

A regular day meeting of the Board of Supervisors of Albemarle County, Virginia, was held on November 7, 2018, at 1:00 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia.

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

ABSENT: None.

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

Agenda Item No. 1. Call to Order. The meeting was called to order at 1:04 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. Palmer **moved** that the Board adopt the final agenda. The motion was **seconded** by Ms. McKeel.

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

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

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

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

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Ms. Palmer stated that she attended a veterinary conference in Baltimore that included two seminars on public policy, as part of earning continuing education credits to maintain her vet's license. She said that one seminar was about the obligations of veterinarians to report animal abuse in Baltimore County, and she was struck by the fact that their animal control officers are not sworn officers and fall under the health department, which she learned was common. She said that Baltimore has formed an animal abuse investigative team within the police department this year to enhance cooperation between the police department and animal control investigators. She commented that Albemarle is ahead of Baltimore County and is doing a really good job, although they could do better and has sworn officers. She commented that a recent change has been to refer to them as "animal protection officers," which she believes would change the way many view the job.

Ms. Palmer informed the Board that she attended the University of Virginia Bicentennial Sustainability Leadership Conference, which focused on the connection between water, food, and energy use. She described the conference as informative and UVA-centric, with clear acknowledgement of the need for cooperation among the University, County, and City.

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Mr. Randolph said that yesterday's high voter participation was wonderful to see, and he supports ways for the state to make voting easier. He noted that there were 30–45 minutes wait times to vote.

Mr. Randolph announced the success of the Wizarding Fest in Scottsville to celebrate Harry Potter, with attendees clearly enjoying themselves and dressed up in costumes, though attendance was not as high as it was two years ago. Multiple generations were present.

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Ms. McKeel said she visited three voting precincts and noted that the new Slaughter precinct was well functioning, with sufficient parking, and a large turnout by students. She said the Jack Jouett precinct also functioned well, with a steady crowd.

Ms. McKeel announced that she attended the recent opening of the Woodbrook Elementary School addition and toured the school. She read two letters to the Board from students, with the first: "To the Board, Dear Community, We are pleased that you built our new school. I like the fabulous entrance. The gym is fun because I like the basketball hoops. Thank You, Jakat Ragland."

She read the second letter:

"To VIP, Dear VIP, Thank you for helping design the new and improved school. I appreciate the fancy pods, playground, decoration, furniture, and design. Sincerely, Brennan."

She described the event as fun and noted that Mr. Gallaway, Mr. Randolph and Mr. Dill also attended.

Ms. McKeel noted that the University of Virginia has established a working group to reach out to the community in order to foster a better town and gown relationship. She said she forwarded the Board's letter of 2017 to President Ryan regarding town and gown relationships and also shared the letter with Mr. Mark Lorenzoni, who then shared it with the three co-chairs. She noted that Mr. Lorenzoni has expressed that they want to have a good relationship with the County and City, adding that she was feeling positive about the committee and its work. She said the committee would issue a report that identifies areas of concentration needed.

Ms. Palmer recognized the valuable participation of UVA with the Rivanna Solid Waste Authority, including their active participation with the climate change group.

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Mr. Dill noted that the Free Bridge precinct was now divided in two and that things had gone smoothly at Broadus Memorial Baptist Church, where he had the honor of being the first person to vote at 6:00 a.m., at the new voting station.

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Mr. Gallaway said he attended the History and Heritage Project at Yancey School Community Center on October 27, 2018. He said they are collecting oral histories and photos from community members, including one man who was part of the original first-grade class at the school and another who was a member of the first seventh-grade class. He said that Ms. Siri Russell took him on a tour of the building and he was able to see the new improvements.

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Ms. Mallek said she would leave a report entitled "Investing in America's Infrastructure: County Funding for Capital Facilities" in the Board office for others to view.

Ms. Mallek noted that she received the updated stream and water report from the Rivanna Conservation Alliance, which presents the results of their testing.

Ms. Mallek announced that the 24<sup>th</sup> annual Artisan Studio Tour would occur this weekend, with events at various locations in the County and City. She said that a woman in Richmond who planned to attend contacted her about purchasing beef during her visit to the area, which was an example of how the arts brought visitors to the community.

Ms. Mallek announced that she attended the Department of Environmental Quality North Fork Rivanna River Water Quality Study kickoff in Greene County. She said they would conduct a very thorough land use assessment and water quality analysis for all reaches of the North Fork, from Jacob's Run all the way to the Madison County line, with information coming from the study over the next six months.

Ms. Mallek thanked citizens who worked a 16-hour day at the polls. She noted that they also had to attend several training events. She said she voted at Broadus Wood Elementary School in the early morning and noted that there was already a crowd of voters waiting, and she was pleased to see residents that she only saw at election time.

Ms. McKeel added her thanks to those who worked at the polls and described it as a grueling day for many people. She said that there was a need for better handicapped parking signage in one of her precincts, and spoke with Mr. Peter Wurzer about it, and he has agreed to look into purchasing moveable handicapped signage.

Ms. Mallek added that poll workers have had to keep a watch out for those who struggle to get out of their cars, then go up to them and allow them to vote curbside.

Mr. Randolph suggested they list the handicapped parking information at voting precinct sites on the County website.

Ms. Mallek added that they could also inform voters that election officials would come out to their cars to allow them to vote curbside.

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Mr. Randolph noted that Scottsville resident Mr. Jack Maxwell won first place in golf in the Virginia Special Olympics. He said that he spoke with Mr. Maxwell and that *The Daily Progress* has published an article about his accomplishment.

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Agenda Item No. 6. Proclamations and Recognitions.

There were none.

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

Dr. Denise Bonds, Director, Thomas Jefferson Health District, addressed the Board. She noted that the Board received an email alert from Department of Health about a multimedia campaign to encourage people to get tested for sexually transmitted infections, as there has been a huge increase across the country and in this area. She said that rates of chlamydia and gonorrhea are increasing, are often not symptomatic, and could have long-term consequences such as infertility in both men and women. She said they offer testing on a walk-in basis on Friday afternoons, as well as the evenings of the first Wednesday and the second Saturday of the month. She noted that they have a sliding payment scale and it could cost almost nothing for some to get tested. She said the campaign would include a billboard and targeted radio and Facebook ads.

Mr. Randolph asked if they interface with schools and if they would place posters in schools about the importance of getting tested and safe practices. Ms. Bonds responded that nurses conduct classes, primarily at high schools, about safe sex practices and that as a Title X provider, they are allowed to treat teenagers. She said she does not think there are posters in the schools, though they would be glad to do so if schools would allow this, so she would reach out to school officials. She said they have conducted free testing at the University of Virginia.

Mr. Randolph encouraged Ms. Bonds to also reach out to private schools.

Ms. McKeel noted that she was formerly an OBGYN nurse and that they would occasionally diagnose women in their 50s and 60s who were quite surprised to learn they had gonorrhea.

Ms. Palmer asked if the rise in sexually transmitted infections correlated with the increase in opioid use. Ms. Bonds responded that she does not know that they could directly link it to opioids, though there are infections such as Hepatitis B and HIV that are often transmitted through needle sharing.

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Mr. John Martin, resident of Free Union, addressed the Board. He asked if the Board owns the "Project ENABLE: Enabling a Better Life Economically" and a draft Economic Development Strategic Plan dated October 31, 2018, or if it was a plan for the Office of Economic Development. He added that he was not aware of any public process in the development of the document and noted that the word "partner" was used in many instances in the document. He asked for clarification as to what this would involve.

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Mr. John Lowry, resident of Samuel Miller District, addressed the Board. He said the final draft of the County's economic development strategy would be presented at this meeting, for which the Board should be profoundly proud, as the County was a leader and was well known for its careful planning process. He said that now they would not only be known for their beauty, intellectual capital, and cultural diversity but also for embracing business. He noted that the sole purpose of business was to fill a market need and that as Albemarle's population grows, so does the need to have businesses that provide goods and services, which make life more enjoyable. He said these businesses create jobs that provide residents with income, which generates tax revenue and enables the County to sustain community happiness.

Mr. Lowry said that once an economic strategy was endorsed, staff could work the plan and "build mouse traps" to catch those who want to thrive and prosper here. He commented that most major cities and counties in Virginia are light years ahead of Albemarle, but they could catch up. He said they could attract and keep finance, defense, medical, and intellectual endeavors if they warmly project that Albemarle is open for businesses, and he encouraged the Board to support the strategy. He noted that he was involved with the election and his district consisted of six precincts, which he spent several hours in the car traveling between, and he encouraged others to drive through the beautiful, rural portions of the County.

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Mr. Sean Tubbs of the Piedmont Environmental Council addressed the Board. He said the County has come a long way in economic development since he arrived in the area. He said his organization encourages scrutiny and the exercise of caution with the document to make sure there are no unintended consequences. He said PEC was concerned about some changes in the wording of the document and that they would like to see more specific references that clearly state that non-agricultural commercial development needs to take place in the development areas. He said he would send specific details via email later in the day. He said they are not opposed to the document and likes the first goal: "Strengthening Existing Business Retention and Expansion."

Mr. Tubbs noted that the second goal was to improve the business climate and stated that they have taken steps to dispel the myth that the County was out to stop business. He encouraged the Board to be mindful not to encourage too much growth too quickly. He noted that the goal is to grow the commercial tax base to lessen the need for future residential increases, though PEC was concerned that by opening new lands to development the cost to taxpayers to provide the necessary infrastructure would defeat the whole purpose of the exercise. The Board has the chance to ensure they meet economic development goals while also continuing the long tradition of growth management. He said the Board would soon see the Rio Road Small Area and Pantops master plans, areas where they want to

concentrate growth. He said that Project ENABLE should work with these documents to ensure they get the placemaking while preserving natural resource goals. Future investments need to head in the right direction.

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Mr. Morgan Butler of the Southern Environmental Law Center addressed the Board. He expressed appreciation for the opportunity his organization was given to serve as an external stakeholder that reviewed and provided comments on the Project ENABLE draft strategies, which gave them a better sense of the intent and overall goals of the economic development strategic plan. He noted that they are strong supporters of the County's growth management strategy and that Mr. Johnson's assurance to stakeholders and to the Planning Commission that the development of the economic development strategic plan is not the process, and the draft is not the document to recommend the expansion of the development areas. He stated that this is a topic and a discussion for a different day and a different document, namely the broader comprehensive plan.

Mr. Butler added that they want to make sure the plan's strategies are clear in this regard. He referred to Goal 3, Objective 2, Strategy 1, which they find lends itself to a very different reading: "The Economic Development Department should partner with the Community Development Department to increase the inventory of land available for business in the development areas." He said he has learned from speaking with staff that their intent was to allow land within the development areas that was designated for non-business purposes to be re-designated to a purpose that would help produce jobs. He agrees that this would increase the inventory of land available for businesses in the development areas but the language could easily be read to mean the expansion of the size of the development areas. He stated that while there would always be some ambiguity in a strategic plan document, they believe that this particular point was extremely important and urge the Board to work with staff to tweak the language to make sure it has the clarity and reflects the intent that has been guiding this process. He expressed appreciation for the work of staff in developing the draft and thanked them and the Board for considering his organization's concerns and input.

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Mr. Neil Williamson of the Free Enterprise Forum addressed the Board. He said that Project ENABLE does not do enough and focuses on what was politically possible. He noted that there was a location next to a highway interchange that would be perfect for a hotel, but the County's growth control plan does not allow for this and he acknowledges that this was not the place for that discussion. He described the document as a huge step forward and that his understanding was that a work plan would be developed. He commended the Board of Supervisors for having three full-time County employees dedicated to economic development, whereas 15 years ago they did not have any. He expressed his organization's appreciation for being part of the shaping of the document, though they would have more appreciation if more of their ideas were listened to. He acknowledged the concerns expressed by Mr. Morgan Butler and commented that it may be difficult to rewrite the document to make it clear that some land may not be designated properly for the right uses in the development area. He said that he reads it to say "within the existing development area." Mr. Williamson stated that he looks forward to the work session and once again expressed thanks to the Board for stewarding the economic viability of Albemarle County.

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Agenda Item No. 8. Consent Agenda.

**(Discussion:** Ms. Mallek said there was a request to pull and discuss Item 8.4: Ivy MUC tipping charges.

The Executive Summary forwarded to the Board states that the Amended and Restated Ivy Material Utilization Center (MUC) Programs Agreement between the County of Albemarle and the Rivanna Solid Waste Authority (Attachment A) details, among other things, the services to be provided by the RSWA, the financial support to be provided to the RSWA by the County, and the establishment of tipping fees.

The Agreement allows the Board of Supervisors, by majority vote, to propose changes to tipping fees for adoption by the RSWA's Board of Directors. In September 2018, the RSWA concluded its analysis of Solid Waste Fee Alternatives (Attachment B) which examined its municipal solid waste (MSW) Tipping Fee and Service Fee structure.

The new Ivy Materials Utilization Center (MUC) solid waste transfer station, which opened on September 25, 2018, could potentially stimulate an increase in MSW disposal tonnage. The new MUC accommodates large, commercial compactor trucks that could not be accommodated at the former transfer station, which can directly deposit their waste on the tipping floor for transport to the landfill. The former Ivy transfer station received 8,200 tons during 2017. This equates to an average of approximately 32 tons per day. The capacity of the new site is 300 tons per day (or 74,100 tons per year based on a 247 day per year operation). Tipping fees, the charge per ton of MSW disposed, are a major source of revenue for the RSWA.

Tipping fees at the Ivy MUC are currently \$66.00/ton. RSWA and County staff believe a reduction in tipping fees, to a level closer to the regional average, would make the Ivy MUC more competitive when haulers determine which disposal facility to use, and would result in increased volume of use. The analysis documented in Attachment B determined that the average tipping fee in adjacent counties is \$52.25/ton, and provided a financial model based of the expected impact of a reduced fee of \$55.00/ton.

An additional 5,500 tons of MSW per year would be required for the fee reduction to be “revenue-neutral”, an increase of 67%. Though the new facility can handle the additional tonnage, the RSWA cannot guarantee an increase in MSW tonnage resulting from a decreased tipping fee sufficient to offset lost revenue, but recommends the County consider lowering fees as a pilot for two years.

The pilot would include marketing by RSWA and the County, and careful monitoring of tonnage and revenues to assess the impacts of the new facility and lower fees. Attachment B further considers eliminating the base Service Fee as a measure to improve customer satisfaction. Eliminating the Service Fee would reduce annual revenue by approximately \$82,596. The RSWA considers it unlikely that eliminating the fee would generate a sufficient increase in business to remain revenue-neutral, and this change is therefore not being recommended by Albemarle County staff at this time.

Based on data presented in Attachment B, the County could realize an increase in financial support to the RSWA of up to \$90,000.00/year if a reduced tipping fee does not result in a revenue-neutral tonnage increase.

The FY19 budget impact could be up to \$45,000 if the fee adjustment occurs on January 1, 2019. If the Board requests that the RSWA lower the tipping fee effective January 1, 2019, and if the RSWA does so, staff will present to the Board an appropriation request for the expected increase in financial support to the RSWA upon implementation of the new fee in January, 2019, or at the end of FY 2019 after the County and the RSWA reconcile budget actuals during an end of year “true up” process.

The additional funding, if needed, would be appropriated from the Reserve for Contingencies.

If the Board desires that the RSWA consider a lower tipping fee, staff recommends that the Board adopt the attached Resolution (Attachment C), and authorize the County Executive to forward it to the RSWA’s Board of Directors.

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Ms. Palmer said that she requested this in order to request that it be tweaked to adjust the tipping fee, with the goal of making the transfer station more competitive to stimulate the local hauling industry and to increase service to citizens, especially for those who are not able to drive to the end of their driveways, as well as to stimulate small haulers and those that are more service-oriented. She noted that haulers have cited the long time required to get in and out of the facility and the tipping fee as reasons why they do not use the MUC facility. She said the design of the new facility should resolve this and the RSWA Board has requested that staff report on the efficiency of the facility, and she in turn would report their findings to this Board. Ms. Palmer urged the Board to adopt the average tipping fee of \$52 and expressed support to receive regular reports from RSWA regarding trash volumes. She noted that Mr. Phil McKalips, Director of Engineering, of RSWA was present at this meeting to answer questions. She added that Greene County’s tipping fee is \$50 and she would like Albemarle’s to be closer to this.

Mr. Randolph acknowledged that the idea to pull this item originated with him, as he wrote an email to Ms. Palmer and Mr. Henry that indicated it would be helpful for the Board to be briefed on the annual cost to the County to maintain and operate the transfer facility and the anticipated annual revenue expected from the tipping fee. He said he does not expect a 1:1 ratio of income to expenses, but he does not believe that any Supervisor thought they signing on to extended years of County subsidies at the new facility. He said the Board and public would benefit from empirical data to be assured of an objective cost-sensitive decision. He remarked that he has never seen a breakdown of costs versus tipping fee revenue at the Ivy facility. Mr. Randolph urged them to reduce the time period from two years to one because without an early date of termination, there would be less incentive for haulers to respond. He added that he does not believe the taxpayers should have to subsidize hauling while haulers get in the business of trying to meet the needs of the taxpayers and to reduce the overall cost to the County of allowing a lower tipping fee, although he is supportive of lowering the fee. He asked Mr. Trevor Henry to address the Board on how alternative tipping fees would work and how they would affect the annual deficit and offset tonnage.

Ms. Palmer remarked that there was never any intention that this would pay for itself and noted that the County has been subsidizing solid waste for years.

Ms. Mallek commented that this Board never voted to have this be cost neutral.

Mr. Trevor Henry, Assistant County Executive, addressed the Board. He indicated that the executive summary and attachment contains an analysis conducted by RSWA on how adjustments to the tipping fee would affect costs and the level of tonnage required to offset them. He said they currently charge \$66/ton tipping fee and average 8,200 tons of waste per year. He said Rivanna looked at a worst-case scenario if they were to lower the tipping fee but not experience an increase in tonnage. He said that a reduction to \$60/ton would entail a potential annual increase to the County of \$50,000, and they would need an increase of 1,800 tons to offset this. He stated that staff recommended a \$55 tipping fee based on the area average, which would cost the County \$91,000 and require an additional 5,500 tons for offset.

Mr. Henry said that Ms. Palmer’s recommendation of \$52 would be the average if they were to not include the Ivy MUC and would cost up to \$116,000 and require 8,800 tons to offset. He said they also calculated the cost if they were to reduce the fee to \$50/ton and found this to be \$132,000 and requiring an increase of 11,800 tons. He acknowledged that a fee reduction poses a liability risk to the County, although they would expect an increase in volume. He said that staff estimates it would take two

years to see the effects of a change as some haulers have contracts with facilities. He expressed a willingness to have Mr. Mawyer of RSWA provide quarterly updates to the Board as part of his report.

Mr. Randolph admitted that he does not know how sensitive tipping fees are to volume and wondered if there have been any case studies in other communities they could reference. He posed the possibility of reducing the tipping fee to \$55 and then observe the demand sensitivity to this after which they could consider the potential of reducing it to \$52 the following year. He stated that their goal is to maximize the tonnage, since they have added capacity to Ivy.

Mr. Dill described Mr. Randolph's concept as "elasticity of demand" and stated that there are many other factors besides price, such as the cost of fuel and competitors that could change their prices. He remarked that it was a good idea for any new business to start low and test the elasticity, as a price that was too high may turn people off, and they would not get them back by lowering the price a bit. He suggested they start at \$50/ton, as long as they could handle the volume and not have long wait times, and they could raise prices the following year. He stated that customer service was also a factor.

Ms. Mallek recalled that years ago they had imposed various punitive fees, and she was glad they had taken an analytical approach.

Ms. Palmer asked Mr. McKalips to comment. Mr. Phil McKalips of the RSWA addressed the Board and said he has looked at some of the larger haulers that would have the biggest impact, such as Time Disposal, Waste Management, and Updike, and estimates that the expected revenue deficit from reducing the tipping fee could be made up with two additional trucks per day. He noted that the tipping fee cost was not the only consideration of haulers, as convenience and distance play a role. He remarked that Waste Management has a deal of \$40/ton through January to use Republic transfer station, which was probably not realistic to pursue. He added that they are not attempting to take over Waste Management, but just get a couple more trucks. He said he thinks he could obtain some numbers and case studies to demonstrate a broad view of how the market works.

Ms. Palmer asked that the recommendation in this consent agenda item be amended from \$55 to \$52 and amended to add that quarterly updates would be provided.

Ms. Mallek proposed that they tell haulers if they sign on now the fee would be set for one year. Ms. Palmer responded that she would rather they keep it at the level recommended by staff.

Mr. Randolph stated that he does not want to do this and wants more information and data to justify it. He does not think the timing is so critical that they cannot wait for more information.

Ms. Palmer stressed the urgency of setting a fee level, as a recommendation must be made to RSWA for consideration at its meeting, and she offered to obtain more information to present to this Board.

Mr. Kamptner suggested that they act on this separately rather than putting it back into the general consent agenda and asked the Board if they want to specify the duration, which the resolution does not.

Ms. McKeel asked Mr. Henry to comment on the contract structures that haulers have. Mr. Henry responded that RSWA suggested a three-year trial to allow time for word to get out, for the market to adjust, and to allow time for haulers with contracts to change.

Ms. McKeel expressed that she does not need a quarterly report and would be satisfied with annual or biannual updates, noting that a three-year trial makes sense to her.

Ms. Palmer suggested that they vote on the resolution separately and then discuss the matter of the duration at another time, expressing a willingness to go along with a three-year duration.

Mr. Dill added that he does not see a reason to tie themselves to a certain date to change the rates, as the market may change and competitors might change their rates.

Ms. McKeel stated that if she has a business, she would not operate on a contract that was just yearly, and she would like to have a view of the future, so she supports three years.

Mr. Dill asked for the percentage of the County's business that was by contract. Mr. McKalips responded that the County does not have any contracts but that haulers have contracts with homeowners' associations and transfer stations.

Ms. Palmer suggested that the Board approve the resolution with the fee change from \$55 to \$52, after which they could vote on the entire consent agenda.

Mr. Randolph said they would be going from a current rate of \$66 down to \$52, which he expects haulers to become aware of immediately. He said he would support a reduction to \$55, which would reduce the overall cost to the County from \$116,000 to \$91,000 a year. He added that if Mr. McKalips returns with additional information that justifies reducing the rate lower because it would increase the tonnage with a net benefit to the County, he would support this.

Ms. Palmer **moved** that the Board adopt the Resolution to Request that the Rivanna Solid Waste Authority Lower Its Municipal Solid Waste Tipping Fee at the Ivy Material Utilization Center Solid Waste Transfer Station to \$52.00 per ton. The motion was **seconded** by Mr. Dill.

Ms. Mallek pointed out that the \$66 fee was artificially high due to a \$16 penalty for everyone except the contracted special hauler at Ivy, and she does not want people to think this was the gold standard.

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

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

**(The adopted resolution is set out below:)**

**RESOLUTION TO REQUEST THAT THE RIVANNA SOLID WASTE AUTHORITY  
LOWER ITS MUNICIPAL SOLID WASTE TIPPING FEE AT THE IVY MATERIAL UTILIZATION  
CENTER SOLID WASTE TRANSFER STATION**

**WHEREAS**, the May 4, 2016 Amended and Restated Ivy Material Utilization Center Programs Agreement between the County of Albemarle and the Rivanna Solid Waste Authority (RSWA) provides that the RSWA shall propose any changes to tipping fees for adoption by the RSWA's Board of Directors as requested by majority vote of the Board of Supervisors; and

**WHEREAS**, the Board of Supervisors finds that it is in the best interest of the County for the RSWA to lower its Municipal Solid Waste tipping fee at the Ivy Material Utilization Center (MUC) solid waste transfer station to \$52.00 per ton, a level closer to the fee in adjacent counties, in order to make the Ivy MUC more competitive for haulers of solid waste.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby requests that the RSWA propose to the RSWA Board of Directors that it adopt a lower tipping fee of \$52.00 per ton at the Ivy MUC solid waste transfer station.

**BE IT FURTHER RESOLVED** that the Albemarle County Board of Supervisors hereby directs the Director of the Facilities and Environmental Services Department to forward a certified copy of this resolution to the Rivanna Solid Waste Authority.

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Ms. Palmer **moved** that the Board approve Items 8.1, 8.2, 8.3 and 8.5 on the consent agenda. The motion was **seconded** by Mr. Dill.

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

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

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Item No. 8.1. Approval of Minutes: July 9, 2018.

Mr. Dill had read the minutes of July 9, 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 19 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 change to the FY 19 budget due to the appropriations itemized in Attachment A is \$1,123,070.94. 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 Resolutions (Attachments B and C) to approve the appropriations for local government projects and programs as described in Attachment A.

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| <b>Appropriation #2019042</b> | <b>\$20,000.00</b> |
| Source: Proffer Fund Balances | \$ 20,000.00       |

This request is to appropriate \$20,000.00, composed solely of interest earnings, from the proffer

funds fund balances to be used for consulting services to program the scope of the below Bike/Pedestrian Quality of Life Capital projects pursuant to the Board of Supervisors' approval of the FY 19-23 Capital Improvement Program (CIP) on August 1, 2018. The FY 19-23 CIP includes the planned funding of \$6,000,000 for these projects. Staff is using consultants to program the scope of the below projects so that they can be executed in a timely fashion.

| Project  | Amount             |
|--|--------------------|
| Avon Street Extended Share-Use Path            | \$4,000.00         |
| Tabor Street and Hilltop Street Sidewalks      | \$4,000.00         |
| Rio Road Shared-Use Path                       | \$4,000.00         |
| Ashwood Boulevard Bike-Pedestrian Improvements | \$4,000.00         |
| Berkmar Drive Shared-Use Path                  | \$4,000.00         |
| <b>Total</b>                                   | <b>\$20,000.00</b> |

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| <b>Appropriation #2019043</b> | <b>\$0.00</b>                              |
| Source:                       | Pay for Performance Reserve* \$ 288,369.00 |

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

This request is to appropriate \$288,369.00 from the Pay for Performance Reserve to various local government departments to reflect salary increases resulting from performance reviews. During the FY 19 budget development process, funding was set aside to be distributed once final adjustments were made to salaries.

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|-------------------------------|---|
| <b>Appropriation #2019044</b> | <b>\$41,188.00</b>  |
| Source:                       | Federal Revenue \$ 41,188.00<br>General Fund – Police Department* \$ 2,203.20 |

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

This request is to appropriate three grants awarded to the Police Department:

- Appropriate \$12,388.00 in Federal revenue from a U.S. Department of Justice grant to support additional community policing projects and activities by providing additional overtime hours by current officers to prevent crime, build community relationships, and enhance safety. There is no local match for this grant. This portion of the appropriation is dependent on the Board's approval of the Edward Byrne Justice Assistance Grant, also being presented to the Board on the November 7 consent agenda.
- Appropriate \$20,000.00 in Federal revenue from the Department of Motor Vehicles (DMV) DUI Reduction grant and the local match of \$1,530.00 from the Police Department's General Fund operating budget for a total grant amount of \$21,530.00. This grant will be used to fund overtime hours in the Police Department. 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.
- Appropriate \$8,800.00 in Federal revenue from the Department of Motor Vehicles (DMV) Speed Reduction grant and the local match of \$673.20 from the Police Department's General Fund operating budget for a total grant amount of \$9,473.20. This grant will be used to fund overtime hours in the Police Department. The purpose of this grant is to reduce motor vehicle accidents through increased speed enforcement and saturation patrols.

|                               |   |
|-------------------------------|---|
| <b>Appropriation #2019045</b> | <b>\$8,000.00</b>                       |
| Source:                       | Local – Charges for Service \$ 8,000.00 |

The Emergency Communications Center (ECC) requests that the County, acting as fiscal agent for the ECC, appropriate \$8,000.00 in revenue from the University of Virginia for contractual overtime costs.

|                               |   |
|-------------------------------|---|
| <b>Appropriation #2019046</b> | <b>(\$36,564.40)</b>  |
| Source:                       | Local – Recovered Costs \$ (10,297.39)<br>CIP Fund Balance \$ 187,706.96<br>ECC Fund Balances \$ (213,973.97) |

The Emergency Communications Center (ECC) requests that the County, acting as fiscal agent for the ECC, reconcile the following ECC project budgets that were approved by the Board of Supervisors in Appropriation #2019006 to reflect the revenue that will be received in FY 19 based on FY 18 year-end accounting reconciliation. These adjustments result in a decrease to the FY 19 total budget of \$36,564.40.

- Reduction of \$21,058.06, which includes \$10,760.67 in County funds from CIP fund balance from previously borrowed funds and \$10,297.39 in recovered costs from the



- project partners based on the agreed on regional shares for the ECC 800 MHz Regional Communications System Replacement Project. This project supports the replacement and upgrade of the infrastructure for the regional 800 MHz Public Safety Radio System.
- Re-appropriation of \$198,467.63 in CIP fund balance from previously borrowed funds and a corresponding reduction in ECC fund balance for the County's share of the ECC 800 MHz Regional Communications System Replacement Project and the ECC Integrated Public Safety Technology Project CAD project to reconcile the timing of expenditures across multiple fiscal years.

The remainder of the budget reconciliation for the ECC's requests reduces the ECC fund balance by \$15,506.34:

- Reduction of \$12,196.68 to complete a facility needs study for relocation planning for the regional ECC and development of a standalone and fully operational Emergency Operations Center; and
- Reduction of \$3,309.66 for emergency equipment for a replacement vehicle.

|                               |                           |
|-------------------------------|---------------------------|
| <b>Appropriation #2019047</b> | <b>\$170,667.00</b>       |
| Source:                       | General Fund fund balance |
|                               | \$ 170,667.00             |

The following requests are to re-appropriate FY 18 General Fund fund balance to FY 19 to provide funding for purchase orders initiated in FY 18 but delivered in FY 19, and to move FY 18 funding forward to meet ongoing or anticipated expenditures in FY 19. These requests are planned to be one-time expenditures.

Clerk of the Circuit Court

- Requests the re-appropriation of \$25,860.00 in purchase orders initiated in FY 18 for the final payment on an annual contract and for back scanning work.

Neighborhood Improvements Funding Initiative (NIFI)

- Requests the re-appropriation of \$144,807.00 in unused FY 18 NIFI contingency funds to the FY 19 Capital budget. This includes \$104,807.00 for a FY 19 NIFI contingency and \$40,000.00 for unanticipated cost increases resulting from additional erosion from recent storm activity for the NIFI Rivanna Greenway Stabilization project.

This proposed use of the General Fund fund balance will not reduce the County's 10% unassigned fund balance or 1% Budget Stabilization Reserve; however, it does reduce the amount of FY 18 undesignated funds that would be available for other uses in the future.

|                               |                     |
|-------------------------------|---------------------|
| <b>Appropriation #2019048</b> | <b>\$919,780.34</b> |
|-------------------------------|---------------------|

This request is to appropriate \$919,780.34 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.

\*\*\*\*\*

**By the above-recorded vote, the Board adopted the following Resolutions to approve the appropriations for local government projects and programs as described above:**

**RESOLUTION TO APPROVE  
ADDITIONAL FY 19 APPROPRIATIONS**

**BE IT RESOLVED** by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2019042, #2019043, #2019044, #2019045, #2019046, #2019047, and #2019048 are approved; and
- 2) That the appropriations referenced in Paragraph #1, 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.

\*\*\*\*\*

**Resolution to Appropriate FY 19 On-going Funding of Multi-Year Capital Projects  
For the Fiscal Year Ending June 30, 2019  
Appropriation # 2019048**

**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 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 \$919,780.34 set forth as follows:

**Total General Government Capital Improvement Fund:**  
General Government Capital Improvement Fund Appropriations

|  |              |
|--|--------------|
| ACE Program  | \$1,824.62   |
| Apparatus Replacement Program                                    | \$4,054.83   |
| City-County Owned Parks Maintenance/Replacement                  | \$162,808.68 |
| County Owned Parks Maintenance/Replacement                       | \$609,714.47 |
| County Server Infrastructure Upgrade                             | \$39,830.28  |
| Keene Landfill   | \$10,000.00  |
| Parks Restroom Renovation/Modernization                          | \$58,359.06  |
| Pilot Fundraising Parks Project                                  | \$1,750.00   |
| Police County 800Mhz Radio Replacements                          | \$8,416.40   |
| Police Mobile Data Computers Replacement                         | \$23,022.00  |
| Total General Government Capital Improvement Fund Appropriations | \$919,780.34 |

General Government Capital Improvement Fund Sources

|   |              |
|---|--------------|
| Revenue From Other Local Sources                          | \$129,375.00 |
| Revenue From the Commonwealth                             | \$464,900.27 |
| Revenue From Other Transfers                              | \$321,323.17 |
| Use of Fund Balance                                       | \$4,181.90   |
| Total General Government Capital Improvement Fund Sources | \$919,780.34 |

**Total Special Revenue Funds:**

|  |              |
|--|--------------|
| Special Revenue Capital Improvement Funds Appropriations       |              |
| Hollymead Area C Proffer Fund                                  | \$40,785.00  |
| Tourism Fund   | \$250,000.00 |
| Wickham Pond Proffer   | \$30,538.17  |
| Total Special Revenue Capital Improvement Funds Appropriations | \$321,323.17 |

Special Revenue Capital Improvement Funds Sources

|   |              |
|---|--------------|
| Use of Fund Balance                                     | \$321,323.17 |
| Total Special Revenue Capital Improvement Funds Sources | \$321,323.17 |

**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

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

1. Does hereby budget and appropriate the remaining balance of \$919,780.34 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.

