public safety facilities, public school facilities, and public parks; zoning map amendments for new residential development or new residential uses.* For zoning map amendments that propose new residential development or new residential uses as defined in and subject to Virginia Code § 15.2-2303.4, any proposed proffers addressing the impacts resulting from the new residential development or new residential uses shall comply with the requirements of Virginia Code § 15.2-2303.4(C).
- D. *Time to submit.* The applicant shall submit proffers by the following deadlines:
  - 1. *Before the Commission's public hearing.* Proposed proffers, regardless of whether they are signed by the owners of all parcels subject to the zoning map amendment, shall be submitted to the Department of Community Development at least 14 days before the Commission's public hearing on the zoning map amendment.
  - 2. *Before the Board of Supervisors' public hearing.* Proposed proffers, signed by the owners of all parcels subject to the zoning map amendment, shall be submitted to the Department of Community Development before the Board's public hearing on the zoning map amendment. The Director of Planning may establish written guidelines that require signed proffers to be submitted a reasonable period of time prior to the public hearing to allow County officers and employees and members of the public a reasonable period of time to review the proffers.

**State law reference**-Va. Code §§ 15.2-2303, 15.2-2303.4.

**Sec. 33.23 Work sessions.**

The Director of Planning may schedule one or more work sessions before the Board of Supervisors, the Commission, and the Architectural Review Board ("ARB"), if applicable, on any application for a zoning map amendment, subject to the following:

- A. *Purposes for a work session.* The purposes for a work session are to present the proposed project to the Board, the Commission, or the ARB with the Department of Community Development's analysis of the major issues, seek direction from the Board, the Commission, or the ARB on their expectations in addressing those issues.
- B. *Factors to consider in requiring a work session.* When deciding whether to conduct a work session, the Director shall consider: (i) the nature of the approval requested; (ii) the acreage affected; (iii) the possible impacts that could result from an approved application; and (iv) any other factors deemed relevant upon applying sound zoning principles.
- C. *When an applicant's consent is required.* The applicant's consent to a work session is required if the work session would extend the time for action by the Commission or the Board beyond the deadlines in Sections 33.25 and 33.26.

**State law reference-**Va. Code §§ 15.2-2285, 15.2-2286.

#### **Sec. 33.24 Community meetings.**

The applicant shall schedule and conduct one or more community meetings on any application for a zoning map amendment, unless the requirement for a community meeting is waived as provided in subsection (B), subject to the following:

- A. *Purposes for a community meeting.* The purposes for a community meeting are to provide interested members of the public with the opportunity to receive information about the proposed project, the applicable procedure, the policies of the Comprehensive Plan, other relevant policies, and the regulations applicable to the proposed project, and to allow the public to ask questions about the proposed project.
- B. *Guidelines.* The Director of Planning shall establish written guidelines pertaining to notification of nearby landowners, scheduling, and conducting community meetings.
- C. *Community meeting may be waived; factors to consider.* The Director may waive the requirement for holding a community meeting. The community meeting may be waived when the Director, exercising reasonable discretion, decides that the meeting would not achieve the purposes for the meeting upon considering: (i) whether the application would be likely to generate any public concerns because of the nature of the approval requested, the acreage affected, the proposed density, the proposed scale, and the potential impacts; (ii) any other factors deemed relevant upon applying sound zoning principles; and (iii) whether the applicant has already held one or more community meetings regarding the application, making a community meeting under this section unnecessary.
- D. *Holding in conjunction with a citizen advisory committee meeting.* A community meeting may be held during a citizen advisory committee meeting.
- E. *When community meeting is to be held.* A community meeting shall be held prior to the first public hearing on the application for a zoning map amendment.
- F. *Additional community meetings.* The Director may require that an additional community meeting be held prior to a public hearing if a deferral has been requested and a project is resubmitted which is substantially different than the original project.

**State law reference-**Va. Code §§ 15.2-2285, 15.2-2286.

#### **Sec. 33.25 Public hearings; notice.**

Public hearings on an application for a zoning map amendment are required as follows:

- A. *When public hearings are required.* The Commission shall hold at least one public hearing before it makes its recommendation to the Board of Supervisors. After the Board receives the recommendation from the Commission, it shall hold at least one public hearing before acting.
- B. *Notice of public hearings.* Notice of the public hearings shall be provided as follows:
  - 1. *Published and mailed notice.* The Department of Community Development shall provide notice of the public hearings before the Commission and the Board as required by Virginia Code §§ 15.2-2204 and 15.2-2285(C).
  - 2. *Posted notice.* The Department of Community Development shall post notice of the public hearings by posting one or more signs as follows:
    - a. *When a sign must be posted.* The sign shall be posted at least 21 days before the Commission's public hearing and shall remain posted until the Board has acted on the application or the application has been withdrawn.
    - b. *Where a sign to be located.* The sign shall be erected within 10 feet of each boundary line of the parcel(s) that is the subject of the zoning map amendment abutting a street and shall be placed so that it is clearly visible from the street. If

more than one street abuts the parcel(s), then either: (i) a sign shall be erected in the same manner as above for each abutting street; or (ii) if the area of the parcel(s) to be used if the zoning map amendment is approved is confined to a particular portion of the parcel(s), a sign erected in the same manner as above for the abutting street that is in closest proximity to, or would be impacted by, the proposed use. A sign need not be posted along Interstate 64 or along any abutting street if the sign would not be visible from that street. If no street abuts the parcel(s), then signs shall be erected in the same manner as above on at least two boundaries of the parcel(s) abutting land that is not subject to the zoning map amendment in locations that are most conspicuous to the public. Before posting a sign on a parcel, the Zoning Administrator shall obtain the consent of the owner to do so if the parcel is not owned by the County.

- c. *Content of a sign.* Each sign shall state that the parcel(s) is subject to a public hearing and explain how to obtain additional information about the public hearing.
- d. *Maintaining the sign.* The applicant shall diligently protect each sign from vandalism and theft, maintain each sign in an erect position in its posted location, and ensure that each sign remains legible. The failure of an applicant to comply with these responsibilities may be cause for the Commission or the Board to defer action on an application until there is reasonable compliance with this subsection.
- e. *Ownership of a sign; violation for removing or tampering with sign.* Each sign is the property of the County. It is unlawful for any person to remove or tamper with any sign, except the applicant performing maintenance required by this subsection or the Zoning Administrator except the County or its employees or authorized agents performing maintenance required by this subsection.
- f. *Effect of failure to comply.* If the Department of Community Development fails to post any sign required by this subsection (B)(2):
  - 1. *Prior to action by the Board.* The Board may defer acting on an application if it finds that the failure to comply with this subsection materially deprived the public of reasonable notice of the public hearing.
  - 2. *Action is not invalid.* Neither the Commission's recommendation nor the Board's approval of a zoning map amendment is invalid solely because of the failure to post notice as required by this subsection.