**COUNTY OF ALBEMARLE  
APPROPRIATION SUMMARY**

| APP#    | ACCOUNT                         | AMOUNT      | DESCRIPTION   |
|---------|---------------------------------|-------------|---|
| 2019042 | 3-9010-41400-341000-410530-9999 | 20,000.00   | SA2019042 Quality of Life CIP Transportation Projects Study - Proffer Interest Earnings Revenue |
| 2019042 | 4-9010-41350-441200-312105-9999 | 20,000.00   | SA2019042 Quality of Life CIP Transportation Projects Study                                     |
| 2019042 | 3-8522-51000-351000-512100-9999 | 3,000.00    | SA2019042 Use of Fund Balance Proffer Interest Earnings Revenue - Out of Bounds                 |
| 2019042 | 4-8522-93010-493010-930010-9999 | 3,000.00    | SA2019042 Transfer to Gen. Govt. CIP - Out of Bounds  |
| 2019042 | 3-8548-51000-351000-510100-9999 | 10,000.00   | SA2019042 Use of Fund Balance Proffer Interest Earnings Revenue - Avinity                       |
| 2019042 | 4-8548-93010-493010-930010-9999 | 10,000.00   | SA2019042 Transfer to Gen. Govt. CIP - Avinity  |
| 2019042 | 3-8574-51000-351000-510100-9999 | 7,000.00    | SA2019042 Use of Fund Balance Proffer Interest Earnings Revenue - Livengood                     |
| 2019042 | 4-8574-93010-493010-930010-9999 | 7,000.00    | SA2019042 Transfer to Gen. Govt. CIP - Livengood  |
| 2019043 | 4-1000-99900-499000-999977-9999 | -288,369.00 | SA2019043 Distribute Pay for Performance  |
| 2019043 | 4-1000-11010-411010-110000-1001 | 1,233.00    | SA2019043 Pay for Performance   |

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|         |                                 |           |                               |
|---------|---------------------------------|-----------|-------------------------------|
| 2019043 | 4-1000-11010-411010-210000-1001 | 94.00     | SA2019043 Pay for Performance |
| 2019043 | 4-1000-11010-411010-221000-1001 | 151.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-11010-411010-241000-1001 | 16.00     | SA2019043 Pay for Performance |
| 2019043 | 4-1000-12010-412010-110000-1001 | 2,823.00  | SA2019043 Pay for Performance |
| 2019043 | 4-1000-12010-412010-210000-1001 | 216.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-12010-412010-221000-1001 | 345.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-12010-412010-241000-1001 | 37.00     | SA2019043 Pay for Performance |
| 2019043 | 4-1000-12040-412040-110000-1001 | 5,081.00  | SA2019043 Pay for Performance |
| 2019043 | 4-1000-12040-412040-210000-1001 | 389.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-12040-412040-221000-1001 | 620.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-12040-412040-241000-1001 | 67.00     | SA2019043 Pay for Performance |
| 2019043 | 4-1000-12142-412140-110000-1001 | 7,772.00  | SA2019043 Pay for Performance |
| 2019043 | 4-1000-12142-412140-210000-1001 | 595.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-12142-412140-221000-1001 | 949.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-12142-412140-241000-1001 | 102.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-12143-412140-110000-1001 | 9,667.00  | SA2019043 Pay for Performance |
| 2019043 | 4-1000-12143-412140-210000-1001 | 740.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-12143-412140-221000-1001 | 1,180.00  | SA2019043 Pay for Performance |
| 2019043 | 4-1000-12143-412140-241000-1001 | 127.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-12144-412140-110000-1001 | 7,407.00  | SA2019043 Pay for Performance |
| 2019043 | 4-1000-12144-412140-210000-1001 | 567.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-12144-412140-221000-1001 | 904.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-12144-412140-241000-1001 | 97.00     | SA2019043 Pay for Performance |
| 2019043 | 4-1000-13020-413020-110000-1001 | 1,686.00  | SA2019043 Pay for Performance |
| 2019043 | 4-1000-13020-413020-210000-1001 | 129.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-13020-413020-221000-1001 | 206.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-13020-413020-241000-1001 | 22.00     | SA2019043 Pay for Performance |
| 2019043 | 4-1000-21010-421010-110000-1002 | 503.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-21010-421010-210000-1002 | 38.00     | SA2019043 Pay for Performance |
| 2019043 | 4-1000-21010-421010-221000-1002 | 61.00     | SA2019043 Pay for Performance |
| 2019043 | 4-1000-21010-421010-241000-1002 | 7.00      | SA2019043 Pay for Performance |
| 2019043 | 4-1000-21060-421060-110000-1002 | 577.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-21060-421060-210000-1002 | 44.00     | SA2019043 Pay for Performance |
| 2019043 | 4-1000-21060-421060-221000-1002 | 70.00     | SA2019043 Pay for Performance |
| 2019043 | 4-1000-21060-421060-241000-1002 | 8.00      | SA2019043 Pay for Performance |
| 2019043 | 4-1000-21070-421070-110000-1002 | 2,525.00  | SA2019043 Pay for Performance |
| 2019043 | 4-1000-21070-421070-210000-1002 | 193.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-21070-421070-221000-1002 | 308.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-21070-421070-241000-1002 | 33.00     | SA2019043 Pay for Performance |
| 2019043 | 4-1000-31013-431010-110000-1003 | 71,619.00 | SA2019043 Pay for Performance |
| 2019043 | 4-1000-31013-431010-210000-1003 | 5,479.00  | SA2019043 Pay for Performance |
| 2019043 | 4-1000-31013-431010-221000-1003 | 8,745.00  | SA2019043 Pay for Performance |
| 2019043 | 4-1000-31013-431010-241000-1003 | 938.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-32011-432010-110000-1003 | 2,209.00  | SA2019043 Pay for Performance |
| 2019043 | 4-1000-32011-432010-210000-1003 | 169.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-32011-432010-221000-1003 | 270.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-32011-432010-241000-1003 | 29.00     | SA2019043 Pay for Performance |
| 2019043 | 4-1000-32012-432010-110000-1003 | 1,195.00  | SA2019043 Pay for Performance |
| 2019043 | 4-1000-32012-432010-210000-1003 | 91.00     | SA2019043 Pay for Performance |
| 2019043 | 4-1000-32012-432010-221000-1003 | 146.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-32012-432010-241000-1003 | 16.00     | SA2019043 Pay for Performance |
| 2019043 | 4-1000-32013-432010-110000-1003 | 954.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-32013-432010-210000-1003 | 73.00     | SA2019043 Pay for Performance |
| 2019043 | 4-1000-32013-432010-221000-1003 | 116.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-32013-432010-241000-1003 | 12.00     | SA2019043 Pay for Performance |
| 2019043 | 4-1000-32014-432010-110000-1003 | 855.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-32014-432010-210000-1003 | 65.00     | SA2019043 Pay for Performance |
| 2019043 | 4-1000-32014-432010-221000-1003 | 104.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-32014-432010-241000-1003 | 11.00     | SA2019043 Pay for Performance |
| 2019043 | 4-1000-32015-432010-110000-1003 | 36,193.00 | SA2019043 Pay for Performance |
| 2019043 | 4-1000-32015-432010-210000-1003 | 2,769.00  | SA2019043 Pay for Performance |
| 2019043 | 4-1000-32015-432010-221000-1003 | 4,419.00  | SA2019043 Pay for Performance |
| 2019043 | 4-1000-32015-432010-241000-1003 | 474.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-34050-434050-110000-1003 | 5,425.00  | SA2019043 Pay for Performance |
| 2019043 | 4-1000-34050-434050-210000-1003 | 415.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-34050-434050-221000-1003 | 662.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-34050-434050-241000-1003 | 71.00     | SA2019043 Pay for Performance |
| 2019043 | 4-1000-43202-443200-110000-1004 | 2,414.00  | SA2019043 Pay for Performance |
| 2019043 | 4-1000-43202-443200-210000-1004 | 185.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-43202-443200-221000-1004 | 295.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-43202-443200-241000-1004 | 32.00     | SA2019043 Pay for Performance |
| 2019043 | 4-1000-43204-443200-110000-1004 | 1,336.00  | SA2019043 Pay for Performance |
| 2019043 | 4-1000-43204-443200-210000-1004 | 102.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-43204-443200-221000-1004 | 163.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-43204-443200-241000-1004 | 18.00     | SA2019043 Pay for Performance |
| 2019043 | 4-1000-43205-482040-110000-1004 | 1,503.00  | SA2019043 Pay for Performance |
| 2019043 | 4-1000-43205-482040-210000-1004 | 115.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-43205-482040-221000-1004 | 184.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-43205-482040-241000-1004 | 20.00     | SA2019043 Pay for Performance |
| 2019043 | 4-1000-43206-443200-110000-1004 | 1,053.00  | SA2019043 Pay for Performance |
| 2019043 | 4-1000-43206-443200-210000-1004 | 81.00     | SA2019043 Pay for Performance |
| 2019043 | 4-1000-43206-443200-221000-1004 | 129.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-43206-443200-241000-1004 | 14.00     | SA2019043 Pay for Performance |
| 2019043 | 4-1000-53010-453010-110000-1005 | 40,929.00 | SA2019043 Pay for Performance |
| 2019043 | 4-1000-53010-453010-210000-1005 | 3,131.00  | SA2019043 Pay for Performance |
| 2019043 | 4-1000-53010-453010-221000-1005 | 4,997.00  | SA2019043 Pay for Performance |
| 2019043 | 4-1000-53010-453010-241000-1005 | 536.00    | SA2019043 Pay for Performance |
| 2019043 | 4-1000-71011-471010-110000-1007 | 2,246.00  | SA2019043 Pay for Performance |

|         |                                 |             |   |
|---------|---------------------------------|-------------|---|
| 2019043 | 4-1000-71011-471010-210000-1007 | 172.00      | SA2019043 Pay for Performance   |
| 2019043 | 4-1000-71011-471010-221000-1007 | 274.00      | SA2019043 Pay for Performance   |
| 2019043 | 4-1000-71011-471010-241000-1007 | 29.00       | SA2019043 Pay for Performance   |
| 2019043 | 4-1000-71012-471010-110000-1007 | 2,535.00    | SA2019043 Pay for Performance   |
| 2019043 | 4-1000-71012-471010-210000-1007 | 194.00      | SA2019043 Pay for Performance   |
| 2019043 | 4-1000-71012-471010-221000-1007 | 310.00      | SA2019043 Pay for Performance   |
| 2019043 | 4-1000-71012-471010-241000-1007 | 33.00       | SA2019043 Pay for Performance   |
| 2019043 | 4-1000-71015-471010-110000-1007 | 340.00      | SA2019043 Pay for Performance   |
| 2019043 | 4-1000-71015-471010-210000-1007 | 26.00       | SA2019043 Pay for Performance   |
| 2019043 | 4-1000-81021-481020-110000-1008 | 26,060.00   | SA2019043 Pay for Performance   |
| 2019043 | 4-1000-81021-481020-210000-1008 | 1,994.00    | SA2019043 Pay for Performance   |
| 2019043 | 4-1000-81021-481020-221000-1008 | 3,182.00    | SA2019043 Pay for Performance   |
| 2019043 | 4-1000-81021-481020-241000-1008 | 341.00      | SA2019043 Pay for Performance   |
| 2019043 | 4-1000-81023-481020-110000-1008 | 1,884.00    | SA2019043 Pay for Performance   |
| 2019043 | 4-1000-81023-481020-210000-1008 | 144.00      | SA2019043 Pay for Performance   |
| 2019043 | 4-1000-81023-481020-221000-1008 | 230.00      | SA2019043 Pay for Performance   |
| 2019043 | 4-1000-81023-481020-241000-1008 | 25.00       | SA2019043 Pay for Performance   |
| 2019044 | 4-1252-31013-431010-120000-1003 | 20,000.00   | SA2019044 DMV 19 DUI GRANT M6OT-2019-59358-9353 - OT Wages                                      |
| 2019044 | 4-1252-31013-431010-210000-1003 | 1,530.00    | SA2019044 DMV 19 DUI GRANT M6OT-2019-59358-9353 - FICA  |
| 2019044 | 3-1252-33000-333000-330011-1003 | 20,000.00   | SA2019044 DMV 19 DUI GRANT M6OT-2019-59358-9353- Federal Revenue                                |
| 2019044 | 3-1252-51000-351000-512004-9999 | 1,530.00    | SA2019044 DMV 19 DUI GRANT M6OT-2019-59358-9353 - GF transfer for FICA                          |
| 2019044 | 4-1253-31013-431010-120000-1003 | 8,800.00    | SA2019044 DMV 19 Speed Grant FSC-2019-59321-9321 - OT Wages                                     |
| 2019044 | 4-1253-31013-431010-210000-1003 | 673.20      | SA2019044 DMV 19 Speed Grant FSC-2019-59321-9321 - FICA   |
| 2019044 | 3-1253-33000-333000-330011-1003 | 8,800.00    | SA2019044 DMV 19 Speed Grant FSC-2019-59321-9321 - Federal Rev.                                 |
| 2019044 | 3-1253-51000-351000-512004-9999 | 673.20      | SA2019044 DMV 19 Speed Grant FSC-2019-59321-9321 - GF transfer for FICA                         |
| 2019044 | 3-1254-33000-333000-300001-1003 | 12,388.00   | SA2019044 Supporting Community Policing Efforts Grant 2018-DJ-BX-0325 - Federal                 |
| 2019044 | 4-1254-31013-431010-120000-1003 | 11,507.66   | SA2019044 Supporting Community Policing Efforts 2018-DJ-BX-0325 - Overtime Wages                |
| 2019044 | 4-1254-31013-431010-210000-1003 | 880.34      | SA2019044 Supporting Community Policing Efforts 2018-DJ-BX-0325 - FICA                          |
| 2019044 | 4-1000-93010-493010-930212-9999 | 2,203.20    | SA2019044 DMV Grants - General Fund Transfer for FICA   |
| 2019044 | 4-1000-31013-431010-210000-1003 | -2,203.20   | SA2019044 DMV Grants - General Fund Transfer for FICA   |
| 2019045 | 3-4100-16000-316000-160311-1003 | 8,000.00    | SA2019045 UVA Contractual Reimbursable OT   |
| 2019045 | 4-4100-31040-435600-129900-1003 | 8,000.00    | SA2019045 UVA Contractual Reimbursable OT   |
| 2019046 | 3-4110-19000-319000-160502-9999 | -5,306.62   | SA2019046 City of Charlottesville -Public Safety CAD/Technology Project                         |
| 2019046 | 3-4110-19000-319000-160512-9999 | -3,348.23   | SA2019046 UVA -Public Safety CAD/Technology Project   |
| 2019046 | 3-4110-19000-319000-160534-9999 | -505.40     | SA2019046 Charlottesville/Albemarle Airport- ECC 800 MHz Regional Communications System         |
| 2019046 | 3-4110-19000-319000-160627-9999 | -505.40     | SA2019046 RWSA- ECC 800 MHz Regional Communications System                                      |
| 2019046 | 3-4110-19000-319000-160633-9999 | -421.16     | SA2019046 ACSA- ECC 800 MHz Regional Communications System                                      |
| 2019046 | 3-4110-19000-319000-181314-9999 | -210.58     | SA2019046 ACRJ- ECC 800 MHz Regional Communications System                                      |
| 2019046 | 3-4110-19000-319000-160503-9999 | 187,706.96  | SA2019046 Transfer into ECC from CIP - County Share   |
| 2019046 | 3-4110-51000-351000-510100-9999 | -198,467.63 | SA2019046 Reducing ECC Fund Balance SA2019048   |
| 2019046 | 4-4110-31058-435600-950185-1003 | -21,058.06  | SA2019046 ECC 800 MHz Regional Communications System  |
| 2019046 | 4-9010-31055-435600-800305-9999 | -10,198.39  | SA2019046 transfer from CIP to ECC 800MHz   |
| 2019046 | 3-9010-51000-351000-510100-9999 | 187,706.96  | SA2019046 Use of CIP Fund Balance (ECC 800 MHz Reg. Comm. Sys., Text to 911, Public Safety CAD) |
| 2019046 | 4-9010-31055-435600-800306-9999 | 197,905.35  | SA2019046 transfer from CIP to ECC CAD  |
| 2019046 | 3-4100-51000-351000-510100-9999 | -15,506.34  | SA2019046 ECC Fund Balance - 11/7 App   |
| 2019046 | 4-4100-31040-435600-312500-1003 | -12,196.68  | SA2019046 Re-app: location study, fac. Needs Assessment   |
| 2019046 | 4-4100-31040-435600-800500-1003 | -3,309.66   | SA2019046 Re-app: vehicle extra equip   |
| 2019047 | 4-1000-21060-421060-332100-1002 | 750.00      | SA2019047 Re-app: FY18 PO - Clerk of Circt Court  |
| 2019047 | 4-1000-21060-421060-332115-1002 | 3,750.00    | SA2019047 Re-app: FY18 PO - Clerk of Circt Court  |
| 2019047 | 4-1000-21060-421060-600103-1002 | 21,360.00   | SA2019047 Re-app: FY18 PO - Clerk of Circt Court  |
| 2019047 | 4-1000-93010-493010-930027-9999 | 144,807.00  | SA2019047 Re-App: NIFI Contingency Funds to CIP   |
| 2019047 | 3-1000-51000-351000-510100-9999 | 170,667.00  | SA2019047 GF Fund Balance - Nov re-app  |
| 2019047 | 3-9010-51000-351000-512074-9999 | 144,807.00  | SA2019047 Re-App: NIFI Contingency Funds - Transfer GF Fund Balance                             |
| 2019047 | 4-9010-41020-443300-999999-9999 | 104,807.00  | SA2019047 RE-App: NIFI Contingency Funds - NIFI Contingency                                     |
| 2019047 | 4-9010-71018-443370-950026-9999 | 40,000.00   | SA2019047 RE-App: NIFI Contingency Funds - NIFI Rivanna Greenway Stabilization                  |
| 2019048 | 4-9010-91040-491040-999999-9999 | 919,780.34  | SA2019050 FY 19 Carry Forward #3  |
| 2019048 | 3-9010-51000-351000-512034-9999 | 250,000.00  | SA2019050 FY 19 Carry Forward #3  |
| 2019048 | 3-9010-51000-351000-512046-9999 | 40,785.00   | SA2019050 FY 19 Carry Forward #3  |
| 2019048 | 3-9010-51000-351000-512056-9999 | 30,538.17   | SA2019050 FY 19 Carry Forward #3  |
| 2019048 | 3-9010-19000-319000-199900-9999 | 129,375.00  | SA2019050 FY 19 Carry Forward #3  |
| 2019048 | 3-9010-24000-324000-240231-1004 | 464,900.27  | SA2019050 FY 19 Carry Forward #3  |
| 2019048 | 3-9010-51000-351000-510100-9999 | 4,181.90    | SA2019050 FY 19 Carry Forward #3  |
| 2019048 | 3-1810-51000-351000-510100-9999 | 250,000.00  | SA2019050 FY 19 Carry Forward #3  |
| 2019048 | 4-1810-93010-493010-930010-9999 | 250,000.00  | SA2019050 FY 19 Carry Forward #3  |

|              |                                 |                     |                                  |
|--------------|---------------------------------|---------------------|----------------------------------|
| 2019048      | 3-8527-51000-351000-510100-9999 | 40,785.00           | SA2019050 FY 19 Carry Forward #3 |
| 2019048      | 4-8527-93010-493010-930010-9999 | 40,785.00           | SA2019050 FY 19 Carry Forward #3 |
| 2019048      | 3-8540-51000-351000-510100-9999 | 30,538.17           | SA2019050 FY 19 Carry Forward #3 |
| 2019048      | 4-8540-93010-493010-930010-9999 | 30,538.17           | SA2019050 FY 19 Carry Forward #3 |
|              |                                 |                     |                                  |
| <b>TOTAL</b> |                                 | <b>3,598,222.54</b> |                                  |

Item No. 8.3. ZMA200400007 Belvedere Special Exceptions to Application Plan and Code of Development.

The Executive Summary forwarded to the Board states that the applicant is requesting three special exceptions to the Belvedere Code of Development and Application Plan approved with ZMA200400007. The applicant’s proposal and plans are provided as Attachment A.

County Code § 18- 8.5.5.3 allows minor variations to codes of development and application plans, provided major elements and features remain the same.

53) Variation to rearrange the maximum number of units between Blocks 7&9 and Blocks 4&6 in the Code of Development

54) Variation to modify the arrangement of Greenspace/Preservation/Conservation space in Blocks 9 and 10 as shown on the Application Plan and in the Code of Development

55) Variation to modify the minimum lot frontage for Block 9 single family detached lots in the Code of Development

Staff analysis of the request is provided as Attachment B.

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

\*\*\*\*\*

**By the above-recorded vote, the Board adopted the following Resolution to Approve Special Exceptions for ZMA 200400007 Belvedere to Vary the Application Plan and The Code of Development, subject to the conditions:**

**RESOLUTION TO APPROVE SPECIAL EXCEPTIONS  
FOR ZMA200400007 BELVEDERE  
TO VARY THE APPLICATION PLAN AND THE CODE OF DEVELOPMENT**

**WHEREAS**, the Owner of Tax Map Parcel Numbers 06100-00-00-16000, 06200-00-00-002B0, 062A3-00-00-00100, and 062G00-00-09-000A0 filed a request for special exceptions to vary the Application Plan and the Code of Development approved in conjunction with ZMA200400007 Belvedere to rearrange the maximum number of units between Blocks 7 and 9 and Blocks 4 and 6 as shown on pages 3 and 4 of the Applicant’s 4-page request last revised on April 26, 2018, to modify the arrangement of greenspace, preservation space, and conservation space in Blocks 9 and 10 as shown on pages 3, 4, 5, and 6 of the Applicant’s 6-page request last revised on July 17, 2018, and to modify the minimum lot frontage of Block 9 single family detached lots as shown on page 4 of the Applicant’s 4-page request last revised on April 25, 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, 18-33.43, and 18-33.49, the Albemarle County Board of Supervisors hereby approves the special exceptions to vary the Application Plan and the Code of Development approved in conjunction with ZMA200400007 Belvedere, as described hereinabove, subject to the conditions attached hereto.

\* \* \*

**Special Exception to Vary ZMA200400007 Belvedere Code of Development  
Special Exception Conditions**

1. The special exception to rearrange the maximum number of units between Blocks 7 and 9 and Blocks 4 and 6 shall be as shown in Tables 1 and 2 on pages 3 and 4 of the Applicant’s 4-page request last revised on April 26, 2018.
2. The special exception to modify the arrangement of greenspace, preservation area, and conservation area in Blocks 9 and 10 shall be as shown in Table 4 on pages 3 and 4 of the Applicant’s 6-page request last revised on July 17, 2018, and in Exhibits D and E, prepared by Collins Engineering and dated April 26, 2018 and October 9, 2018, respectively, on pages 5 and 6 of the Applicant’s 6-page request last revised on July 17, 2018.
3. Screening shall be installed in accordance with County Code § 18-32.7.9.7 and completed prior to a certificate of occupancy for the lot adjacent to the Conservation Area. The landscape plan for the screening must be submitted and approved prior to a building permit being issued for that lot.

4. The special exception to modify the minimum lot frontage for Block 9 single family detached lots shall be reduced from 60 feet to 55 feet as shown in Exhibit C prepared by Collins Engineering and dated April 26, 2018 on page 4 of the Applicant's 4-page request last revised on April 25, 2018.

BELVEDERE

Variation #38 (approved 3.24.11) modifies Tables 1 and 2 to redistribute unit types in several blocks.

| BELVEDERE MAXIMUM RESIDENTIAL DENSITIES |           |  |        |               |                      |       |         |
|---|-----------|--|--------|---------------|----------------------|-------|---------|
| BLOCK GROUP                             | AREA (AC) | TABLE 1<br>MAXIMUM RESIDENTIAL DENSITIES |        |               |                      |       |         |
|   |           | SFD                                      | SFA/TH | APARTMENTS/MF | CARRIAGE HOUSE UNITS | TOTAL | DENSITY |
| 1                                       | 15.08     | 0  | 0      | 12            | 0                    | 12    | 0.80    |
| 2                                       | 26.83     | 0  | 20     | 302           | 0                    | 322   | 12.00   |
| 3                                       | 12.48     | 25                                       | 0      | 0             | 14                   | 39    | 3.13    |
| 4                                       | 16.68     | 32                                       | 11     | 0             | 26                   | 69    | 4.14    |
| 5                                       | 6.86      | 34                                       | 0      | 0             | 24                   | 58    | 8.45    |
| 6                                       | 9.32      | 30                                       | 9      | 0             | 14                   | 53    | 5.69    |
| 7                                       | 8.72      | 34                                       | 0      | 0             | 32                   | 66    | 7.57    |
| 8                                       | 7.9       | 27                                       | 16     | 0             | 26                   | 69    | 8.73    |
| 9                                       | 9.41      | 25                                       | 0      | 0             | 0                    | 25    | 2.66    |
| 10                                      | 93.4      | 52                                       | 0      | 0             | 10                   | 62    | 0.66    |
| TOTAL                                   | 206.68    | 259                                      | 56     | 314           | 146                  | 775   | 3.75    |

| BELVEDERE MINIMUM RESIDENTIAL DENSITIES |           |  |        |               |                      |       |         |
|---|-----------|--|--------|---------------|----------------------|-------|---------|
| BLOCK GROUP                             | AREA (AC) | TABLE 2<br>MINIMUM RESIDENTIAL DENSITIES |        |               |                      |       |         |
|   |           | SFD                                      | SFA/TH | APARTMENTS/MF | CARRIAGE HOUSE UNITS | TOTAL | DENSITY |
| 1                                       | 15.08     | 0  | 0      | 0             | 0                    | 0     | 0.00    |
| 2                                       | 26.83     | 0  | 19     | 218           | 0                    | 237   | 8.83    |
| 3                                       | 12.48     | 25                                       | 0      | 0             | 14                   | 39    | 3.13    |
| 4                                       | 16.68     | 28                                       | 11     | 0             | 22                   | 61    | 3.66    |
| 5                                       | 6.86      | 29                                       | 0      | 0             | 16                   | 45    | 6.56    |
| 6                                       | 9.32      | 28                                       | 0      | 0             | 11                   | 39    | 4.18    |
| 7                                       | 8.72      | 30                                       | 0      | 0             | 20                   | 50    | 5.73    |
| 8                                       | 7.9       | 22                                       | 0      | 0             | 20                   | 42    | 5.32    |
| 9                                       | 9.41      | 23                                       | 0      | 0             | 0                    | 23    | 2.44    |
| 10                                      | 93.4      | 50                                       | 0      | 0             | 0                    | 50    | 0.54    |
| TOTAL                                   | 206.68    | 235                                      | 30     | 218           | 103                  | 586   | 2.84    |

| BELVEDERE MAXIMUM RESIDENTIAL DENSITIES |           |  |        |               |                      |       |         |
|---|-----------|--|--------|---------------|----------------------|-------|---------|
| BLOCK GROUP                             | AREA (AC) | TABLE 1<br>MAXIMUM RESIDENTIAL DENSITIES |        |               |                      |       |         |
|   |           | SFD                                      | SFA/TH | APARTMENTS/MF | CARRIAGE HOUSE UNITS | TOTAL | DENSITY |
| 1                                       | 15.08     |  |        | 12            | 0                    | 12    | 0.80    |
| 2                                       | 26.83     | 0  | 20     | 302           | 0                    | 322   | 12.00   |
| 3                                       | 12.48     | 25                                       |        |               | 14                   | 39    | 3.13    |
| 4                                       | 16.68     | 34                                       | 11     |               | 26                   | 71    | 4.26    |
| 5                                       | 6.86      | 34                                       | 0      |               | 24                   | 58    | 8.45    |
| 6                                       | 9.32      | 28                                       | 9      |               | 14                   | 51    | 5.47    |
| 7                                       | 8.72      | 36                                       |        |               | 32                   | 68    | 7.80    |
| 8                                       | 7.9       | 27                                       | 16     |               | 26                   | 69    | 8.73    |
| 9                                       | 9.41      | 23                                       |        |               |                      | 23    | 2.44    |
| 10                                      | 93.4      | 52                                       |        |               | 10                   | 62    | 0.66    |
| TOTAL                                   | 206.68    | 259                                      | 56     | 314           | 146                  | 775   | 3.75    |

| BELVEDERE MINIMUM RESIDENTIAL DENSITIES |           |   |        |               |                      |       |         |
|---|-----------|---|--------|---------------|----------------------|-------|---------|
| BLOCK GROUP                             | AREA (AC) | TABLE 2<br>MINIUMUM RESIDENTIAL DENSITIES |        |               |                      |       |         |
|   |           | SFD                                       | SFA/TH | APARTMENTS/MF | CARRIAGE HOUSE UNITS | TOTAL | DENSITY |
| 1                                       | 15.08     |   |        |               |                      | 0     | 0       |
| 2                                       | 26.83     |   | 19     | 218           |                      | 237   | 8.83    |
| 3                                       | 12.48     | 25  |        |               | 14                   | 39    | 3.13    |
| 4                                       | 16.68     | 28  | 11     |               | 19                   | 58    | 3.48    |
| 5                                       | 6.86      | 29  |        |               | 16                   | 45    | 6.56    |
| 6                                       | 9.32      | 28  |        |               | 11                   | 39    | 4.18    |
| 7                                       | 8.72      | 30  |        |               | 23                   | 53    | 6.08    |
| 8                                       | 7.9       | 22  |        |               | 20                   | 42    | 5.32    |
| 9                                       | 9.41      | 23  |        |               |                      | 23    | 2.44    |
| 10                                      | 93.4      | 50  |        |               |                      | 50    | 0.54    |
| TOTAL                                   | 206.68    | 235                                       | 30     | 218           | 103                  | 586   | 2.84    |

BELVEDERE

Variation # 13 (approved 8.30.07)  
Variation #45 (approved 10.19.12) revisions to Block 5 and portions of Blocks 7 and 9.

| Table 4 Green Space Tabulation     |                |                           |                           |                           |  |
|------------------------------------|----------------|---------------------------|---------------------------|---------------------------|--|
| Park or Green Space                | Block Location | Conservation Area (Acres) | Preservation Area (Acres) | Other Green Space (Acres) |  |
| Park 'A'                           | 1              | 2.3*                      |                           |                           |  |
| Block 1                            | 1              |                           |                           | 0.4                       |  |
| Open Space Block 2                 | 1 & 2          |                           | 1.2*                      | 5.0*                      |  |
| Block 2, Commons and Greenway      | 2              |                           |                           | 0.7*                      |  |
| Block2 Open Space including SWM #3 | 3              |                           |                           | 4.22                      |  |
| SWM #4                             | 3              |                           |                           | 0.48                      |  |
| Village Green                      | 4              |                           |                           | 1.4*                      |  |
| Roundabout #2 Corner Pocket Parks  | 4              |                           |                           | 1.2*                      |  |
| Park 'E'                           | 5              |                           |                           | 0.53*                     |  |
| Linear Park 'F'                    | 6              |                           |                           | 4.12*                     |  |
| Park 'G'                           | 7              |                           |                           | 0.75*                     |  |
| Park 'H'                           | 8              |                           |                           | 0.2*                      |  |
| Open Space Block 9                 | 9              | 0.73                      | 1.2                       | 1.76*                     |  |
| Block 9, Preservation Easement     | 9              | 0.09                      | 0.8                       |                           |  |
| Linear Park 'J'                    | 9 & 10         | 5.35*                     |                           |                           |  |
| Open Space Block 10                | 10             | 3.51*                     | 4.59*                     |                           |  |
| Linear Park 'K'                    | 10             |                           |                           | 0.8*                      |  |
| Park 'L'                           | 10             |                           |                           | 0.5*                      |  |
| Park 'M'                           | 10             |                           |                           | 0.2*                      |  |
| Rivanna River Bottomland           | 10             | 41.85*                    |                           |                           |  |
| TOTAL                              |                | 53.83 Acres               | 7.79 Acres                | 22.26 Acres               | 83.88 Acres Total Green Space or 40% of Site |

\*Included as Project Amenities

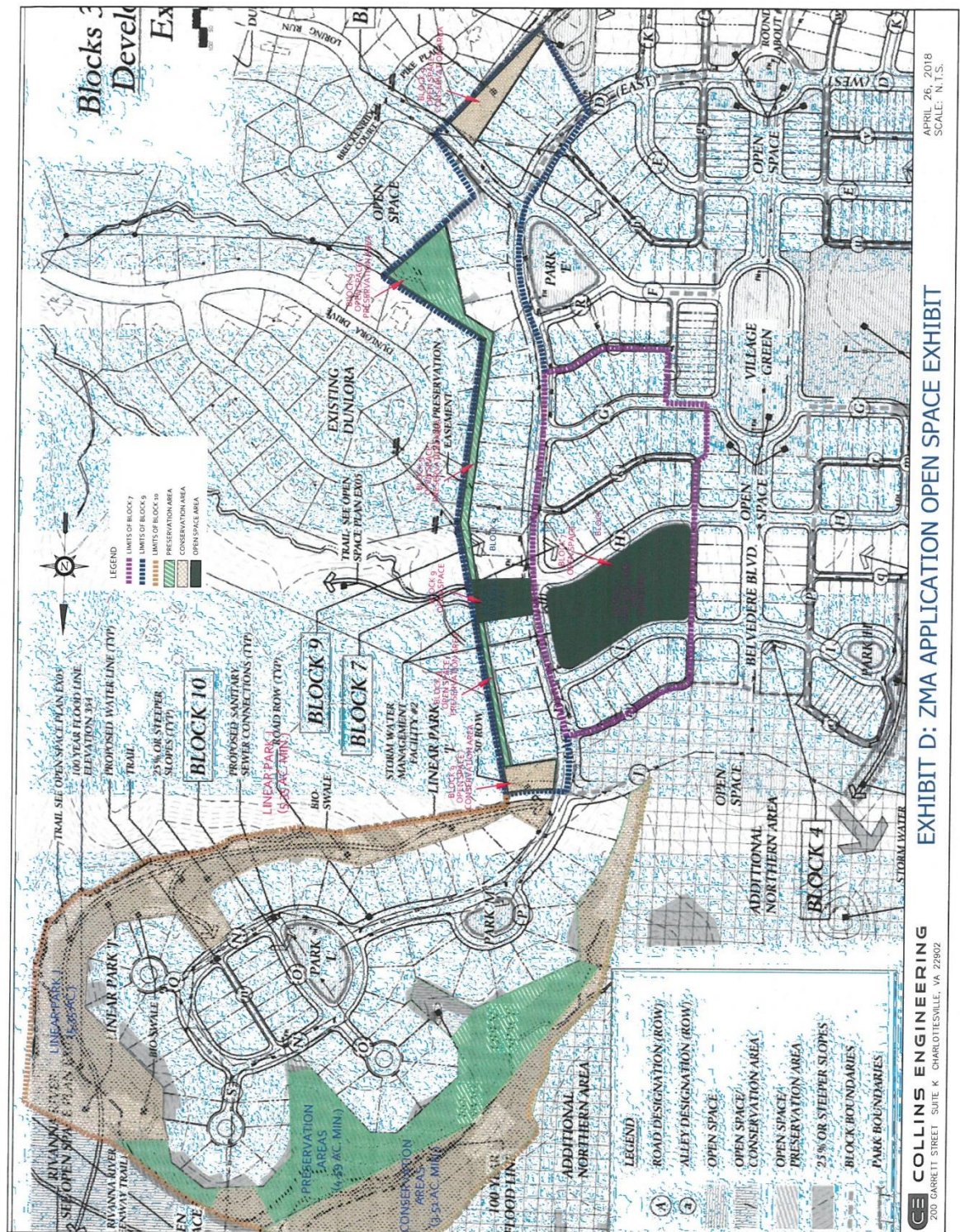
| Table 5 Project Amenities    |   |
|------------------------------|---|
| Parks Listed in Above Table  | 75.92 Acres                                     |
| Block 2, Neighborhood Center | 0.7 Acres                                       |
| Block 4, Neighborhood Center | 3.2 Acres                                       |
|                              | 79.82 Acres Total Amenity Area or 38.5% of Site |



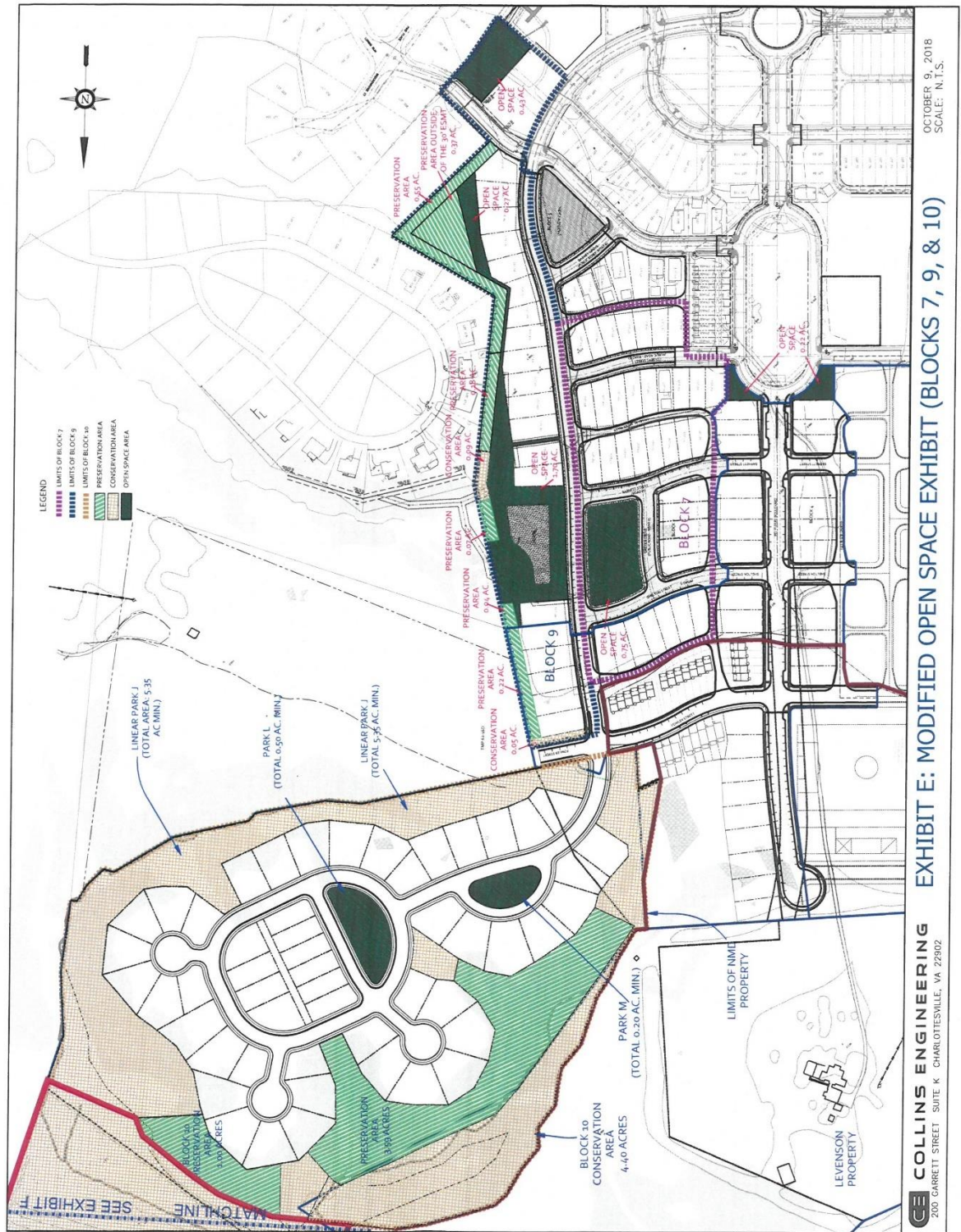
| TABLE 4 GREEN SPACE TABULATION - PROPOSED WITH VARIATION #54 |                |                           |                           |                           |                            |
|--|----------------|---------------------------|---------------------------|---------------------------|----------------------------|
| Park or Green Space  | Block Location | Conservation Area (Acres) | Preservation Area (Acres) | Other Green Space (Acres) |                            |
| Park 'A'   | 1              | 2.3                       |                           |                           |                            |
| Block 1  | 1              |                           |                           | 0.4                       |                            |
| Open Space Block 2   | 1 & 2          |                           | 1.2                       | 5.0                       |                            |
| Block 2, Commons and Greenway                                | 2              |                           |                           | 0.7                       |                            |
| Block 2 Open Space including SWM #3                          | 3              |                           |                           | 4.22                      |                            |
| SWM #4   | 3              |                           |                           | 0.48                      |                            |
| Village Green  | 4              |                           |                           | 1.4                       |                            |
| Roundabout #2 Corner Pocket Parks                            | 4              |                           |                           | 1.2                       |                            |
| Park 'E'   | 5              |                           |                           | 0.53                      |                            |
| Linear Park 'F'  | 6              |                           |                           | 4.12                      |                            |
| Park 'G'   | 7              |                           |                           | 0.75                      |                            |
| Park 'H'   | 8              |                           |                           | 0.2                       |                            |
| Linear Park 'K'  | 8              |                           |                           | 0.8                       |                            |
| Open Space Block 9   | 9              | 0.05                      | 0.37                      | 2.4                       |                            |
| Block 9, Preservation Easement                               | 9              | 0.09                      | 1.06                      | 0                         |                            |
| Linear Park 'J'  | 10             | 5.35                      |                           |                           |                            |
| Open Space Block 10  | 10             | 4.40                      | 4.59                      |                           |                            |
| Park 'L'   | 10             |                           |                           | 0.5                       |                            |
| Park 'M'   | 10             |                           |                           | 0.2                       |                            |
| Rivanna River Bottomland                                     | 10             | 41.85                     |                           |                           |                            |
| TOTAL  |                | 54.04 Acres               | 7.22 Acres                | 22.90 Acres               | 84.16 Acres<br>Total Green |

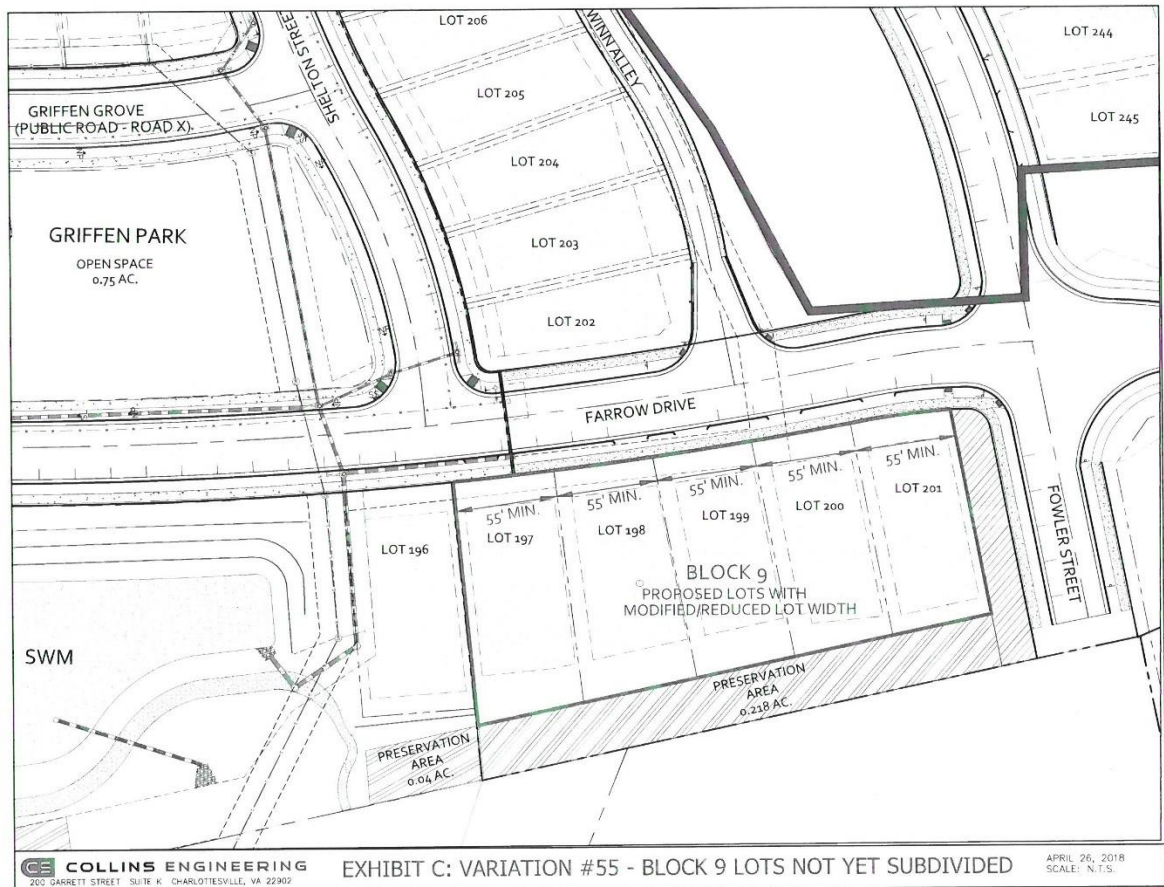
Note: The total Open Space Proposed is 40.1 % of the Total project area











Item No. 8.4. Ivy MUC Tipping Fees Changes.