**State law reference-**Va. Code §§ 15.2-2204, 15.2-2285, 15.2-2286.

#### **Sec. 33.26 Recommendation by the Planning Commission.**

The Commission shall act on an application for a zoning map amendment as follows:

- A. *Recommendation.* The Commission shall either recommend approval of the zoning map amendment as proposed, approval of the zoning map amendment with recommended changes, or disapproval. The Commission's recommendation also should include its recommendations on any proposed proffers and, for any application to establish or amend a planned development district, including a neighborhood model district, its recommendations on the application plan, the code of development, and any special exception requested.
- B. *Factors to be considered.* In making its recommendation, the Commission shall consider the same factors considered by the Board of Supervisors pursuant to Section 33.27.
- C. *Time for recommendation.* The Commission shall make its recommendation on the proposed zoning map amendment within 90 days after the application is determined to be complete. The failure of the Commission to make a recommendation on the matter within the 90-day period shall be deemed to be a recommendation of approval. The 90-day period may be extended if the applicant requests a deferral pursuant to Section 33.52.

**State law reference-**Va. Code §§ 15.2-2284, 15.2-2285, 15.2-2286.

#### **Sec. 33.27 Action by the Board of Supervisors.**

The Board of Supervisors shall act on an application for a zoning map amendment as follows:

- A. *Action.* The Board may either adopt the zoning map amendment, deny the application for a zoning map amendment, defer acting for a period of up to 36 months from the date the application was determined to be complete to allow changes to be made to the application by the applicant prior to action by the Board, or refer the matter back to the Commission for further consideration and recommendation within the time for an action provided in subsection (C).
  - 1. *Authority to accept proffers.* In approving an application for a zoning map amendment, the Board may accept the proposed proffers.
  - 2. *Intensification of use classification or expanding the land being rezoned is prohibited*

*without additional notice and hearing.* The Board may not adopt a zoning map amendment allowing a more intensive use, or including more land, than was contained in the public notice without an additional public hearing after notice is provided pursuant to Virginia Code §§ 15.2-2204 and 15.2-2285(C).

- B. *Factors to be considered.* In acting on a zoning map amendment, the Board shall reasonably consider the following factors: (i) the existing use and character of property; (ii) the Comprehensive Plan; (iii) the suitability of property for various uses; (iv) the trends of growth or change; (v) the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies; (vi) the community's transportation requirements; (vii) the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services; (viii) the conservation of natural resources; (ix) preserving flood plains; (x) protecting life and property from impounding structure failures; (xi) preserving agricultural and forestal land; (xii) conserving properties and their values; and (xiii) encouraging the most appropriate use of land throughout the County. The Board's failure to expressly consider all of these factors does not invalidate its action. In addition:
1. *Additional factors to be considered when acting on an application to establish planned development district, including a neighborhood model district.* In addition to the other factors relevant to the consideration of a zoning map amendment, the Board shall consider the following when it reviews an application to establish a planned development district, including a neighborhood model district: (i) whether the proposed planned development satisfies the purpose and intent of the planned development district; (ii) whether the area proposed to be rezoned is appropriate for a planned development under the Comprehensive Plan; and (iii) the relation of the proposed planned development to major roads, utilities, public facilities, and public services.
  2. *Additional factors to be considered when acting on an application to amend existing planned development district.* In addition to the other factors relevant to the consideration of a zoning map amendment, the Board shall consider the following when it reviews an application to amend an existing planned development district: (i) whether the proposed amendment reduces, maintains, or enhances the criteria of a planned development stated in Section 8.3; and (ii) the extent to which the proposed amendment impacts the other parcels within the planned development district.
- C. *Amendments to proposed proffers after the public hearing has begun.* The Board may accept, in its sole discretion, amended proffers after the public hearing on the zoning map amendment has begun if it concludes that the amended proffers do not materially affect the overall proposal. If amended proffers are submitted after the public hearing is closed, the Board may accept, in its sole discretion, the amended proffers after holding another public hearing.
- D. *Time for action.* The Board shall act on an application for a zoning map amendment within a reasonable period as may be necessary, not to exceed 12 months after the application was determined to be complete. The 12 month period may be extended if the applicant requests a deferral pursuant to Section 33.52.

**State law reference-**Va. Code §§ 15.2-2204, 15.2-2284, 15.2-2285, 15.2-2286, 15.2-2303.

**Sec. 33.28 Effect of approval of zoning map amendment; effect of proffers once accepted.**

The Board of Supervisors' adoption of a zoning map amendment constitutes acceptance of the proffers and also, for any application to establish or amend a planned development district, approval of the application plan, all standards of development, and the code of development. In addition:

- A. *Become part of zoning regulations.* The district designation, the accepted proffers, the approved application plan, the standards of development, and the code of development, are part of the zoning regulations applicable to the parcel(s) that was the subject of the zoning map amendment.
- B. *Effect of proffers once they are accepted.* Once proffered and accepted by the Board in conjunction with an adopted zoning map amendment, the proffers continue in effect until a subsequent zoning map amendment changes the zoning of the parcel(s) subject to the proffers; provided that the proffers continue in effect if the subsequent zoning map amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

**State law reference-**Va. Code §§ 15.2-2285, 15.2-2286, 15.2-2303.

**Sec. 33.29 Resubmitting a similar denied application within one year is prohibited.**

An owner may not submit an application for a zoning map amendment that is substantially the same as a denied application for a zoning map amendment for the same parcel(s) within one year after the date of the denial by the Board of Supervisors.

**State law reference-**Va. Code §§ 15.2-2285, 15.2-2286.

#### Division 4. Special Use Permits

##### Sec. 33.30 Introduction.

This division establishes the regulations and safeguards for filing, reviewing, and acting on applications for special use permits.

- A. *Power to grant special use permits is reserved by the Board of Supervisors.* The Board of Supervisors reserves the power to consider and approve or deny all applications for special use permits except as the power has been delegated to the Board of Zoning Appeals to consider and approve or deny applications for special use permits as provided in Section 34.5.
- B. *Matters eligible for a special use permit.* The Board may approve special use permits for those use classifications identified in the district regulations allowing identified uses by special use permit.

**State law reference-**Va. Code § 15.2-2286.

##### Sec. 33.31 Pre-application meeting.

Any prospective applicant for a special use permit shall request and hold a meeting with the Department of Community Development before filing an application with the Department. This meeting is referred to as the “pre-application meeting.”

- A. *Submitting information.* The applicant shall complete and submit information on County-provided forms before or during the pre-application meeting.
- B. *Purposes for a pre-application meeting.* The purposes for a pre-application meeting are to: (i) provide the applicant and the County a common understanding of the proposed project; (ii) inform the applicant about the proposed project’s consistency with the Comprehensive Plan, other relevant policies, and County regulations; (iii) broadly identify the planning, zoning, and other issues raised by the application that need to be addressed by the applicant; (iv) inform the applicant about the applicable procedure; and (v) allow the Director of Planning to identify the information the applicant must submit with the application pursuant to Section 33.33.
- C. *When a pre-application meeting is not required.* The Director of Planning, exercising reasonable discretion, may decide that the pre-application meeting would not achieve the purposes for the meeting upon considering the following: (i) whether the proposed use, the proposed density, the proposed scale and potential impacts, and other relevant considerations applying sound zoning principles do not warrant a pre-application meeting; (ii) whether the information delineated in section 33.33 can be identified without the meeting; (iii) whether the application would be one of a recurring nature for which the required information and the issues raised are well-established for the proposed application; and (iv) whether the application raises any complex issues that create the need for the meeting.

**State law reference-**Va. Code § 15.2-2286.

##### Sec. 33.32 Application for a special use permit.

Each application for a special use permit shall be filed as follows:

- A. *Who may file an application.* An owner, a contract purchaser with the owner’s consent, the owner’s authorized agent (collectively in this division, the “owner” or the “applicant”), or an eligible easement holder may file an application for a special use permit. An “eligible easement holder” is a holder of an easement for which the special use permit is sought for a use allowed by the deed of easement or equivalent instrument.
- B. *Who must sign an application.* The application shall be signed by the owner or the eligible easement holder of each parcel that is the subject of the special use permit.
- C. *Documentation regarding the authority to apply.* The Director of Planning may require the applicant to submit documentation establishing ownership of, or the easement interest in, any parcel that is the subject of the application and the authority of each signatory to sign the application on behalf of the owner or the eligible easement holder.
- D. *Application forms.* The Director of Planning may establish appropriate application forms for special use permits.
- E. *Information required to be submitted with an application.* Each application shall include the information identified in Section 33.33 required by the Director of Planning to be submitted. In determining what information the applicant must submit, the Director shall consider the proposed use and other relevant considerations applying sound zoning principles.

**State law reference-**Va. Code § 15.2-2286.

**Sec. 33.33 Information the Director of Planning may require to be submitted with application.**

The Director of Planning may require any of the following information to be submitted with an application for a special use permit:

- A. *Project proposal.* A narrative of the project proposal, including its public need or benefit.
- B. *Comprehensive plan.* A narrative of the proposed project's consistency with the Comprehensive Plan, including the land use plan and the master plan for the applicable development area.
- C. *Impacts on public facilities and infrastructure.* A narrative of the proposed project's impacts on public facilities and public infrastructure.
- D. *Impacts on environmental features.* A narrative of the proposed project's impacts on environmental features.
- E. *Maps.* One or more maps showing the proposed project's regional context and existing natural and manmade physical conditions.
- F. *Conceptual plan.* A conceptual plan showing, as applicable:
  - 1. *Street network.* The street network, including circulation within the project and connections to existing and proposed or planned streets within and outside of the project.
  - 2. *Cross-sections.* Typical street cross-sections to show proportions, scale, and streetscape/cross-sections/circulation.
  - 3. *Pedestrian and bicycle facilities.* The general location of pedestrian and bicycle facilities.
  - 4. *Buildings and parking.* Building envelopes and parking envelopes.
  - 5. *Public areas.* Public spaces and amenities.
  - 6. *Conservation and preservation areas.* Areas to be designated as conservation areas and preservation areas.
  - 7. *Stormwater management.* Conceptual stormwater detention facility locations.
  - 8. *Grading.* Conceptual grading.
- G. *Recorded plat or boundary survey.* The most recently recorded plat of the parcel(s) composing the proposed project, or a boundary survey if a portion of one or more parcels compose the proposed project, both of which shall include a metes and bounds description of the boundaries. If the applicant is an easement holder, also the most recently recorded easement plat showing the boundaries of the easement.
- H. *Ownership information.* Documents that verify the identity of all record title owners of the parcel(s) composing the proposed project and documents identifying the authorized signatories of the application and all other related documents.
- I. *Contact person.* The name, address, telephone number, and email address of a single contact person for communications between the County and the applicant.
- J. *Payment of delinquent taxes.* Satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on any parcel that is the subject of the application, that are owed to the County and have been properly assessed against the parcel, have been paid; provided that the payment of delinquent taxes, nuisance charges, stormwater management utility fees, or other charges shall not be required when the applicant for a special use permit is an easement holder.
- K. *Other information.* Other special studies or documentation, if applicable, and any other information identified as necessary by the County on the pre-application comment form.

**State law reference-**Va. Code § 15.2-2286.

**Sec. 33.34 Filing the application; determining completeness of the application; paying fees; resubmitting an application originally determined to be incomplete.**

Each application for a special use permit shall be filed as follows:

- A. *Where to file.* The application shall be filed with the Department of Community Development.
- B. *Number of copies to file.* The Director of Planning may establish for each class of application the number of collated copies of the application required to be filed, to accept electronic applications for filing, or both.