(Note: This item was discussed at the beginning of the Consent Agenda and separate action was taken.)

Item No. 8.5. Resolution Authorizing the County's Acceptance of an Edward Byrne Justice Assistance Grant Program Grant.

The Executive Summary forwarded to the Board states that for the past five years, the U.S. Department of Justice (DOJ) has provided grant funds through the Edward Byrne Justice Assistance Grant (JAG) Program that support enhanced community policing projects and activities. As of July 26, 2018, DOJ now considers the Chair of the Board of Supervisors to be the "Chief Executive of the Applicant Unit of Local Government." This is a change from previous years when the County Executive's signature was sufficient for these grant-related documents.

The County applied for the FY 18 Edward Byrne JAG Program grant on August 21, 2018 and an award was made to the County on October 1, 2018. To comply with the DOJ, the Chair of the Board of Supervisors is required to sign the "Certifications and Assurances by the Chief Executive of the Applicant Government" to accept the grant award.

The funding from these grants will provide the Albemarle County Police Department's Community Support Services Division additional resources to develop, often working directly with citizens, overtime projects and activities involving problem solving, crime prevention, community relationship building and safety enhancement.

Signature on the FY 18 Certifications and Assurances for the Edward Byrne JAG Program Local Solicitations will result in acceptance of \$12,388.00 in grant funds for its Community Policing Program.

Staff recommends that the Board adopt the attached Resolution (Attachment B) authorizing the Chair to sign Certifications and Assurances for the Edward Byrne JAG Program after the County Attorney's approval.

By the above-recorded vote, the Board adopted the following Resolution to authorize the Chair to sign Certifications and Assurances for the Edward Byrne JAG Program after the County Attorney's approval:

**RESOLUTION TO AUTHORIZE BYRNE JUSTICE ASSISTANCE GRANTS**

**WHEREAS**, the U.S. Department of Justice has awarded the County of Albemarle an Edward Byrne Justice Assistance Grant (the "Grant") for Fiscal Year 2018; and

**WHEREAS**, the final award of the Fiscal Year 2018 Grant is conditioned on the execution of certain "Certifications and Assurances by the Chief Executive of the Applicant Government;" and



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

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

**U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS**

**Edward Byrne Justice Assistance Grant Program FY 2018 Local Solicitation**  
**Certifications and Assurances by the Chief Executive of the Applicant Government**

On behalf of the applicant unit of local government named below, in support of that locality's application for an award under the FY 2018 Edward Byrne Justice Assistance Grant ("JAG") Program, and further to 34 U.S.C. § 10153(a), I certify under penalty of perjury to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

1. I am the chief executive of the applicant unit of local government named below, and I have the authority to make the following representations on my own behalf and on behalf of the applicant unit of local government. I understand that these representations will be relied upon as material in any OJP decision to make an award, under the application described above, to the applicant unit of local government.
2. I certify that no federal funds made available by the award (if any) that OJP makes based on the application described above will be used to supplant local funds, but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.
3. I assure that the application described above (and any amendment to that application) was submitted for review to the governing body of the unit of local government (e.g., city council or county commission), or to an organization designated by that governing body, not less than 30 days before the date of this certification.
4. I assure that, before the date of this certification— (a) the application described above (and any amendment to that application) was made public; and (b) an opportunity to comment on that application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure made such an opportunity available.
5. I assure that, for each fiscal year of the award (if any) that OJP makes based on the application described above, the applicant unit of local government will maintain and report such data, records, and information (programmatic and financial), as OJP may reasonably require.
6. I certify that— (a) the programs to be funded by the award (if any) that OJP makes based on the application described above meet all the requirements of the JAG Program statute (34 U.S.C. §§ 10151-10158); (b) all the information contained in that application is correct; (c) in connection with that application, there has been appropriate coordination with affected agencies; and (d) in connection with that award (if any), the applicant unit of local government will comply with all provisions of the JAG Program statute and all other applicable federal laws.
7. I have examined certification entitled "State or Local Government: FY 2018 Certification of Compliance with 8 U.S.C. §§ 1373 & 1644" executed by the chief legal officer of the applicant government with respect to the FY 2018 JAG program and submitted in support of the application described above, and I hereby adopt that certification as my own on behalf of that government. (This provision is not applicable to Indian tribal government applicants.)
8. I have examined certification entitled "State or Local Government: FY 2018 Certification Relating to 8 U.S.C. §§ 1226(a) & (c), 1231(a)(4), 1357(a), & 1366(1) & (3)" executed by the chief legal officer of the applicant government with respect to the FY 2018 JAG program and submitted in support of the application described above, and I hereby adopt that certification as my own on behalf of that government. (This provision is not applicable to Indian tribal government applicants.)

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the applicant unit of local government to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and §§ 3801-3812). I also acknowledge that OJP awards, including certifications provided in connection with such awards, are subject to review by USDOJ, including by OJP and by the USDOJ Office of the Inspector General.

\_\_\_\_\_  
Signature of Chief Executive of the Applicant Unit of  
Local Government

\_\_\_\_\_  
Date of Certification

\_\_\_\_\_  
Printed Name of Chief Executive

\_\_\_\_\_  
Title of Chief Executive

\_\_\_\_\_  
Name of Applicant Unit of Local Government

Item No. 8.6. Q1 FY 19 Quarterly Financial Report, Q1 FY 19 General Fund Revised Financial Projections Report, and Q1 FY 19 Quarterly Economic Indicators Report, ***was received for information.***

The Executive Summary forwarded to the Board states that the attached Quarterly Financial Report (QFR) (Attachment A) provides information regarding the County's FY 19 General Fund and School Fund performance as of September 30, 2018. The Annual Quarterly Financial Report (AEIR) shows the state of the County's economy.

Quarterly Financial Report

The Quarterly Financial Report (QFR) reflects year-to-date (YTD) data through September 30, 2018, the end of the first quarter (Q1) of FY 19. The data in the attached QFR is organized in a way that is consistent with Exhibit 12 of the County's Comprehensive Annual Financial Report (CAFR). Most line item titles in the QFR match the line item titles in the CAFR.

Highlights from the QFR include:

*Revenues* - YTD Actual YTD total revenues in Q1 FY 19 were \$18,932,597 compared to

\$16,986,786 in Q1 FY 18. In percentage terms, FY 19 YTD actual revenues as a percentage of FY19 Revised Budget revenues were 6.48%, compared to 6.19% in FY 18.

*Expenditures* - YTD Actual YTD total expenditures in Q1 FY 19 were \$34,472,434 compared to \$66,749,335 in Q1 FY 18. In percentage terms, FY 19 YTD actual expenditures as a percentage of FY 19 Revised Budget expenditures were 11.80%, compared to 24.31% in FY 18.

*County Executive Authorized Transfers and Appropriations* - A table listing the County Executive authorized transfer and appropriations made during the first quarter of FY 19 is included on page 8.  
*ACPS Quarterly Financial Report*

*ACPS Quarterly Financial Report*

As requested by the Board, the Albemarle County Public Schools Quarterly Financial Report as of September 30, 2018 is included as a table on page 11 of the QFR.

*An Investment Activity Summary* for the Quarter Ended September 30, 2018 is included on page 12.

Annual Economic Indicators Report

The Annual Economic Indicators Report (AEIR) (Attachments B and C) shows the state of the County's economy. The AEIR contains data taken from the most recently available fiscal year and compares this data with data from previous fiscal years. General economic activity, as measured by six select revenue streams, grew substantially between FY 17 and FY 18. The unemployment rate in Albemarle declined between FY 17 and FY 18, going from 3.48% to 3.01%. This year-over-year decline was consistent with drops in national and state rates. Nominally, the County appears to have reached "full employment" and, if the forecasted FY 19 rate of 2.8% turns out to be correct, Albemarle would seem to be in a labor shortage. The County's jobs base, meanwhile, experienced healthy growth between FY 17 and FY 18. The estimated total number of jobs increased from 54,921 to 56,000 or by about 2%. This growth of 1,079 positions is consistent with a solid local labor market. Note, however, that the inflation-adjusted average weekly wage apparently dropped by \$10 between FY 17 and FY 18. This decline of 1% might be a statistical fluke but would be consistent with overall stagnant wages in the U.S. since the end of the 2007-09 recession. Staff will continue to monitor the situation. The inflation-adjusted Federal Housing Finance Agency's House Price Index for the Charlottesville region, meanwhile, rose by 4.46% between FY 17 and FY 18. Overall, the data suggests that the County's economy grew at a healthy pace in the most recent year, a situation that is consistent with the U.S. and state economies. The outlook for the County's economy in FY 19 generally looks good, although there exist foreseeable macroeconomic scenarios under which the direction of the County's economy could reverse

Revenues and expenditures data contained in the UQFR reflects the state of the County's FY 19 budget-to-actual financial performance as of September 30, 2018. Data shown in the QEIR reflects economic variables that impact the County's current and future revenues and expenditures.

These reports are for information only. Staff welcomes the Board's feedback regarding the content and presentation of these reports.

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Item No. 8.7. Environmental Quarterly Report - 1st Quarter FY19, ***was received for information.***

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Item No. 8.8. Capital Projects Status Report 3rd Quarter CY2018, ***was received for information.***

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Item No. 8.9. Board-to-Board, October 2018, a Monthly Report from the Albemarle County School Board to the Albemarle County Board of Supervisors, ***was received for information.***

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Item No. 8.10. VDOT Monthly Report (November) 2018, ***was received for information.***

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Agenda Item No. 9. Legislative Priorities:

Item No. 9a. Proposed 2019 Legislative Priorities.

The Executive Summary forwarded to the Board states that each year the Board considers and approves its Legislative Priorities and submits them to the Thomas Jefferson Planning District Commission (TJPDC), the Virginia Association of Counties (VACo), and the Virginia Municipal League (VML). Generally, the TJPDC's legislative program incorporates the County's legislative priorities. Other initiatives are sometimes added prior to the General Assembly session. Each year the Board also considers and approves its Positions and Policy Statements.

The Board held work sessions on its 2019 Legislative Priorities on September 12, 2018 and October 10, 2018.

**1. Initiate legislation:**

Courts: Initiate legislation to amend Virginia Code §§ 15.2-1638, 16.1-69.35, and any other sections necessary to enable the County's general district court to be located outside of Court Square, possibly on jointly owned land.

Zoning: Initiate legislation to amend Virginia Code § 15.2-2311 to enable notices for zoning violations to be mailed by certified mail, rather than only by registered mail.

Public Safety: Initiate legislation to amend Virginia Code § 18.2-287.4 to add Albemarle County to the list of localities in which carrying specified loaded weapons in public areas is prohibited. These initiatives are explained in more detail in Attachment A.

**2. Support legislation and funding:**

Impact Fees: Support legislation enabling impact fees, which would replace cash proffers. Two impact fee bills, SB208 <<http://lis.virginia.gov/cgi-bin/legp604.exe?181+ful+SB208>> and SB944 <<http://lis.virginia.gov/cgi-bin/legp604.exe?181+sum+SB944>>, were introduced in 2018, continued to 2019, and over this past summer, were passed out of committee.

Targeted grants: Support improving the State's targeting of grants to businesses that pay higher wages by increasing the minimum wage requirements for eligible grant applicants.

Environmental: Support legislation prohibiting businesses from using disposable plastic bags and straws and to require bottle deposits, or enable localities to do so, with exceptions applicable to straws for hospitals and other care facilities.

State funding for education: Continue to support the statement on education funding from the TJPDC Legislation Program: "The Planning District localities urge the State to fully fund its share of the realistic costs of the Standards of Quality (SOQ) without making policy changes that reduce funding or shift funding responsibility to localities."

State funding for regional library systems: Support full funding of State Aid to JMRL and other regional libraries in the State system.

State continued and increased funding for broadband: Support continued and increased funding for the Virginia Telecommunications Initiative (VATI).

Solar energy production: A Board member suggested initiating legislation that would remove the existing cap on net energy metering arising from solar energy production. Virginia Code § 56-594 currently requires utilities to purchase net energy metered electricity only in an amount up to one percent of its "Virginia peak-load forecast for the previous year." Staff anticipates that there will be legislation pertaining to solar energy introduced this year, and staff will monitor that legislation. Staff recommends that the Board support legislation that would eliminate or relax the cap on net energy metering.

Support for impact fees, state funding for broadband, and state funding for education are already in the Board's Legislative Positions and Policy Statements (Attachment B) and will be modified as necessary. The others will be added to the statement.

**3. Staff recommends the following not be pursued this year:**

Homestays: The Finance Department requested initiating legislation to require homestay platforms to report all homestay businesses operating in each locality each year. Virginia Code § 15.2-983 enables the County to, "by ordinance, establish a short-term rental registry and require operators within the locality to register annually." The registration may require the operator to provide the complete name of the operator and the address of each property in the locality offered for short-term rental by the operator. Staff anticipates that members of the General Assembly would expect a detailed statement explaining the problem, why Virginia Code § 15.2-983 is inadequate, and how legislation would resolve the problem. Because the County has not yet adopted a registry ordinance, and because there are other tools available to identify homestay operators (through agreements with homestay platforms and technology services), staff believes this issue requires further work before requesting additional enabling authority.

Antique motor vehicles: Members of the Albemarle County Police Department and representatives of the Department of Motor Vehicles suggested to a Board member that the County initiate legislation to amend the definition of "antique motor vehicle" to increase the minimum age of antique vehicles from 25 years to 30 years. At the October 10 work session on legislative priorities, Board members discussed the broad implications of this proposed change, the need for stakeholders such as car clubs and other car organizations to be included in any proposed change, and that 25 years was a national standard minimum age for antique vehicles. Staff recommends that this legislation not be pursued this year.

Public safety volunteers: A Board member suggested initiating legislation creating tax deduction incentives for public safety volunteers similar to those available for volunteers with other entities. Staff has additional work to do on this issue and recommends that this legislation not be pursued this year.

Animals: At the Board's August 8 work session on Chapter 4 (Animals) of the County Code, a Board member suggested initiating enabling authority to expand the subject matter in which localities' regulations may be more stringent. At the October 10 work session on legislative priorities, the Board decided to evaluate the recently amended Chapter 4 after one year and decide then whether to pursue any additional enabling authority.

Stormwater management: The Department of Facilities and Environmental Services requested that the Board seek enabling authority to accept stream restoration as a stormwater management best management practice (BMP). Staff recommends that this matter be tabled for this year while it works with the Virginia Department of Environmental Quality (DEQ) to add stream restoration as a BMP. DEQ is currently authorized by State law to determine BMPs.

The County's legislative priorities seek to ensure that the state adequately funds its mandated responsibilities and does not jeopardize the County's ability to effectively and efficiently implement the policies (including fiscal) and programs that it deems necessary. There are no specific, identifiable budget impacts.

Staff recommends: (1) the Board approve the 2019 Proposed Legislative Priorities (Attachment A) for submission to the Thomas Jefferson Planning District Commission, the Virginia Association of Counties, and the Virginia Municipal League; and (2) approve the 2019 Statement of Legislative Positions and Policies (Attachment B).

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**(Note:** Mr. Gallaway left the meeting at 2:17 p.m.)

Mr. Kamptner presented the following slide with a history of the process:

- Staff began meeting with David Blount in July
- Staff contacted Board members and County departments for input on priority legislation.
- First Board work session on September 12, 2018
- Meeting with two members of local General Assembly delegation seeking support for one of the Board priorities being considered
- Second Board work session on October 10, 2018
- Throughout the period, David Blount is collecting information

His next slide presented a list of recommended legislative initiatives:

Courts: legislation to amend Virginia Code 15.2-1638, 16.1-69.35, and any other sections necessary to enable the County's general district court to be located outside of Court Square, possibly on land jointly owned with the City.

Zoning: Initiate legislation to amend Virginia Code 15.2-2311 to enable notices for zoning violations to be mailed by certified mail, rather than only by registered mail

Public Safety: Initiate legislation to amend Virginia Code 18.2-287.4 to add Albemarle County to the list of localities in which carrying specified loaded weapons in public areas is prohibited.

Mr. Kamptner stated that the bill to prohibit loaded weapons would be part of Charlottesville's legislative package, noting that it had failed last year.

His next slide presented was entitled "Recommended support for legislation and funding":

Impact Fees: Support enabling authority for impact fees to address impacts on public facilities from new development.

Targeted Grants: Support targeting grants for businesses that pay higher wages

Environmental: Support legislation prohibiting and regulating disposable plastic bags, straws, and bottles.

State Funding for Education: Continue request that the State fully fund its share of the realistic costs of SOQs without making policy changes that reduce funding or shift responsibility to localities.

State Funding for Regional Library Systems: Support full funding of State aide to JMRL.

State Funding for Broadband: Support continued and increased funding for VATI

Solar Energy Production: Support legislation that would reduce the existing cap on net energy metering.

Mr. Kamptner explained that impact fees would replace the cash proffer system as a broader application to all new development, which he described as a fairer way to deal with capital impacts on public facilities resulting from development. He noted that these items were incorporated in Attachment B (copy on file) of the Board's legislative positions and policy statements. He noted that the state applied a formula for regional library funding, which now resulted in a \$450,000– \$500,000 deficit in funds applied to JMRL. He noted that support for broadband called for continued and increased funding under the Virginia Telecommunications Initiative. Regarding the County's support for a reduction in the existing cap on net energy metering, he noted that the current cap was 1% of the total annual energy load.

His next slide contained items that were recommended to not be pursued this year:

Homestays (require platforms to report all homestay business in the locality): Because the County did not allow homestays and other tools are available, further work is required

Antique Motor Vehicles (increase minimum age from 25 to 30 years): would not be pursued for now because of its potential impact on car clubs and other car organizations and current antique car owners

Public Safety Volunteers (availability of a tax deduction as an incentive): Further work is required

Animals (increased authority to impose "more stringent regulations"): would not be pursued this year; would return next year after the County's new animal control regulations have been in place for a year

Stormwater management (allow stream restoration as a SWM BMP): Staff is pursuing resolution of the issue with Department of Environmental Quality

Regarding homestays, Mr. Kamptner said the County has not adopted the ordinance to implement existing legislation, and a legislator would ask them if they have tried to implement their existing authority and why it was not working. He added that the County has not yet adopted its homestay regulations and that there are available software tools that may allow them to track homestays.

Regarding antique motor vehicles, Ms. McKeel remarked that she thought many owners would agree that there was abuse of the designation, and the County needs to do more research and reach out to car organizations, while recognizing that there was a safety issue.

Mr. Randolph said he does not know if the enabling legislation allows counties to distinguish between an antique vehicle, which was determined by its age, and a classic vehicle, which in some cases may be worth multiple times the original sale value.

Ms. McKeel said that people were putting antique plates on old rattle traps to avoid inspection, for which the police and Department of Motor Vehicles have expressed a safety concern.

Ms. Mallek recalled that Ms. Betty Burrell, former Director of Finance, had explained that the original intention of the plates was for cars that were garaged and only taken out for shows or parades, not for daily use.

Ms. McKeel said her concern was not over the loss of property taxes but for the safety issue of vehicles that were not inspected.

Mr. Kamptner suggested that they impose some type of inspection requirement.

Regarding animal regulations, Mr. Kamptner remarked that at the Board's public hearing on Chapter 4, it was decided that they would monitor how the new regulations were working during the first year and potentially come back with something next year.

Ms. Mallek asked if there was a timetable for the discussions on stormwater management. Mr. Kamptner responded that Mr. Greg Harper informed him that he was going to be meeting with DEQ.

Mr. Kamptner said that staff recommends that the Board adopt the Proposed Legislative Priorities and the Proposed Legislative Positions and Policy Statements (Attachments A and B), after which his office would begin work on statutory language for the legislative initiatives. He noted that the brunch with the legislative delegation was set for December 4, 2018 at 9:00 a.m., and his office would come back in early summer and talk about the process, which was evolving and could be improved.

Ms. Mallek commented that this was such an important process for Supervisors to be able to interact during the session.

Mr. Randolph asked Supervisors if they would like to ask the General Assembly to reexamine the composite index of local ability to pay, which currently was based on the total overall property value, retail sales receipts, and total gross income. He stated that the County has no ability to capture any of this and that the County's public schools were penalized for having some very wealthy families. He added that this was totally unfair.

Ms. Mallek **moved** that the Board adopt the 2019 Proposed Legislative Priorities for submission to the Thomas Jefferson Planning District Commission, the Virginia Association of Counties, and the Virginia Municipal League; and to approve the 2019 Statement of Legislative Positions and Policies. The motion was **seconded** by Mr. Randolph.

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

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



Ms. McKeel gave Mr. Kamptner information from a magazine that she said goes through all the organizations and businesses eliminating plastic straws, such as Ireland, American Airlines, and Royal Caribbean. She stated that the County was not doing something strange or against business, as businesses are actually doing this.

## **Albemarle County's 2019 Legislative Priorities**

### **General District Court**

**Priority:** Initiate legislation to amend Virginia Code §§ 15.2-1638, 16.1-69.35, and any other sections necessary to enable the County's General District Court to be located outside of the County's "courthouse," which is Court Square, and to be located on land and in a building that would be jointly owned with the City.

**Summary of the Current Law:** State law requires the General District Court to be located in the County's "courthouse," which is Court Square. State law also requires that the fee simple ownership of the land and buildings for the courts be in the name of the County.

**Rationale:** For certain options for the Courts project to be possible, State law must be amended to allow the General District Court to be located outside of the County courthouse and in the City. Option 1 (Downtown Levy) proposes to locate the County's General District Court sets, as well as a City General District Court set, to the Levy property. State law also must be amended because the Levy property is jointly owned by the County and the City. The current State law is unclear as to whether jointly owned land and buildings satisfy the requirements of the statute. The "other sections necessary" that would be proposed for amendment would address issues such as the territorial jurisdiction of a county General District Court if it was located in a city.

### **Mailing a Notice of Zoning Violation**

**Priority:** Initiate legislation to amend Virginia Code § 15.2-2311(A) to allow certified mail to be used instead of registered mail to send notices of violation of the zoning ordinance or written orders of the zoning administrator.

**Summary of the Current Law:** Virginia Code § 15.2-2311(A) was amended in 2017 to no longer allow the use of certified mail and to require the use of registered mail.

**Rationale:** Certified mail serves functionally the same purpose for verifying mailing and receipt as registered mail, but costs substantially less.

### **Carrying Specified Loaded Weapons in Public Areas**

**Priority:** Initiate legislation to amend Virginia Code § 18.2-287.4 to add Albemarle County to the list of localities in which carrying specified loaded weapons in public areas is prohibited.

**Summary of the Current Law:** The current law makes it unlawful for any person to carry specified semiautomatic weapons and shotguns on any public street, road, alley, sidewalk, public right-of-way, or in any public park or any other place of whatever nature that is open to the public. The law applies in the Cities of Alexandria, Chesapeake, Fairfax, Falls Church, Newport News, Norfolk, Richmond, or Virginia Beach or in the Counties of Arlington, Fairfax, Henrico, Loudoun, or Prince William. The specified weapons that are prohibited are semi-automatic center-fire rifles or pistols that are equipped at the time of the offense with a magazine that will hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock, and shotguns with magazines that will hold more than seven rounds.

**Rationale:** The authority, if granted, would improve public safety in public areas where many people may be present.

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## **Albemarle County's 2019 Legislative Positions and Policy Statements**

### **Growth Management, Environmental Protection, Land Use, and Transportation**

**Biosolids:** Support legislation enabling localities, as part of their zoning ordinances, to designate and/or reasonably restrict the land application of biosolids to specific areas within the locality based on criteria related to the public safety and welfare of its citizens and the environment. In addition, support legislation regarding the land application of biosolids that protect the environment, public health and safety.

**Broadband:** Support legislation by the Commonwealth and the Federal Government that would assist localities and provide financial incentives to localities and their communities in deploying universal, affordable access to broadband technology, particularly in unserved and underserved areas, while at the same time preserving local land use authority for siting telecommunications infrastructure. This includes supporting continued and increased funding for the Virginia Telecommunications Initiative (VATI). In addition, support legislation that would: (1) ensure that coverage maps used to determine underserved and unserved areas or census blocks are accurate; and (2) amend the definition of "coverage" to mean that service actually exists in a census block or area and the service availability within that census block or area is substantial.

**Environmental:** Support legislation prohibiting businesses from using disposable plastic bags and straws and to require bottle deposits, or enable localities to do so, with exceptions applicable to straws for hospitals and other care facilities.

**Impact Fee Authority:** Support impact fee legislation that: (1) allows for effective implementation through simple locally-based formulae and reasonable administrative requirements; and (2) does not cap or limit localities' impact fee updates.

**Open-space Easements:** Support legislation that augments local efforts in natural resource protection through: (1) continued funding of the Virginia Land Conservation Foundation (VLCF) for locally established and funded Purchase of Development Rights programs (e.g., the ACE Program in Albemarle County); (2) continued provision of matching funds to localities for their Purchase of Development Rights programs through the Office of Farmland Preservation; (3) retaining provisions in transient occupancy tax legislation so that funds can continue to be used to protect open-space and resources of historical, cultural, ecological, and scenic value that attract tourism; and (4) increased incentives for citizens to create conservation and open-space easements.

**Proffers:** Support changes to the current proffer system and, in particular, the proffer legislation approved in 2016, which limits the scope of impacts that may be addressed by proffers and establishes specific criteria for when a proffer is deemed to be unreasonable. Support changes to provide more balanced and practical standards for determining whether a proffer is reasonable and restore a climate where localities and applicants can openly discuss rezoning applications and possible proffers.

**Scenic Protection and Tourist Enhancement:** Support enabling legislation for Albemarle County to provide for a scenic protection and tourist enhancement overlay district. The legislation would provide a method to ensure full consideration of visual resources and scenic areas when the County or state make land use decisions in designated areas.

**Solar Energy:** Support legislation that would eliminate or relax the cap on net energy metered electricity that utilities are required to purchase.

**Stormwater Management:** Oppose any legislation that would impact the resource and funding needs of the Virginia Department of Environmental Quality (DEQ) to fully administer, enforce, and maintain the state Stormwater Management Act, the Erosion and Sediment Control Law, and the Chesapeake Bay Preservation Act.

**Transit Funding:** Support the state identifying and providing new funding sources for transit capital investments. Capital project revenue bonds, approved in 2007 to provide \$600 million over 10 years for transit capital, are expiring. Failure by the state to provide replacement funding will jeopardize safe and reliable transit service and will result in the loss of federal funds if they are unable to be matched, which would mean a double hit for transit agencies funded primarily at the local/regional level.

**Transportation Funding:** Support legislation to: (1) establish a new dedicated funding source for a Charlottesville-Albemarle Regional Transit Authority; (2) establish stable and consistent state revenues for Virginia's long-term transportation infrastructure needs; (3) direct funding efforts to expand transportation choices and engage in multimodal transportation planning; and (4) fund maintenance of rural road systems. Oppose any legislation or regulations that would require the transfer of responsibility to counties for constructing, maintaining, or operating new and existing secondary roads.

**Water Quality and Resources:** Support state funding for the following: (1) agriculture best management practices; (2) stormwater grant initiatives; and (3) wastewater treatment plant upgrades.

## **Health and Human Services**

**Administrative Appeals and Findings:** Support legislation to amend Virginia Code § 63.2-1526(A) to require that an administrative finding be controlled by a court's civil or criminal finding if those matters involve the same conduct and the same victim and arise under the same operative facts. Support legislation to amend Virginia Code § 63.2-1526(C) to stay child protective services administrative appeals while abuse and neglect proceedings, findings, or both, are pending in circuit court.

**Abuse and Neglect:** Support legislation to expand the definition of "abuse and neglect" to include parents who use Schedule I/II controlled substances or are habitually intoxicated while being responsible for children.

**Child Care for Low Income Working Families:** Support legislation to provide additional funds to localities to assist low-income working families with childcare costs. Funding helps working-class parents pay for supervised day care facilities and supports efforts for families to become self-sufficient.

**Children's Services Act (CSA):** Support: (1) a locality's ability to use state funds to pay for mandated services provided directly by the locality, specifically for private day placements, where the same services could be offered in schools; (2) maintaining cost shares on a sum sufficient basis by both the state and localities; (3) enhanced state funding for local CSA administrative costs; (4) a cap on local expenditures in order to combat higher costs for serving mandated children; and (5) the state being proactive in making residential facilities and service providers available, especially in rural areas. Oppose changing the funding mechanism to a per-pupil basis of state funding, which would shift the sum sufficient portion fully to localities.

**Local Department of Social Services (LDSS):** Support increased state funding for LDSS to match all available federal funding to assist LDSS staffing needs in order to meet state mandated services and workloads.

**Targeted Grants:** Support improving the State's targeting of grants to businesses that pay higher wages by increasing the minimum wage requirements for eligible grant applicants.

#### **Local Government Administration and Finance**

**Body Worn Cameras:** Support legislation to amend Virginia Code § 2.2-3706 (which is part of the Virginia Freedom of Information Act (FOIA)) to clarify that local law enforcement agencies have the authority to withhold from mandatory disclosure under FOIA those records, including body worn cameras and dashcam video, that contain identifying information of a personal, medical, or financial nature where the release of the information could jeopardize the safety or privacy of any person.

**Community College Capital Costs:** Support legislation for the state to fund 100% of public funding required for community college capital costs. Currently, localities are required to fund a portion of operating and capital costs.

**Composite Index:** Support legislation to amend the Composite Index Funding Formula by re-defining the local true value of real property component of the formula to include the land use taxation value of real property rather than the fair market assessed value for those properties that have qualified and are being taxed under a land use value taxation program.

**Drones:** Support legislation enabling localities to have authority to regulate the use of unmanned aerial vehicles in their jurisdictions not preempted by federal law.

**Drug Court Funding:** Request full funding for the Drug Court Program, which provides effective treatment and intensive supervision to drug offenders through the Circuit Courts of several Virginia localities.

**June Primary Elections:** Support legislation to move the annual date for June primary elections in the Commonwealth from the second Tuesday in June to the third Tuesday in June to avoid conflicts between local election administration and local school systems, where schools serve as voting precinct polling places.

**Regional Library Funding:** Request full funding of State Aid to the Jefferson Madison Regional Library and other regional libraries in the State system.

**Public Defender Funding:** Request the state to adequately fund compensation for public defenders in Commonwealth jurisdictions.

**Seat Belts:** Support legislation that would make the failure to use a seat belt a primary offense.

**State Mandates Funding:** Request full funding for state mandates in all areas of local government including, but not limited to, the Standards of Quality (SOQs) and other mandates imposed on local school divisions, positions approved by the Compensation Board, costs related to jails and juvenile detention centers and human services positions.

**Virginia Retirement System:** Support restoration of funds to the Virginia Retirement System to maintain the long-term solvency of the plan without further devolving the funding responsibility to localities.

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#### **Item No. 9b. Draft 2019 Thomas Jefferson Planning District (TJPD) Legislative Program.**

Mr. David Blount, Legislative Liaison, addressed the Board and expressed appreciation for their work, adding that he enjoys working with Mr. Kamptner and his office. He said he would highlight a couple of the issues in the legislative packet and speak to some that the Board has discussed over the past several months. He remarked that broadband and funding for a position has been elevated to a top priority, with stronger language in support of increased funding as well as incentives for expansion by utility companies. He remarked that as he travels around the region, broadband is a topic that is at the top of the list of what people talk about.

Mr. Randolph urged the Board to provide an annual figure as a goal of what the County was looking for and suggested \$8 million this year and \$16 million next year. He described this as an investment in rural Virginia and said he would push them to do more.

Mr. Blount said that the request from the Department of Housing and Community Development was \$7 million last year and the County ended up with \$4 million, while this year the request of the Governor was \$25 million. He acknowledged that having a target was good but that it was nice to have some broad and flexible language. He said they have a good two-year track record of receiving grants both years where they have gotten the amount of money that was available, and the request for that money was three to four times the amount available. Mr. Blount pointed out that there are technical changes to the budget and public education funding positions. He pointed out that there was new language to support the posture as it was today in terms of the return of the local option 1% sales tax to localities, which would apply to remote sellers if the General Assembly enacted legislation to require out-

of-state vendors to collect it under local revenue authority. He said this stemmed from the U.S. Supreme Court decision in the Wayfair case, which he said overturned 20–30 years of precedent that out-of-state sellers had to have a physical presence or nexus in a state. He said he anticipates that there would be legislation in this regard and wants to make sure the General Assembly does not snatch away the 1% in sales tax distributed back to localities.

Ms. Mallek asked if they got anywhere last year with the telecommunications money reversion. Mr. Blount responded that they did not.

Mr. Blount said that they added language last year that they would maintain this year concerning flexibility in the use of Children's Services Act dollars for services that could be provided in schools. He said they have seen cost increases at the state and local level for students in private day places, primarily students identified with autism. He said there was new language in the position statement in support of state funding to provide facilities and services on a regional level. He noted that Mr. Kamptner talked about impact fees under land use and growth management, and they have proposed expanded language in the regional program in support of impact fees.

Mr. Blount said he would point out some position statements in the second part of the program, which reflects some of the Board's priorities. He said that under Economic and Workforce Development, they would support the targeting of job investments and small business grants, and businesses paying higher wages. He noted that Mr. Gallaway had brought this issue to light with regard to a recommendation in a recent JLARC report. Under Environmental Quality, he said there are new positions similar to the Board's in relation to solar and distributed solar, and in support of local authority to develop incentives to address disposable plastic bags. Under General Government, he said there are a couple of new statements. He said that under Elections, there was a proposal to allow localities to address discrepancies with regard to voting district boundaries that addresses the issue of mis-assigned voters, which many localities have been impacted by. He said they would also support a new position in support of increased state funding for public libraries. He concluded and invited questions and suggestions.

Ms. Mallek remarked that it was wonderful that these initiatives have been adopted by the jurisdictions in the planning district. Mr. Blount clarified that they are currently in the process of doing that.

Ms. Palmer commented that the copper landlines in rural areas are deteriorating and it was a huge problem, and some states were looking to have their regulatory bodies investigate companies to try to force them into improving the copper lines. She said she had read an article about how in Ohio, Century Link took FCC money for broadband as an excuse to not have to meet the requirements to keep their landlines going, which she was a frightening and bad development.

Ms. Mallek stated that landlines are used by some for medical transmission of machinery to doctors, and it was essential that they not allow FIOS to rip out the wires, which Verizon did in Arlington.

Mr. Randolph and Ms. Mallek asked Mr. Blount to update them on the composite index. Mr. Blount referred to the Education section and Legislative Positions, School Division Finances. He said there was a two-pronged position supporting mechanisms for a local appeal to the state of the calculated composite index and to amend the formula to recognize land use value rather than true value of property. He remarked that there have been a number of attempts over the past several decades to provide a mechanism for appeal and to address income and property values, though this has been an area that legislators have been unwilling to take on. Mr. Blount stated that those in different areas of the state would have differing viewpoints about the composite index, and he think they would look at who the winners and losers are and the money it would take to hold harmless those who are hurt. He stated that the legislature has gone back and forth when it has done the recalculation every two years to look at those that are getting less money than they would have received otherwise because of the recalculation, and has tried to restore parts of that amount.

Ms. Mallek remarked that it was treated as a zero-sum game. She recalled how the superintendent of Henrico County schools had expressed to the education committee that this was an attack on education funding, and this was the end of it as far as the committee was concerned. Mr. Blount agreed and said it was an issue that has merit. He noted that localities have contributed \$6 billion more to education than required by the state, which was a testament to localities in addressing the underfunding.

Ms. McKeel pointed out that there was a legal option to sue the state and that when she served on the County School Board, they discussed this possibility. She indicated there was recently a lawsuit in Kansas on this issue, but it failed in the courts.

Mr. Randolph added that they just learned from the School Board that there would be a \$2.4 million state funding gap next year, which increases to \$14 million in five years. He noted that the number of special needs and low-income students was really driving costs, yet they have been penalized because 50 residents in the County earned \$1 billion more in 2016. He said they are digging the County into a hole and putting them into a very difficult position, particularly because they are a high-growth County and continue to have demands on infrastructure. He noted that they are under pressure to not increase the tax rate too much for taxpayers. The Board has to constantly bring this issue up.

Ms. McKeel remarked on the legal options and put forward the option of asking the School Board to send a letter to the Virginia State School Board Association inquiring about potential legal options. Mr. Blount recalled that in the early 1990s, some localities in southwest Virginia sued and lost. Ms. McKeel countered that the issue was now more widespread than at that time. Mr. Blount responded that the suit

was an issue of equity as opposed to an issue of adequacy. Ms. McKeel remarked that this issue was frustrating for educational leaders and supporters because it appears as if the School Division was always requesting money, when the truth was that their funding was going down.

Ms. Mallek remarked that many jurisdictions do not have a prayer to meet the funding gap.

Ms. McKeel **moved** that the Board adopt the October 8, 2018 Draft for the Thomas Jefferson Planning District Commission 2019 Legislative Program, as presented. The motion was **seconded** by Mr. Randolph.

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

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

## **Thomas Jefferson Planning District**

### **2019 LEGISLATIVE PROGRAM**

Albemarle County | City of Charlottesville  
Fluvanna County | Greene County  
Louisa County | Nelson County

#### **DRAFT**

**October 2018**

**Rick Randolph**, Chair  
**Chip Boyles**, Executive Director  
**David Blount**, Legislative Liaison

#### **TOP LEGISLATIVE PRIORITIES**

#### **State Budget and Funding Obligations**

**PRIORITY: The Planning District localities urge the governor and legislature to enhance state aid to localities, and to not impose mandates on or shift costs for state programs to localities.**

While state general fund revenues are expected to continue to increase in the current fiscal year, crafting amendments to the enacted biennial budget will pose a tall order for the governor and election-conscious State legislators. They will have to address tax policy changes related to the new federal budget act, requests for additional funding in human services and transportation, and adding dollars for broadband and school safety/school facilities, as well as for various state agency projects.

As State policymakers weigh these issues, we encourage them to develop revenue and spending priorities that support K-12 education, economic development, public safety, and other public goals. Localities continue to be the state's go-to service provider and we believe state investment in local service delivery must be enhanced, as many mandated programs have been level funded since 2009. State funding for others, such as for jail per diems and HB 599, are less than the 2009 amounts.

We take the following positions:

→We oppose unfunded state and federal mandates and the cost shifting that occurs when the State or the federal government fails to fund requirements or reduces or eliminates funding for programs. Doing so strains local ability to craft effective and efficient budgets to deliver services mandated by the State or federal government or demanded by residents.

→We urge the State to resist placing additional administrative burdens on local governments without sufficient resources or flexibility; otherwise, the quality of services delivered at the local level is jeopardized.

→We urge policymakers to preserve existing funding formulas rather than altering them in order to save the State money and/or to shift costs to localities.

→The State should not confiscate or redirect local general fund dollars to the state treasury.

#### **Public Education Funding**

**PRIORITY: The Planning District localities urge the State to fully fund its share of the realistic costs of the Standards of Quality (SOQ) without making policy changes that reduce funding or shift funding responsibility to localities.**

The State will spend just over \$6.2 billion on direct aid to public education in FY19. While we appreciate additional state teacher salary and other education dollars approved for the FY19-20 biennium, we continue to believe that the State should significantly increase its commitment to K-12 education. While overall state funding has increased above FY09's low levels, per pupil funding amounts have not kept pace and state dollars do not reflect the true costs of K-12 education. Local governments consistently go "above and beyond" to close this funding gap by appropriating twice as much K-12 funding as required by the state.