- C. *Determining completeness of the application.* The Director of Planning shall review each filed application as follows:
1. *Timing of the determination of completeness.* The Director shall determine whether an application is complete within 10 days after the application was received. An application that provides all of the required information shall be determined to be complete and be accepted for review and decision. An application omitting any required information is incomplete and shall be deemed to not be filed and shall not be accepted for review and action.
  2. *Informing an applicant if the application is incomplete.* If the Director determines that an application is incomplete, the Director shall inform the applicant by letter explaining the reasons why the application was rejected as being incomplete. The letter shall be sent by first class mail, or, if consented to by the applicant in writing, by fax or email (collectively, "sent"), or be personally delivered. The letter shall be sent or personally delivered within 10 days after the application was received.
  3. *Effect if a timely determination is not made.* If the Director does not send or personally deliver the letter as provided in subsection (C)(2) within the 10-day period, the application shall be determined to be complete, provided that: (i) the Director may require the applicant to later provide the omitted information within a period specified by the Director; and (ii) the Director may reject the application because it is incomplete if the applicant fails to timely provide the omitted information.
  4. *If an application is incomplete; submitting information.* If an application is incomplete, the applicant may submit all of the information identified in the letter provided in subsection (C)(2) within 90 days after the letter was sent or personally delivered. The Director shall review the information submitted to determine whether the application is complete as provided in this subsection (C). An incomplete application is void if the applicant fails to submit all of the information identified in the letter provided in subsection (C)(2) within 90 days after the letter was sent or personally delivered. If the applicant fails to timely submit the information identified in the letter, the applicant may proceed only by filing a new application.
- D. *Paying fees.* The applicant shall pay the fees required by Section 35.1 when the application is determined to be complete. The application shall not be further reviewed until the applicant pays the fees.
- E. *When an application is determined to be complete; effect.* When the Director of Planning determines that the applicant has submitted all of the required information, it is determined to be complete, and it is officially submitted for review for the purpose of calculating the time in which action must be taken pursuant to Sections 33.39 and 33.40.
- F. *Mailed notice to the owner that an application for a special use permit has been filed by an easement holder.* The Department of Community Development shall provide written notice to the owner of the parcel for which a special use permit is sought when an application is filed by an eligible easement holder. The notice shall be provided within 10 days after the application for the special use permit is determined to be complete. The notice shall be sent by first class mail. The notice shall inform the recipient that the application has been filed and describe the nature of the application. An action on an application shall not be declared invalid solely because of the failure to timely mail this notice.
- G. *Mailed notice to certain easement holders that an application for a special use permit has been filed.* For special use permit applications pertaining to a parcel subject to an open-space easement or a conservation easement, the Director of Planning shall provide written notice within 10 days after the application is determined to be complete to each holder of the open-space easement, other than the County, or the conservation easement. The notice shall be sent by first class mail. The notice shall inform the recipient that the application has been filed and describe the nature of the application. An action on an application shall not be declared invalid solely because of the failure to timely mail this notice.

**State law reference-**Va. Code § 15.2-2286.

**Sec. 33.35 Studies identifying potential impacts of special use permit.**

When the filed application is complete, the Director of Planning may require an applicant to submit studies identifying the nature and extent of potential impacts resulting from a proposed special use permit.

**State law reference-**Va. Code § 15.2-2286.

**Sec. 33.36 Work sessions.**

The Director of Planning may schedule one or more work sessions before the Board of Supervisors, the Commission, and the Architectural Review Board ("ARB"), if applicable, on any application for a zoning map amendment, subject to the following:

- A. *Purposes for a work session.* The purposes for a work session are to present the proposed project to the Board, the Commission, or the ARB with the Department of Community Development's analysis of the major issues, seek direction from the Board, the Commission, or the ARB on their expectations in addressing those issues.
- B. *Factors to consider in requiring a work session.* When deciding whether to conduct a work session, the Director shall consider: (i) the nature of the approval requested; (ii) the acreage affected; (iii) the possible impacts that could result from an approved application; and (iv) any other factors deemed relevant upon applying sound zoning principles.
- C. *When an applicant's consent is required.* The applicant's consent to a work session shall be required if the work session would extend the time for action by the Commission or the Board beyond the deadlines in Sections 33.39 and 33.40.

**State law reference-**Va. Code § 15.2-2286.

#### **Sec. 33.37 Community meetings.**

The applicant shall schedule and conduct one or more community meetings on any application for a special use permit, unless the requirement for a community meeting is waived as provided in subsection (B), subject to the following:

- A. *Purposes for a community meeting.* The purposes for a community meeting are to provide interested members of the public with the opportunity to receive information about the proposed project, the applicable procedure, the policies of the Comprehensive Plan and other relevant policies, and the regulations applicable to the proposed project, and to allow the public to ask questions about the proposed project.
- B. *Guidelines.* The Director of Planning shall establish written guidelines pertaining to notification of nearby landowners, scheduling, and conducting community meetings.
- C. *Community meeting may be waived; factors to consider.* The Director may waive the requirement for holding a community meeting. The community meeting may be waived when the Director, exercising reasonable discretion, decides that the meeting would not achieve the purposes for the meeting upon considering: (i) whether the application would be likely to generate any public concerns because of the nature of the approval requested, the acreage affected, the proposed density, the proposed scale, and the potential impacts; (ii) any other factors deemed relevant upon applying sound zoning principles; and (iii) whether the applicant has already held one or more community meetings regarding the application, making a community meeting under this section unnecessary.
- D. *Holding in conjunction with a citizen advisory committee meeting.* A community meeting may be held during a citizen advisory committee meeting.
- E. *When community meeting is to be held.* A community meeting shall be held prior to the first public hearing on the application for a zoning map.
- F. *Additional community meetings.* The Director may require that an additional community meeting be held prior to a public hearing if a deferral has been requested and a project is resubmitted which is substantially different than the original project.

**State law reference-**Va. Code § 15.2-2286.

#### **Sec. 33.38 Public hearings; notice.**

Public hearings on an application for a special use permit are required as follows:

- A. *When public hearings are required.* The Commission shall hold at least one public hearing before it makes its recommendation to the Board of Supervisors. After the Board receives the recommendation from the Commission, it shall hold at least one public hearing before acting.
- B. *Notice of public hearings.* Notice of the public hearings shall be provided as follows:
  - 1. *Published and mailed notice.* The Department of Community Development shall provide notice of the public hearing before the Commission and the Board as required by Virginia Code § 15.2-2204(A) and (B), as otherwise required for a zoning map amendment, and Virginia Code § 15.2-2204(C).
  - 2. *Posted notice.* The Department of Community Development shall post notice of the public hearings before the Commission and the Board as follows:
    - a. *When a sign must be posted.* The sign shall be posted at least 21 days before the Commission's public hearing on the application and shall remain posted until the Board has acted on the application or the application has been withdrawn.
    - b. *Where a sign is to be located.* The sign shall be erected within 10 feet of each boundary line of the parcel(s) that is the subject of the special use permit abutting

a street and shall be placed so that it is clearly visible from the street. If more than one street abuts the parcel(s), then either: (i) a sign shall be erected in the same manner as above for each abutting street; or (ii) if the area of the parcel(s) to be used if the zoning map amendment is approved is confined to a particular portion of the parcel(s), a sign erected in the same manner as above for the abutting street that is in closest proximity to, or would be impacted by, the proposed use. A sign need not be posted along Interstate 64 or along any abutting street if the sign would not be visible from that street. If no street abuts the parcel(s), then signs shall be erected in the same manner as above on at least two boundaries of the parcel(s) abutting land that is not subject to the zoning map amendment in locations that are most conspicuous to the public. Before posting a sign on a parcel, the Zoning Administrator shall obtain the consent of the owner to do so if the parcel is not owned by the County.

- c. *Content of a sign.* Each sign shall state that the parcel(s) is subject to a public hearing and explain how to obtain additional information about the public hearing.
- d. *Maintaining the sign.* The applicant shall diligently protect each sign from vandalism and theft, maintain each sign in an erect position in its posted location, and ensure that each sign remains legible. The failure of an applicant to comply with these responsibilities may be cause for the Commission or the Board to defer action on an application until there is reasonable compliance with this subsection.
- e. *Ownership of a sign; violation for removing or tampering with sign.* Each sign is the property of the County. It is unlawful for any person to remove or tamper with any sign, except the applicant performing maintenance required by this subsection or the Zoning Administrator.
- f. *Effect of failure to comply.* If the Department of Community Development fails to post any sign required by this subsection (B)(2):
  - 1. *Prior to action by the Board.* The Board may defer acting on an application if it finds that the failure to comply with this subsection materially deprived the public of reasonable notice of the public hearing.
  - 2. *Action is not invalid.* Neither the Commission's recommendation nor the Board's approval of a zoning map amendment is invalid solely because of the failure to post notice as required by this subsection.

**State law reference-**Va. Code §§ 15.2-2204, 15.2-2286.

#### **Sec. 33.39 Recommendation by the Planning Commission.**

The Commission shall act on an application for a special use permit as follows:

- A. *Recommendation.* The Commission shall either recommend approval of the application as proposed, approval of the application with changes to be made prior to action on the application by the Board of Supervisors, or denial of the application.
- B. *Factors to be considered.* In making its recommendation, the Commission shall consider the same factors considered by the Board under Section 33.40.
- C. *Conditions.* The Commission's recommendation should include its recommendations on any proposed conditions, applying the same criteria applied by the Board under section 33.40.
- D. *Time for recommendation.* The Commission shall make its recommendation on the application within 90 days after the application is determined to be complete. The failure of the Commission to make a recommendation on the matter within the 90-day period shall be deemed to be a recommendation of approval. The 90-day period may be extended if the applicant requests a deferral pursuant to Section 33.52.

**State law reference-**Va. Code § 15.2-2286.

#### **Sec. 33.40 Action by the Board of Supervisors.**

The Board of Supervisors shall act on an application for a special use permit as follows:

- A. *Action.* The Board may either approve the special use permit, deny the application, or defer action to either allow changes to be made to the application or any proposed conditions prior to final action by the Board, or to refer the matter back to the Commission for further consideration and recommendation within the time for an action provided in subsection (D).
- B. *Factors to be considered.* In acting on a special use permit, the Board shall consider the following factors, provided that the Board is not required to make specific findings in support of its action:
  - 1. *No substantial detriment.* Whether the proposed special use will be a substantial detriment to adjacent parcels.

2. *Character of the nearby area is unchanged.* Whether the character of the adjacent parcels and the nearby area will be changed by the proposed special use.
3. *Harmony.* Whether the proposed special use will be in harmony with the purpose and intent of this chapter, with the uses permitted by right in the district, with the regulations provided in Section 5 as applicable, and with the public health, safety, and general welfare.
4. *Consistency with the Comprehensive Plan.* Whether the proposed special use will be consistent with the Comprehensive Plan.
- C. *Conditions.* In approving a special use permit, the Board may impose reasonable conditions to address any possible impacts of the special use. Except as the Board may specify in a particular case, any condition imposed on a special use shall be deemed to be essential and nonseverable from the permit itself. Any condition determined to be unreasonable, invalid, void, or unlawful shall invalidate the special use permit. The conditions may pertain to, but are not limited to, the following:
  1. Preventing or minimizing smoke, dust, noise, traffic congestion, flood, and other hazardous, deleterious or otherwise undesirable substances or conditions.
  2. Providing adequate police and fire protection.
  3. Providing adequate improvements pertaining to transportation, water, sewage, drainage, recreation, landscaping, and screening or buffering.
  4. Establishing special requirements relating to building setbacks, front, side, and rear yards, off-street parking, ingress and egress, hours of operation, outside storage of materials, duration and intensity of use, building heights, and other particular aspects of occupancy or use.
  5. The period by which the use or the construction of any structure required for the use must begin.
  6. The materials and methods of construction or specific design features; provided that any condition imposed in connection with a residential special use permit: (i) shall be consistent with the objective of providing affordable housing if the applicant proposes affordable housing; and (ii) shall consider the impact of the condition on the affordability of housing.
- D. *Time for action.* The Board shall act on an application for a special use permit within a reasonable period not to exceed nine months after the date the Commission made its recommendation on the application. The 12 month period may be extended if the applicant requests a deferral pursuant to Section 33.52.

**State law reference**-Va. Code § 15.2-2286.

#### **Sec. 33.41 Revoking a special use permit for noncompliance with conditions.**

The Board of Supervisors may revoke a special use permit if it determines, after a public hearing, that the permittee or any successor has not complied with any conditions of the permit. Notice of the public hearing shall be as provided in Section 33.38. The written notice given by the Clerk of the Board to the owners, their agents, or the occupants of abutting parcels and parcels immediately across the street from the parcel(s) subject to the special use permit may be given by first-class mail rather than by registered or certified mail.

**State law reference**-Va. Code §§ 15.2-2204, 15.2-2286.

#### **Sec. 33.42 Resubmitting a similar denied application within one year is prohibited**

An owner may not submit an application for a special use permit that is substantially the same as a denied application for a special use permit for the same parcel(s) within one year after the date of the denial by the Board of Supervisors.

**State law reference**-Va. Code § 15.2-2286.

### **Division 5. Special Exceptions**

#### **Sec. 33.43 Introduction.**

This division establishes the regulations and safeguards for filing, reviewing, and acting on applications for special exceptions.