We believe localities need an adequately defined SOQ so that state funding better aligns with what school divisions are actually providing in their schools. This could include recognizing additional instructional positions and, as recommended by the Board of Education, increasing state-funded staffing

ratios for various, non-instructional positions. This would be a welcome change of course, as state policies that have been revised since the Great Recession have reduced the state's funding obligations to public education.

## **Broadband**

**PRIORITY: The Planning District localities encourage and support state and federal efforts and financial incentives that assist localities and their communities in deploying universal, affordable access to broadband technology in unserved areas.**

Access to broadband, or high-speed internet, is a critical necessity in the 21st century. It has become basic, not optional, infrastructure, just like roads and electricity, that is essential for economic growth, equity in access to public education, community growth, and consumer communications and information. Many communities, particularly those in unserved rural areas, need thoughtful, longer-term strategies to bridge the broadband gap. This may be an approach that utilizes both fiber and wireless technologies, private/public partnerships and regulated markets that provide a choice of service providers and competitive prices.

Accordingly, we believe state and federal support should include the following:

→Additional state general fund dollars for localities/private sector providers to help extend service to areas presently unserved by any broadband provider. We appreciate action that increased funding for the Virginia Telecommunication Initiative (VaTI) in the current State budget from \$1 million to \$4 million per year, but believe additional, significant increases in investment are still critical.

→Development of a statewide comprehensive plan for broadband and state support for local governments that are developing or implementing local or regional broadband plans;

→Provisions and incentives that would provide 1) for the use of existing electrical and road right-of-way easements for broadband infrastructure, and 2) a sales tax exemption for materials used to construct such infrastructure.

→Support for linking broadband efforts for education and public safety to private sector efforts to serve businesses and residences;

→Maintaining local land use, permitting, fee and other local authorities; and

→Consideration of proposals that would subject broadband to stricter and more developed regulation as a public utility.

## **OTHER PRIORITY ITEMS**

### **Local Revenue Authority**

**PRIORITY: The Planning District localities urge the governor and legislature to diversify the revenue options available to localities, to include equalizing the revenue-raising authority of counties with that of cities, and to not restrict local revenue-raising authority.**

We support the legislature making additional revenue options available to diversify the local revenue stream, which could reduce dependency on real property taxes, rather than removing or restricting local revenue authorities. One way to do this is to eliminate the differences between city and county taxing authority, which exist due to now less-prevalent distinctions in the services provided. This would mean removing the restrictions that currently apply to county authority to levy the meals, lodging, cigarette and amusement taxes. Equalizing revenue authority for counties with that of cities also should be included as part of a needed modernization of the state's tax system to comport with the realities of a global, information-driven economy, which will rely less on governmental spending and more on new, private sector business models. We also believe any tax reform efforts should examine the financing and delivering of state services at the local level.

We take the following positions:

→The State should refrain from establishing local tax policy at the state level and allow local governments to determine the equity of local taxation policy.

→The State should not expect local governments to pay for new funding requirements or the expansion of existing ones on locally-delivered services, without a commensurate increase in state financial assistance or new local taxing authority (see above).

→In light of the Supreme Court decision eliminating the requirement for physical presence for sales and use tax collection, any statutory changes must provide for local option sales taxes to be collected from remote sellers.

→The State should not alter or eliminate the BPOL and Machinery and Tools taxes.

→The State should refrain from diverting Communications Sales and Use Tax Trust Fund dollars for general fund purposes. Revenues coming back to localities from the Fund already are 20% less than 10 years ago, primarily because the tax does not reflect modern technology patterns of consumption. We also support updating the tax to reflect these new patterns.

### **Children's Services Act**

**PRIORITY: The Planning District localities urge the State to be partners in containing costs of the Children's Services Act (CSA) and to better balance CSA responsibilities between the State and local governments. The State should resist attempts to shift costs of serving children through CSA to localities and schools.**

Since the inception of CSA in the early 1990's, there has been pressure to hold down costs, to cap state costs for serving mandated children, to increase local match levels and to make the program more uniform by attempting to control how localities run their programs.

This past session, the General Assembly continued its recent practice of appropriating additional dollars to address increasing caseloads and costs in CSA, an increase largely attributable to private special education day placement costs. Also, legislative review continues of options for these placements and how their cost and quality could be better managed. Localities are concerned about proposals that would move some CSA funding to the Department of Education, with any resulting shortfalls in funding for services becoming the responsibility of localities (rather than the current process where localities request supplemental state funding). Such a scenario could limit services and funding that are necessary for students who may need more intensive services at any time.

Accordingly, we support 1) local ability to use state funds to pay for mandated services provided directly by the locality, specifically for private day placements, where the same services could be offered in schools; and 2) maintaining cost shares on a sum sufficient basis by both the State and local governments. Changing the funding mechanism to a per-pupil basis of state funding would shift the sum sufficient portion fully to localities, which we would oppose.

We also support the following:

- Enhanced state funding for local CSA administrative costs;
- A cap on local expenditures (with the State making up any gaps) in order to combat higher costs for serving mandated children; and
- The State being proactive in making residential facilities, services and service providers available, especially in rural areas, and in supporting locality efforts to provide facilities and services on a regional level.

### **Land Use and Growth Management**

**PRIORITY: The Planning District localities encourage the State to resist preempting or circumventing existing land use authorities, and to provide additional tools to plan and manage growth, including broader impact fee authority.**

Over the years, the General Assembly has enacted both mandated and optional land use provisions. Some have been helpful, while others have prescribed one-size-fits-all rules that hamper different local approaches to land use planning. Accordingly, we support local authority to plan and regulate land use, and we oppose legislation that weakens these key local responsibilities; this would include recent efforts to 1) restrict local oversight of the placement of various telecommunications infrastructure, and 2) single out specific land uses for special treatment without regard to the impact of such uses in particular locations.

We also believe the General Assembly should provide localities with necessary tools to meet important infrastructure needs, as current land use authority often is inadequate to allow local governments to provide for balanced growth in ways that protect and improve quality of life. This would include more workable impact fee authority for facilities other than roads, authority that should provide for calculating the cost of all public infrastructure, including local transportation and school construction needs caused by growth.

Proffer legislation approved in 2016 limits the scope of impacts that may be addressed by proffers, and establishes specific criteria for when a proffer is deemed to be unreasonable. We support changes to the law to provide more balanced and practical standards for determining whether a proffer is reasonable and to restore a climate where localities and applicants can openly discuss rezoning applications.

Further, we support ongoing state and local efforts to coordinate land use and transportation planning, and urge state and local officials to be mindful of various local and regional plans when conducting corridor or transportation planning within a locality or region.

Finally, concerning land preservation, we request state funding and incentives for localities, at their option, to acquire, preserve and maintain open space.

### **LEGISLATIVE POSITIONS**

#### **Economic and Workforce Development**

The Planning District's member localities recognize economic development and workforce training as essential to the continued viability of the Commonwealth. We support policies and additional state funding that closely link the goals of economic and workforce development and the state's efforts to streamline and integrate workforce activities and revenue sources. We encourage enhanced coordination with the K-12 education community to equip the workforce with in-demand skill sets, so as to align workforce supply with anticipated employer demands. We also support continuing emphasis on regional cooperation in economic, workforce and tourism development.

#### **Economic Development:**

- We support continuation of the *GO Virginia* initiative to grow and diversify the private sector in each region, with ongoing state financial backing, technical support and other incentives to support collaboration by business, governments, educational institutions and communities that spur economic development, job creation and career readiness.

#### **Workforce Development:**

- We support state job investment and small business grants being targeted to businesses that pay higher wages.

#### **Planning District Commissions:**

- We support increased state funding for regional planning district commissions.
- We encourage opportunities for planning districts to collaborate with state officials and state agencies on regional programs and projects.

#### **Agricultural Products and Enterprises:**

We encourage state and local governments to work together and with other entities to identify, to

provide incentives for, and to promote local, regional and state agricultural products and rural enterprises, and to encourage opportunities for such products and enterprises through a balanced approach.

## **Education**

The Planning District's member localities believe that the state should be a reliable funding partner with localities by recognizing the operational, personnel, and capital resources necessary for a high-quality public education system (see priority position on *Public Education Funding*)

### **School Division Finances:**

- We believe that unfunded liability associated with the teacher retirement plan should be a shared responsibility of state and local government, with the Virginia Department of Education paying its share of retirement costs directly to the Virginia Retirement System in order to facilitate such sharing.
- The State should not eliminate or decrease funding for school employee benefits.
- We support legislation that 1) establishes a mechanism for local appeal to the State of the calculated Local Composite Index (LCI); and 2) amends the LCI formula to recognize the land use taxation value, rather than the true value, of real property.

### **Literary Fund:**

- The State should discontinue seizing dollars from the Literary Fund to help pay for teacher retirement.
- We urge state financial assistance with school construction and renovation needs.

### **Safety and Security at Schools:**

- We support funding (both capital and operational) to improve security at local schools, to include incentive funding or reimbursement for localities and school divisions hiring school resource or security officers.

## **Environmental Quality**

The Planning District's member localities believe that environmental quality should be funded and promoted through a comprehensive approach, and address air and water quality, solid waste management, land conservation, climate change and land use policies. We support protection and enhancement of the environment and recognize the need to achieve a proper balance between environmental regulation and the socio-economic health of our communities within the constraints of available revenues. Such an approach requires regional cooperation due to the inter-jurisdictional nature of many environmental resources, and adequate state funding to support local and regional efforts.

### **Chesapeake Bay Preservation Act:**

- We oppose legislation mandating expansion of the Chesapeake Bay Preservation Act's coverage area. Instead, we urge the State to 1) provide legal, financial and technical support to localities that wish to comply with any of the Act's provisions; 2) allow localities to use other practices to improve water quality; and 3) provide funding for other strategies that address point and non-point source pollution.

### **Biosolids:**

- We support the option for localities, as a part of their zoning ordinances, to designate and/or reasonably restrict the land application of biosolids to specific areas within the locality, based on criteria designed to further protect the public safety and welfare of citizens.

### **Alternate On-Site Sewage Systems:**

- We support legislative and regulatory action to 1) ensure operation and maintenance of alternative on-site sewage systems in ways that protect public health and the environment, and 2) increase options for localities to secure owner abatement or correction of system deficiencies.

### **Dam Safety:**

- We support dam safety regulations that do not impose unreasonable costs on dam owners whose structures meet current safety standards.

### **Water Supply:**

- The State should be a partner with localities in water supply development and should work with and assist localities in addressing water supply issues, to include investing in regional projects.

### **Program Administration:**

- The State should not impose a fee, tax or surcharge on water, sewer, solid waste or other local services to pay for state environmental programs.

### **Solar:**

- We support the creation of stronger markets for distributed solar.

### **Disposable Plastic Bags:**

- We support local authority to develop incentives to decrease the distribution, sale or offer of disposable plastic bags.

## **General Government**

The Planning District's member localities believe that since so many governmental actions take place at the local level, a strong local government system is essential. Local governments must have the freedom, flexibility and tools to carry out their responsibilities.

### **Internet-based Businesses and Services:**

- We oppose legislation that would single out internet-based businesses and services for special treatment or exceptions. Rather, the State should support local authority concerning collection and auditing of taxes, licensing and regulation. There should be a level playing field for competition



among businesses offering goods and services to ensure safety, reliability and fair access to such offerings by consumers and the general public.

**Local Government Operations:**

- We oppose intrusive legislation involving purchasing procedures; local government authority to establish hours of work, salaries and working conditions for local employees; matters that can be adopted by resolution or ordinance; procedures for adopting ordinances; and procedures for conducting public meetings.
- We support allowing localities to use alternatives to newspapers for publishing various legal advertisements and public notices.
- We oppose attempts to reduce sovereign immunity protections for localities and their employees, to include regional jail officers.

**State-Supported Positions:**

- Localities should have maximum flexibility in providing compensation increases for state-supported local employees (including school personnel), as local governments provide significant local dollars and additional personnel beyond those funded by the State.

**Elections:**

- We urge funding to address shortfalls in elections administration dollars, as elections administration has become more complex and federal and state financial support for elections has been decreasing.
- We support legislation that allows localities to address concerns and discrepancies regarding voting district boundary lines.

**Libraries:** We support enhanced state funding for local and regional libraries.

**Freedom of Information Act (FOIA):**

- We request that any changes to FOIA preserve 1) a local governing body's ability to meet in closed session; 2) the list of records currently exempt from disclosure; and 3) provisions concerning creation of customized records.
- We support changes to allow local and regional public bodies to conduct electronic meetings as now permitted for state public bodies.

**Quality of Life Issues:**

- We oppose changes to state law that further weaken a locality's ability to regulate noise or the discharge of firearms.
- We support expanding local authority to regulate smoking in public places.

## **Health and Human Services**

The Planning District's member localities recognize that special attention must be given to developing circumstances under which people, especially the disabled, the poor, the young and the elderly, can achieve their full potential. Transparent state policies and funding for at-risk individuals and families to access appropriate services are critical. The delivery of such services must be a collaborative effort by federal, state and local agencies.

**Funding:**

- We support full state funding for the local costs associated with Medicaid expansion, including local eligibility workers and case managers. We oppose changes in state funding or policies that increase the local share of costs for human services. We also oppose any shifting of Medicaid matching requirements from the State to localities.
- The State should provide sufficient funding to allow Community Services Boards (CSBs) to meet the challenges of providing a community-based system of care. This includes restoration of FY19 funding reduced when health care was expanded through Medicaid. While these reductions may eventually be made up due to expansion, the timing of implementation leaves CSBs with six months to make up for a year's worth of reductions in the current fiscal year, and puts them at risk of service and staffing disruptions.
- We support increased investment in the ID waiver program for adults and young people and Medicaid reimbursement for children's dental services.
- We support sufficient state funding assistance for older residents, to include companion and in-home services, home-delivered meals and transportation.

**Social Services:**

- We support the provision of sufficient state funding to match federal dollars for the administration of mandated services within the Department of Social Services, and to meet the staffing standards for local departments to provide services as stipulated in state law.
- We support changes to the Code to provide that a judicial finding be controlling of administrative findings in alleged child abuse and neglect cases.

**Prevention:**

- We support continued operation and enhancement of early intervention and prevention programs. This includes the Virginia Preschool Initiative and Part C of the Individuals with Disabilities Education Act (infants and toddlers).

## **Housing**

The Planning District's member localities believe that every citizen should have an opportunity to afford decent, safe and sanitary housing. The State and localities should work to expand and preserve the supply and improve the quality of affordable housing for the elderly, disabled, and low- and moderate-income households. Regional planning and solutions should be implemented whenever possible.

**Affordable Housing:**

- We support the following: 1) local flexibility in the operation of affordable housing programs and establishment of affordable dwelling unit ordinances; 2) creation of a state housing trust fund; 3) grants and loans to low- or moderate-income persons to aid in purchasing dwellings; and 4) the provision of other funding to encourage affordable housing initiatives.

**Homelessness:**

- We support measures to prevent homelessness and to assist the chronic homeless.

**Historic Structures:**

- We support incentives that encourage rehabilitation and preservation of historic structures.

**Public Safety**

The Planning District's member localities encourage state financial support, cooperation and assistance for local law enforcement (and state police), emergency medical care, criminal justice activities and fire services responsibilities carried out locally.

**Funding:**

- We urge the State to make Compensation Board funding a top priority, fully funding local positions that fall under its purview. It should not increase the local share of funding Constitutional offices or divert money away from them, but increase dollars needed for their operation.
- We support returning funding responsibility for the Line of Duty Act (LODA) to the State. In the absence of that, there should be no new or enhanced benefits that increase locality costs.
- We urge state funding of the HB 599 law enforcement program in accordance with *Code of Virginia* provisions.
- The State should increase funding to the Virginia Juvenile Community Crime Control Act program, which has greatly reduced the number of juvenile justice commitments over the past decade.
- We support funding for mental health and substance abuse services at juvenile detention centers.

**Jails:**

- As the state prisoner reimbursement rate is insufficient to cover actual costs, jail per diem funding should be increased to levels that better represent the costs of housing inmates, and be regularly adjusted for inflation. The State should fund four quarters of payments per year in the budget, and pay for the medical costs and any necessary mental health assessments costs for inmates.
- The State should not shift costs to localities by altering the definition of state-responsible prisoner.
- The State should continue to allow exemptions from the federal prisoner offset.

**Offender Programs and Services:**

- We support continued state funding of the drug court program and the Offender Reentry and Transition Services (ORTS), Community Corrections and Pretrial Services Acts.
- We support continued state endorsement of the role and authority of pretrial services offices.
- We support authorization for the court to issue restricted driver's licenses to persons denied them because of having outstanding court costs or fees.

**Body Cameras:**

- We support the ability of local governments to adopt policies regarding law enforcement body worn cameras that account for local needs and fiscal realities.

**Transportation Funding and Devolution**

The Planning District's member localities recognize that revenues for expanding and maintaining all modes of infrastructure are critical for meeting Virginia's well-documented transportation challenges and for keeping pace with growing public needs and expectations. We believe the state should continue to enhance funding for local and regional transportation needs, including the Revenue Sharing Program with localities. We also remain opposed to attempts to transfer responsibility to counties for construction, maintenance or operation of current or new secondary roads.

**Transit Capital Funding:**

- Capital Project Revenue bonds, authorized to provide \$600 million over 10 years for transit capital, are expiring. Failure by the State to provide replacement funding will jeopardize safe and reliable transit service and will result in the loss of federal funds if they are unable to be matched, which would mean a double hit for transit agencies funded primarily at the local/regional level. Therefore, it is critical that the State identify new funding sources for transit capital investments.

**Smart Scale:**

- As the State continues to implement the prioritization process established by HB 2 (2014), known as "Smart Scale," and the distribution formula for highway construction projects established by HB 1887 (2015), there should be adequate funding, and local authority to generate transportation dollars, for important local and regional projects.

**Devolution:**

- We believe that efficient and effective transportation infrastructure, including the secondary road system, is critical to a healthy economy, job creation, a cleaner environment and public safety. Accordingly, we oppose shifting the responsibility for secondary roads to local entities, which could result in vast differences among existing road systems in different localities, potentially placing the state at a competitive economic disadvantage with other states when considering business and job recruitment, and movement of goods.

**Local and Regional Authority:**

- We support additional authority to establish mechanisms for funding transit in our region.
- We support VDOT utilizing Metropolitan Planning Organizations and regional rural transportation staff to carry out local transportation studies.

## Water Quality

The Planning District's member localities support the goal of improved water quality, but as we face ongoing costs for remedies, including stormwater management and to address revised water quality criteria, we believe major and reliable forms of financial and technical assistance from the federal and state governments is necessary if comprehensive improvement strategies are to be effective.

### Funding:

- We urge aggressive state investment in meeting required milestones for reducing Chesapeake Bay pollution to acceptable levels.
- We believe these investments include authority, funding and other resources to achieve success, and must ensure that cost/benefit analyses are conducted of solutions that generate the greatest pollution reductions per dollar spent.
- We support dollars being targeted to stormwater management, for permitted dischargers to upgrade treatment plants and for any retrofitting of developed areas, and to aid farmers with best management practices through the cost share program.

### Stormwater Management:

- We request that any stormwater requirements be balanced and flexible, and that adequate funding and training be available for the State and local governments to meet ongoing costs associated with local stormwater programs.
- We support increased and ongoing investment in the Stormwater Local Assistance Fund to assist localities with much-needed stormwater projects and in response to any new regulatory requirements.
- We will oppose proposals that would result in new or expanded mandates or requirements, including elimination of current "opt-out" provisions, or financial burdens on local governments.
- We oppose further amendments to the regulation of stormwater which would require a locality to waive stormwater charges.

### Nutrient Allocations:

- We oppose efforts that would require re-justification of nutrient allocations for existing wastewater treatment facilities in our region or that would reduce or eliminate nutrient allocation or related treatment capacity serving the region.

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**Recess.** The Board recessed its meeting at 2:58 p.m. and reconvened at 3:07 p.m.

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### Agenda Item No. 10. County's FY20-22 Strategic Plan.

The Executive Summary forwarded to the Board states that in September 2018, County staff and the Board of Supervisors held a Strategic Plan work session to review progress on the FY17-19 plan, share staff perspectives about objectives moving forward and review emerging initiatives. At that time, Board members assigned weighted prioritization of high, medium and low for each initiative.

At the October 3rd, Board meeting, staff provided a draft of the prioritized list and received direction from the Board to return in November with a proposed finalized draft.

At the November 7, 2018 meeting, staff will review the proposed FY20-22 Strategic Plan.

There is no immediate budget impact associated with this item.

Staff recommends that the Board adopt the FY20-22 Strategic Plan as provided in Attachment A.

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Ms. Kristy Shifflett, Director, Project Management Office, explained that this effort began in August when staff proposed initiatives, followed by a strategic plan work session in September, a draft prioritization of the Board's initiatives presented in October, and consideration by the Board today.

Ms. Shifflett presented a slide with the following list of FY20–22 Strategic Initiatives which she noted are provided as part of the Board's Executive Summary:

- Develop/Implement Phase 1 of Climate Action Plan
- Expand and promote County's outdoor recreational parks and amenities
- Develop an Economic Development Program
- Establish and implement strategic direction for school space needs
- Infrastructure Planning
- Revitalize Aging Urban Neighborhoods
- Expand and upgrade General District Court and Circuit Court
- Redevelop Rio/Route 29 Intersection Area
- Expand Broadband

She stated that today was an opportunity for Supervisors to ask questions and provide comments.

Ms. Mallek asked if funding for these initiatives should be discussed today. Ms. Shifflett responded that funding would be discussed as part of the annual budget process and long-range planning efforts.

Ms. Palmer noted that “expand broadband” was on the list as a low priority, although this does not mean that the Broadband Authority would stop attempting to obtain grants and actively work towards bringing service. She noted that solid waste was also not listed as a high priority, but they have been seeking to add recycling centers. She asked Ms. Shifflett to clarify what it meant for an item to be a low priority in terms of staff time and the Board's time.

Mr. Richardson explained that this exercise was not intended to hamstring or limit the Board from changing a focus or a priority, which they often do. He noted that expansion of broadband was in the third priority tier and the higher priorities were items to be focused on now. He stated that any item on the list was something they would continue to pay close attention to, although human and capital resources are limited. He said the items at the top of the list have been identified by the Board as being in need of staff's immediate attention and consideration; the Board would have the final say over resource allocation during the budget process.

Mr. Randolph remarked that the way he looked at the exercise of ranking the priorities as high, medium, and low was that some Board members may not have ranked initiatives that were already underway, such as broadband, as highly whereas items that have not been addressed were listed higher. He indicated that this does not mean that items lower on the list were not high priorities but were not ranked as highly because they already have resources allocated.

Ms. McKeel stated that representatives from Economic Development expressed concern at their meeting that economic development was listed as a medium priority, pointing out that the Board would not be able to do any of these things without strong economic development to bring in revenue. She agrees with Mr. Richardson's explanation that a lower ranking does not mean these items are not important.

Ms. Mallek added that they are also completely interrelated and explained her decision making when ranking the priorities as ranking those that already have allocated resources as lower, and she ranked those for which they have not allocated resources as high priorities. She recognized that each Supervisor may have had a different interpretation of the ranking exercise.

Mr. Dill agreed that the items are interconnected, remarking that they would not have a good educational system without economic development. He noted that low-income housing was on the original list but was not on the priority list, yet it was important and involved working with other agencies. He added that the current housing fund does not have a regular source of funding and needs their attention. He expressed support to provide regular funding to housing.

Mr. Randolph added that low-income housing not being listed as a priority was an indication that the Board feels its allocation of \$675,000 and the level of staff commitment they made to Southwood, as well as steps taken with Piedmont Housing Alliance, indicates they are in the process of addressing affordable housing. He acknowledged that there was always room to do more, but they have already addressed this to an extent and there are many other pressing issues.

Ms. Shifflett pointed out that under “revitalizing aging urban neighborhoods,” there was the partnership with Habitat for Humanity. She added that this was only a two-year plan and they are looking at what they could accomplish during this time period.

Mr. Randolph reminded the Board that they did not include affordable housing on the prior strategic plan and he had urged them to consider Southwood as a beta test to evaluate how they would implement community-based affordable housing. He said the Board expressed support to add this to the list along with broadband, but these two items did not make the cut of critical strategic priorities even though they were very much a part of this set of strategic priorities.

Ms. McKeel pointed out that TJPDC was conducting an affordable housing study in which the County was partnering with the City.

Mr. Dill agreed that Southwood was a good example of revitalizing an aging neighborhood and supplying low-income housing. He stated that this was a broader issue as there are County employees that cannot afford to live in the County, there was land that could be used, they have been considering public-private partnerships, and the Rio/Route 29 area could be an area for low-income housing because it could support a transportation system, housing, and revitalization of that area. He indicated they should be mindful of how these things could work together to help the community.

Ms. Mallek expressed hope that other partners would come forward to work with the County.

Mr. Gallaway stated that affordable housing was part of the County's ongoing business and was not something that was on a strategic plan and then went away. He pointed out that educating children was not listed as a priority, yet it was a top priority. He said they could address affordable housing with different tools and it would be an issue for budget discussion every year.

Ms. Mallek pointed out that when the focus was on Rio/Route 29 three years ago, it was a given that this work would not supplant all the other work being done and was also a beta test. She said they are definitely piling on new things for staff to work on that they feel are important.

Mr. Richardson explained that the list was one approach and was not meant to hamstring the Board or limit their ability to govern or consider policy alterations throughout the year.

Ms. Shifflett explained that staff was seeking direction from the Board at this point.

Ms. Mallek **moved** that the Board adopt the proposed FY20–22 Strategic Plan. The motion was **seconded** by Ms. Palmer.

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

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

**PRIORITIZED FY20-22 STRATEGIC PLAN DRAFT**

***HIGH PRIORITY***

**1. Climate Action Planning**

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|--|
| a. Develop/implement phase one of the Climate Action plan to include high level goals and strategies focused around climate protection and resiliency to locally address climate change. Through budget process, develop recommendations for near-term implementation plans following adoption of the phase one climate action plan. |
|--|

**2. Continue to expand and promote the County’s outdoor recreational parks and amenities**

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|--|
| a. Complete rezoning for Biscuit Run Park and provide access to trails and greenways.          |
| b. Implement quality of life projects identified by the Parks and Recreation needs assessment. |

***MEDIUM PRIORITY***

**3. Develop an Economic Development Program**

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| a. The Economic Development program, ENABLE, will implement strategies that create an economy driven by business, industry, and institutions in a way that complements growth management reliant upon cross-functional internal teams and external partnerships. |
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**4. School space needs**

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| a. Establish and implement strategic direction including appropriate public engagement, for school space needs (e.g., preschool, school capacity, modernization of facilities). |
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**5. Infrastructure Planning**

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| a. Determine desired levels of service for water resource protection programs based on drainage infrastructure video assessment and pilot watershed restoration program development; and recommend continuing resource requirements to fully implement those programs at varying service levels. |
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**6. Revitalize Aging Urban Neighborhoods**

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| a. Implement improvement actions developed from neighborhood inventory data to address neighborhood level needs.  |
| b. Apply the county’s Transportation Project Prioritization Process to plan, identify funding, and implement bicycle, pedestrian, and transit infrastructure improvements within and serving our Aging Urban Neighborhoods. |
| c. Continue the partnership with Habitat for Humanity using the Team Approach with a focus on quality community and non-displacement and until the completion of the build out for Phase 1 of Southwood.                    |

***LOW PRIORITY***

**7. Expand & upgrade the General District Court & Circuit Court**

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| a. With established location decision and completed design, start the construction phase by Dec 2020 to expand the General District Court. |
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**8. Redevelop Rio/Route 29 Intersection Area**

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| a. Present draft ordinance to implement Rio29 vision and encourage by-right implementation of desired urban land use form. (Dec 2019)   |
| b. Leverage existing and planned public investment to enhance place making in Rio/Route 29. (Jan 2021)                                  |
| c. EDO will develop processes, policies, and/or resources to attract private capital to fulfill the small area plan vision. (June 2022) |

**9. Expand Broadband**

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| a. Establish and implement strategic direction to expand broadband affordable access to underserved, rural communities. |
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Agenda Item No. 11. **Work Session:** Review of the Finalization of the Economic Development Strategic Plan (Project ENABLE).

The Executive Summary forwarded to the Board states that on September 5, 2018, the Board of Supervisors endorsed the Goals and Objectives of the draft Economic Development Strategic Plan (Project ENABLE). 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 in accordance with the adopted finalization process and schedule. Staff proposes the Board provide feedback on Project ENABLE.

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. Moreover, as staff engaged external partners at the local, regional, and state levels, it was clear that many programs and services supporting the plan's Goals and Objectives were already available in some capacity. Further, a common understanding of how to read the plan and how it fits into other County planning processes allowed productive work on its content. Finally, 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."

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 (see Attachment A). Staff drafted strategies from the International Economic Development Council Best practices, tailored these strategies as a project team, vetted them through a cross departmental team, an external stakeholder group, the development community, the Chamber of Commerce, CVPED Region 9 Board, Economic Development Authority; and held two public open-houses and conducted an online survey. Attachment B summarizes feedback obtained during the public stakeholder process. While not unanimous, these strategies:

- reflect the overwhelmingly consensus of the feedback received
- have been publicly vetted
- can accomplish the aforementioned goals

Again, this outlook is supported by the feedback from internal departments, external partners and Economic Development Authority. There is a general consensus that the current plan is the right foundation for the next four years and staff looks forward to the adoption of this plan in final form in December.

Following the Board's consideration and feedback this plan staff will do its best to reflect this in the recommended plan.

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

Staff recommends the Board provide feedback on the drafted Strategies of Project ENABLE and direct staff to return with the final product at a Board meeting in December 2018.

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Mr. Roger Johnson, Director of Economic Development, presented. He noted that the plan was entitled "ENABLE (Enabling A Better Life Economically)," and he would offer some important observations learned during the process. He said he found it exciting that the community has many willing partners at its disposal such as UVA, the UVA Foundation, PVCC, ACSA, and other stakeholders. He recalled a recent meeting to obtain community input, noting that 20 of 22 invited stakeholders attended the meeting, and that the two that did not attend still submitted comments. He described the community as passionate and engaged.

Mr. Johnson stated that there was pent-up demand for this activity and he wanted people to be aware that they were "putting wings on the plane while they were flying it." He noted that the International Economic Development Council put together a document that was a best practices guide containing hundreds of economic development activities that organizations could do, along with associated measurements. He said that staff reviewed all of these activities and selected the ones that could be applied in Albemarle and included them in the document.

Mr. J.T. Newberry, Economic Development Coordinator, presented and remarked that as staff met with stakeholders, they found that background, contributing documents, mission, and guiding principles provided important context for understanding goals, objectives, and strategies. He noted that some minor changes to the plan have been made since they were last presented to the Board, and page 6 demonstrates how the economic development strategic plan fit within the broader framework of existing

County policy and documents. He said that Project ENABLE was meant to be consistent and to follow and nest within other plans shown in the flowchart.

Mr. Newberry presented the following slide entitled “Goal 1: Strengthen Existing Business Retention and/or Expansion to Help Existing Businesses Be Successful”:

Strategies:

- Visit a representative sample of target industries and primary businesses
- Use business visitation data to improve retention and expansion
- Refer consumptive businesses to existing resources like CVSBDC, SCORE, etc.
- Monitor small business survey of CVSBDC
- Provide customized support for primary businesses
- Partner with private sector, City, UVA, and CVPED on a business cluster strategy

He explained that there are 52 strategies as summarized on the slide. He noted that the language “to help existing businesses by successful” has been added since the last presentation to the Board.

He presented “Goal 2: Improve the Business Climate”:

Objective: Improve Efficiency by Removing and Reducing Controllable Barriers

Strategies:

- Partner with Community Development Department to support Zoning Code and Zoning Map amendments that permit business expansion and retention consistent with Comprehensive Plan
- Support Community Development Department led improvements to expedite the development review process consistent with the Comprehensive Plan
- Support the County efforts of on-going Business Process Optimization
- Measure and Evaluate key factors in the business climate including: business and income tax levels, energy costs, permitting and licensing, real estate costs, communication infrastructure, utility infrastructure, incentives, and broadband access.

Objective 2: Clarify and improve customer experience for starting and operating a business

Strategies:

- Create a separate website with clear guidelines on how to open a business
- Work with Delta Strikeforce on Business Process Optimization for starting a business

Mr. Johnson resumed the presentation and presented the following slide: “Goal 3: Lead the County’s Readiness to Accommodate Business”:

Objective 1: Lead the growth of targeted industries, existing primary businesses, and emerging opportunities.

Strategies:

- Site preparedness for at least two Development Area sites
- Lead a planning initiative for Broadway Street corridor
- Recruit and refer primary business to Economic Gardening and VALET program
- Partner with Defense Affairs Committee on retention-expansion of Department of Defense
- Help businesses take advantage of state and federal broadband grants
- Partner with University of Virginia and UVA Foundation to advance the Research Park

Objective 2: Represent economic development interests of County and institutional partners’ planning processes

Strategies:

- Partner with Department of Community Development to increase the inventory of jobs-producing areas by re-designating non-rural land in the Comprehensive Plan
- Partner with Department of Community Development to examine non-rural land that could be rezoned for business
- Participate in other Albemarle County departmental planning processes and work functions by representing economic development interests in projects like the Climate Action Plan, Southwood, High School Center One, etc.
- Participate in planning efforts of external economic development partners, including the partners in GO Virginia region, UVA, PVCC, CVPED, TJPDC, Chamber of Commerce, etc.

Mr. Johnson pointed out that under retention and expansion of Department of Defense, the County resides within the Central Virginia Partnership for Economic Development plan, which has the same targeted industries as identified in a 2012 study with the exception of agribusiness and defense. He mentioned that no one else in the region was working on this particular activity, and the County needs to help maintain and expand the Department of Defense.

Ms. Mallek asked if the County would have its own independent work with Rivanna Station, as they are only one point of view and the County needs to stand up for itself and not let anything get away. Mr. Johnson agreed.

Mr. Johnson stated that staff has a strategy to review land inventory in the community to be consistent with the Comprehensive Plan to determine if there was enough job-producing land. He said they were not able to find language that could be agreed upon by all parties, with some wanting a more aggressive approach and others wanting to be more protective. Staff recommends they strike this language from the plan so they could have something the community could get behind, which means they would remove the first two strategies listed under Objective 2. The Community Development Department would lead this conversation at a later date and Economic Development would have a seat at the table.

Ms. Mallek expressed her reluctance to remove the first two strategies, as it has been under discussion for 10 years and it was up to the County to get its own information of what the truth was. She said there has been work done over the past two years that they just need to finish.

Ms. Palmer clarified that the Southern Environmental Law Center wants the language to be clear that they are talking about development land and re-designating land within the development area to meet needs if they do not have land after the inventory. She said the place to discuss expansion of the development areas was the Comprehensive Plan review. She reminded Board members that they talked about form-based code, getting more land in the development area, and rezoning, which she thought everybody was on board with. She said they just want to see what they could re-designate, which was where the Planning Commission would come in. She remarked that the wording could have two interpretations.

Ms. McKeel agreed with the comments made by Ms. Mallek.

Ms. Mallek commented that the simple answer was to change "non-rural" to "growth area" to take away the confusion.

Ms. Palmer expressed that if they just said "increase inventory of development land," people could interpret it two different ways.

Ms. McKeel commented that they are not getting anywhere if they are not looking at what they already have.

Mr. Randolph said he does not see a need for Mr. Johnson to come back if they are just wordsmithing, and they should be able to proceed.

Ms. McKeel said it was very important to have an inventory.

Mr. Richardson stated that if it was clear in the plan that they are referring to an inventory with a focus in the development growth area, then there would not be misunderstandings, confusion, or anxiety in the community of a different interpretation.

Ms. Palmer remarked that she agrees with SELC that this wording was not clear and asked staff to work on this.

Mr. Johnson explained that they tried to remain consistent with the Comprehensive Plan and to recognize it was not their role, which was met with resistance, and they were attempting to remain completely neutral as much as possible.

Ms. Palmer added that they do not have to be neutral but should say that they are not expanding the inventory of the development area, which was where the wording becomes peculiar. She said the entire Board has expressed that they want to do this but to not expand the growth area outside of a Comprehensive Plan review.

Mr. Gallaway pointed out that Objective 2 has nothing to do with urban, rural, growth, or development area and economic development does not stop at the boundaries of the development area. He said that a strategic plan for economic development would not override the Comprehensive Plan and redefine boundaries of the development area. He said that he would be happy if they find wording that would alleviate concerns, perhaps with strategies that were development and rural area focused, but economic development was countywide.

Ms. McKeel pointed out that they have development in the rural areas and Mr. Gallaway's point was well noted.

Ms. Palmer remarked that it would be helpful to have a definition of agribusiness to help people in the community better understand it.

Mr. Gallaway pointed out that strategies for the rural and growth areas are subsets of some other objectives, and there should not be an urban objective and a rural area objective but a broader objective. He noted the plan was something Mr. Johnson inherited and it has been in formation for years, and encouraged him to stay with the original organization of the plan, which addresses the economic interests of the County and provides strategies for different regions of the County.



Mr. Newberry continued the presentation and presented the following slide with “Objective 3: Lead the creation and implementation of economic development incentives, programs, and policies”:

Strategies:

- Lead the formation of a policy for Public-Private Partnerships
- Revise-Create guidelines for the Economic Opportunity Fund and Virginia Jobs Investments Program
- Help businesses take advantage of grant programs, state and federal financing opportunities.

He stated that there are opportunities that came to their office for which they did not have a policy with which to evaluate and base decision making on, which Objective 3 captures.

Objective 4: Support the integration of economic development analysis and fiscal impact in the development review process

Strategies:

- Identify when fiscal impact analyses were appropriate and share with Boards
- Examine the Priority Review Process to capture more business opportunities

Objective 5: Support skilled and trained workforce

Strategies:

- Support Albemarle County Public Schools, PVCC’s Network2Work, CATEC, Piedmont Workforce Network, and/or City of Charlottesville’s GO workforce training programs

Mr. Newberry stated that there was a need for software engineers and the County had engaged with Piedmont Workforce Network and PVCC, which are creating a customized solution to address this need.

Objective 6: Lead and support agribusinesses

Strategies:

- Partner with others “to promote agriculture, forestry, and agribusiness enterprises in the Rural Area that help support the Rural Area goals for a strong agricultural and forestal economy” consistent with the Comprehensive Plan (Chapter 6, Strategy 2b)
- Connect existing primary businesses to state and federal resources
- Convene stakeholders from the winery, brewery, cidery, and distillery industries to identify opportunities to successfully become a primary business
- Monitor existing agribusiness roundtables, non-profit and private sector agribusiness organizations

Mr. Newberry remarked that his understanding from Board feedback was that this could be captured within an existing objective and did not have to be standalone.

Ms. McKeel said she thinks this could remain standalone.

Mr. Gallaway remarked that his earlier point was that there was a broader sense of what you are doing under these objectives, and this was very specific to agribusiness. He said they could have urban area and rural area strategies under “Other Objectives” and said he was fine with doing it this way, but his suggestion was just a different way to organize it.