- A. *Power to grant special exceptions is reserved by the Board of Supervisors.* The Board of Supervisors reserves the power to consider and approve or deny all applications for special exceptions.

- B. *Matters eligible for a special exception.* The Board may approve special exceptions to waive, modify, vary, or substitute any requirement of this chapter that is expressly authorized to be waived, modified, varied, or substituted.
- C. *Variations and exceptions distinguished.* A special exception is not required for any matter that may be varied or excepted under Section 32 or Chapter 14, or for developing and constructing residential dwellings at the use, height, and density permitted by right in the applicable district as provided by Virginia Code § 15.2-2288.1.

**State law reference**-Va. Code § 15.2-2286.

**Sec. 33.44 Application for a special exception.**

Each application for a special exception shall be filed as follows:

- A. *Who may file an application.* An owner, a contract purchaser with the owner's consent, the owner's authorized agent (collectively in this division, the "owner" or the "applicant"), or an eligible easement holder may file an application for a special exception permit. An "eligible easement holder" is a holder of an easement for which the special exception is sought that pertains to a use allowed by the deed of easement or equivalent instrument.
- B. *Who must sign an application.* The application shall be signed by the owner or the eligible easement holder of each parcel that is the subject of the special exception.
- C. *Documentation regarding the authority to apply.* The Director of Planning may require the applicant to submit documentation establishing ownership of, or the easement interest in, any parcel that is the subject of the application and the authority of each signatory to sign the application on behalf of the owner or the eligible easement holder.
- D. *Application forms.* The Director of Planning may establish appropriate application forms for special exceptions.
- E. *Information required to be submitted with an application.* Each application shall include the information required by the applicable section of this chapter authorizing the waiver, modification, variation, or substitution.

**State law reference**-Va. Code § 15.2-2286.

**Sec. 33.45 Filing the application; determining completeness of the application; paying fees; resubmitting an application originally determined to be incomplete.**

Each application for a special exception shall be filed as follows:

- A. *Where to file.* The application shall be filed with the Department of Community Development.
- B. *Number of copies to file.* The Director of Planning may establish for each class of application the number of collated copies of the application required to be filed, to accept electronic applications for filing, or both.
- C. *Determining completeness of the application.* The Director of Planning shall review each filed application as follows:
  - 1. *Timing of the determination of completeness.* The Director shall determine whether an application is complete within 10 days after the application was received. An application that provides all of the required information shall be determined to be complete and be accepted for review and decision. An application omitting any required information is incomplete and shall be deemed to not be filed and shall not be accepted for review and action.
  - 2. *Informing an applicant if the application is incomplete.* If the Director determines that an application is incomplete, the Director shall inform the applicant by letter explaining the reasons why the application was rejected as being incomplete. The letter shall be sent by first class mail, or, if consented to by the applicant in writing, by fax or by email (collectively, "sent"), or be personally delivered. The letter shall be sent or personally delivered within 10 days after the application was received.
  - 3. *Effect if a timely determination is not made.* If the Director does not send or personally deliver the notice as provided in subsection (C)(2) within the 10-day period, the application shall be deemed to be complete, provided that: (i) the Director may require the applicant to later provide the omitted information within a period specified by the Director; and (ii) the Director may reject the application as provided herein if the applicant fails to timely provide the omitted information.
  - 4. *If an application is incomplete; submitting information.* If an application is incomplete, the applicant may submit all of the information identified in the letter provided in subsection (C)(2) within 90 days after the letter was sent or personally delivered. The Director shall review the information submitted to determine whether the application is complete as

provided in this subsection (C). An incomplete application is void if the applicant fails to submit all of the information identified in the letter provided in subsection (C)(2) within 90 days after the letter was sent or personally delivered. If the applicant fails to timely submit the information identified in the letter, the applicant may proceed only by filing a new application.

- D. *Paying fees.* The applicant shall pay the fees required by Section 35.1 when the application is determined to be complete. The application shall not be further reviewed until the applicant pays the fees.
- E. *When an application is determined to be complete; effect.* When the Director of Planning determines that the applicant has submitted all of the required information, it is determined to be complete, and it is officially submitted for review for the purpose of calculating the time in which action must be taken pursuant to Sections 33.48 and 33.49.
- F. *Mailed notice to the owner that an application for a special exception has been filed by an easement holder.* The Department of Community Development shall provide written notice to the owner of the parcel for which a special exception is sought when an application is filed by an eligible easement holder. The notice shall be provided within 10 days after the application for the special exception is determined to be complete. The notice shall be sent by first class mail. The notice shall inform the recipient that the application has been filed and describe the nature of the application. An action on an application shall not be declared invalid solely because of the failure to timely mail this notice.
- G. *Mailed notice to certain easement holders that an application for a special exception has been filed.* For special exception applications pertaining to a parcel subject to an open-space easement or a conservation easement, the Director of Planning shall provide written notice within 10 days after the application is determined to be complete to each holder of the open-space easement, other than the County, or the conservation easement. The notice shall be sent by first class mail. The notice shall inform the recipient that the application has been filed and describe the nature of the application. An action on an application shall not be declared invalid solely because of the failure to timely mail this notice.

**State law reference-**Va. Code § 15.2-2286.

#### **Sec. 33.46 Studies identifying potential impacts of special exception.**

When the filed application is complete, the Director of Planning may require an applicant to submit studies identifying the nature and extent of potential impacts resulting from a proposed special exception.

**State law reference-**Va. Code § 15.2-2286.

#### **Sec. 33.47 Public hearings; when required; notice.**

Public hearings on an application for a special exception are required as follows:

- A. *When public hearings are required.* The Commission and the Board of Supervisors shall each hold at least one public hearing on any application for a special exception that would increase by greater than 50 percent the bulk or height of an existing or proposed building within one-half mile of an adjoining locality.
- B. *When the Board of Supervisors may elect to have the Commission make a recommendation on the application and to hold one or more public hearings.* When public hearings are not required under subsection (A), the Board may elect, either by policy or for an individual application, to have the Commission first make a recommendation on the application for a special exception and for either the Commission or itself to hold one or more public hearings.
- C. *Notice of public hearings.* When public hearings are required under subsection (A), the Department of Community Development shall provide notice of the public hearings before the Commission and the Board pursuant to Virginia Code § 15.2-2204(C).