Mr. Randolph said that Mr. Gallaway made a very good observation. He said that in this passage, one of the four areas have been identified by the Board as “strategic economic sectors for growth,” so in fairness they should pick the other three. He said that someone on the outside could read this as agribusiness being a priority and the others not.

Mr. Johnson presented “Goal 4: Seek Private Investment to Further the Public Good”:

Objective 1: Partner with others to develop projects that result in a public good or enhance natural resources

Strategies:

- Partner with willing developers to jointly create a build environment with public components consistent with the Comprehensive Plan
- Leverage Opportunity Zones

Mr. Johnson gave examples of items that were for the public good that would be considered for a public/private partnership: parking structure, bridge, enhanced stormwater system underneath a building, or anything that the community values.

Ms. Mallek asked if this would be an example of a civic investment that would leverage all the private businesses around it. Mr. Johnson responded that the next slide lists a strategy to create placemaking activities, i.e., public gathering space, convention center, performing arts center, etc. He presented a slide with “Objective 2: Support development projects that capitalize on our assets, inspiration, and potential to create unique and community based public spaces”:

Strategies:

- Partner with Department of Community Development on placemaking, mixed-use, and redevelopment opportunities.

He next presented “Objective 3: Lead the development of public-private partnerships that increase direct private investment”:

Strategies:

- Review County-owned properties for a higher and better use
- Create a process to accept partnership ideas
- Recommend customized “but for” solutions to enable economic development and projects to go forward (synthetic tax increment financing, historic tax credits, parking, infrastructure, grants, etc.)

Mr. Newberry continued the presentation and presented a slide with “Goal 5: Educate the Community and Enhance the Visibility of Economic Development”:

Objective 1: Build community awareness for economic development initiatives

Strategies:

- Develop an EDO website
- Create a recurring ED communication to the public
- Utilize social media to inform the public and highlight successes
- Create a written and verbal annual report

Objective 2: Create a marketing campaign to highlight the County’s desirability for start-ups, existing and relocating businesses

Strategies:

- Partner with site locators, commercial firms, and other partners to update VEDP’s property directory
- Communicate the value proposition of the community as a desirable location for primary businesses

Mr. Newberry commented that feedback they received indicate this could be a long-term priority or be cut entirely, adding that this objective would be removed unless the Board expressed that it not be.

Ms. Mallek remarked that there are different ways to do it and recalled that at last year’s Tom Tom Festival, they finally browbeat them into bringing a trip into the County, which included people from all over the country, including some angel investors who took a bus tour to see what it was all about. She said that experiences like this trickle out in a different way from something that was put in a magazine in terms of telling a community story.

Mr. Randolph suggested that they establish an economic development Facebook page linked to the County website to get a measure of how many people are visiting it and where they are coming from, as well as to provide the public with recurring access to articles. He added that it could give them a more robust idea for the website in terms of what to emphasize.

Ms. Mallek asked for an update on the web presence of economic development. Mr. Newberry responded that there was a standalone “People of Albemarle” website that was part of a social media strategy previously developed, and the EDA has chosen to continue it through the end of the year. He said the video for the announcement of Willow Tree was hosted on the site, along with many other interesting businesses in the community. He added that they have a Facebook page, but it could use some updating and further engagement. There has been some discussion on how they would invest in social media going forward.

Mr. Dill remarked that general, universal advertising was not trying to promote local businesses, and what was necessary was information on how to get a business license and work the system. He thinks they need to think about social media.

Mr. Gallaway remarked that social media was a must and the trick was to not make the economic development team into social media experts, as that was the responsibility of the communications team.

Mr. Newberry presented “Objective 3: Identify, track, and publish regular analytics that benchmark performance”:

Strategies:

- Report progress to the Board of Supervisors, EDA, business community, and other stakeholders via an economic development scorecard

To wrap up Goal 5, Mr. Newberry said they would be coming back to talk about their efforts and successes, and they will be developing a scorecard to note where they are and how they are doing.

Mr. Johnson introduced Goal 6: Lead External Efforts to Create Strategic Partnerships with Economic Development Institutions

Objective 1: Create partnerships to advance County's strategic and economic development goals

Strategies:

- Support Region 9 Growth and Diversification Plan

He said the Central Virginia Partnership for Economic Development includes a nine-county area and has a strategic plan, which staff reviewed to make sure nothing conflicts with the County's Comprehensive Plan and any of the County's strategic plans.

Objective 2: Lead the formalization of operating protocols with regional partners to further develop the innovation and entrepreneurial ecosystem

Strategies:

- Create an innovation and entrepreneurial ecosystem
- Support UVA, PVCC, and CATEC for technology transfer
- Support GO Virginia and similar grants
- Support TJPDC's Comprehensive Economic Development Strategy effort

He said that all the partners he met with agreed there needed to be a regional, cohesive plan that does not necessarily recognize political boundaries but looks at what was good overall for the community. He acknowledged the intellectual capital of the community which they need to leverage by creating a system with resources, space, opportunities, and mentorship, whereby a very smart person with an idea on the back of a napkin could walk this all the way to a successful brick and mortar place.

Ms. Palmer asked if partnership meant a formal, written agreement. Mr. Johnson defined "partner" as "equally sharing responsibility of leading an effort and sharing accountability for the results", noting that they have a glossary of terms to clarify meanings. He described those identified as partners as being willing and eager.

Mr. Randolph commented that the EDA was transmitting a message that it was one of equals collaborating for common good and common objectives to improve the economic performance in the community.

Ms. McKeel recognized that County schools are pushing vocational/technical skills back into the high schools, and she was surprised that CATEC was listed rather than the public schools. She suggested that they broaden this, as the high schools now have very robust vocational programs.

Mr. Randolph said that part of the graduation requirement at Monticello High School was a course on public policy, and this could be an opportunity for them to tackle some economic development-related issues and report to the Board.

Mr. Gallaway added that the schools are encouraging internships, which could be a piece of regional partnerships. He said that internships are becoming an internal part of students' education before they leave high school.

Ms. McKeel remarked that one of the reasons the schools are participating in the transit partnership was because students need to figure out a way to get to their internships.

Mr. Gallaway remarked that by creating worthwhile career opportunities, they may encourage young people to stay in the area.

Mr. Newberry then continued with the next objective under Goal 6:

Objective 3: Strengthen effective working partnership with the EDA

Strategies:

- Research and benchmark specialized EDA roles and fees
- Clarify the EDA role and create specific goals

Goal 7: Partner to Expand Efforts to Build the County's Tourism Sector

Objective 1: Partner with CACVB Executive Board and staff to support regional tourism priorities

Objective 2: Support existing and new tourism products in Albemarle County

Objective 3: Partner with others to leverage Virginia Tourism Corporation resources

Mr. Johnson said it was important to look at the focus of goals and objectives from a macro level and stated that there are two key things they are trying to do: grow our own businesses, and attract private capital to have a best-in-class built-in environment for our community. He presented the following:

Prioritization

- 1) Grow Our Own Businesses
  - Strategic Partnerships – Innovation and Entrepreneurship

- Primary Business Retention and Expansion
- Site Readiness
- 2) Attract Private Capital
  - Public-Private Partnerships
  - Policy Development
- 3) Improve Business Climate
- 4) Educate Community
- 5) Tourism

Mr. Johnson reiterated that the above prioritization does not mean that Items 3-5 would not get done; it means that absent any other priority from the Board, they would focus on 1-2, and follow-up on the others.

Ms. Mallek asked if 3-5 would be in process while working on the others. Mr. Johnson responded, "yes".

Mr. Newberry reviewed the next steps, with the first step being to obtain approval of Project ENABLE on December 5, 2018, with budget resources confirmed by February with a preliminary budget, followed by a work plan and scorecard during the January–March period. He indicated that they hope to have projects they have been working on ready for the Board by May. The policy work is going to be incredibly important following adoption of the plan. He said they would work on implementation, begin work on the Broadway Blueprint, continue BRE visits with existing businesses, and formalize the Delta Strikeforce.

Ms. Mallek asked what the Delta Strikeforce was about. Mr. Johnson explained that there was a management philosophy known as "high-performing organizations," with a key principle that decision-making authority should be pushed down to the level where most of the information relies. He described it as a parallel organization that does not operate under normal lines of approval and allows an organization to function more quickly, and in the case of Albemarle, to operate at the speed of business. He commented that this project team would help them quickly answer questions posed by businesses. He added that Mr. Steve Allshouse was assisting them in forming this and he came up with the name.

Ms. Palmer commented that comparing the project to an elite military force might strike some people as a little over the top. She stated that in looking at changes that should be made to the growth area, they talked a lot about form-based code and the use of zoning tools to make sure they were getting the most out of the development area, and she asked where this fit within the process. She noted that her Planning Commission representative would like Mr. Johnson to come back and have this discussion again, as she thinks there might be misinterpretation of what the Commission was suggesting. Ms. Palmer said that they want very much to be a part of this, as they think it was important for the Planning Commission to weigh in on the exercise of finding better ways to utilize development areas. She said she wants to make sure this was a priority and was a little worried when Mr. Johnson said he decided to take the two sentences out.

Mr. Johnson pointed out Objective 1, Strategy 1 and asked Ms. Palmer if this answered her question. Ms. Palmer agreed that this was the strategy she was looking for and wants to be sure it was on the priority list.

Ms. Mallek remarked that for GO Virginia, each County in the region was going to have something designated and developed and asked if this was still alive. Mr. Johnson responded that they just received the report earlier in the day, and the engineering company looked at a property on Galaxy Farm Lane which was rated as 2, meaning it was not quite ready for development, so they provided a cost estimate of what would be required to bring it to a certified rating of 4. Mr. Johnson stated that he and Mr. Newberry would look at the County as a whole to make sure there was a diversity of products to accommodate any of the industries they have targeted.

Ms. Mallek said it would be wonderful to regularly have an economic development representative at the Workforce Investment Board meeting, as it could help develop business contacts. She also recalled the discussion about a total redo of the County website and that hundreds of hours of staff time were spent trying to figure out how to fix it and requested an update for the Board. Ms. Mallek added that UVA annually graduates 6,000 future investors, and it would be good to track how many stays and/or come back to the community.

Mr. Gallaway endorsed the EDA's role as a proactive group and the things they should be doing, and urged the Board to clarify its authority.

Mr. Johnson summarized that they would synthesize the information presented and bring it back to the Board for support.

Mr. Newberry asked the Board if any of the language presented in red was something the Board would like to have remain. Ms. Palmer responded that they want it to stay but needs clarification of the language.

Mr. Randolph suggested that they write the word "collaborate" in parentheses the first time they use the word "partner" so everyone understands this was what they were talking about.

Mr. Gallaway stated that the idea of opportunity zones was a new incentive available for private investment, and it defines their desired future direction. He added that it should not take a backseat to other incentives that are being marketed and promoted.

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Agenda Item No. 12. **Work Session:** ACSA2018-00002, Christian Aid Mission Request for Sewer Service.

The Executive Summary forwarded to the Board states that The applicant is requesting ACSA Jurisdictional Area designation for sewer service to a 12+ acre parcel. The parcel is located on the north side of Ivy Road (Rt. 250 West). Broomley Road is located on the east side of the parcel, CSX Railroad is located to the north, and Charlottesville Volvo and the Korean Community Church are on the east side of parcel. The parcel is designated Rural Area in the County's Comprehensive Plan and is located in the South Fork Rivanna River Reservoir water supply watershed. The property is zoned CO, Commercial Office and has been zoned and developed commercially since the early 1970s. The property is designated in the ACSA Jurisdictional Area for Water Service Only and is connected to public water (Attachment A).

The applicant's request (Attachment B) describes the development and uses on the parcel, and includes conditions related to the septic system. In summary, the site contains the following:

- the "office buildings" which now house the Canaan Christian Church and Koinonia Christian Church;
- a guest house that can accommodate up to 26 overnight guests;
- a building which now houses a private school (Regents School); and
- a garage building with one apartment unit.

The site is served by three (3) septic and drainfield systems. The Virginia Department of Health (VDH) has determined that one of the three systems is failing (Attachment C). VDH has also determined that there is insufficient area on the property for a replacement drainfield due to a combination of the level of development (buildings and parking), the presence of steep slopes, and the recent deposit of soil/fill material on the property from the Broomley Road bridge replacement project. VDH has determined that the second septic system appears to be operating properly; however, its associated drainfield is located under a parking area, which is not a desirable location for a drainfield and can affect the lifespan of the system. The third system shows early signs of failing, with indications that some drainfield lines may not be accepting water.

The Community Facilities chapter of the Comprehensive Plan includes Strategy 9a regarding the provision of public water and sewer service, which states: "Continue to provide public water and sewer in jurisdictional areas." The explanatory text following Strategy 9a is provided below, and the specific criteria for the provision of public water or sewer service to the designated Rural Area is underlined.

"Water and sewer jurisdictional areas ensure the County's Growth Management Policy, Land Use Plan, and Develop Area Master Plans are implemented by guiding the direction of public utility placement. The areas also permit these services to be provided in a manner that can be supported by the utility's physical and financial capabilities. The jurisdictional areas are those portions of the County that can be served by water or sewer service, or both, and generally follow the Development Areas boundaries.... The boundaries of the Development Areas are to be followed in delineating jurisdictional areas. Change to these boundaries outside of the Development Areas should only be allowed when: (1) the area to be included is adjacent to existing lines; and (2) public health and/or safety is in danger."

Strategy 9a addresses the fact that public water and sewer systems are a potential catalyst for growth, and that capacities need to be efficiently and effectively used and reserved to serve the Development Areas. Continued connections of properties in the Rural Area should be the exception, as the further extension of lines into the Rural Area will strain limited water resources and capacity and may be catalyst for growth inconsistent with the recommendations of the Comprehensive Plan.

**Health/Safety** - Based on information provided by the applicant and VDH, staff opinion is that this request meets the health and safety criteria of the policy. There is a failing septic system, and one beginning to show signs of failing. There does not appear to be viable private, on-site solution. No replacement drainfield area is available on the property. An alternative central system would likely be designed to have surface water discharge to a nearby stream, which is in a reservoir water supply watershed. The central system would need to be privately maintained and operated. The County Comprehensive Plan also discourages the use of central utility systems in the Rural Area and should be used only in "cases where use of central water or sewer systems can solve the potable water and/or public health or safety problems of existing residences. Private central water and/or private central sewer systems should be approved only after all other alternatives have been exhausted. (P.12.32)."

**Adjacency of Existing Sewer Line** - Regarding the criteria for adjacency to an existing line, the nearest ACSA gravity sewer main terminates at a manhole adjacent to Rt. 250 West at the entrance of Kirtley Lane and adjacent to the Volvo dealership, which is approximately 600 feet from the Christian Aid Mission parcel. Gravity sewer will not flow from the Christian Aid Mission property to this ACSA sewer line. This connection would require a private grinder pump to reach this public manhole and off-site easements would also be required. The adjacent Volvo dealership has connected similarly at the same location. Gravity service is preferred over pumped lines because of: 1) the greater potential for pump systems to fail due to power outages and breakdowns, and; 2) the higher level of maintenance necessary

for a pumped system over the long-term life of the facility; this would be a private line and the responsibility for maintenance would be the property owner's. In 2008, the Board amended the then ASCA Jurisdictional Area conditional sewer service designation requiring the warehouse building site behind the Long Term Acute Care Hospital building (current site of the Ivy County Fire-Rescue Station) be served by gravity sewer. That amendment was approved because installing the pumped sewer line would prevent the loss of approximately 30 trees, mostly mature white pines, along the Northridge parking lot. These trees would have been removed with the installation of a gravity line.

The County has not established a specific standard for adjacency in applying this policy. In most circumstances where service is granted, the utility lines are adjacent to or on the property in question, located on the adjacent parcel, or across the street from the property in question. There have been exceptions, including the approval of sewer service to the Café No Problem/the Galleria Restaurant site at the intersection of Rt. 250 and Three Notched Road (Rt. 240) east of Crozet, the provision of sewer service to the Whittington development on Old Lynchburg Road, and the provision of water service to the Key West Subdivision, where the distances from existing lines exceeded the distance in this request. This policy has been applied on a case-by-case basis based on the circumstances of each case.

Staff opinion regarding this request is that the best method of providing sewer service to this site to address the immediate and long term public health issues and minimize potential environmental impacts to the water supply watershed is to provide public sewer to this site.

**Level of Service Provided** - Generally, when properties located in the Rural Area are added to the ACSA Jurisdictional Area, the service provided to those properties is limited to the existing structures or uses consistent with the land use recommendations of the Comprehensive Plan. In this immediate area there is a mix of service designations. In 1984, the Board of Supervisors granted water service and conditional sewer service to parcels to the east of this site, including the properties containing the Long Term Acute Health Care, Northridge, and Moeser building sites (Tax Map 59, Parcels 23B, 23C, 23C1, and 23D), provided those sites could be served by gravity sewer. This action preceded the current policy, which was established in 1989. The adjacent Volvo dealership site was granted full sewer service in 2012. The allowance of a full service designation was based on the relatively small size of the parcel (2 acres) and the existing level of development of the site (almost fully developed with a highway oriented retail use). The Christian Aid Mission parcel is a 12+ acre parcel and has greater potential to develop more intensively under the CO, Commercial zoning. That development would be inconsistent with the recommendations of the Comprehensive Plan.

Staff recommends that the sewer service be limited to the existing structures, except for places of worship, a private school, and other uses permitted in the Rural Areas (RA) zoning district, which may be located in new buildings and served by public sewer. This designation would not limit the existing uses on-site to the existing structures. New buildings containing these uses could be constructed on-site and served by public sewer. Other uses consistent with the RA zoning district could be allowed within those parcels, if the existing church and/or school use ceases, and vacates the buildings/site. This limitation would be consistent with County policies and practices and the Comprehensive Plan land use recommendations for this area, but would allow greater flexibility for existing uses to stay and expand on the site.

If this request is approved, there will be no budget impact to the County. The property owner will bear the cost of the water connection.

Staff recommends that the Board set a public hearing for the amendment of the Albemarle County Service Authority Jurisdictional Area to provide Sewer Service to TMP 059000000023G1, the Christian Aid Mission site. Staff is recommending that a general description of providing sewer service instead of a specific limited service be advertised to allow the broadest flexibility in the Board's action after the public hearing.

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Mr. David Benish, Chief of Planning, presented. He said the property was located on Ivy Road at 250 West, just west of Northridge and LTACH and east of Broomley Road, just south of CSX Railroad. He said the property has water only service designation and was connected to water, was located in the rural area and zoned commercial office, and consisted of 12+ acres with undeveloped portions of the site contain some steeply rolling to critical slopes. He presented a map of the property and surrounding area as well as a topographic map that indicated critical slopes, and he pointed to several existing buildings on the property along with an aerial photograph of the site.

Mr. Benish said the property contains four building complexes and four systems that serve them. He said the first complex serves the conference center, which houses a place of worship, was the oldest system on the property, and was a former dinner theater when the property was acquired in 1975. He said the system functions adequately and the second system serves the fellowship hall, garage, and apartment, but it was failing as determined by the Health Department, which rejected a repair permit request by the applicant. He said the third system serves the guest house, could accommodate up to 26 guests, and has a drain field that was partially located under the parking lot and was showing early signs of failure. He said the administrative building holds the Regents School, was the newest system, and was acceptable.

Ms. Palmer observed that the majority of the square footage on the property was still functioning, as the two largest buildings were functioning. Mr. Benish responded that the system could be looked at as a whole, with three out of four systems functioning. He said that if they look at it from a building system

standpoint, then one building system was failing. He said that the Virginia Department of Health determined the property does not have an area adequate for replacement drain fields, as the topography consists of rolling and steep critical slopes with fill material as well as the area of impervious development. Mr. Benish remarked that the third system has occasional problems, and the distribution box has had backups on occasion. He noted that the company they used to try to maintain the systems used high-pressure jets but the distribution box was not accepting or carrying the water through, which indicates that the fields are starting to back up.

Ms. Palmer remarked that the school was functioning fine. Mr. Benish agreed but added that the system was at its capacity for the school enrollment. He said that as systems start to fail, there are the options of public utilities or alternative central systems, which theoretically was an option here. He said an alternative system would discharge to a stream and would need to be privately maintained and operated and subject to the risk of reliable maintenance or electrical failure. He noted that the Comprehensive Plan discourages the use of central systems in the rural areas and it was seen as an option of last resort but was an option if public service was not provided.

Mr. Benish explained that the reason there was an ACSA jurisdictional area was because it was an important growth management tool for implementing the land use plan, providing utilities to the development areas, supporting land use policy and quality urban areas. He said that providing utilities in the rural area could be a catalyst to growth, which was inconsistent with the rural area land use policy. Mr. Benish added that it could potentially allow for development beyond what could be served by well and septic, and it better implements rural area policies, goals, and recommendations while reserving and effectively using the costly water resources in the development area.

Mr. Benish explained the policies for providing service to the rural areas and expanding the jurisdictional area was to follow development area boundaries. He said that in the rural areas, if service was to be provided, it should be based on serving a documented health or safety issue and adjacent to an existing line.

Mr. Benish remarked that due to the complexities of the site, this case was not clear cut. He said there was a documented health or safety issue as it related to one system, and there are indications of an issue with another system. He acknowledged that there was reasonable use of the site, as not all systems are failing, though one building was impacted by the failing system, and staff feels this does impact a health or safety issue. He said the nearest line was one property east of the site at Kirtley Lane, which was the road that fire/rescue utilizes. He said this connection would require a grinder pump and offsite easements, noting that gravity service was always preferred over grinder pumps as they have more potential for failure due to power outages and breakdowns and requires maintenance by private companies.

Mr. Benish explained that the County has not set firm or hard criteria for what adjacency was and review was on a case-by-case basis. He said that lines located adjacent to parcels have been accepted as an adjacency in the past, and he provided some recent examples. He reiterated that on balance this could meet the criteria for proximity, as they have made past exceptions but the biggest concern was with the grinder pumps. He noted that if they add this property to the jurisdictional area, the level of service could be restricted to existing structural use to keep it consistent with the rural area policy. Staff's recommendation is based on the notion that for the existing uses, they would have access to the service, but may be able to use and rebuild new structures.

Ms. Mallek asked for confirmation that if the use were to change from a school to an office but the building remains the same, it would not impact the ability to use the sewer. She asked if he means to say "this use only." Mr. Benish explained that staff's proposal was that its services only existing structures and that for places of worship and the private school, they propose allowing them to go into a new building and be served. He pointed out that in 2012, the adjacent Volvo car dealership site was granted sewer service that was not limited to the existing structure or use based on it being a small, two-acre site that was fully developed. He said the Christian Aid Mission was on a 12-acre site with older buildings that may be ready for some degree of renovation.

Ms. Mallek remarked that the existing amount of acreage that was developed now would be the limitation, as the rest was the precipice and in effect, it was really six acres. Mr. Benish agreed. He said part of the site was mostly old fill that could be pulled out and redeveloped, but it was all impervious and what remain was mostly fill material, and that was the issue with being able to get a replacement septic field onsite.

Ms. Palmer pointed out that the Volvo dealership was gravity fed, which makes it different with respect to ACSA as it highly discouraged pumping. She asked where the sewer was under the original jurisdictional boundaries and how far it had crept out down Rt. 250. Mr. Benish responded that the force main, Crozet interceptor was behind the buildings, so it was technically adjacent to a sewer line but could not be connected to a force main. He explained that it was an RWSA system and not a service line, which he said was connected at least to AMVETS in Ednam in the early 1990s. He said he does not have documentation demonstrating that the line was at the Volvo site, though he could find it as well as any additional information the Board needs if it chose to go to the public hearing.

Ms. Palmer remarked that it was creeping down and the next question would be about the next property, which was what was happening with stale zoning and as things deteriorate. Mr. Benish responded that during the early 1980s, the Board of Supervisors granted water and sewer service to Northridge, and while there may not have been a line there, it anticipated that service would be provided

up to the Altach building site. He said he thinks the adjacent location was very relevant because it demonstrated the implications of continual expansions.

Ms. Mallek pointed out that the zoning west of Broomley Road was rural areas, not commercial, which represents a definitive line.

Ms. McKeel remarked that the report states the property was located within the Jack Jouett Magisterial District, though it was really in the Samuel Miller District.

Ms. Palmer asked for confirmation that the property was within the rural area, that the Ivy Nursery was zoned C1, and that nothing beyond that was zoned C1. Ms. Mallek responded that it was zoned rural area as opposed to commercial. Mr. Benish responded that the west side of Broomley Road was zoned C1, and there was old zoning around the bend where the antique shop was zoned C1 or highway commercial. He said the stretch of old zoning ends at the Ivy Nursery.

Ms. Palmer pointed out that the Ivy Nursery was not on water. Mr. Benish displayed the zoning map and remarked that Ivy Nursery was zoned for water only, noting that he does not think they are connected.

Ms. Mallek asked if a gravity line could connect from this property down through the back of Volvo, with easements, to join up with the other gravity situation. Mr. Benish responded that he spoke with ACSA today and they are pretty certain that the entire site needs to be served by pump. He said the Regents School was almost at an elevation where it might be able to be served if the pipe were low enough, though they recommend that the whole site be gravity as there was not much margin for error.

Ms. Mallek remarked that the pipe could be placed eight feet in the ground. Mr. Benish said the engineers suggested they put the pump near the bottom of the property near the railroad to have one pump that would pump everything, and they were pretty sure that all of the buildings would have to rely on a pump, except for one building for which gravity may be possible.

Ms. Palmer summarized that the Board's job at this point was to decide if this would go to a public hearing and how they want to describe the public hearing.

Mr. Benish presented a slide with a proposed jurisdictional area amendment. He said the language limits commercial uses to existing buildings, though places of worship and the private school could be allowed in a new building, while the new buildings could only house and serve rural churches, private schools, or potential rural area uses. He noted that this would be consistent with the Comprehensive Plan policy.

Ms. Mallek asked if the topography limits the buildings to the area where the buildings are currently located and, if they intend for the buildings remain in the area where they currently are, whether they need to say something so there was not confusion later. She said she does not want to encourage anyone to get on the steep slope. Mr. Benish pointed out that there are steep slope provisions for which a waiver would be required.

Ms. Palmer asked if the steep slopes are considered to be manmade. Mr. Benish responded that the slopes are mostly natural, though it was possible that some could be manmade. He said it was his observation that they appear to be natural.

Ms. Palmer asked if the addition of fill by VDOT would make the slopes steeper. Mr. Benish pointed out the fill area on a topographic map, as well as slopes that could be manmade, related to Broomley Road.

Mr. Randolph observed that on Page 2 in the last paragraph it states, "The County has not established a specific standard for adjacency in applying this policy." He asked if Community Development would like the Board to weigh in on the matter of what adjacency was. Mr. Benish responded that he thought it was something to be reconsidered and that they could limit the extension by documenting what systems are considered to be existing to limit the potential creep.

Mr. Randolph added that having a policy would give clearer direction as to whether this application fit within the purview of that policy. He recognizes that the Board reserves the right to make an exception to any policy due to unique circumstances and stated that he was not proposing to make a judgement on this application. He indicated that the situation was pretty clear that the Board needs to step in for reasons of public health and safety, as one septic system was failing and one was in stress.

Mr. Benish agreed that it was probably time to have a more definitive level of advisement. He recalled that they made an exception to the policy with Key West as they allowed water service, though it was 6,000 feet from the nearest service, though in that case it was a whole community with a failing, contaminated system. He said that a standard for more conventional requests would be helpful.

Mr. Randolph remarked that other organizations, such as the SELC, would take interest and weigh in on the development of an adjacency policy.

Ms. Mallek added that the existing policy has done very well for the County over the years, and it was incredibly important in the rural area to add a phrase that would create more of a uniqueness for this instance than others, as some in that category do not qualify.



Mr. Benish stated that the decision before the Board today was whether to schedule a public hearing and to advise staff as to what additional information it would like to have.

Ms. Palmer expressed support for moving forward with a public hearing and asked if specific language must be confirmed today, as she would prefer a relatively narrow description of their approach and does not want to open up a broad discussion about many different things. Mr. Benish responded that the notice could be very specific as to the use or limitations, though his office recommends a broader sewer service as it would allow for a decision under one public hearing to cover a broader range. He proposed that they word it to specify a range of from and to.

Ms. Palmer acknowledged that there are two buildings, but Mr. Benish had said that he wants to allow them to build a new church and school.

Mr. Randolph stated that they would still need a special permit.

Mr. Benish responded that under CO zoning, churches are by right as well as churches that are less than a 200 congregation. He indicated that they could prepare an advertisement of the public hearing that said they are considering from limited service to unlimited service and provide a description, with service to existing structures only and also to existing uses and rural area uses.

Ms. Palmer remarked that if they had unlimited service, they are still broadening the scope greatly. She said she would not want to go with unlimited service, though perhaps other Board members would, as she was concerned that things would spread down corridors.

Mr. Kamptner stated that they want the advertisement to be broad enough because once the public hearing happens there may be additional modifications for which they would want to retain flexibility without having to re-advertise. He offered the option to advertise a range from limited to something much greater or just insert staff's recommendation into the advertisement, which provides a focal point for those reading the advertisement.

Ms. Palmer asked for confirmation that he was still talking about adding unlimited service as one of the parameters. Mr. Benish responded that the advertisement would say "sewer service," which would imply unlimited service, but they would add staff's recommendation to identify that the proposal was for a limited service.

Ms. Palmer **moved** that the Board schedule a public hearing for December 5, 2018 for the amendment of the Albemarle County Service Authority Jurisdictional Area to provide Sewer Service to TMP 059000000023G1, the Christian Aid Mission site. The motion was **seconded** by Ms. McKeel.

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

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

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Agenda Item No. 13. Closed Meeting.

At 5:03 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:

- Under Subsection (1):
  1. to discuss and consider appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointments; and
  2. to discuss and conduct the annual performance review of the County Executive; and
  3. to discuss and consider the assignment, resignation, or promotion of specific employees in the County Executive's office and
- Under Subsection (3), to discuss and consider the disposition of real property in the City of Charlottesville related to court facilities, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County; and
- Under Subsection (7), to consult with legal counsel and briefings by staff members pertaining to actual litigation arising out of a decision of the Board of Zoning Appeals and between the Board and Jeffries II, where the consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the County and the Board; and
- Under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to the negotiation of an agreement for, and the possible relocation of, court facilities.

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

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

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Agenda Item No. 14. Certify Closed Meeting.

At 6:15 p.m., Mr. Gallaway **moved** that the Board of Supervisors certify by recorded vote that to the best of each Supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting, were heard, discussed, or considered in the closed meeting. The motion was **seconded** by Ms. Mallek.

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

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

NAYS: None.

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Agenda Item No. 15a. Boards and Commissions: Vacancies and Appointments.

Mr. Dill **moved** that Mr. Martin Meth be appointed to Citizen Transportation Advisory Committee (CTAC), with said term to expire on November 7, 2021. The nomination was **seconded** by Ms. Mallek.

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

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

NAYS: None.

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Agenda Item No. 16. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Matthew Christensen, resident of Rio District, addressed the Board. He said he was raised to believe that the system works and was just; he was a privileged white male, the system was designed for him, he has degrees in sociology and social work, has spent over six years studying systems, and knows now that it does not work. He said he observed the trial last week of the citizens who exercised their right to protest at the County School Board meeting and it was a disgrace. He said the County Executive was called up time and time again and asked the exact same questions until he gave the answer that the Commonwealth's Attorney wanted to hear. He noted that he used to be in law enforcement which was part of why he became a social worker and he no longer trusts them. He said he was a privileged, upper middle-class landowning white male and does not trust cops to protect him or the people he cares about. He said he trusts police to throw him into a pile of chairs, send him to the hospital, and charge him with a felony for the pleasure. He said he trusts police to follow the orders of government officials and drag people out who are exercising their First Amendment rights; at times silently. He said that police are no longer his first call when something goes wrong, he does not trust calling 911 anymore, he knows he was not alone in that, and he no longer trusts that they are there to help him. He said this was a serious issue in our community and described the Department of Immigration and Customs Enforcement of coming in and poisoning our community. He stated that the Board was in charge, has privileges and responsibilities, power, and they need to stand up for something. He said "we" protect us and not the cops.

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Mr. Paul Haney, President of Albemarle County Farm Bureau, addressed the Board. He said he would address the restriction of trucks on Owensville and Miller School Roads. He referenced two recent letters the Farm Bureau sent to the Board expressing their concern. Addressing concerns of trucks running cars off the road, he acknowledged this may be occasionally happening but everyone has the responsibility to maintain their vehicles. He remarked that horse trucks have caused him to go to the side of the road more often than regular trucks and it was discriminatory to only go after larger vehicles. He explained that his son attends Miller School and that he and other students that drive too fast are part of the problem. He said he recently visited Ireland and observed that they have small roads but trucks have the right of way and others slow down to accommodate them. He said that to limit truck traffic was not fair to farmers and local businesses that do not have other acceptable routes. He pointed out that by taking trucks off these roads they would be adding this traffic to Route 250 and Route 29 and adding more interaction with passenger vehicles. He asked the Board to not restrict truck traffic that services farms.

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Mr. Lynwood Butner, KVCF Solutions and representing Virginia Forestry Association, addressed the Board. He said he has been working with them for some years on issues that relate to their business models and how they do business. He recalled that as a State Traffic Engineer for VDOT he developed the through truck restriction policy and that as Deputy Commissioner at DMV he implemented the policy. He remarked that the policy worked very well for a long time in Virginia and was developed to keep people from cutting through neighborhoods and to avoid congested areas. He stated that constituents on Owensville and Miller School Roads are also the people who run the farms, businesses, and operate the types of vehicles that are generating some truck traffic. He acknowledged that it was a tough administrative and governance issue. He expressed concern that it would impact truckers in an adverse way.

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Mr. Mark Dusci, resident of Earlysville and employed at Blue Ridge Lumber, addressed the Board. He said his employer has operated a sawmill in Fishersville for 34 years; Albemarle was one of the counties they use to obtain logs, and they always use Owensville and Miller School Roads. He stated that a restriction on tractor-trailer through traffic would put them on roads that are lesser than Owensville and

Miller School Roads. He pointed out that there was a restriction in Crozet as one could only go around Lane Town Road and get back over to Yancey Mills Road coming through White Hall while if the driver goes the other way would have to go into Charlottesville. He said he tells his drivers that Owensville was the best road and since they are currently working a job on Pasture Pence Road and would be there for a year and a half, they need to use Owensville Road for their tractor-trailers. He said that this restriction would set up future restrictions, and the Board would be restricting commerce, the ability of people to make money off their land that they pay good tax money to the County.

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Ms. Cheri Hill, resident of Overlook Condominium in Rivanna District, addressed the Board. She said she was speaking on behalf of her neighbors and would share concerns regarding the proposed construction of The Vistas, which she described as a three-building, 144-unit apartment complex jammed onto a small flat portion of land right tight to their 40 units. She said Pantops was at a crossroads and designed on purpose. She said they are at Exit 124, with at least 19 fast food shops and a five service stations. She reminded the Board that in 2008 the County acknowledged that there was a traffic problem in Pantops and no progress has been made to alleviate this in a decade. She noted that vehicles are using South Pantops as a cut-through instead of Richmond Road, with its traffic lights and congestion. She added that the construction of Martha Jefferson Hospital and subsidiary buildings have added to the congestion. She listed some nearby businesses and remarked that there are proposals for a Hampton Inn and six new Martha Jefferson apartment buildings across from the hospital. She pointed out that Pantops was a gateway to Charlottesville, the County was known for its Jeffersonian design, nearly all current buildings are brick and vinyl; and the drawings for The Vistas indicate it would be comprised of three, four-story high rises of steel and concrete, which does not fit in with the neighborhood model and would not be okay with Thomas Jefferson. She stated that the Planning staff are not the decision makers and it was the Board that gives final approval. She asked that they relocate The Vistas and make the tiny piece of beautiful property next to them as proposed in the 2008 PCAC guidelines.

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Ms. Joann Williams, resident of Willow Condominium in Rivanna District, addressed the Board. She said they feel there have been a lack of communication and that, as adjoining landowners, they have the right to receive timely notice. Less than one-half of the owners of Overlook Condominium and neither the property management company nor the association were notified by the County of the site review committee meeting regarding The Vistas on South Pantops. Community Development did not provide notice of a special exception waiver for the second time and how the developer also failed to notify them for the second time. They are entitled to at least 21 days of notice prior to a zoning modification and the failure to provide notice creates a lack of due process and raises an equal protection issue. She said that when a resident questioned a County official about goals and communications for the Pantops area he suggested they join PCAC, though she asked what the point would be as their master plan and target goal date has not been realized. She asked why they should waste the taxpayers' and County staff's time and money trying to establish goals which are felt to be the best use and the most scenic area of the land in the County if the guidelines are not used. She said that figuring out the process was hard and understanding the language of the County regulations and recommendations was perplexing. She expressed the hope of her community that the County would not put the interests of a developer above the interests and rights of its citizens.

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Ms. Rita Krenz, resident of Overlook Condominium in Rivanna District, addressed the Board. She stated how difficult it was for citizens to navigate the world of County development and processes. She said they have been repeatedly foiled by communication failures and consequently been denied the important opportunities and lost the ability to achieve a return on their investments to protect their interests. She expressed a sense of doom for the quality of life on Pantops. She referenced emails she sent about the land on the northern border of Overlook Condominium which was labeled as green space with a major access trail head in the 2008 Pantops Master Plan. She noted that in 2008 County staff expressed concern regarding its development and quoted their statement: "The Pantops Master Plan parks and green systems map and land use plan recommend that this site be preserved and that opportunities for trailhead access to the greenway system should be considered for this property." She quoted another passage from the review: "A park was recommended to the north across South Pantops Drive from this property so this site offers the opportunity to interconnect with the parks and green space system." She noted that the Comprehensive Plan chapter on development areas states under Objective 2, Strategy 2L states the following: "acquire, develop, and maintain public parkland as shown in the map of the master plan." She wondered if this was the inspiration for the line item in the Pantops Master Plan implementation strategies chapter which references a pocket park on Pantops near State Farm, along with funding for design and implementation. She stated that they are not talking about a nondescript plot of land along the highway and that this little area was key to a larger, brilliant green space that was an absolute treasure for the County and should be what connects to the beautiful hillside across the street, which at its subtle peak offers a singularly beautiful view of the County. She asked Supervisors to reach out in earnest to negotiate with the landowner and developer of The Vistas property to find another location in Albemarle County for that complex and turn that land into the pocket park it was meant to be. It could be the beginning of something really amazing.

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Ms. Theresa Kaj Lam addressed the Board. She said she would speak about the petition to remove At Ready. She said she was present on behalf of her ancestors who served in the war between the states. She said she started a petition that calls for keeping At Ready where he stands and references a Virginia law that protects war memorials. At Ready was a war memorial to her ancestors who did not make it home. She said that James Austin Garrison of Free Union came home but died of an illness

acquired while at war, William Nicholas Thompson died at Cold Harbor and never made it home to see his small children, and Robert W. McCauley of Free Union died as a prisoner of war at Point Lookout and never made it home to see his small children grow up. She said that At Ready stands so that these soldiers have a place to be remembered as they do not have a headstone. Robert W. McCauley was buried in a mass grave and many of those in mass graves only have their skull buried as the men who reinterred them were paid by the skull. She said that it has made her sick to learn of the petition that was circulating as those who were sponsoring it do not understand what the monument means to people like her who had numerous ancestors serve in the war between the states. She said they are not racist or white supremacists but proud of their heritage and want to honor their ancestors. She asked the Board to put a stop to what she describes as nonsense and ridiculous.