**State law reference-**Va. Code §§ 15.2-2204, 15.2-2286.

#### **Sec. 33.48 Recommendation by the Planning Commission when required.**

The Commission shall act on an application for a special exception as follows:

- A. *When a Commission recommendation is required.* The Commission is required to act on an application for a special exception only if a public hearing on the application is required by Section 33.47(A) or the Board of Supervisors elects to have the Commission consider the application under Section 33.47(B).
- B. *Recommendation.* The Commission shall either recommend approval of the application as proposed, approval of the application with changes to be made prior to action on the application by the Board, or denial of the application.

- C. *Factors to be considered.* In making its recommendation, the Commission shall consider the factors, standards, criteria, and findings, however denominated, in the applicable sections of this chapter.
- D. *Conditions.* The Commission's recommendation should include its recommendations on the proposed conditions.
- E. *Time for a recommendation.* The Commission shall make its recommendation on the application within 45 days after the application is determined to be complete. The failure of the Commission to make a recommendation on the matter within the 45-day period shall be deemed to be a recommendation of approval. The 45-day period may be extended if the applicant requests a deferral pursuant to Section 33.52.

**State law reference-**Va. Code § 15.2-2286.

#### **Sec. 33.49 Action by the Board of Supervisors.**

The Board of Supervisors shall act on an application for a special exception as follows:

- A. *Action.* The Board may either approve the application, deny the application, or defer action to either allow changes to be made to the application or any proposed conditions prior to final action by the Board, or to refer the matter to the Commission for further consideration and recommendation within the time for an action provided in subsection (D).
- B. *Factors to be considered.* In acting on a special exception, the Board shall consider the factors, standards, criteria, and findings, however denominated, in the applicable sections of this chapter, provided that the Board shall not be required to make specific findings in support of its action.
- C. *Conditions.* In approving a special exception, the Board may impose reasonable conditions to address any possible impacts of the special exception. Except as the Board may specify in a particular case, any condition imposed on a special exception shall be deemed to be essential and nonseverable from the special exception itself. Any condition determined to be unreasonable, invalid, void, or unlawful shall invalidate the special exception.
- D. *Time for action.* The Board shall act on an application for a special exception within 90 days after the application is determined to be complete. The 90-day period may be extended if the applicant requests a deferral pursuant to Section 33.52.

**State law reference-**Va. Code § 15.2-2286.

#### **Sec. 33.50 Revoking a special exception for noncompliance with conditions**

The Board of Supervisors may revoke a special exception if the Board determines, after a public hearing, that the permittee or any successor has not complied with any conditions of the special exception. Notice of the public hearing shall be as provided in Virginia Code § 15.2-2204. The written notice given by the Clerk of the Board to the owners, their agents, or the occupants of abutting parcels and parcels immediately across the street from the parcel(s) subject to the special exception may be given by first-class mail rather than by registered or certified mail.

**State law reference-**Va. Code §§ 15.2-2204, 15.2-2286.

#### **Sec. 33.51 Resubmitting a similar denied application within one year is prohibited.**

An owner may not submit an application for a special exception that is substantially the same as a denied application for a special exception for the same parcel(s) within one year after the date of the denial by the Board of Supervisors.

**State law reference-**Va. Code § 15.2-2286.

### **Division 6. Deferring Action and Withdrawing an Application**

#### **Sec. 33.52 Deferring action.**

After submitting an application but before action by the Board of Supervisors, an applicant for a zoning map amendment, special use permit, or special exception may request a deferral as follows:

- A. *Request for deferral on applications submitted on and after September 5, 2018.* For any application submitted on and after September 5, 2018, the applicant may request that the County suspend review of the application and extend the time period for action by the Commission or the Board (the terms "suspend review" and "extend the tie for action" are collectively referred to as a "deferral" or a variation of that word) as follows:
  - 1. *Request for deferral.* The applicant shall submit the written request to defer to the Director of Planning. The request shall state the date by which the applicant requests the Board will act on the application, which may not exceed 36 months after the date the application was determined to be complete.

2. *Limitation.* The application may not be in a state of deferral beyond 32 months after the date the application was determined to be complete if the Commission has not yet held a public hearing on the application; and further provided that the application may not be in a state of deferral beyond 33 months after the date the application was determined to be complete if the Commission has held a public hearing and made a recommendation on the application.
3. *Effect of receiving request.* Upon the Director of Planning receiving a request for a deferral, review of the application shall stop and any advertised public hearing shall be cancelled. However, an applicant may resubmit information for review according to the published schedule established by the Director in anticipation of action by the Board before the deferral period ends.
- B. *Request for deferral on applications submitted more than 36 months before September 5, 2018.* For any application submitted more than 36 months before September 5, 2018, the applicant shall submit a written request to defer to the Director within 30 days after the applicant receives written notice from the Director about the requirements of this subsection. The Board shall act on the application within 12 months after September 5, 2018,
- C. *Request for deferral on applications submitted less than 36 months before September 5, 2018.* For any application submitted less than 36 months before September 5, 2018, the applicant shall submit a written request to defer to the Director within 30 days after the applicant receives written notice from the Director about the requirements of this subsection. The Board shall act on the application within the 36-month period or a reasonable period of time beyond the 36-month period required to complete the review of the application and to hold any required public hearings,

**State law reference-**Va. Code § 15.2-2286.

#### **Sec. 33.53 Requesting action after deferral.**

After the applicant's request for a deferral is granted by the Director of Planning, the applicant is responsible for requesting action by the Commission or the Board of Supervisors as follows:

- A. *Request for action by the Commission.* When the applicant is ready for action by the Commission, the applicant shall make a written request to the Director of Planning and submit all information necessary for action according to the published schedule established by the Director.
- B. *Request for action by the Board of Supervisors.* When the applicant is ready for action by the Board, the applicant shall make a written request to the Director of Planning and submit all information necessary for action according to the published schedule established by the Director.
- C. *When the request for action must be received.* The written request shall be received by the Director no later than 120 days before the end of the deferral period.
- D. *Action on an application by the Board of Supervisors.* The Board may act on the application at any time before the end of the deferral period; provided that the Board may act on the application as soon thereafter as: (i) the Commission has held a public hearing and made a recommendation; and (ii) County staff has had sufficient time to analyze the application and satisfy all public notice requirements. On any application pending before the Board, the Director of Planning shall coordinate scheduling the application for public hearing or action, or both, with the Clerk of the Board.
- E. *Extension of action beyond the end of the deferral period in extenuating circumstances.* The time for action may be extended beyond the end of the deferral period if there are extenuating circumstances which include, but are not limited to, inclement weather, civil emergencies, or errors in providing public notice as required by State law.