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Mr. Holmes Brown, resident of Batesville, addressed the Board. He thanked the Board for considering ways to protect the health and safety of Batesville residents and drivers on Miller School Road. He said the Board was aware of the hazards posed by oversized trucks from the comments of residents, the users of the road, and the Board's own study. Unfortunately, the Commonwealth Transportation Board provides only a truck length restriction option for through-truck resolutions. A truck-length restriction that would prohibit trucks posing the greatest hazard on Miller School Road would also preclude many local businesses that are vital to the community. He suggested the Board petition the CTB to consider additional criteria so that rural residential communities could be protected from being thoroughfares for unfettered heavy truck traffic. He asked the Board to instruct VDOT to place signs at the ends of all roads leading to Batesville indicating that it was "Not Recommended for Trucks". He noted that previous speakers seemed to suggest that there are no circumstances under which truck restrictions are merited.

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Mr. Randy Layman, resident of Batesville, addressed the Board. He said he was well aware of the truck traffic but most of the traffic was to serve homes in Batesville such as oil tankers, septic trucks, and others. He said that VDOT has made attempts to repair shoulders on paved roads but did not fix the problem as there are deep ditches. He recounted instances of trucks that fall into the ditches which he attributes to VDOT signs and they have to swerve to avoid hitting with the side mirrors. He said that if a vehicle encounters a speeding vehicle there was nowhere to go as there was not a sufficient shoulder. He remarked that VDOT was spending money everywhere but on rural roads.

With regard to earlier comments made by Mr. Christensen about police officers and noted that he was the father, uncle, and brother of police officers and he thinks they are doing the job they are assigned to do and sworn to take care of. He said everyone should be careful about what they say about police officers; they already experience disrespect, and he will be glad when his son and nephew retire.

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Mr. Ronnie Morris addressed the proposed restrictions on Miller School and Owensville Roads. He said he lives in the western part of the County and it places undue burdens on farmers and other local businesses. He said that the road infrastructure, as is, was difficult enough when transporting to and from farms and businesses without more restrictions. He recommended the Board lower the speed limit and enforce this. He noted that his property was being timbered and he had concerns that they would not be able to transport the timber as they need to.

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Mr. Ron Jenkins, Executive Director of Virginia Loggers Association, addressed the Board. He said his organization was statewide and made up of 340 logging businesses and mills. He explained that their position was to not place restrictions on Owensville and Miller School Roads or any other roads and that they continue to look for way to have safety while honoring the farming and forestry businesses which has helped to build this great country. He explained that forestry was a \$21 billion industry in Virginia, according to a recent study by the Governor's office, and that agriculture was the largest industry in Virginia. He said that experienced and skilled landowners practice active management and that the tourism industry was number one in Virginia and very connected to rural, working farms and forests. He explained that the forestry industry has indirectly and directly given thousands of dollars towards the improvement of the community in addition to the hundreds of thousands of dollars they spend in the community each year to keep their businesses going. He suggested the Board utilize experts to find ways to improve safety and that they find ways to keep these communities strong and make the forests and farms the best they could be to be leaders in the economy. He described commercial trucking as the life blood of their industries and raw products cannot be gotten from the forests and fields without them. He stated that any small additional time or cost added hurts family-owned businesses.

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Mr. Alex Struminger, owner of Batesville Market, addressed the Board. He thanked the Board for the work it does and remarked that there was not an easy solution. He read a letter addressed to the Board by the head of Miller School: "To Whom it May Concern, I am writing in support of restricting through-truck traffic on Miller School Road. Of our 185 students, 75 families are local. In addition, Miller School employs just over 50 teachers and staff. These folks travel Miller School Road twice a day during the week, and I am particularly concerned about our students who are new drivers. Miller School Road was a winding, narrow, country road with no shoulder and very few guardrails. Navigating this road and even sharing it with cyclists was hard enough and sharing the road with many large trucks that are cutting through to and from Crozet work sites was very dangerous. The stories I hear daily about near misses or almost being run off the road terrify me. I have experienced this myself. This summer I addressed the Board of Supervisors and explained that this was the main issue that keeps me up at night and I am

frightened of the day when I get the call that someone was hurt or worse. For Miller students, parents, and teachers, please vote in favor of the resolution to restrict these trucks from using Miller School Road as a through cut.”

Mr. Struminger said he would share three recent incidents he experienced. He said his wife was run off the road by another driver of a logging truck that could not fit on the road. He said a dump truck clipped one of his employees and she lost her bumper. He recounted how last week a semi tried to turn on Miller School Road and damaged the power pole. He said that the road was used for a cut-through due to directions from GPS. Addressing comments by Mr. Layman, he said there was one truck that did get off the road that delivered to the Batesville Market and he asked the vendor to never bring that truck again and they are very careful to only have trucks that could navigate the roads come to the market.

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Mr. Joseph Jones, resident of White Hall, addressed the Board. He described Miller School and Owensville Roads as real good roads and urged the Board to look for improvements and not restrictions.

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Mr. Neil Williamson addressed the Board and recognized that earlier today the Board reviewed Project ENABLE concerning economic development in rural areas. He asked how restricting traffic on these roads would fit with economic development. He stated that 95% of Albemarle was rural and there was a need for improvements on rural roads. He said the restrictions would seemingly not impact neighbors because it was point to point, though there are lots of locations just off these roads that would qualify as through trucks. He said this was a huge problem for a large part of the County. He agreed with Mr. Jones that improvements are needed and restrictions are not.

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Agenda Item No. 17. Park's Edge Apartments.

The Executive Summary forwarded to the Board states that Park's Edge Apartments is a ninety-six (96) unit affordable multifamily property located on Whitewood Road. The property is owned currently by Albemarle Housing Associates L.P., a for-profit entity associated with the Albemarle Housing Improvement Program (AHIP). The property also includes a community center which was funded in part with Community Development Block Grant funds. The property was purchased and rehabilitated in 2003/04 using, in part, low-income housing tax credits which require a fifteen-year (15) compliance period. That compliance period ends in 2019 which will allow AHIP to retain the property as is, restructure the current financing, or sell the property to another entity.

At the October 3, 2018 Board meeting, AHIP's Executive Director asserted that property ownership and management is not a core function for AHIP and explained that an immediate priority would be to work with a local mission-driven organization to transfer ownership and to ensure that Park's Edge would be in good hands and would remain affordable permanently. This transfer would also provide the new owner the opportunity to restructure the financing, including the possible infusion of additional low-income housing tax credit (LIHTC)- extending the affordability term until at least 2048. The LIHTC funds are critical to make the project financially feasible given that the property is in need of improvements with a preliminary cost of approximately \$4.5 million.

Also, at the October 3rd meeting, Piedmont Housing Alliance's (PHA) Executive Director indicated their interest in purchasing and rehabbing Park's Edge. In addition, PHA expressed the necessity of County financial support to attract other funding sources including LIHTC, tax-exempt bonds, and the Virginia Housing Development Authority (VHDA); the total financial support requested from the County was \$325,000.

Board members requested that staff review the project, particularly related to the development budgets and return to the Board to with a recommendation addressing the request. Subsequently, staff has had the opportunity to review the proposed budgets and a two-year old study of maintenance needs for the property. Because the budgets are proprietary as well as preliminary, they are not being attached to this request; the following is a summary of staff's findings:

- The costs identified in the dated needs assessment will need to be updated with a structural analysis and supported by contractor estimates.
- The estimate of \$4.5 million is derived from the needs assessment indicating approximately \$3.5 million with some systems listed for repair when replacement is likely needed.
- The operating pro forma appears reasonable and within parameters needed to receive LIHTC although it is calculated using the preliminary assumptions.
- With the expectation that costs will rise above the estimates, it is likely that the project will require significant support from the VHDA REACH program to keep debt service at a level that will make the project feasible.

Staff requested guidance from VHDA regarding their expectation of level of support/commitment of funds. VHDA suggested that the County not commit to a specific amount but rather indicate what the County may be willing to do financially to support the project. It was also stated that local financial support is important for VHDA to consider their REACH program to provide additional support to make the project feasible. REACH funds are retained earnings which VHDA puts back into affordable housing that have a positive impact on the community. PHA also needs to begin the application process for financing through VHDA prior to any need for gap financing is determined. A commitment of funds in a specific amount is

not recommended by staff at this time. However, the reservation amount recommended by staff is reflective of the cap based on the initial request of PHA.

The Housing Fund currently has available funds sufficient to meet this request. If the Board approves the recommendation, a future request may be made to appropriate up to \$325,000 from the Housing Fund to PHA with those funds remaining in the Housing Fund until the project is ready to move forward. PHA's timeframe for needing County funds may be as early as April 2019 but could be as late as September 2019.

Staff is supportive of this affordable housing initiative and recommends that the Board adopt the attached resolution (Attachment A) indicating its support for the acquisition and renovation of Park's Edge Apartments by the Piedmont Housing Alliance and its reservation of up to \$325,000 in the Housing Fund pending determination of need through VHDA's underwriting of the project.

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Mr. Ron White, Chief of Housing, reminded the Board that he had presented to them on this item in October, at which time they heard from representatives from the prospective seller and purchaser. He said that the Albemarle Housing Improvement Program, the current owner and operator of Park's Edge, would like to sell the development to a mission-oriented organization, and the Piedmont Housing Alliance has expressed interest in purchasing, rehabilitating, and maintaining the 96 units. PHA had requested County support at the meeting but the County was not ready to endorse the sale until it had a chance to review financials and speak with potential lenders. Mr. White stated that he reviewed preliminary financials and noted several things that were important to bring forward. He said a consultant prepared an estimate of the cost to repair the property several ago, which he said should be updated to get some firm costs.

Mr. White said the construction budget and operating pro forma are based on these estimates and also include a contribution from the County of \$325,000, which PHA requested. He said the construction and rehabilitation estimate was about \$4.5 million, and the operating pro forma with the County's contribution was within the parameters that would indicate the property could receive low income tax credits. He stated that the big piece mentioned by the PHA director was the need for a significant subsidy from Virginia Housing Development Authority's Resources Enabling Affordable Community Housing (REACH) program, and noted that it was funded by retained earnings from VHDA. He said that for the project to receive REACH funds, there was an expectation that the local government and other local resources would provide funding. He noted that PHA has asked the County to both offer its support and reserve \$325,000, which was available in the housing fund as a result of one-time money appropriated by the Board the previous year.

Mr. White stated that the project would have to go through underwriting and would require engineering studies and firm cost estimates, noting that PHA was not seeking a firm commitment of cash in hand at this point. He said that his office recommends that the Board adopt the resolution attached to this item, which would include a reservation of up to \$325,000, pending a determination of final needs. He mentioned that he has not provided the budget and operating pro forma because they are considered proprietary documents and are still preliminary. If the Board were to approve the resolution, the Office of Management and Budget would come back with an appropriation request from the housing fund and it would basically be an encumbrance at that point. He noted that money from the housing fund would not be spent until conditions are met, one of which would be a requirement that PHA lend the money to the development and take back a junior mortgage for security. He concluded and invited questions.

Mr. Dill asked for the demographics of the apartment complex's residents. Ms. Jennifer Jacobs, Executive Director, AHIP, responded that the average annual income was about \$25,000/year, seniors represent less than 10% of households, and it consists mostly of working adults and children.

Ms. McKeel recalled that Ms. Jacobs expressed a hope to add several more facilities for the disabled, and remarked that it would be beneficial to have a few more compliant units. Ms. Jacobs agreed and said that it would depend on the final plan.

Mr. Dill asked for the longest time someone has been there and what the turnover was like. Ms. Jacobs responded that one or two residents have been there for several decades and there was turnover, but there are also those who had grown up there. She added that the complex was aging and in need of rehabilitation, as the last rehabilitation was in the year 2000.

Ms. McKeel asked if PHA would need a letter from the Board expressing support or would a motion of support suffice. Ms. Jacobs requested that they provide a letter of support in addition to the resolution that they would submit in the application for REACH funding.

Mr. Dill asked if this would change AHIP's organization in some ways such as freeing up resources to do other things. Ms. Jacobs responded that it certainly would; no one else in the community was doing rehab and repair, and there are 296 households on the list for critical home repairs. She said that by selling the property they would be able to free up resources to address these repairs and fundraise.

Mr. Dill asked if AHIP would continue to do repairs and work at Parks Edge. Ms. Jacobs responded, "no"; they would maintain their own maintenance staff.



Mr. Kamptner suggested adding a paragraph to the proposed resolution that would authorize the Chair to sign a letter in support of the project. Board members concurred.

Ms. McKeel **moved** that the Board adopt the proposed resolution, as amended, indicating its support for the acquisition and renovation of Park's Edge Apartments by the Piedmont Housing Alliance and its reservation of up to \$325,000 in the Housing Fund pending determination of need through VHDA's underwriting of the. The motion was **seconded** by Mr. Randolph.

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

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

NAYS: None.

**(The adopted resolution is set out below:)**

#### **RESOLUTION**

**WHEREAS**, the County of Albemarle is committed to ensuring that safe, decent, affordable, and accessible housing is available for all residents; and

**WHEREAS**, the County of Albemarle is committed to improving the livability of all neighborhoods and access to support services by residents; and

**WHEREAS**, The County of Albemarle is committed to revitalizing its urban neighborhoods; and

**WHEREAS**, the Piedmont Housing Alliance (PHA) Board of Directors on September 25, 2018 unanimously supported their Executive Director in pursuing the purchase and renovation of the Park's Edge Apartments from the Albemarle Housing Improvement Program (AHIP), and;

**WHEREAS**, PHA is requesting that the County of Albemarle provide support for the purchase rehabilitation, and preservation of the ninety-six (96) units of affordable housing in Park's Edge together with the community center originally funded with a Community Development Block Grant, and;

**WHEREAS**, PHA is also requesting a financial commitment of \$325,000 from the County of Albemarle to help leverage low-income housing tax credits and financing through the Virginia Housing Development Authority, and

**WHEREAS**, all proposed units in the development will be restricted to households with incomes at or below 60% of the area median income;

**NOW, THEREFORE, BE IT RESOLVED** that the County of Albemarle supports the purchase, renovation, and preservation of the Park's Edge Apartments by the Piedmont Housing Alliance and hereby reserves up to \$325,000 for PHA to support this project based on need as determined through the underwriting process.

**BE IT FURTHER RESOLVED** that the Chair is authorized to sign a letter on behalf of the Board in support of the project.

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Agenda Item No. 18. Miller School Road (Route 635) and Owensville Road (Route 676) Through-Truck Restrictions.

The Executive Summary forwarded to the Board states that on October 10, 2018, the Board of Supervisors held a Public Hearing on the proposal to restrict through-truck traffic on Miller School Road (Route 635) and Owensville Road (Route 678). After considering the public comment and available information, the Board directed staff to come back to the November 7, 2018 meeting with information and Resolutions to request that the Commonwealth Transportation Board set a restriction on the subject roads for Through Tractor Trailers. Attachment A provides the Executive Summary and accompanying information from the October 10, 2017 Public Hearing.

Board expressed interest in requesting that the Commonwealth Transportation Board restrict Through Tractor Trailers on both Owensville Road and Miller School Road. According to the Federal Highways Administration a Tractor Truck is defined as "a non-cargo-carrying power unit used in combination with a semi trailer (or trailer)." Further, a Tractor Trailer is a Tractor Truck with a trailer or semi-trailer connected. Under the proposed restriction, Tractor Trucks would be able to travel these roads if they do not have a trailer or semi-trailer connected. Tractor Trailers are distinguished from pickup trucks, which are considered straight trucks and would be allowed with a trailer of any size. The distinguishing characteristic in the definition is whether the "power unit" is intended to, or capable of, carrying anything beyond an operator without the trailer or semi-trailer. A third type of truck, which would not fall under this restriction, is a single-unit truck, which may look like a tractor trailer, but the entire truck and trailer sits on a single frame and is not articulated.

A restriction of Through Tractor Trailers would prevent many logging trucks and some larger dump trucks from using these roads but would allow most smaller hauling companies or those that generally carry

smaller loads to continue using the roads.

The Board was particularly concerned about impacts to smaller haulers and local companies that may be negatively impacted by any through truck restriction, so setting a specific length of trucks to restrict was not advanced. However, there was some discussion of setting a length restriction for Through Trucks exceeding 65 feet in total length. This would prohibit trucks of an exceptional length only, as many tractor trailers do not exceed 65 feet. However, there are trucks, especially long-haul trucks, that do exceed 65 feet in total length. A 65-foot length restriction would allow most logging trucks and dump trucks. However, there have been reports from Albemarle County Police that many horse trailers being pulled by pick-up trucks have exceeded 65 feet on other routes in the County that restrict through trucks or combinations exceeding 65 feet in total length.

Continued research into possible special permits to allow haulers to use the restricted routes did not reveal any available exceptions or waivers. It appears that if a restriction is put in place for either Through Tractor Trailers or trucks or combinations exceeding 65 feet in total length, there are no exceptions or exemptions.

No anticipated budget impacts.

Staff recommends that the Board adopt the attached Resolutions (Attachments B and C) based on input submitted at the public hearing to formally request the Commonwealth Transportation Board to restrict through tractor trailer traffic on Owensville Road and Miller School Road.

If the Board wishes to restrict through truck traffic for trucks or combinations exceeding 65 feet in total length, staff recommends that the Board adopt the attached Resolutions (Attachments D and E) to restrict through truck traffic for trucks or combinations exceeding 65 feet in total length on Owensville Road and Miller School Road.

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Mr. Kevin McDermott, Transportation Planner, stated that a public hearing was held October 10 and he would try to provide the information requested at the hearing. He summarized that the opposition had expressed concerns about impacts to local businesses and pushing trucks to less appropriate roads, while those in support of restrictions referenced safety issues including that the frequency of truck traffic was inappropriate for rural roads. Mr. McDermott noted that the Board asked that he return to discuss the restriction of through tractor-trailers and to look at potential exceptions or exemptions to the through-truck restriction and other additional clarifications.

Mr. McDermott stated that studies of both Miller School and Owensville Roads were conducted and they looked at traffic counts, crash rates, and curves that did not meet VDOT standards. He noted that only 2 of 34 crashes on Miller School Road over the past five years involved trucks. He clarified that they were considering total length and not wheelbase and noted that vehicles of 35–45 feet in length could make the turn at the southern end of Miller School safely though they have trouble once they reach 40 feet in length. Mr. McDermott presented a map that demonstrated potential alternate routes and reviewed statistical data of these routes. He presented a slide of Federal Highway Administration (FHWA) vehicle classifications that shows drawings of the various classes of trucks and pointed out that trucks from Category 5 and up would be restricted, noting that pick-up trucks with a trailer are included while buses are not, and that a restriction on tractor-trailers would include Categories 8–13. He presented a slide with a chart that depicted the lengths of various truck models/categories. He noted that dump trucks tend to fall within a range of 25–35 feet in length, single-unit trucks do not measure above 38 feet, and tractor-trailers start at this length. He noted that Class 5 trucks range in length from 40–60 feet and include horse trailers. He presented a slide that listed the restriction options:

Through Truck Restriction: Applies to any truck or truck and trailer or semi-trailer combination, except a pickup or panel truck.

No Through Vehicles Exceeding 35/45/65-foot Total Length: Provides for varying degrees of additional safety and frequency benefits but also restricts degrees of local commercial and private vehicles.

No Through Tractor-trailers: A tractor-trailer was defined as a non-cargo carrying power unit used in combination with a semi-trailer or trailer.

Through Trucks Not Recommended: Not enforceable but could reduce use

Exceptions for logging vehicles: Logging vehicles were registered in a separate category for uses in connection with logging operations per 46.2-648.

Mr. McDermott remarked that VDOT informed him that they may not regulate trucks for specific times, though an exception for logging vehicles was allowable.

Ms. McKeel asked for confirmation that they would not restrict logging trucks that were conducting operations or delivering along the way, but would restrict those that were traveling through the area and using the road as thoroughfare. Mr. McDermott confirmed that any trucks with an origin or destination along the route would be allowed.

Ms. McKeel recalled reading that pickup trucks with a livestock trailer were not in this category, no matter how long. Mr. McDermott confirmed this.

Mr. Dill asked what it would take to make the roads safer by filling in ditches, widening, or with better signage and if major safety improvements were possible. Mr. McDermott responded that anything was possible, and it was a long stretch of road with curves that do not meet standards. He remarked that it would cost many millions of dollars, though addressing ditches could be done at a reasonable cost. He said that simple solutions are possible but he does not see that it was possible to bring the entire road up to standard. He presented a slide with next steps, which includes consideration of a resolution to establish a through tractor-trailer restriction on Owensville and Miller School Roads. He noted that VDOT has nine months to respond and would review the study and findings to make sure they could support this and that there was an additional opportunity for public comment.

Ms. Palmer said they could acknowledge that they could not solve all safety problems on these roads with a truck restriction, as it was not the right tool to solve all those problems. She said it was clear to everybody that the Board does not want to restrict local businesses, and they decided on a tractor-trailer restriction in order to remove pickup trucks with long trailers. She stated that tractor-trailers were getting hooked up at the corner, were stopping traffic, and were taking down the utility poles. She said the tractor-trailers were avoiding the 118 intersection at Route 29 and Route 64. She said there was a very good alternative for Miller School Road to keep out tractor-trailers and that it was reasonable to restrict tractor-trailers on this road. She said the logging could be conducted along Miller School Road. Addressing Owensville Road, she said they would probably need to make an exemption for logging trucks, as it would take a long time to go around and would push them to other areas. She said that VDOT would have to put up signs and it would be difficult to enforce.

Ms. McKeel stated that they are not the final decision makers.

Mr. Gallaway recognized that the matter could go to the state, which could say "yes" or "no" and could make changes. He asked if the state could make changes for which it would be up to the Board to agree on and approve. Mr. McDermott responded that he does not think there was any way the state could change it, and they could either approve or deny the County's resolution.

Ms. McKeel added that her understanding was that the Commissioner of Transportation submitted it to the Commonwealth Transportation Board.

Ms. Mallek remarked that she was very glad to hear that there was a classification for log trucks, as most of the forests were in the western part of the County and they particularly used the Owensville section to get over the mountain via Route 250. She added that the alternative routes to reach northern Albemarle were poor options, and it would be far worse to go over the railroad tracks at the grade crossing in western Crozet, with Lanetown Road and Half Mile Branch being awful. She said that all three of these options would be worse for a tractor-trailer trying to get around the Owensville link, and she was grateful to those who reached out to help her understand this. Ms. Mallek added that she was also glad that more agriculturally-oriented trucks, even if they were large pickups with trailers of any length, would still be all right as they are more navigable and could get around sharp corners and turns if people are careful.

Ms. Mallek remarked that in addition to the safety on Owensville Road, the great benefit was that it closes the door for a section further north in the County, Reas Ford, a connection that never was used to access the industrial park at the old Murray plant during the decades when there was a three-ton bridge. She said that once the three-ton bridge was removed and it became unlimited weight, the GPS directions changed everything and started sending tractor-trailers there, whose drivers became horrified, and there have been very long delays with drivers becoming stuck at both Free Union Road and Woodlands. She said that the bushes in the peoples' yards at that intersection have been damaged many times, and police tape have been placed to warn people that this was their yard and not a byway. Ms. Mallek recognized that this solution was not perfect and that they may have to find other means to solve some other problems, but having these obstructions would prevent those who are from out of the area and unfamiliar with local situations from bringing big rigs to their destinations.

Ms. Palmer remarked that it was mainly Owensville Road with respect to logging that was hard to get around. Ms. Mallek agreed.

Mr. Kamptner read the definition of logging vehicles from the statute cited by Mr. McDermott: "The harvesting of timber and transportation from forested sites to places of sale." He asked if the language responds to what they need. He added that he does not know "what a place of sale was". Mr. McDermott responded that the language was appropriate.

Ms. Mallek invited Paul Haney or Lynwood Butner to come down and explain the definition.

Mr. Lynwood Butner came forward to address the question. He said that this section of the code was put in during the 1980s but has never been used. Mr. McDermott had said that VDOT indicated that it was a code section currently in the statutory references the County reviewed. He said that DMV has never registered a vehicle with that code section, as vehicles are registered according to weight and the registration would not have a classification of logging truck. He recalled a former logger, Earl Dickinson from Louisa, who put this in the code during the mid-1980s, though it has never been used.

Ms. Mallek remarked that they may be the first to use it and it was about time.

Mr. Butler added that when registering a vehicle, even online, there was no designation for the type of vehicle and the registration and fee was according to weight.

Ms. Mallek said the County would be using it as an enforcement tool with its own local officers and could educate users, adding that it was an unmistakable vehicle with stake sides.

Mr. Kamptner clarified that the classification exists for vehicles that are registered under that particular section. He said that it was interesting because it said that "the Commissioner shall register vehicles that are used for these purposes," and he was not sure where things had gone astray from the statute.

Mr. Butler remarked that they would still not be able to identify a tractor-trailer that was moving a dozer to a logging job to build the roads, and there was no law enforcement officer that could look at the owner operator and say that it was a logging dozer because it was the same dozer used to clear land when preparing a homesite, with no discernible way to know what a piece of equipment was being used for when it was being transferred on a truck. He said that there was no way for a law enforcement officer to know if a local contractor was moving his dozer to a job where he would be logging to build a road.

Ms. Mallek remarked that this was too bad because she thought this would be the solution.

Ms. McKeel suggested they remove the logging piece from the motion.

Mr. Kamptner offered the option of leaving it in to let the Commissioner decide.

Ms. Palmer remarked that the County Police Department has discretion.

Mr. Gallaway added that it cannot be removed from the resolution once it has been put in.

Mr. McDermott confirmed this and that a new resolution would be required. He stated that this regulation has been included and although it has not been used, it could be used, and the regulation does not define the logging truck as one that was hauling logs so it could be any vehicle that was used exclusively for logging. He said that if a truck that was hauling other equipment was registered as being used exclusively for this purpose, then it would be exempted and they would have to provide that registration.

Ms. Mallek expressed support to go forward with the resolution and let the Commissioner interpret it.

Mr. Randolph suggested that they first allow all Board members to weigh in on the proposal before considering it. He stressed the importance of traffic safety and that tractor-trailer drivers, motorists, and cyclists all have a legal right to use the road. He said they are holding truck drivers accountable for precarious turns that have to do with the size of the vehicle, while the problem was with the turn itself. He expressed appreciation to Mr. McDermott for sending out the definition of a tractor-trailer after the October 17 meeting and for presenting pictures of the different vehicles. He said he had expressed his opinion to the Board that they need to have a separate recorded vote, that the issue should not be on the consent agenda, and that they need to be accountable for their position in support of this. He noted that exceptions keep arising, he does not think they have considered all the issues, and the issue deserves a roundtable with business representatives, cyclists, and others that use the road. He stated that some have suggested better signage, though some signs have been problematic.

Mr. Randolph said it sounds like they need a corridor study, especially on Miller School Road at either terminus and through the curved section, to learn of ways they could improve safety for all users of the road. He suggested they have case studies to submit to the Commonwealth Transportation Board as they do not know whether it would affirm or deny the County's request for a restriction and they would not want the CTB to look at the County as being anti-business. He remarked that it was a sensitive issue with a lot of dimensions. He reminded the Board that at the October 3 meeting, he asked for a cost-benefit analysis as they had heard about the benefits of a restriction but not heard about the costs. He acknowledged the remarks of Mr. Neil Williamson that they have been talking about business in the rural area, and this was the lifeblood of the connection to move product to market and to customer, and they are considering a prohibition without thinking about the costs.

Ms. Palmer asked if part of a cost-benefit analysis would be to figure out another route. Mr. Randolph agreed.

Ms. Palmer stated that the majority of trucks are trying to avoid the turn at Exit 18 and they have spoken with Mr. Joel DeNunzio of VDOT about the turn.

Ms. Mallek pointed out that a study was included in the staff report at the October 3rd Board meeting.

Mr. Dill remarked that he does not think they need to hold a roundtable, as they have had two long meetings with experts presenting and they have pretty clear options.

Mr. McDermott said they have not had an engineering report from VDOT. He said that VDOT has looked at the intersection and told the County that due to the elevation changes and existing right of way,

it would be a very large multi-million-dollar project that would require the County to identify it as a priority and to find funding.

Ms. McKeel recalled that VDOT did a study as to how to address the narrowness of Garth Road, and the cost would have been millions of dollars because there was no right of way.

Ms. Palmer noted that this weekend a truck was hung up at Miller School and Plank Roads.

Mr. McDermott offered to conduct a study and asked the Board to identify the type of study and the source of funds for it. He remarked that they have done what they could with minimal budget and staff time.

Mr. Randolph responded that he was not asking for a multi-million-dollar study but suggests they talk with Dominion about relocating the utility pole that was continually hit and to speak with the landowner with the stone wall about moving it. He said he would like to obtain a consensus among all the parties to make the argument that the costs that would accrue are less than the benefits as what he heard was that the costs to businesses are greater than the benefits.

Ms. Palmer remarked that with the exception of loggers, no one has said they were against a tractor-trailer ban on that road. She recognizes that some would like the Board to make an exception for logging on Miller School Road, though this was not necessary because there was a reasonable alternative and because of the corner where the trucks become stuck.

Ms. Mallek reiterated that when the bridge was not fixed, drivers went the other way, which was just fine, and the replacement of a three-ton bridge with an unlimited weight bridge has brought these vehicles onto roads that are not suitable for them.

Ms. Mallek remarked that it cost Dominion \$100,000 to replace a pole and suggested they write to Dominion about this.

Mr. Gallaway said he was prepared to vote now and he tries to approach these things pragmatically. He said that since becoming a Supervisor, he has heard two consistent things from constituents: the impacts on traffic and issues with tractor-trailers. He said he has gone to the site and it was apparent that the area was a problem for large vehicles, though he does not want to harm local business. He stated that the problem was with the behavior of drivers, which a regulation would not fix. He said that someone exiting the interstate that does not have an origin or destination and was not a local business does not need to be cutting through. He noted that no one has come forward to say that vehicles should be able to cut through. DMV may not have this on its radar because nobody has put the code in place before now, and once they hear that a jurisdiction has used it, they may be required to add it. He stated that police officers have discretion and he trusts their judgement. There is a legal process for someone who feels their judgement was wrong. He asked why they have not received a report on how many trucks have gotten stuck. Mr. McDermott responded that the trucks are not reported unless they are considered a crash.

Mr. Gallaway said they should track instances of trucks that have become stuck.

Ms. Palmer responded that residents could report these instances on the County's website and they should ask people to do so. She stated that most accidents and cases where people are run off the road involve SUVs and not trucks.

Mr. Randolph remarked that Mr. Gallaway's point was well taken and they should have his information.

Mr. Gallaway stated that he wants to get at through tractor-trailers that are not owned and operated in the County and this seems to be a way to get at this as signs could be put up and then law enforcement would have a means with which to enforce, with discretion.

Mr. Dill asked Mr. Richardson to follow up with Dominion regarding the possibility of relocating the utility pole. Mr. Richardson agreed to do so.

Mr. Gallaway also suggested that Mr. Richardson include resources for traffic enforcement as part of the budget conversation.

Ms. Palmer **moved** that the Board adopt the proposed resolution to request the Commonwealth Transportation Board to restrict through tractor trailer traffic on Miller School Road. The motion was **seconded** by Ms. McKeel.

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

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

With regard to Owensville Road, Ms. Palmer said she wanted to add the exemption for logging and asked what needed to be done to the resolution.

Mr. Kamptner recommended the following language:

**“NOW, THEREFORE BE IT RESOLVED** that the Albemarle County Board of Supervisors, after holding a public hearing on October 10, 2018, hereby requests that the Commonwealth Transportation Board prohibit through tractor trailer traffic, excepting traffic from tractor trailers used exclusively in connection with logging operations, on Owensville Road between Ivy Road (US 250) and Garth Road (Rte. 692).

Ms. Palmer **moved** that the Board adopt the proposed resolution, as amended, to request the Commonwealth Transportation Board restrict through tractor trailer traffic on Owensville Road. The motion was **seconded** by Ms. Mallek.

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

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

Mr. Gallaway suggested that they hold a future discussion on how to address various road safety issues, as he was concerned that work on this issue would stop now that they have passed the resolutions.

Mr. McDermott suggested that they define the problem and then they could determine if a study was needed. He noted that they are constantly looking at all County roads to identify problems.

Ms. Palmer pointed out that TJPDC was examining rural roads for long range planning. She asked if they look at the maintenance budget. Mr. McDermott responded that TJPDC does not look at maintenance.

Ms. McKeel suggested that Mr. McDermott have a discussion with Police Chief, Ron Lantz, about where they are seeing crashes and obtain hard data in addition to the anecdotal. Mr. McDermott offered to collect this information from the police and provide it in map form, as there was a state web map that has this data.

Ms. Mallek suggested they schedule a work session on this issue.

Mr. Gallaway asked Mr. McDermott how the state conducts an analysis and makes a judgement. Mr. McDermott responded that if the County has a study, the state would review, and if it meets the criteria, they would recommend it and send it to the Commissioner, who would announce if there would be a public hearing, with the VDOT Commissioner having the final say.

**(The adopted resolutions are set out below:)**

**RESOLUTION TO REQUEST THE COMMONWEALTH TRANSPORTATION BOARD  
RESTRICT THROUGH TRACTOR TRAILER TRAFFIC ON MILLER SCHOOL ROAD**

**WHEREAS**, Virginia Code § 46.2-809 provides that a locality may formally request that the Commonwealth Transportation Board or its designee restrict through trucks on certain segments of primary and secondary routes in the limited number of cases where doing so will promote the health, safety, and welfare of the public without creating an undue hardship on any transportation users; and

**WHEREAS**, requests have been received by residents along and near Miller School Road in Albemarle County for an evaluation into the applicability of Through-Truck Restrictions on the road; and

**WHEREAS**, Miller School Road meets the requirements for a Through Truck Restriction as set forth in the policy adopted by the Commonwealth Transportation Board on October 16, 2003, “Guidelines for Considering Requests to Restrict Through Trucks on Primary and Secondary Highways”; and

**WHEREAS**, the proposed through truck restriction will include Miller School Road (Rte. 635) beginning at the intersection of Plank Road (Rte. 692) heading north and terminating at the intersection of Rockfish Gap Turnpike (US 250); and

**WHEREAS**, I-64 and Monocan Trail (US-29), as further described on the map that is attached hereto and incorporated herein, a distance of 19.5 miles, is a reasonable alternative to trucks now traveling along Miller School Road between I-64 and US 29; and

**NOW, THEREFORE BE IT RESOLVED** that the Albemarle County Board of Supervisors, after holding a public hearing on October 10, 2018, hereby requests that the Commonwealth Transportation Board prohibit through tractor trailer traffic on Miller School Road between Plank Road (Rte. 692) and Rockfish Gap Turnpike (US 250).

**BE IT FURTHER RESOLVED** that the Albemarle County Board of Supervisors does support this request and states its intent that it will use its good offices for enforcement of the proposed restriction by the Albemarle County Police Department and any other appropriate law enforcement agency.

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**RESOLUTION TO REQUEST THE COMMONWEALTH TRANSPORTATION BOARD  
RESTRICT THROUGH TRACTOR TRAILER TRAFFIC ON OWENSVILLE ROAD**

**WHEREAS**, Virginia Code § 46.2-809 provides that a locality may formally request that the Commonwealth Transportation Board or its designee restrict through trucks on certain segments of primary and secondary routes in the limited number of cases where doing so will promote the health, safety, and welfare of the public without creating an undue hardship on any transportation users; and

**WHEREAS**, requests have been received by residents throughout the rural areas in northwest Albemarle County for evaluations into the applicability of Through-Truck Restrictions in the area; and

**WHEREAS**, the Virginia Department of Transportation identified Owensville Road as a candidate for a Through-Truck Restriction based on its crash history and geometric deficiencies; and

**WHEREAS**, Owensville Road meets the requirements for a Through Truck Restriction as set forth in the policy adopted by the Commonwealth Transportation Board on October 16, 2003, "Guidelines for Considering Requests to Restrict Through Trucks on Primary and Secondary Highways"; and

**WHEREAS**, the proposed through truck restriction will include Owensville Road (Rte. 676) beginning at the intersection of Ivy Road (US 250) heading north and terminating at the intersection of Garth Road (Rte. 692); and

**WHEREAS**, Ivy Road (US 250), I-64, and Seminole Trail (US-29), as further described on the map that is attached hereto and incorporated herein, a distance of 29.1 miles, is a reasonable alternative to trucks now traveling along Owensville Road between US 250 and US 29; and

**NOW, THEREFORE BE IT RESOLVED** that the Albemarle County Board of Supervisors, after holding a public hearing on October 10, 2018, hereby requests that the Commonwealth Transportation Board prohibit through tractor trailer traffic, excepting traffic from tractor trailers used exclusively in connection with logging operations, on Owensville Road between Ivy Road (US 250) and Garth Road (Rte. 692).

**BE IT FURTHER RESOLVED** that the Albemarle County Board of Supervisors does support this request and states its intent that it will use its good offices for enforcement of the proposed restriction by the Albemarle County Police Department and any other appropriate law enforcement agency.

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**Recess.** The Board recessed its meeting at 8:11 p.m. and reconvened at 8:23 p.m.

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Agenda Item No. 19. **PUBLIC HEARING: ZTA 201800005 Section 35 Fees.** To receive public comment on its intent to adopt the following ordinance to amend Chapter 18, Zoning, of the Albemarle County Code: (1) Amend Section 18-35.1 (Fees) in order: (i) to delete the fee for a citizen-initiated zoning text amendment; (ii) to delete the fee to defer scheduled public hearings at the applicant's request, but to extend existing notice fees to the re-advertisement and notification of a public hearing after advertisement of a public hearing and a deferral is made at the applicant's request; (iii) to require applicants to pay calculated notification and legal advertisement costs for citizen-initiated zoning map amendments solely pertaining to proffers that do not affect use or density, when the board of supervisors authorizes alternative application and procedural requirements under Section 18-33; (iv) to add a fee of \$1,770 to reapply for a zoning map amendment or a special use permit that is substantially the same as a withdrawn application, when authorized by the Board of Supervisors; (v) to add an initial notice fee of \$435, to be provided in conjunction with application, for preparing and mailing notices and published notice, except for uses under Sections 18-5.1.47 and 18-5.2A, or applications submitted under Section 18-30.7.6, for which there would be no fee; and (vi) to add a notice fee of \$220 for farmers' markets for published notice under Section 35.1(b)(6); (2) Amend Section 18-35.2 (Calculation of Fees in Special Circumstances) to limit the availability of the reduced fee when there is a simultaneous review of an application for a zoning map amendment or a special use permit and a site plan or subdivision plat to only when an application for a special use permit for outdoor display and sales is reviewed simultaneously with a site plan; (3) Amend Section 18-35.3 (Mode and Timing for Paying Fees) to allow zoning application fees to be paid by credit or debit card; (4) Amend Section 18-35.4 (Fee Refunds) to allow initial notice fees to be refunded if a zoning application is withdrawn within 70 days after the date the application is officially submitted; and (5) Amend Section 18-35.5 (Pre-Existing Use Fee Waiver) to eliminate pre-existing use fee waivers for zoning text amendments. The proposed fees and fee increases are authorized by Virginia Code §§ 15.2-2241(9) and 15.2-2286(A)(6).  
(Advertised in the Daily Progress on October 22 and October 29, 2018.)

The Executive Summary forwarded to the Board states that on September 25, 2018 the Planning Commission held a public hearing on ZTA201800005 Fees and unanimously recommended approval (Ms. Firehock absent).

This amendment updates the fees to correspond with recent changes approved with ZTA201700006 Section 33 Zoning Text Amendments, Zoning Map Amendments, Special Use Permits, and Special Exceptions. The Planning Commission had no concerns about the proposed amendments. However, the Commission did inquire when a comprehensive review of fees would occur. Staff informed

the Commission that a review of the fees is scheduled for 2019. The Commission also asked if revisions were needed to Section 35.5 Pre-Existing Use Fee Waiver. Staff has confirmed that no changes are needed to this section. It was implemented in 2017 in response to revisions to the Virginia Code. The existing language is consistent with the requirements of the Virginia Code.

Staff identified minor necessary revisions to the ordinance after scheduling the Planning Commission public hearing. These changes are only to section references within the Zoning Ordinance due to the adoption of ZTA201700006 and the renumbering and reformatting of the fee schedule.

The Planning Commission and staff recommend adoption of ZTA201700006 Section 35 Fees.

Mr. Bill Fritz, Development Process Manager, stated that this was a follow up to the most recent amendments that dealt with the processing of special use permits, rezonings, and special exceptions. He stated that some of the changes made remove the fee for a citizen-initiated zoning text amendment and moves from the actual cost to a flat fee, including a re-advertisement fee for public hearings for a reapplication of a zoning or special permit request that has been submitted after one has been denied or withdrawn. He said it removes the fee for deferral, modifies the fee reduction for rezonings and special use permits that are processed along with a site plan to only have that apply to outdoor sales, adds credit and debit transaction payments, and allows a specific refund for requests withdrawn within 70 days of the official submittal date. He said this was heard by the Planning Commission on September 25, 2018, which had no objections to the proposed amendments. There was an inquiry as to when the comprehensive fee study would be conducted, and that would be next year. He said they asked about Section 35.5 and whether or not preexisting use fee waiver needs to be amended. He said he has researched this and learned that this was language required by the Code of Virginia. He said that they also made some minor numbering changes. Staff and the Planning Commission recommended adoption of the fee amendments.

Mr. Randolph referenced Attachment A2 and read a section that indicates a Supervisor has asked that fees for nonprofits such as religious institutions and private fire/rescue companies be evaluated, noting that he was the Supervisor referenced. He said he asked this on the private fire/rescue companies because in past years the Scottsville Fire Company held an annual event and has been required to apply for a special use permit. He stated that while it was a private company, it has a very strong public role in providing fire and rescue services, and he does not believe they should have to obtain a special permit. He added that he was aware of two special permit requests by churches that were installing small additions where the permit cost was prohibitive. He remarked that he understands that a special permit would be needed to build an entire church but would support a lower fee for an addition. He said he would like the Board to think about these cases for future discussion.

Ms. Mallek opened the public hearing.

Mr. Neil Williamson remarked that fees are designed to recoup a portion of the cost of a small addition, whether it was a religious institution or a private entity. He said the fee structure also focuses on the benefit to the community, which does benefit from having inspections done and structures maintained in a proper manner and there has been a sharing of the fee cost over the years in Albemarle County. He said he would be very cautious in allowing some organizations to not pay the cost based on some social good because the County was still incurring the cost, and he hopes that the economic drivers of the County are of equal importance as those saving the souls of the County.

There being no other public comments, Ms. Mallek closed the public hearing.

Ms. Mallek **moved** that the Board adopt the proposed ordinance to approve ZTA 2018-00005 Section 35 fees. The motion was **seconded** by Ms. Mallek.

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

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

**(The adopted ordinance is set out below:)**

#### **ORDINANCE NO. 18-18(5)**

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:**

|           |   |
|-----------|---|
| Sec. 35.1 | Fees.   |
| Sec. 35.2 | Calculation Of Fees In Special Circumstances. |
| Sec. 35.3 | Mode And Timing For Paying Fees.              |
| Sec. 35.4 | Fee Refunds.                                  |
| Sec. 35.5 | Pre-Existing Use Fee Waiver.                  |

## **Chapter 18. Zoning**

### **Article IV. Procedure**

#### **Section 35. Fees**

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##### **35.1 Fees.**

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

- a. Zoning map amendments:
  1. Less than 50 acres; application and first resubmission: \$2,688.00
  2. Less than 50 acres; each additional resubmission: \$1,344.00
  3. 50 acres or greater; application and first resubmission: \$3,763.00
  4. 50 acres or greater; each additional resubmission: \$1,881.00
  5. Amendments submitted under section 30.7.6: (i) because the slopes are not steep slopes: no fee; (ii) to change any slope's designation from preserved to managed or to remove steep slopes from the steep slopes overlay district: any application fee under subsections (b)(1) through (5).
  6. Amendments solely pertaining to proffers that do not affect use or density, when the board of supervisors authorizes alternative application and procedural requirements under section 33.7(f): \$457.00 plus calculated notification and legal advertisement costs.
  7. Reapplication that is substantially the same as the withdrawn application, when authorized by the Board of Supervisors: \$1,770.00.
- b. Special use permits:
  1. Additional lots under section 10.5.2.1, public utilities, day care center, home occupation Class B, to amend existing special use permit, or to extend existing special use permit; application and first resubmission: \$1,075.00
  2. Additional lots under section 10.5.2.1, public utilities, day care center, home occupation class B, to amend existing special use permit, or to extend existing special use permit; each additional resubmission: \$538.00
  3. Signs reviewed by the board of zoning appeals: See subsection 35.1(e)
  4. All other special use permits; application and first resubmission: \$2,150.00
  5. All other special use permits; each additional resubmission: \$1,075.00
  6. Farmers' markets without an existing commercial entrance approved by the Virginia Department of Transportation or without existing and adequate parking: \$527.00
  7. Farmers' markets with an existing commercial entrance approved by the Virginia Department of Transportation and with existing and adequate parking: \$118.00
  8. Reapplication that is substantially the same as the withdrawn application, when authorized by the Board of Supervisors: \$1,770.00.
- c. Site plans:
  1. Initial site plans: \$1,290.00 plus \$16 per dwelling unit and \$0.016 per square foot of nonresidential structure; the fee paid for preapplication plans shall be applied to the fee for initial site plans
  2. Preapplication plans: \$538.00
  3. Final site plans: \$1,613.00
  4. Exception to drawing of site plan under section 32.3.5(a): \$1,613.00
  5. Site plan amendments under section 32.3.3(b): \$538.00 (minor); \$108.00 (letter of revision)
  6. Site plan amendments under section 32.3.3(b) (major): \$1,613.00
  7. Appeals under section 32.4.2.6: \$258.00
  8. Reinstatement of review under sections 32.4.2.1(d) and 32.4.3.1(e): \$258.00
  9. Reinstatement of review under section 32.4.2.5(e): \$86.00
  10. Extension of period of validity: \$511.00
  11. Inspections pertaining to secured site plan improvements; per inspection: \$301.00
  12. Dam break inundation zones; administrative fee as required by section 32.8.6: One percent of the total amount of payment required by section 32.8.6 or one thousand dollars (\$1,000.00), whichever is less. (Payment made to the Dam Safety, Flood Prevention and Protection Assistance Fund held by the Virginia Resources Authority).
- d. Certificates of appropriateness considered by the architectural review board ("ARB"):
  1. For a site plan; per review by the ARB: \$1,075.00
  2. For a building permit; per review by the ARB: \$634.00
  3. Amendment to approved certificate of appropriateness: \$242.00
- e. Matters considered by the board of zoning appeals:
  1. Variances: \$538.00
  2. Appeals: \$258.00
  3. Special use permits for signs under sections 4.15.5 and 4.15.5A: \$538.00
  4. Interpreting a district map: \$258.00

- f. Matters considered by the zoning administrator or other officials:
  - 1. Official determinations regarding compliance: \$199.00
  - 2. All other official determinations, including development rights: \$108.00
  - 3. Zoning clearance for tourist lodging: \$108.00
  - 4. Zoning clearance for a home occupation, class A, a major home occupation, or a minor home occupation: \$27.00
  - 5. Zoning clearance for temporary fundraising activity: No fee
  - 6. All other zoning clearances: \$54.00
  - 7. Sign permits under section 4.15.4A; no ARB review required: \$27.00, except for applications for temporary signs submitted under section 4.15.4A(c)(2)(b) or (c)(2)(c), for which there shall be no fee.
  - 8. Sign permits under section 4.15.4; ARB review required: \$129.00
  - 9. Letter of Map Change review: \$161.00 (topographic plan only): \$323.00 (topographic plan with floodplain model)
  - 10. Floodplain Impact Plan review: \$323.00
  - 11. Variation or exception under section 32.3.5 before approval of a final site plan: \$892.00
  - 12. Variation or exception under section 32.3.5 after approval of a final site plan: \$892.00
- g. Groundwater assessments:
  - 1. Tier 1 assessment under section 17-401: \$54.00
  - 2. Tier 3 assessment under section 17-403: \$548.00
  - 3. Tier 4 assessment under section 17-404: \$1,183.00
- h. Miscellaneous:
  - 1. Change in name of development or change in name of street: \$86.00
  - 2. Special exception: \$457.00
  - 3. Tier II personal wireless service facilities: \$1,957.00
- i. Required notice:
  - 1. Initial notice fee to be provided in conjunction with an application, for preparing and mailing notices and published notice: \$435.00, except for uses under sections 5.1.47 and 5.2A, or applications submitted under section 30.7.6, for which there shall be no fee.
  - 2. Fee for farmers' markets for published notice under section 35.1(b)(6): \$220.00.
  - 3. Fee for readvertisement and notification of public hearing after advertisement of a public hearing and a deferral is made at the applicant's request:
    - a. Preparing and mailing or delivering up to fifty (50) notices: \$215.00, except for uses under sections 5.1.47 and 5.2A, or applications submitted under section 30.7.6, for which there shall be no fee.
    - b. Preparing and mailing or delivering, per notice more than fifty (50): \$1.08 plus the actual cost of first class postage. No fee shall be required for applications submitted under section 30.7.6.
    - c. Published notice: cost based on a cost quote from the publisher, except for farmers' markets under section 35.1(c)(7) and (8), or applications submitted under section 30.7.6, for which there shall be no fee.

(§ 35.1: Amended 5- 5-82; 9-1-85; 7-1-87; 6-7-89; 12-11-91 to be effective 4-1-92; 7- 8-92; Ord. 10-18(7), adopted 8-4-10, effective 1-1-11; Ord. 11-18(1), 1-12-11; Ord. 11-18(7), 6-1-11; Ord. 12-18(6), 10-3-12, effective 1-1-13; Ord. 12-18(7), 12-5-12, effective 4-1-13; Ord. 13-18(7), 12-4-13, effective 1-1-14; Ord. 14-18(1), 3-5-14; Ord. 14-18(2), 3-5-14; Ord. 15-18(8), adopted 10-14-15, effective 11-1-15; Ord. 16-18(4), 4-6-16)

**State law reference** – Va. Code §§ 15.2-2286(A)(6), 15.2-2241(9), 15.2-2243.1.

### **35.2 Calculation Of Fees In Special Circumstances.**

In the special circumstances provided below, the fee required by section 35.1 shall be calculated as follows:

- a. *Simultaneous review of special use permit for outdoor display and sales and supporting initial site plan.* The applicant shall pay the fee for the special use permit, but not the fee for the initial site plan for outdoor display and sales, which require simultaneous review of both the special use permit application and a supporting initial site plan.
- b. *Multiple special use permits to establish a single use.* If multiple special use permits are required to establish a single use, the applicant shall pay only the largest single fee for a special use permit for all of the special use permit applications.

(§ 35.0, 12-10-80; 5-5-82; 9-1-85; 7-1-87; 6-7-89; 12-11-91 to be effective 4-1-92; 7- 8-92; \* to be effective 1-1-94; Ord. 02-18(4), 7-3-02; Ord. 04-18(3), 10-13-04; Ord. 04-18(4), adopted 12-8-04, effective 2-8-05; Ord. 10-18(7), adopted 8-4-10, effective 1-1-11; Ord. 12-18(6), 10-3-12, effective 1-1-13; Ord. 15-18(8), adopted 10-14-15, effective 11-1-15)

### **35.3 Mode And Timing For Paying Fees.**

The fees required by sections 35.1 and 35.2 shall be paid as follows:

- a. *Mode of payment.* Except as provided in section 35.1(d)(13), the fee shall be in the form of cash, a

check payable to the "County of Albemarle," or by credit or debit card transaction.

- b. *Timing of payment.* Except as provided in sections 33.20, 33.34, and 33.45, the applicant shall pay any applicable fees when the application is submitted. An application presented without the required fee shall not be deemed to be submitted and shall not be processed.

(Ord. 15-18(8), adopted 10-14-15, effective 11-1-15)

#### **35.4 Fee Refunds.**

- a. *Payment in full.* If the zoning administrator determines after a fee required by section 35.1 has been paid that the review and approval to which the fee pertains is not required to establish the use or structure, the fee shall be refunded to the applicant in full.
- b. *Partial refund.* If an applicant withdraws an application within 70 days after official submittal for review, the applicant shall receive a full refund of the initial notice fee.

(§ 18-35.3, Ord. 10-18(7), adopted 8-4-10, effective 1-1-11; § 18-35.4, Ordinance 15-18(8), adopted 10-14-15, effective 11-1-15)

#### **35.5 Pre-Existing Use Fee Waiver.**

If an applicant applies for a special use permit, the applicable fee shall be waived provided that the zoning administrator finds the following conditions are met:

- a. The use applied for does not conform to the zoning prescribed for the district in which the use is situated;
- b. A business license was issued by the county for the applied-for use; and
- c. The holder of the business license has operated continuously in the same location for at least fifteen (15) years and has paid all real estate, business license, and personal property taxes related to the use.

(Ord. 17-18(4), 8-9-17)

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Agenda Item No. 20. **PUBLIC HEARING: Ordinance to Amend County Code Chapter 3, Agricultural and Forestal Districts.** To receive public comment on its intent to adopt an ordinance to amend Chapter 3, Agricultural and Forestal Districts, of the Albemarle County Code by reorganizing and rewriting the chapter and adding new sections. Specifically, the ordinance would add definitions (§ 3-106) and a procedure to appeal decisions of the Director of Planning to the Board of Supervisors (§ 3-107). The ordinance also would: (1) amend the regulation pertaining to limitations on the terms of members of the agricultural and forestal committee to allow a member to serve an additional (third or more) term if a successor is not appointed within six months after the expiration of the member's term (§ 3-104); (2) clarify the rules pertaining to the effect of creating a district by more comprehensively describing the uses and development permitted in a district by codifying a series of consistent interpretations of Chapter 3 and by expressly prohibiting borrow areas and borrow pits as by-right uses (§§ 3-202, 3-302); and (3) amend the procedure for reviewing an existing district by more fully describing the procedure for hearing and action by the Board and by identifying the factors to be considered during district review (§§ 3-204, 3-304).

(Advertised in the Daily Progress on October 22 and October 29, 2018.)

The Executive Summary forwarded to the Board states that the Board has directed the County Attorney's Office to conduct a comprehensive review and recodification of the County Code. Chapter 3 contains provisions related to the County's agricultural and forestal district ("AFD") program by which the County protects its agricultural and forestal lands of statewide and local significance.

The process of recodifying the County Code includes making formatting, style, organizational, and substantive changes. These changes are being addressed at the chapter level before the Board considers adopting a complete, recodified County Code.

At the Board's April 11, 2018 work session on Chapter 3, three issues were brought to the Board for its consideration:

1. Whether the uses and activities allowed on a parcel in an AFD should be further restricted. The consensus of the Board was to remove only by-right borrow areas and borrow pits as allowed uses. These uses are allowed by-right only when the aggregate volume is 50,000 cubic yards or less. This issue is addressed in the proposed ordinance (Attachment A) in County Code §§ 3-202(A)(3)(j) and 3-303(A)(3)(j) on pages 11 and 40, respectively.
2. How parcels in a district with no development rights but qualifying for open-space use valuation should be evaluated during district review. The Board did not reach a consensus on this issue. Generally, three Board members expressed support for

removing parcels without development rights but qualifying for open-space valuation, unless the owners of those parcels entered into some meaningful stewardship program that provided a soil conservation benefit to the County. Two other Board members did not support removing these parcels from a district. One Board member did not express a position on the issue. Staff has further explored possible stewardship programs including Open-Space Use Agreements and programs through the Thomas Jefferson Soil and Water Conservation District, and concluded that these options would not provide material soil conservation benefits. The proposed ordinance does not directly address this issue. Instead, the proposed ordinance identifies the factors to be considered during district review, and include whether a parcel has development rights (the same factor considered when creating, or adding land to, a district). These factors are identified in County Code §§ 3-204(C), (D), and (E) and 3-304(C), (D), and (E) on pages 13 and 14 and 41 and 42, respectively.

If the Board reaches a consensus that parcels with no development rights qualifying for open-space use valuation should be evaluated for possible removal from the district during district review, staff recommends that the Board direct staff to limit the evaluation to those parcels that had no development rights when they were added to the district. This limitation would allow those parcels that were lawfully divided (and development rights were used up) after they had been added to a district to remain in the district. Staff also recommends that the Board consider a further limitation by imposing a cut-off date, before which staff will not examine the status of the parcel when it was added. Staff will further address this issue during its presentation.

3. Whether appointees to the Advisory Committee should be subject to term limits. The current term limits prohibit more than two consecutive four-year terms. Current members whose terms expire are allowed to hold over until a successor is appointed. The consensus of the Board was to remove the term limits if, after six months, a successor was not appointed by the Board. This issue is addressed in County Code § 3-104(B)(2) on page 4.

More broadly, the proposed ordinance adds definitions to Chapter 3 (County Code § 3-106 on page 5) and a procedure to appeal decisions of the Director of Planning to the Board of Supervisors (County Code § 3-107 on pages 5 and 6). The proposed ordinance also would clarify the rules pertaining to the effect of creating a district by more comprehensively describing the uses and development permitted in a district by codifying a series of consistent interpretations of Chapter 3 (County Code §§ 2-202(A)(3) and 3-302(A)(3) on pages 10 and 11 and 39 and 40, respectively). These three changes will improve the administration of Chapter 3.

Lastly, the proposed ordinance would amend the procedure for reviewing an existing district by more fully describing the procedure for hearing and action by the Board and, as previously noted, by identifying the factors to be considered during district review (County Code §§ 3-204, 3-304 on pages 13 and 14 and 41 and 42, respectively).

There is no expected budget impact.

Staff recommends that the Board adopt the attached proposed Ordinance (Attachment A) after the public hearing.

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Mr. Kamptner stated that Mr. Scott Clark and Mr. Peter Lynch were present to provide technical expertise. He said that this was another chapter as part of the rewriting of the County Code. He noted that Chapter 3 was before the Board now and Chapter 8 was in the consent materials. He noted that Chapters 13, Solid Waste Disposal, and Chapter 15, Taxation were the next chapters that would come before the Board in December. He said the Board has seen bits and pieces of Chapters 6, 11, and 18 and that Chapters 1, 2, 4 and 5 have already been rewritten and approved while Chapter 2 has been before the Board three times this year. He explained that they would rewrite the chapter using plain English where possible, very limited reorganization was required, and district sections are broken into subsections so the subject matter was easier to read.

Mr. Kamptner pointed out that the executive summary includes a summary of the work session held in April which was a follow up to the district review for the Hardware agricultural/forestal district. There was an issue that came up about how parcels that are receiving open space use valuation with no development rights should be treated during a district review. He said that another issue discussed at the work session concerned finding qualified people to serve on the Advisory Committee, and they had used the holdover that allowed them to maintain someone in the position until a successor was appointed. He reminded the Board that the consensus reached was to allow a reappointment if a successor could not be found within six months, which he described as a middle ground that preserved the two-term limit but allows the person to be reappointed to another full term.

Mr. Kamptner presented the following slide entitled "Material Changes to Chapter 3":

Section 3-104(B)(2): Amends the term limits provision that applies to members of the Advisory Committee to lift the term limits if the Board was "unable to find a qualified person to appoint as a successor" within six months after the current member's term expires (page 4).



Mr. Kamptner explained that Community Development over the years have asked staff to interpret the meaning of the current regulations that deal with not allowing parcels within a district to be developed to a more intensive use. He said they have a body of opinions that deals with recurring themes that have been incorporated into the code, which remove some of the mystery both for staff and landowners with parcels within a district who want to combine parcels, and this was now addressed in the regulations. He noted that state law requires them to allow family divisions.

Section 3-202(A): Reorganized and expanded to incorporate longstanding and consistent determinations as to the meaning of not being “developed to a more intensive use”

- Purpose was to codify the determinations so that they were easily available to landowners, other members of the public, and County staff

Mr. Kamptner noted that the topic of borrow pits was addressed at the April work session when the Board was asked which special uses they were interested in removing from land within a district, and the Board’s direction was to only remove by-right borrow areas and borrow pits from allowed uses, otherwise they were allowed to engage in the uses that were allowed in the rural areas district and include both commercial, agricultural, and residential uses. He noted that they could not remove land from an agricultural district.

Section 3-202(A)(3)(i): Removes by-right borrow areas and borrow pits as permitted uses in an agricultural and forestal district (page 11).

Mr. Kamptner said they have fully built out the Board’s role during district review, which includes the process and analysis. He said this issue deals with whether the policy the Board added a couple of years ago, which applies to district creation and when land was considered to be added to a district, whether that should apply during district review. He said the Board has the ability to terminate, modify, or impose conditions on a district during review. He noted that the struggle for staff was to figure out how this would work and to review the minutes to understand where all six Supervisors were when they left the work session. He said he noted in the executive summary that three Supervisors support the application of this policy during district review and that it sounds like those Supervisors were looking for stewardship requirements to be imposed on those parcels if they were to continue in the agricultural/forestal district.

Mr. Kamptner stated that Mr. Randolph had recommended that the owner be given two to three years to get the stewardship principles in place or otherwise qualify. He said that two Supervisors thought that landowners who brought their land into the district were complying with the rules at the time and that fairness dictate that they should be allowed to remain, and that one Supervisor did not express an opinion. He stated that staff struggled with a good way to approach this. He said that one thing they have addressed in the ordinance in building out a process for Board review was to include factors that they already laid out and for which the Board was considering creating or adding land to a district. He said that factor did include this policy and that as each district comes into review the Board would have the opportunity to look at this issue

Section 3-204(E): Expressly states the procedures for district review by the Board including the factors to consider to be considered by the Board when deciding whether to continue, modify, or terminate a district (pages 13 and 14).

Mr. Kamptner expressed that staff recommends the Board adopt the ordinance as proposed.

Mr. Kamptner presented the following list of possible solutions:

- When districts come forward for review, continue the district but reduce the review period from 10 to 4 (or 5) years.
- When the district review was completed, send notices to all landowners within the district that the Board’s intention was to notify the district when it returns to the Board for its next review by removing those parcels with no development rights receiving open-space use valuation.
- During the period between district reviews, staff could analyze each district, develop guidelines for analysis and, possibly, identify appropriate standards for stewardship.
- During the period between district reviews, affected landowners had the opportunity to: had the parcel qualify for agricultural or forestall use valuation. Pre-pay some of the roll-back taxes to minimize the impact when the parcel was removed.

Mr. Kamptner noted that all districts were on a 10-year review cycle and that statute allows the Board to reduce this to four years.

Ms. McKeel asked what the reasons were for recommending reducing this. Mr. Kamptner responded that if the Board was inclined to explore this issue when districts come up for review this was something it could do. Years ago, district review cycles ranged from 4–10 years. He invited Mr. Peter Lynch, County Real Estate Assessor, to share his thoughts.

Mr. Lynch remarked that because one could voluntarily take one’s property out of the land use taxation program, it could be placed in a deferral state and then in five years, once the use stopped, rollback taxes would no longer have to be paid. He said that market value taxes would be paid for those five years and they would no longer have the liability of rollback taxes. He said it would be the option, on

renewal of the ag/forest district, to renew for only five years, during which time the property owner would have a choice to continue in the land use program for five years and then face rollback taxes after five years if they were then taken out on renewal, though they would have five years to prepare for this. He said that after the five years, they could also convert to an agricultural or forestal use and then remain under land use, as long as they meet the minimum acreage requirements and they did the activities they were supposed to.

Ms. Palmer asked for confirmation that they were in the ag/forestal district for which they were getting tax breaks, they may be in open space and not have any development rights, and could say that in five years they would have gotten their parcel into some kind of agricultural or forestal use and then not have to pay the back taxes. Mr. Lynch remarked that they would not have to pay rollback taxes because they would go directly from open space, a qualified use, into agricultural/forestal, which was also a qualified use. He said they would remain in the land use but under a different program.

Ms. Palmer asked if a landowner with a 21-acre parcel with big beautiful trees would have to cut them down if they went into forestry or pay the back taxes. Mr. Lynch responded that if the parcel has a house that only took up an acre, and they have 20 acres of forest, which was the minimum, they would have to certify that they were taking care of the forest as they should with a forester's plan or an owner's commitment. He said there would be an expectation that at some point in the future, the trees might be clear or select cut, though this could be many years in the future. He explained that it would simply shift from an open space property to a forestry property that would be managed like any other forestry property. He explained that a third option was that upon review of the ag/forest district and renewal for five years, they would then have the notice that in five years they would get rolled back because at that point, they would be taken out of the ag/forestal district if the Board decides on this plan of action. He said the property would immediately be taken out of the land use, pay market value taxes for five years, and at that time there would be no roll-back when taken out of the ag/forestal district.

Ms. Mallek remarked that this would save people 10 percent per year compounded five times.

Mr. Randolph asked if it was possible to give the land use owner the option of choosing from among these options. Mr. Lynch confirmed this and that the idea was that the landowner could select from the three options and they would be informed of the three options.

Mr. Randolph noted his approval and recounted a recent example of a landowner in Scottsville who wanted to come out of land use, emphasizing that a menu of options made complete sense to make it more flexible. He remarked that they do not want people flipping in and out, but if there was a bona fide reason for a landowner to leave for financial reasons, they would not want to straightjacket them, create a bad relationship with the County, and put Mr. Clark in an adversarial role.

Ms. Palmer stated that this was a very specific situation of agricultural/forestal districts with open space and no development rights. She recalled that Mr. Clark had explained to the Board that keeping track of these properties was difficult and asked how this situation would affect his ability to do his work.

Mr. Scott Clark, Senior Planner, responded that the Board has three options. He said they could choose not to pursue removing people. He said that if they chose the option before them now where they reviewed the districts and notify people that they were going to pursue the removal option five years from now, then at least that would give some time to do research. He said that if the Board made it clear it was only interested in looking at parcels that were enrolled in the open space tax category it narrows it down a lot, especially with larger districts such as Moormans River. He said it would still increase the demand of staff time but was not as bad as having to do a rights determination on every parcel in every district.

Ms. Mallek said her understanding was that they would give notice now that in five years this was going to happen and they would not wait five years to give the notice.

Mr. Kamptner noted that there are 116 parcels in ag/forest districts that receive open space valuation, and this would take place over 10 years as 24 districts come into their review.

Ms. Palmer said she thought it was more noticeable that there were no development rights. Mr. Clark responded that some are fairly easy to figure out while others were not obvious.

Ms. Palmer mentioned the example of a 21-acre parcel in an agricultural/forestal district with no development rights that was being hayed, and asked for confirmation that it would not be affected by this. Mr. Clark responded that it would not if it did not have development rights.

Ms. Palmer remarked that she was not crazy about getting involved in this and would like to go forward and not put any more in, as they allow them in the first place and now they are changing it, and she was also concerned with the amount of staff time it would take to get properties out.

Ms. Mallek pointed out that this was to correct where the program went astray. She said that those who were qualifying and doing the work to meet the program were very resentful of those in the program who do not meet the requirements. She said it was really important to do the work that needs to be done to make sure this could be applied properly or it would lose all confidence and credibility to the public.

Mr. Clark remarked on the benefit of the middle-ground position suggested by Mr. Lynch whereby they provide five years notice that they are likely to come out if they are in the open space category and

do not have development rights. He said that one extreme was that they acknowledge those who were accepted through the County's process and allow them to remain, while the opposite was to take them out immediately during the next review and subject them to five years of rollback without warning.

Mr. Gallaway recalled the public response the last time they said they were obligated by the state to collect back taxes. Mr. Lynch responded that if they were to come out of the agricultural/forestal district and under the land use program, they had to be rolled back. He said that what they were talking about was that five years from now they will have been out of the land use program for five years and there are no rollback taxes to collect at that point. He pointed out that a regular farm that was not within an ag/forest district and stopped farming got rolled back immediately, but if they pulled out of the land use program and farmed for five more years they would not get rolled back when they stopped five years from now. He explained that the difference between what they are talking about now and what they discussed the last time was that during the immediate review in April, they would take them out and they would have to be rolled back at that time, while what they were talking about now was to renew the district for five years but come out of land use for five years and pay taxes normally.

Mr. Palmer remarked that what the County got out of this was not having the land developed for another five years.

Ms. Mallek added that the benefit of an agricultural/forestal district with development rights present was a 10-year deferral for not developing, which was perceived to be a benefit until they found out that some were not really giving up anything.

Mr. Lynch pointed out that the parcels they were talking about did not have any development rights and would not be developed anyway.

Mr. Dill asked how much money they were talking about per acre or per person. Mr. Lynch responded that that deferral amount was typically thousands of dollars per year and could be closer to \$5,000–\$10,000 per year, depending on the size of the property and how valuable the area was. He said that once the five years' worth of rollback taxes was added, the penalty added up to an extra year and could easily equal \$40,000 or more.

Mr. Kamptner asked if these dollar amounts would apply to a parcel with no development rights. Mr. Lynch confirmed that they would.

Mr. Gallaway stated that they are not going to use the term "prepay." Mr. Lynch said he would not.

Ms. Palmer asked what would happen if a landowner has no development rights, was in an ag/forestal district, in open space, and had five years to start paying their regular taxes but did not do anything. Mr. Clark responded that if they started paying regular taxes at the end of the five years and the Board elected to remove them, there was nothing in the code change that would force that to happen. He said that if they paid the taxes and came out of the district, there was no tax penalty.

Ms. Mallek remarked that sellers do not tell buyers that there has been a change of use and they are shocked when they learn of the amount of money they have to come up with. She pointed out that in many states this was required to be disclosed but not in Virginia.

Mr. Gallaway asked Mr. Lynch if there was any flexibility if they elected to do the market rate for five years. Mr. Lynch responded that landowners would take themselves out of the land use taxation program now and pay market value in five years and still be in the agricultural/forestal district for five years.

Ms. Palmer asked if they would send notifications to everybody now and another one when the district came up. Mr. Clark responded that they would need to hold a public hearing to finish the review of the Hardware District, and as soon as the review was done, they would send out notifications to all the people in the district about taking this approach.

Ms. Mallek remarked that an option that was not listed among the options presented would be to allow property owners to put easements on their property, and therefore all these requirements went away because once easements are on a property, it qualifies for use value taxation. She recalled that when they first talked about this, they were going to send a letter and give people nine to ten months to get it squared away before the end of the calendar year. She described the plan as "very gentle" but at least a start to address this.

Ms. Clark remarked that they closed the loophole a few years ago to not accept any more.

Ms. Mallek reiterated that people could have the option to put an easement on their property, and therefore all these requirements would go away because once the easement was on the property, it qualifies for use value taxation in perpetuity.

Mr. Kamptner added that the third bullet assumes that they would develop appropriate standards for stewardship, including open space use agreements.

Ms. Palmer referenced the executive summary, which indicated that staff had further explored possible stewardship programs, including open space use agreements and programs through the

Thomas Jefferson Soil and Water District and concluded that these options would not provide material soil conservation benefits. She asked if he was looking into other things that would provide soil conservation benefits. Mr. Clark responded that they are always happy to look into more options. In order to use something for tax program qualifications, it has to be something direct that remains clear over time. He said that outside organization programs change in time, vaporizes when a grant goes away, and requires an outside body to do verification that they could not check on. He remarked that they were all too variable and too funding dependent to be reliable.

Ms. McKeel expressed an interest in arriving at a consensus and moving to the next subject.

Mr. Kamptner remarked that this discussion would come up with the next district review.

Ms. Palmer said that if they are talking about adding some kind of conservation aspect, she wants to make sure it was actually happening.

Mr. Randolph commented on Ms. Palmer's reading of this and said he read it twice, noting that he believes that staff was saying they have looked at possible stewardship programs, including open space agreements and programs through Thomas Jefferson Soil and Water Conservation District. He pointed out that these options would not give the landowner the kind of material benefit they currently get by participating in the County's program. He said he does not read it to mean they are proposing another program, but if they are not in this program, they could not go somewhere else and get a similar economic benefit in terms of reduced taxation.

Mr. Lynch said they looked into these options because the Board asked them to see if there was another way to qualify them and, as Mr. Clark said, they cannot follow through on those programs because they cannot assure their longevity, as some programs only last a short time and could not be qualified and verified. He added that an open space use agreement does not work because they do not allow anyone to have an open space agreement unless they have development rights.

Ms. Mallek remarked that this was different from the stewardship ways that require performance measurements.

Mr. Kamptner pointed out that because of the limitations of those two programs, they do not provide a benefit to the community that justify a tax benefit given to the landowner.

Mr. Lynch explained that the reason it has taken time to get back on this topic was because they have been trying to find different ways to approach it.

Ms. Mallek remarked that the stormwater benefits alone was a way to look at this the next time.

Mr. Clark clarified that the two things they really need was an action on recodification of the chapter, which was a great improvement over the old one, and some sense as to how to approach upcoming district reviews and whether or not they should be preparing to alert people of future removals. He said the question was whether they should drop the idea of removing people who were unwisely added to the district with no benefit, or if they would pursue the middle ground solution and give them some time to pay the taxes or find a better use for the property.

Ms. Mallek suggested opening the public hearing and then come back to these questions.

Ms. Mallek then opened the public hearing.

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

Ms. Mallek said she supports the blend with three options because she thinks it was the best they could get, and it gives more than enough time for people to get organized. She said she looks forward to the fact that they would not be carrying on in perpetuity with what they have been.

Ms. Mallek moved that the Board adopt the proposed Ordinance to Amend County Code Chapter 3, Agricultural and Forestal Districts. The motion was seconded by Mr. Dill.

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

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

NAYS: None.

Ms. Mallek **moved** that the Board support the five-year plan. The motion was **seconded** by Mr. Randolph

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

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

NAYS: Ms. Palmer.

Ms. Palmer explained that she voted "no" because she wants to read it first, although she thinks it is a good alternative.

**(The adopted ordinance is set out in full below:)**

**ORDINANCE NO. 18-3(1)**

AN ORDINANCE TO AMEND CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, 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 3, Agricultural and Forestal Districts, is hereby amended and reordained as follows:

**By Amending:**

- 3-206 Fees.
- 3-207 Batesville Agricultural and Forestal District.
- 3-208 Blue Run Agricultural and Forestal District.
- 3-209 Buck Mountain Agricultural and Forestal District.
- 3-306 Fees.
- 3-307 Nortonsville Local Agricultural and Forestal District.

**By Amending and Renaming:**

- 3-100 Purpose ~~and intent.~~
- 3-200 Minimum size and location of parcels in a district.
- 3-201 ~~Creation of~~ Creating a district.
- 3-202 Effect of ~~district creation~~ creating a district.
- 3-203 ~~Addition of~~ Adding land to a district.
- 3-204 ~~Review of~~ Reviewing a district; continuation, modification or termination.
- 3-205 ~~Withdrawal of~~ Withdrawing land from a district.
- 3-300 Minimum size and location of parcels in a district.
- 3-301 ~~Creation of~~ Creating a district.
- 3-302 Effect of ~~district creation~~ creating a district.
- 3-303 ~~Addition of~~ Adding land to a district.
- 3-304 ~~Review of~~ Reviewing a district; continuation, modification or termination.
- 3-305 ~~Withdrawal of~~ Withdrawing land from a district.

**By Amending and Renumbering:**

| <u>Old</u> | <u>New</u> |  |
|------------|------------|--|
| 3-101      | 3-102      | Districts may be created, modified, renewed, continued and terminated.   |
| 3-102      | 3-103      | Planning <del>e</del> Commission; powers and duties.   |
| 3-103      | 3-104      | Advisory <del>e</del> Committee established; membership; appointment and term of office of members; compensation; powers and duties. |
| 3-104      | 3-105      | Program administrator.   |
| 3-209.5    | 3-210      | Buck's Elbow Mountain Agricultural and Forestal District.  |
| 3-210      | 3-211      | Carter's Bridge Agricultural and Forestal District.  |
| 3-211      | 3-212      | Chalk Mountain Agricultural and Forestal District.   |
| 3-212      | 3-213      | Eastham Agricultural and Forestal District.  |
| 3-212.5    | 3-214      | Fox Mountain Agricultural and Forestal District.   |
| 3-213      | 3-215      | Free Union Agricultural and Forestal District.   |
| 3-213.5    | 3-216      | Glen Oaks Agricultural and Forestal District.  |
| 3-213.6    | 3-217      | Green Mountain Agricultural and Forestal District.   |
| 3-214      | 3-218      | Hardware Agricultural and Forestal District.   |
| 3-215      | 3-219      | Hatton Agricultural and Forestal District.   |
| 3-216      | 3-220      | High Mowing Agricultural and Forestal District.  |
| 3-217      | 3-221      | Ivy Creek Agricultural and Forestal District.  |
| 3-218      | 3-222      | Jacobs Run Agricultural and Forestal District.   |
| 3-219      | 3-223      | Keswick Agricultural and Forestal District.  |
| 3-220      | 3-224      | Kinloch Agricultural and Forestal District.  |
| 3-221      | 3-225      | Lanark Agricultural and Forestal District.   |
| 3-222      | 3-226      | Moorman's River Agricultural and Forestal District.  |
| 3-223      | 3-227      | North Fork Moorman's River Agricultural and Forestal District.   |
| 3-224      | 3-228      | Panorama Agricultural and Forestal District.   |
| 3-225      | 3-229      | Pasture Fence Mountain Agricultural and Forestal District.   |
| 3-225.5    | 3-230      | South Garden Agricultural and Forestal District.   |
| 3-226      | 3-231      | Sugar Hollow Agricultural and Forestal District.   |
| 3-227      | 3-232      | Totier Creek Agricultural and Forestal District.   |
| 3-228      | 3-233      | Yellow Mountain Agricultural and Forestal District.  |

**By Adding:**

- 3-101 State and County policies to be promoted.
- 3-106 Definitions.
- 3-107 Appeals of any decision by the Director of Planning.

## **Article 1. Administration**

### **Sec. 3-100 Purpose.**

The purpose of this chapter is to provide a means by which agricultural and forestal lands of statewide and local significance may be protected and enhanced as a viable segment of the State and local economies, and as important economic and environmental resources.