**State law reference-**Va. Code § 15.2-2286.

#### **Sec. 33.54 Withdrawing an application.**

An applicant for a zoning map amendment, special use permit, or special exception may request that its application be withdrawn, or an application may be deemed withdrawn, as follows:

- A. *Withdrawing an application.* An applicant for a zoning map amendment, special use permit, or special exception may request that its application be withdrawn by submitting a written request to withdraw the application as follows:
  1. *To whom the request is to be sent.* The written request must be sent to the Director of Planning. If the application is pending before the Board of Supervisors at the time the request is received, the Director shall immediately inform the Clerk of the Board of the request.
  2. *When the request must be received.* The request must be received by the Director or the Clerk before the Commission or the Board, as applicable, begins to consider the application on a meeting agenda.

3. *Effect of timely receipt of request to withdraw.* When the request to withdraw is received, the application shall not be further processed or reviewed by County staff, nor acted on by the Commission or the Board.
  4. *Resubmitting a similar withdrawn application within one year prohibited.* An owner may not submit an application that is substantially the same as a withdrawn application for the same parcel(s) within one year after the date of the withdrawal.
- B. *When an application is deemed withdrawn.* An application shall be deemed to be voluntarily withdrawn if the applicant requests deferral pursuant to subsection 33.52(A) and fails to provide within 90 days before the end of the deferral period all of the information required to allow the Board to act on the application, or fails to request a deferral as provided in subsection 33.52(B) or (C).

**State law reference**-Va. Code § 15.2-2286.

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Agenda Item No. 23. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Gallaway said Board members were recently asked to provide items for a legislative agenda and asked when he should be prepared to discuss the matter with the Board. Mr. Kamptner replied that September 12, 2018 is the first work session when the matter can be discussed and there will be additional work sessions when matters can be brought forward. He emphasized that once the Board provides direction on matters, staff wants to reach out to the local delegation and brief them on what is being considered well in advance of the meeting with legislators in late November/early December.

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Ms. Palmer said that she and Mr. Randolph serve on the committee working with the Albemarle Conservation Easement Authority on the distillery issue and continue to meet with representatives from the ACEA and Mr. Andy Herrick, of the County Attorney's office, and hope to complete this soon. She remarked that they are all on the same wavelength with respect to the discussions.

Mr. Randolph added that Mr. Herrick has been an absolute stalwart in persisting and persevering through this. He said the owner of the property has retained a different attorney which triggered a renewal of the committee meeting, and Mr. Herrick's letter reiterated the understanding of the Board that he and Ms. Palmer conveyed. He said that hopefully this was the County's final declaration of intention.

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Mr. Randolph announced that he has joined the CORE program and would receive training along with pipeline and gas distribution companies and first responders on the simulated release of natural gas on September 25, 2018. He said he thought it appropriate to attend this training since he sits on the Hazardous Waste Committee. He will bring his certificate and display it.

Ms. Palmer said she looks forward to Mr. Randolph sharing information on the training.

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Ms. McKeel praised the recycling video as a great educational tool and asked if they could create a similar video on composting. Ms. Palmer replied affirmatively.

Ms. McKeel asked Supervisors if they were still receiving complaints about mail delivery. She said she receives her mail but there are pockets that are not getting theirs for days and/or weeks. Ms. Palmer said she has received several calls.

Mr. Kamptner said that in his area of Dunlora they go four days without mail.

Ms. McKeel asked if there is a way they could encourage Albemarle County Service Authority, Rivanna Water and Sewer Authority and the Virginia Department of Transportation to better coordinate their work with one another as it is a shame that roads are dug up, then resurfaced, and then dug up again.

Ms. Palmer agreed to bring this up at the next meeting of RWSA as representatives from the City, County, and the ACSA would be present.

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Mr. Randolph reported that the new water storage tank behind East Rivanna Volunteer Fire Company is almost complete. He said this will serve as a backup in case the water line is separated.

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Ms. Mallek said the Coalition Against Bigger Trucks has been lingering around them Congress; the trucking industry is lobbying Congress to allow up to 99 feet of trailers. She said the General Assembly directed VDOT to conduct a study on the impact of having a pilot. She said she will attend a meeting on September 13, 2018 and inform the Board of what occurs in the meeting.

Ms. Mallek recalled that a year ago they were excited at the prospect of having photovoltaic arrays at the landfill and were told they could not because they would not be able to use adjacent power. She said that Ms. Kathy Tran, of Arlington, and Mr. Jeff McKay, of Fairfax, are crafting bills and seeking

support to allow municipalities to use adjacencies or put energy to use wherever they can for solar projects on their own buildings, i.e., schools, public buildings, fire houses, etc.

Ms. Mallek reminded the Board that last year she worried about the Hugo Bill which would make wineries and agritourism agencies non-conforming uses, which meant that none of them could do anything ever again. She said a study committee met this summer, including Mr. Michael Dellinger, County Building Official, who has been fantastic in helping get some progress on this. She expressed hope the County will get somewhere and have something good for the legislative program.

Ms. Mallek remarked that the County used to have a ground water test well for 20 years to provide data on the aquifer but funding to have someone read the data at the well was cut during the recession. She said she is sure they could find a community partner to read the data if they were to reactivate it.

Ms. Mallek announced that The Guardian’s Gauntlet will take place this Saturday, September 8, 2018, at Walnut Creek, at 8:00.

Ms. Mallek urged Mr. Richardson to put funding for Parks and Recreation projects into the CIP budget since the Board decided to not hold a bond referendum for parks as there is public support for them.

Mr. Randolph reminded Board members about the Solar Summit at the Omni on Thursday, September 13, 2018. Mr. Jonah Fogel, formerly of Virginia Tech, was hired by the University of Virginia, and will be running the program. He added that he will attend the Summit and will make a report to the Board.

Agenda Item No. 24. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Richardson reminded the Board that the first Charlottesville Albemarle Convention and Visitors Bureau (CACVB) Board meeting will be held Wednesday, September 12 from 10:00 a.m. to 12:00 p.m., in Room 241.

Agenda Item No. 25. Closed Meeting.

*There was no need for an additional Closed Meeting.*

Agenda Item No. 26. Adjourn to September 7, 2018, 10:00 a.m., Lane Auditorium.

At 8:10 p.m., Ms. Mallek adjourned the Board meeting until September 7, 2018 at 10:00 a.m.

Chairman

Approved by Board
Date 08/07/2019
Initials CKB