(§§ 1, 2; Ord. 98-A(1), 8-5-98)

**State law reference**-Va. Code §§ 15.2-4301, 15.2-4401.

### **Sec. 3-101 State and County policies to be promoted.**

This chapter protects paramount public interests and shall be liberally construed to effectuate its purpose stated in County Code § 3-100 and the following policies:

- A. *Production of food and other agricultural and forestal products.* It is the policy of the State and the County to conserve and protect and to encourage the development and improvement of the Commonwealth's agricultural and forestal lands for the production of food and other agricultural and forestal products.
- B. *Provide essential open spaces.* It is also the policy of the State and the County to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clean air sheds, watershed protection, wildlife habitat, as well as for aesthetic purposes.
- C. *Strong agricultural and forestal economy.* It is the policy of the County to support a strong agricultural and forestal economy.
- D. *Protect and preserve natural resources and retain continuous and unfragmented land.* It is the policy of the County to protect and preserve natural resources, which include mountains, hills, valleys, rivers, streams, groundwater, and retain continuous and unfragmented land for agriculture, forestry, biodiversity, and natural resource protection.

**State law reference**-Va. Code § 15.2-4301.

### **Sec. 3-102 Districts may be created, modified, renewed, continued, and terminated.**

The Board of Supervisors may create, modify, renew, continue, and terminate agricultural and forestal districts of either statewide or local significance, and authorize lands to be withdrawn from agricultural and forestal districts, as provided in this chapter and in Virginia Code §§ 15.2-4300 et seq. and 15.2-4400 et seq.

(6-8-83, §§ 1, 2; § 2.1.1-1; 9-15-93; Code 1988, § 2.1-1; Ord. 98-A(1), 8-5-98)

**State law reference**-Va. Code §§ 15.2-4303, 15.2-4403, 15.2-4405.

### **Sec. 3-103 Planning Commission; powers and duties.**

The Planning Commission has the following powers and duties in administering this chapter:

- A. *Evaluate applications.* The Commission shall evaluate all applications to create, modify, renew, continue, and terminate an agricultural and forestal district as provided in this chapter.
- B. *Conduct public hearings.* The Commission shall conduct public hearings as provided by this chapter and Virginia Code §§ 15.2-4300 et seq. and 15.2-4400 et seq.
- C. *Make recommendations.* The Commission shall report its recommendations to the Board of Supervisors.
- D. *Other powers and duties.* The Commission shall have all other powers and duties granted to it pursuant to Virginia Code §§ 15.2-4300 et seq. and 15.2-4400 et seq.

(Ord. 98-A(1), 8-5-98)

**State law reference**-Va. Code §§ 15.2-4300 et seq., 15.2-4400 et seq.

### **Sec. 3-104 Advisory Committee established; membership; appointment and term of office of members; powers and duties.**

An Advisory Committee is hereby established, subject to the following:

- A. *Composition.* The Committee shall be composed of 10 members appointed by the Board of Supervisors. The Committee shall be composed of four landowners who are engaged in agricultural or forestal production, four other landowners of the County, the County Assessor, and one member

of the Board of Supervisors.

B. *Terms.* The terms of the eight landowner members of the Committee are as follows:

1. *Length of terms; staggered terms.* Each landowner-member is appointed for a four-year term. The terms are staggered so that two landowner-members' terms expire each year.
  2. *Term limit.* A landowner-member may serve up to two consecutive terms, provided that a landowner-member appointed to complete the unexpired term of another may be appointed to serve up to two additional consecutive four-year terms. The term limit does not apply if the Board of Supervisors is unable to find a qualified person to appoint as a successor landowner-member within six months after the expiration of the members' term after conducting a reasonable search, in which case the member may be appointed for an additional term.
  3. *Holdover until successor appointed.* A landowner-member whose term expires shall continue to serve until a successor is appointed.
- C. *Serve at pleasure of the Board of Supervisors.* The members of the Committee shall serve at the pleasure of the Board of Supervisors.
- D. *Compensation and reimbursement.* The members of the Committee shall serve without compensation. The Board of Supervisors may, in its discretion, reimburse members for their actual and necessary expenses incurred in the performance of their duties.
- E. *Officers.* The Committee shall elect a chairman, vice-chairman, and secretary at the first meeting of the Committee each calendar year. The secretary need not be a member of the Committee.
- F. *Advisory role.* The Committee shall advise the Planning Commission and the Board of Supervisors on:
1. *District-related matters.* Matters that it considers pursuant to this chapter, and shall render expert advice as to the nature of farming and forestry and agricultural and forestal resources within a district and the relation of those resources to the County.
  2. *Rural Area-related matters.* Matters pertaining to the Rural Area of the County that may affect agriculture or forestry.

(Ord. 98-A(1), 8-5-98; Ord. 05-3(1), 3-2-05)

**State law reference**-Va. Code §§ 15.2-4304, 15.2-4404.

### **Sec. 3-105 Program administrator.**

The Director of Planning is hereby appointed the administrator of the County's agricultural and forestal district program.

(Ord. 11-3(3), 8-3-11)

**State law reference**-Va. Code § 15.2-4305.

### **Sec. 3-106 Definitions.**

The following definitions apply to this chapter:

*Agricultural production* means the production for commercial purposes of crops, livestock and livestock products and, in agricultural and forestal districts of statewide significance, includes the processing or retail sales by the producer of crops, livestock or livestock products which are produced on the parcel or in the district.

*Agricultural products* means crops, livestock and livestock products, including but not limited to, field crops, fruits, vegetables, horticultural specialties, cattle, sheep, hogs, goats, horses, poultry, furbearing animals, milk, eggs, and furs.

*Agriculturally and forestally significant land* means: (i) in an agricultural and forestal district of statewide significance, land that has recently or historically produced agricultural and forestal products, is suitable for agricultural or forestal production or is considered appropriate to be retained for agricultural and forestal production as determined by such factors as soil quality, topography, climate, markets, farm structures, and other relevant factors; and (ii) in an agricultural and forestal district of local significance, land that has historically produced agricultural and forestal products, or land that the Advisory Committee considers good agricultural and forestal land based upon such factors as soil quality, topography, climate, markets, farm improvements, agricultural and forestry economics and technology, and other relevant factors.

*District* means: (i) in Article 2, an agricultural and forestal district of statewide significance; and (ii) in Article 3, an agricultural and forestal district of local significance.



*Forestal production* means the production for commercial purposes of forestal products and includes the processing or retail sales, by the producer, of forestal products which are produced on the parcel or in the district.

*Forestal products* includes, but is not limited to, saw timber, pulpwood, lumber, posts, firewood, Christmas trees and other tree and wood products for sale or for farm use.

*Landowner* and *owner of land* mean any person holding a fee simple interest in real property within a proposed or existing district, but does not mean the holder of an easement.

*Member of the immediate family* means the natural or legally defined off-spring, grandchild, grandparent, parent, or sibling of the owner of property.

**State law reference**--Va. Code §§ 15.2-4302, 15.2-4402.

### **Sec. 3-107 Appeals of any decision by the Director of Planning.**

Any decision made by the Director of Planning pursuant to this chapter may be appealed to the Board of Supervisors as follows:

- A. *Persons having right to appeal.* Any landowner aggrieved by a decision of the Director of Planning may file an appeal.
- B. *Written appeal required; timing for filing; contents.* An appeal shall be in writing and be filed with the Clerk for the Board of Supervisors within 30 days after the date of the Director of Planning's decision. The appeal shall identify the landowner and the parcel, and shall state the grounds for the appeal.
- C. *Consideration of appeal by the Board of Supervisors.* The Board of Supervisors may affirm, reverse, or modify in whole or in part the Director of Planning's decision. The Board shall give due consideration to the decision of the Director of Planning and the applicable criteria or standards relied on by the Director, the purpose and policies of this chapter, the information provided by the landowner, and any other information it deems necessary for a proper review of the appeal.
- D. *Time for decision.* The Board of Supervisors shall make a decision on the appeal within 90 days after the appeal is filed.

## **Article 2. Districts of Statewide Significance**

### **Division 1. Procedure**

### **Sec. 3-200 Minimum size and location of parcels in a district.**

Each district is subject to the following:

- A. *Minimum core when district created.* Each district shall have a core of at least 200 acres in one parcel or in contiguous parcels when the district is created.
- B. *Parcels not part of core eligible to be in district.* Any parcel that is not part of the core may be included in a district, either at the time the district is created or added after the district is created in the following circumstances:
  - 1. *Within one mile of the core.* If the nearest boundary of the parcel is within one mile of the boundary of the core.
  - 2. *Contiguous to a parcel in the district that is within one mile of the core.* If the parcel is contiguous to a parcel in the district and that parcel's nearest boundary is within one mile of the core.
  - 3. *Beyond one mile of the core.* If the Board of Supervisors finds, in consultation with the Advisory Committee and the Planning Commission, that the parcel, although it is not part of the core and is not within one mile of the boundary of the core contains agriculturally and forestally significant land.
- C. *District may include parcels in another locality.* The parcels included in a district may be located in more than one locality provided that the requirements of Virginia Code § 15.2-4305 for districts are satisfied.

(Ord. 98-A(1), 8-5-98; Ord. 11-3(3), 8-3-11)

**State law reference**--Va. Code § 15.2-4305.

**Sec. 3-201 Creating a district.**

Each district shall be created as follows:

- A. *Application.* On or before any application date set by the-Director of Planning, any landowner may submit an application to create a district to the Director. The application shall be made on a form developed and provided by the Director and shall be signed by each landowner whose land is proposed to be included in the district. Each submitted application shall include: (i) maps, aerial photographs, or both, as may be required by the Director, that clearly show the boundaries of the proposed district, the boundaries of the parcels owned by each applicant, and any other features prescribed by the Director; and (ii) the fee required by County Code § 3-206.
- B. *Referring the application.* Upon receiving an application for a district, the Director shall refer the application to the Advisory Committee.
- C. *Advisory Committee review.* Upon receiving an application from the Director, the Advisory Committee shall review the application and any proposed modifications and report its recommendations to the Planning Commission. The Committee shall apply the criteria in subsection (F) when it reviews an application.
- D. *Planning Commission review.* Upon receiving the report of the Advisory Committee on an application, the Planning Commission shall: (i) provide the notice required by Virginia Code § 15.2-4307(1); (ii) hold a public hearing; and (iii) after the public hearing, report its recommendations to the Board of Supervisors. The Planning Commission shall apply the criteria in subsection (F) when it reviews an application. The Planning Commission's report shall include the potential effect of the district and any proposed modifications upon the County's planning policies and objectives.
- E. *Hearing and action by the Board of Supervisors.*

After receiving the Planning Commission's and the Advisory Committee's reports:

1. *Public hearing.* The Board of Supervisors shall hold a public hearing on the application.
  2. *Notice of the public hearing.* The Clerk for the Board shall ensure that notice of the public hearing is published as provided by Virginia Code § 15.2-1427(F). The Director of Planning shall provide written notice to all landowners in the proposed district by first class mail. Any conditions on creating the district and the review period shall be described, either in the application or in a written notice provided by the Director of Planning by first-class mail to all landowners in the proposed district and published in a newspaper having a general circulation in the district at least two weeks before adoption of an ordinance creating a district.
  3. *Factors to be considered when acting.* The Board of Supervisors shall reasonably consider the recommendations of the Advisory Committee and the Planning Commission, the criteria in subsection (F), and any other relevant factors when it considers and acts on an application.
  4. *Action.* After the public hearing, the Board of Supervisors may, by ordinance, create a district as applied for. If the Board desires to impose any conditions on the creation of the district or its review period, the Board shall not act on the ordinance until notice is given as provided in subsection (E)(2) and a second public hearing is held.
  5. *Time for action.* The Board of Supervisors shall act either to adopt the ordinance creating the district or reject the application, or any modification to it, within 180 days after the application date set by the Director of Planning under which the application was received.
- F. *Criteria.* The Advisory Committee, the Planning Commission, and the Board of Supervisors shall apply the following criteria when they review an application:
1. *Agricultural and forestal significance of the land.* The agricultural and forestal significance of the land within the district and in areas adjacent to the district; in evaluating the agricultural and forestal significance of the land, any relevant agricultural or forestal maps may be considered, as well as soil, climate, topography, other natural factors, markets for agricultural and forestal products, the extent and nature of farm structures, the present status of agriculture and forestry, anticipated trends in agricultural economic conditions, and other relevant factors;
  2. *Significant agricultural or forestal lands not in active production.* The presence of any significant agricultural or forestal lands within the district and in areas adjacent to the district that are not now in active agricultural or forestal production, considering the maps, factors, markets, and other information described in subsection (F)(1);
  3. *Uses other than active farming or forestry.* The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent to the district;
  4. *Development patterns.* Local development patterns and needs;

5. *Comprehensive Plan and zoning regulations.* The Comprehensive Plan and the applicable zoning regulations;
6. *Environmental benefits.* The environmental benefits of retaining the lands in the district for agricultural and forestal uses;
7. *Development rights.* Whether any parcel has one or more development rights that would allow the creation of one or more parcels less than 21 acres in size; in considering whether to include any parcel in a district, the policy of the County is to not include any parcel determined to have no development rights and cannot be further divided to create one or more parcels less than 21 acres in size; and
8. *Other.* Any other relevant matter.

(§ 2.1-2; 6-8-83, §§ 3, 4, 5; 12-16-87; 12-11-91; 7-1-92; Code 1988, § 2.1-2; Ord. 98-A(1), 8-5-98; Ord. 09-3(1), 6-10-09; Ord. 11-3(3), 8-3-11; Ord. 16-3(2), 10-12-16)

**State law reference**--Va. Code §§ 15.2-4303 through 15.2-4307 and 15.2-4309.

### **Sec. 3-202 Effect of creating a district.**

Any lands within a district are subject to the following:

- A. *Prohibition to develop to a more intensive use.* As a condition to creating a district, any parcel within the district shall not be developed to a more intensive use than that existing on the date the district was created, subject to the following:
  1. *More intensive agricultural or forestal production is not development to a more intensive use.* Any parcel may be developed for uses resulting in more intensive agricultural or forestal production.
  2. *Residential uses and occupancy deemed not to be development to a more intensive use; exceptions.* Residential uses on any parcel within a district that are allowed by right in the Rural Areas zoning district are allowed, including the construction and placement of a dwelling unit, regardless of the size of the parcel, subject to the following occupancy requirements:
    - a. *Occupancy by landowners and members of their immediate family.* Any dwelling unit may be occupied by landowners and members of their immediate families, regardless of whether a portion of the dwelling unit is also occupied by one or more persons who are not members of the landowners' immediate family.
    - b. *Occupancy by members of the landowner's immediate family.* Any dwelling unit may be occupied by members of the landowner's immediate family and that members' family, unless the Board of Supervisors finds in a particular case that the occupancy would be incompatible with agriculture or forestry within the district.
    - c. *Occupancy by bona fide farm employees.* Any dwelling unit may be occupied by persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same parcel or parcels, and members of their immediate family, unless the Board of Supervisors finds in a particular case that the occupancy would be incompatible with agriculture or forestry within the district.
    - d. *Occupancy by others.* Any dwelling unit may be occupied by persons who are not identified in subsections (A)(2)(a) through (A)(2)(c), regardless of whether the landowner is receiving any consideration, provided that the occupancy is lodging for more than 30 consecutive days.
    - e. *Using a development right to add a dwelling unit to a parcel.* A development right may be used to add a dwelling unit to a parcel within a district.
  3. *Non-residential uses and other actions deemed not to be development to a more intensive use.* The following non-residential uses and other actions are deemed not to be developed to a more intensive use:
    - a. *Subdivisions of any parcel within a district where each resulting parcel is at least 21 acres.* The division of any parcel, or multiple parcels, within a district by subdivision pursuant to Chapter 14 where the size of each resulting parcel is at least 21 acres, provided that any proposed internal public or private street to serve any parcel in the subdivision is prohibited because it is development to a more intensive use.
    - b. *Subdivisions of any parcel where some land is within and some land is outside of a district.* The division of any parcel, or multiple parcels, where some land is within a district and some land is outside of a district, where the size of each resulting

parcel within the district is at least 21 acres, provided that any internal public or private street to serve any parcel in the subdivision and within the district is prohibited because it is development to a more intensive use. A subdivision where some land is within and some land is outside of a district does not change the boundaries of the district.

- c. *Subdivisions of any parcel within a district to use a development right.* The division of any parcel, or multiple parcels, within a district by subdivision pursuant to Chapter 14 in order to use a development right and to establish a dwelling unit on its own parcel, where the size of each resulting parcel is at least 21 acres.
  - d. *Boundary line adjustments of parcels within a district where each resulting parcel is at least 21 acres.* A boundary line adjustment pursuant to Chapter 14 between two or more parcels within a district where the size of each resulting parcel is at least 21 acres.
  - e. *Boundary line adjustments of parcels where some land is within and some land is outside of a district.* A boundary line adjustment pursuant to Chapter 14 between two or more parcels, where some land is within a district and some land is outside of a district, where the size of each resulting parcel within the district is at least 21 acres. A boundary line adjustment where some land is within and some land is outside of a district does not change the boundaries of the district.
  - f. *Family subdivisions.* The division of any parcel within a district by family subdivision pursuant to Chapter 14, regardless of the size of the resulting parcels, provided that any internal public or private street to serve any parcel in the family subdivision is prohibited because it is development to a more intensive use.
  - g. *Parcel combinations.* The combination of parcels within a district, regardless of their size, pursuant to Chapter 14.
  - h. *Uses that are agricultural or forestal production allowed by right.* Any uses that are determined by the Director of Planning to be agricultural or forestal production and allowed by right in the Rural Areas zoning district, including the construction and placement of structures primarily serving that use, regardless of the size of the parcel.
  - i. *Uses that are agricultural or forestal production allowed by special use permit.* Any uses that are determined by the Director of Planning to be agricultural or forestal production and allowed by special use permit pursuant to the Rural Areas zoning district regulations in Chapter 18, including the construction and placement of structures primarily serving that use, regardless of the size of the parcel.
  - j. *By right uses and structures allowed in the Rural Areas zoning district.* Any proposed use or structure allowed by right in the Rural Areas zoning district, except for borrow areas and borrow pits.
  - k. *Special uses and structures allowed in the Rural Areas zoning district.* Any proposed use or structure allowed by special use permit in the Rural Areas zoning district, provided that the Board of Supervisors determines that the use or structure allowed by the special use permit is consistent with the purposes of this chapter.
- B. *Applicability of the Comprehensive Plan and the subdivision and zoning regulations.* The Comprehensive Plan and the subdivision and zoning regulations (County Code Chapters 14 and 18, respectively) shall apply within each district to the extent that the regulations do not conflict with any conditions to creating or continuing the district, or the purposes of this chapter and the Agricultural and Forestal Districts Act (Virginia Code § 15.2-4300 *et seq.*).
- C. *Limitation on the County restricting or regulating certain agricultural and forestal farm activities.* The County shall not unreasonably restrict or regulate by ordinance farm structures or agricultural and forestal practices that are contrary to the purposes of this chapter and the Agricultural and Forestal Districts Act (Virginia Code § 15.2-4300 *et seq.*) unless the restriction or regulation is directly related to public health and safety. The County may regulate the processing or retail sales of agricultural or forestal products or structures for those uses, in accordance with the Comprehensive Plan and any County ordinances.
- D. *Consideration of the district when the County is taking certain actions.* The County shall consider the existence of a district and the purposes and policies of this chapter and the Agricultural and Forestal Districts Act (Virginia Code § 15.2-4300 *et seq.*) in its Comprehensive Plan, ordinances, land use planning decisions, administrative decisions, and procedures affecting land adjacent to the district.
- E. *Availability of land use-value assessment.* Land within a district that is used for agricultural or forestal production shall automatically qualify for an agricultural or forestal use-value assessment pursuant to Virginia Code § 58.1-3229 *et seq.* if the requirements for use-value assessment established in that article are satisfied.

- F. *Review of proposals by agencies of the Commonwealth, political subdivisions, and public service corporations to acquire land in district.* Any proposal by an agency of the Commonwealth, any political subdivision, or any public service corporation to acquire land or any interest in a district subject to Virginia Code § 15.2-4313 shall be reviewed under that section. The Board of Supervisors shall have all of the rights and powers granted to it by Virginia Code § 15.2-4313.
- G. *Parcel created by division remains in the district.* A parcel created from the permitted division of land within a district shall continue to be enrolled in the district.

(§ 2.1-3; 6-8-83, § 6; 4-13-88; Code 1988 § 2.1-3; Ord. 98-A(1), 8-5-98; Ord. 11-3(3), 8-3-11)

**State law reference**-Va. Code §§ 15.2-4312, 15.2-4313.

### **Sec. 3-203 Adding land to a district.**

Land may be added to a district as follows:

- A. *Application.* On or before any application date set by the Director of Planning, any landowner may submit an application to the Director to add one or more parcels to an existing district. The application shall be made on a form developed and provided by the Director and shall be signed by each owner of the land proposed to be added to the district.
- B. *Procedure.* The procedure for adding land to a district shall be the same procedure to create a district in County Code § 3-201(B) through (E).
- C. *Criteria to be applied by the Advisory Committee and the Planning Commission.* The Advisory Committee and the Planning Commission shall apply the criteria provided in County Code § 3-201(F) when they review an application.
- D. *Factors to be considered by the Board of Supervisors.* The Board of Supervisors shall reasonably consider the recommendations of the Advisory Committee and the Planning Commission, the criteria in County Code § 3-201(F), and any other relevant factors when it considers and acts on an application.
- E. *Effect of land added to a district.* Any land added to a district is subject to County Code § 3-202.

(§ 2.1-2; 6-8-83, §§ 3 through 5; 12-16-87; 12-11-91; 7-1-92; Code 1988, § 2.1-2; Ord. 98-A(1), 8-5-98; Ord. 11-3(3), 8-3-11; Ord. 16-3(2), 10-12-16)

**State law reference**-Va. Code § 15.2-4310.

### **Sec. 3-204 Reviewing a district; continuation, modification or termination.**

Each district shall be reviewed as follows:

- A. *Review period.* Each district shall be reviewed within the period provided in the district's regulations set forth in County Code §§ 3-207 through 3-233.
- B. *Initiating district review.* The Director of Planning shall refer the district to the Advisory Committee for review at least 90 days before the expiration of the period of review of the district.
- C. *Advisory Committee review.* Upon receiving the referral of the district from the Director of Planning, the Advisory Committee shall: (i) provide notice of a public meeting required by Virginia Code § 15.2-4311; (ii) provide the opportunity for the owners of land within the district to meet with the Committee at the public meeting; (iii) review the district by considering the criteria in County Code § 3-201(F)(2), (3), (4), (5), and (7), and any other relevant factors when it reviews a district; and (iv) after the public meeting, report to the Planning Commission its recommendations as to whether to continue, modify, or terminate the district.
- D. *Planning Commission review.* Upon receiving the report of the Advisory Committee on a district, the Planning Commission shall review the district by considering the recommendations of the Advisory Committee and the criteria in County Code § 3-201(F)(2), (3), (4), (5), and (7), and any other relevant factors when it reviews a district. In its discretion, the Commission may hold a public hearing. After it has reviewed the district and, if applicable, held a public hearing, the Commission shall then report to the Board of Supervisors its recommendations, together with the Committee's recommendations, as to whether to terminate, modify, or continue the district.
- E. *Hearing and action by the Board of Supervisors.* After receiving the Planning Commission's and the Advisory Committee's reports:
  - 1. *Public hearing.* The Board of Supervisors shall hold a public hearing on the district review.
  - 2. *Notice of the public hearing.* The Clerk for the Board shall ensure that notice of the public hearing is published as provided by Virginia Code § 15.2-1427(F). If new or different conditions to continuing the district are proposed, the Director of Planning shall also provide written notice to all landowners in the district and publish notice in a newspaper having a

general circulation in the district at least two weeks before adoption of an ordinance continuing a district.

3. *Factors to be considered when acting.* The Board of Supervisors shall reasonably consider the recommendations of the Advisory Committee and the Planning Commission, the criteria in County Code § 3-201(F)(2), (3), (4), (5), and (7), and any other relevant factors when it reviews a district.
  4. *Action.* After the public hearing, the Board of Supervisors may, by ordinance, continue, modify, or terminate the district. If the Board desires to impose any conditions on continuing the district for which written notice was not previously provided, the Board shall not act on the ordinance until notice is given as provided in subsection (E)(2) and a second public hearing is held.
  5. *Time for action.* The Board of Supervisors shall act either to adopt the ordinance creating the district or reject the application, or any modification to it, within 180 days after the application date set by the Director of Planning under which the application was received.
- F. *Effect of failure to complete review by review date.* A district shall not terminate because the Board of Supervisors fails to act pursuant to subsection (E) by the district's review date.
- G. *If district is continued without modified conditions.* If the Board of Supervisors continues a district without modifying its conditions, the district shall continue as originally constituted, with the same conditions and review period previously established.
- H. *Board may determine review is unnecessary.* The Board of Supervisors may determine that a district review is unnecessary. If it does so, the Board shall set the date by which the next review will occur.

(Ord. 98-A(1), 8-5-98; Ord. 09-3(1), 6-10-09; Ord. 11-3(3), 8-3-11)

**State law reference**-Va. Code § 15.2-4311.

### **Sec. 3-205 Withdrawing land from a district.**

Land may be withdrawn from an agricultural and forestal district of statewide significance as follows:

- A. *Withdrawal by right by the landowner before district is created.* An owner of land who joined in an application to create a district may withdraw the land, in whole or in part, by right before the Board of Supervisors acts to create the district. In order to withdraw the land from the application, the landowner shall file a written notice of withdrawal with the Clerk for the Board of Supervisors, who shall promptly forward the notice to the Director of Planning.
- B. *Withdrawal by right by the landowner during district review.* An owner of land within a district may withdraw the land from the district as a matter of right at any time between the date the Director of Planning refers the district to the Advisory Committee for review and the time the Board of Supervisors acts to continue, modify, or terminate the district. In order to withdraw the land from the district, the landowner shall file a written notice of withdrawal with the Clerk for the Board of Supervisors, who shall promptly forward the notice to the Director of Planning.
- C. *Withdrawal by right by certain successors to the deceased owner.* Any heir, devisee, surviving co-tenant, or personal representative (collectively, the "successor") of a sole owner of any fee simple interest of land may withdraw the land from the district by right, upon the inheritance or descent of the land. In order to withdraw the land from the district, the successor shall file a written notice of withdrawal with the Clerk for the Board of Supervisors and the Department of Finance within two years after the date of death of the landowner. The Clerk shall promptly forward the notice to the Director of Planning.
- D. *Withdrawal in the discretion of the Board of Supervisors.* At any time after the district is created, an owner of land within the district may request to withdraw the land, in whole or in part, from the district, as follows:
  1. *Filing a written request.* The owner shall file a written request for withdrawal with the Director of Planning. The request shall identify the landowner, identify the land or part thereof proposed to be withdrawn by parcel identification number, state the reason for the request, and address the criteria for review stated in subsection (D)(2). The landowner shall pay the fee required by County Code § 3-206 when the request is filed.
  2. *Criteria for review.* A request to withdraw land from a district may be approved only for good and reasonable cause, based on the following criteria:
    - a. *No significant adverse impact.* The proposed new land use will not have a significant adverse impact on agricultural or forestal operations on land within the district; in considering this criterion, the land proposed to be withdrawn may be reevaluated through the Virginia Land Evaluation and Site Assessment (LESA) System;

- b. *Consistent with the Comprehensive Plan.* The proposed new land use is consistent with the Comprehensive Plan;
  - c. *Consistent with the public interest.* The proposed land use is consistent with the public interest of the County in that it promotes the health, safety, or general welfare of the County, rather than only the proprietary interest of the landowner; and
  - d. *Changed circumstances.* The proposed land use was not anticipated by the landowner at the time the land was placed in the district, and there has been a change in circumstances since that time.
- 3. *Advisory Committee review.* Upon receiving a request to withdraw from the Director of Planning, the Advisory Committee shall review the request and report to the Planning Commission its recommendations. The Committee shall evaluate the request pursuant to the criteria in subsection (D)(2).
  - 4. *Planning Commission review.* Upon receiving the report of the Advisory Committee on a request to withdraw, the Planning Commission shall hold a public hearing and evaluate the request pursuant to the criteria in subsection (D)(2). The Planning Commission shall report to the Board of Supervisors its recommendations, together with the Committee's recommendations.
  - 5. *Hearing and action by Board of Supervisors.* After receiving the recommendations of the Planning Commission and the Advisory Committee:
    - a. *Public hearing.* The Board of Supervisors shall hold a public hearing on the request.
    - b. *Notice of the public hearing.* The Clerk for the Board shall ensure that notice of the public hearing is published as provided by Virginia Code § 15.2-1427(F). The Director of Planning shall also provide written notice to all landowners in the district at least two weeks before the public hearing.
  - 6. *Factors to be considered when acting.* The Board of Supervisors shall reasonably consider the recommendations of the Advisory Committee and the Planning Commission, the criteria in subsection (D)(2), and any other factors relevant to whether good and reasonable cause exists.
  - 7. *Action.* After the public hearing, the Board of Supervisors may, by ordinance, approve the request to withdraw, or it may disapprove the request.
  - 8. *Time for action.* The Board of Supervisors shall act within 180 days after the request is received by the Director of Planning.
- E. *Effect of withdrawal.* Land that is withdrawn from a district shall be subject to roll-back taxes as provided in Virginia Code § 58.1-3237, and be subject to all local laws and ordinances otherwise prohibited from applying to land within a district, as provided in County Code § 3-202(C). Withdrawing land from a district shall not, itself, terminate the district.

(Ord. 98-A(1), 8-5-98; Ord. 09-3(1), 6-10-09; Ord. 11-3(3), 8-3-11)

**State law reference**-Virginia Code §§ 15.2-4307, 15.2-4314.

### **Sec. 3-206 Fees.**

A landowner is required to pay a fee to create or to withdraw land from a district as follows:

- A. *Amount.* The amount of the fees are:
  - 1. *Application to create a district.* The fee to apply to create a district pursuant to County Code § 3-201 is \$150.
  - 2. *Request to withdraw land from district.* The fee to withdraw land from a district pursuant to County Code § 3-205(D) is \$250.
- B. *When the fee must be paid.* The fee must be paid at the time the application or request is filed. An application or request shall not be filed if the required fee is not paid.
- C. *Form of payment accepted.* The fee must be paid in cash, by a check payable to the "County of Albemarle," or by any other means accepted by the County, provided that the County may add to any amount due the amount charged to the County for accepting any payment by a means that incurs a charge to the County or the amount negotiated and agreed to in a contract with the County, whichever is less.



(§ 2.1-2; 6-8-83, § 3-5; 12-16-87, 12-11-91, 7-1-92; Code 1988, § 2.1-2; Ord. 98-A(1), 8-5-98)

**State law reference**-Va. Code § 15.2-4303.

## **Division 2. Districts**

### **Sec. 3-207 Batesville Agricultural and Forestal District.**

The district known as the “Batesville Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on May 2, 1990.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
  - 1. Tax map 70: parcels 40, 40A.
  - 2. Tax map 71: parcels 23A, 23C, 24B, 24C, 24C1, 26, 26A, 26B, 26B1, 26B2, 26C, 27A, 29C, 29D, 29E, 29G, 29H, 29I.
  - 3. Tax map 84: parcels 35A, 69.
  - 4. Tax map 85: parcels 3, 3A (part), 4J, 17, 17B, 21, 21D, 21D1, 22B, 22C, 30D, 31.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to April 14, 2020.

(Code 1988, § 2.1-4(s); Ord. 98-A(1), 8-5-98; Ord. 00-3(1), 4-19-00; Ord. 00-3(3), 9-13-00; Ord. 01-3(2), 7-11-01; Ord. 04-3(1), 3-17-04; Ord. 09-3(4), 12-2-09; Ord. 10-3(1), 4-14-10)

### **Sec. 3-208 Blue Run Agricultural and Forestal District.**

The district known as the “Blue Run Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on June 18, 1986.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
  - 1. Tax map 22: parcel 10.
  - 2. Tax map 35: parcels 22, 23, 24A, 26, 26B, 26B1, 26C, 26D, 28A, 29, 31, 32A, 37A1, 41A, 41A1, 41E, 43.
  - 3. Tax map 36: parcels 6A, 9, 20.
  - 4. Tax map 49: parcels 4A1, 4A5, 24, 24A, 24B.
  - 5. Tax map 50: parcels 5, 5B, 32A, 41A, 41Q, 42A, 42A1, 43, 45B, 47, 47A, 47B.
  - 6. Tax map 51: parcels 13, 14.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to December 5, 2022.

(5-11-94; 7-13-94; 4-12-95; Code 1988, § 2.1-4(d); Ord. 98-A(1), 8-5-98; Ord. 01-3(3), 8-8-01; Ord. 02-3(3), 7-10-02; Ord. 09-3(4), 12-2-09; Ord. 10-3(3), 12-1-10; Ord. 11-3(2), 7-6-11; Ord. 11-3(4), 12-7-11; Ord. 12-3(2), 12-5-12; Ord. 15-3(1), 12-2-15)

### **Sec. 3-209 Buck Mountain Agricultural and Forestal District.**

The district known as the “Buck Mountain Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on January 4, 1989.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
  - 1. Tax map 8: parcels 16A, 16C, 17E, 17F, 37, 43A, 44.
  - 2. Tax map 17: parcels 2D6, 26B, 26C, 26C1, 26C2, 26C3, 31 (part), 32.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to September 2, 2019.

(4-12-95; Code 1988, § 2.1-4(o); Ord. 98-A(1), 8-5-98; Ord. 99-3(1), 1-13-99; Ord. 99-3(5), 10-6-99; Ord. 09-3(2), 9-2-09; Ord. 09-3(4), 12-2-09)

**Sec. 3-210 Buck's Elbow Mountain Agricultural and Forestal District.**

The district known as the "Buck's Elbow Mountain Agricultural and Forestal District" was created and continues as follows:

- A. *Date created.* The district was created on December 2, 2009.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
  - 1. Tax map 25: parcel 1.
  - 2. Tax map 38: parcels 4, 7, 8, 10, 20.
  - 3. Tax map 39: parcels 1, 1D, 1F, 1F1, 1G, 2B, 8, 10A, 21Q, 21R, 21Z.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to December 2, 2019.

(Ord. 09-3(4), 12-2-09; Ord. 10-3(3), 12-1-10; Ord. 11-3(2), 7-6-11; Ord. 11-3(4), 12-7-11)

**Sec. 3-211 Carter's Bridge Agricultural and Forestal District.**

The district known as the "Carter's Bridge Agricultural and Forestal District" was created and continues as follows:

- A. *Date created.* The district was created on April 20, 1988.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
  - 1. Tax map 101: parcels 55, 60.
  - 2. Tax map 102: parcels 17A, 17B, 17B1, 17C, 17D, 18, 19, 19A, 19C, 20B.
  - 3. Tax map 111: parcel 48.
  - 4. Tax map 112: parcels 1, 3, 15, 15A, 16E, 16E1, 16E2, 16F2, 16J, 16K, 18H, 19E, 19F, 20, 21, 33A, 37D.
  - 5. Tax map 113: parcels 1, 1A, 6A, 11A, 11F, 11F1, 11F2, 11F3, 11G, 11G1, 11G2, 11G3, 11H, 11I, 11J, 11K.
  - 6. Tax map 114: parcels 2, 25A, 30, 31B, 31C, 31D, 51, 55, 56, 57, 57C, 57D, 67C, 67D, 67E, 67F, 67G, 67H, 67H1, 17I(part), 68, 69, 70.
  - 7. Tax map 115: parcel 10.
  - 8. Tax map 122: parcels 4, 4A, 6, 7, 8, 9, 10, 12, 12D, 12E, 12N, 18, 18D, 33, 33A, 36.
  - 9. Tax map 123: parcel 13B.
  - 10. Tax map 124: parcel 11.
  - 11. Tax map 130: parcel 19B.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to July 9, 2018.

(Code 1988, § 2.1-4(j); Ord. 98-A(1), 8-5-98; Ord. 98-3(1), 9-9-98; Ord. 99-3(2), 2-10-99; Ord. 99-3(4), 5-12-99; Ord. 08-3(1), 7-9-08; Ord. 09-3(4), 12-2-09; Ord. 12-3(2), 12-5-12; Ord. 15-3(1), 12-2-15; Ord. 16-3(1), 10-5-16)

**Sec. 3-212 Chalk Mountain Agricultural and Forestal District.**

The district known as the "Chalk Mountain Agricultural and Forestal District" was created and continues as follows:

- A. *Date created.* The district was created on September 6, 1989.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:

1. Tax map 97: parcels 2, 21A1, 21B, 21B1, 21C, 21D, 22, 22A, 22B, 27.
  2. Tax map 98: parcels 1G (part), 11, 12, 13, 14.
  3. Tax map 99: parcel 30.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to December 2, 2019.

(Code 1988, § 2.1-4(r); Ord. 98-A(1), 8-5-98; Ord. 99-3(5), 10-6-99; Ord. 00-3(1), 4-19-00; Ord. 09-3(4), 12-2-09, Ord. 12-3(1), 7-11-12)

**Sec. 3-213 Eastham Agricultural and Forestal District.**

The district known as the “Eastham Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on October 2, 1985.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
1. Tax map 46: parcels 91B, 91C, 91E.
  2. Tax map 47: parcel 17B.
  3. Tax map 63: parcels 1, 1A, 1A1, 2, 4, 14G, 14H, 14I, 26, 26A, 27, 28, 28A, 30F, 30G, 41A, 41A1, 41A2.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to August 6, 2024.

(12-8-93; 5-11-94; Code 1988, § 2.1-4(c); Ord. 98-A(1), 8-5-98; Ord. 04-3(2), 4-14-04; Ord. 09-3(4), 12-2-09; Ord. 14-3(1), 8-6-14; Ord. 15-3(1), 12-2-15)

**Sec. 3-214 Fox Mountain Agricultural and Forestal District.**

The district known as the “Fox Mountain Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on December 2, 2009.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
1. Tax map 14: parcels 26A, 26B, 26C.
  2. Tax map 15: parcels 1, 10A.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to December 2, 2019.

(Ord. 09-3(4), 12-2-09; Ord. 10-3(2), 7-7-10; Ord. 10-3(3), 12-1-10)

**Sec. 3-215 Free Union Agricultural and Forestal District.**

The district known as the “Free Union Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on September 21, 1988.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
1. Tax map 7: parcels 6, 7, 8A, 9, 9A, 9B, 9B1, 9C, 33.
  2. Tax map 16: parcels 4B, 4C, 13A, 13D, 15A, 15A3, 15C, 15E, 15G, 16B, 17, 26, 30B, 36, 37, 52B1, 52B2, 54.
  3. Tax map 17: parcels 8B, 8C, 17C, 18H, 20A2, 22.
  4. Tax map 29: parcels 1D, 1H (part), 31A.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to October 8, 2018.

(Code 1988, § 2.1-4(m); Ord. 98-A(1), 8-5-98; Ord. 98-3(1), 9-9-98; Ord. 08-3(3), 10-8-08; Ord. 09-3(4), 12-2-09)

**Sec. 3-216 Glen Oaks Agricultural and Forestal District.**

The district known as the “Glen Oaks Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on December 7, 2011.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
  - 1. Tax map 93A5: parcels K2A11, K2A12, K2A13.
  - 2. Tax map 94: parcels 15A1, 15A2.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to December 7, 2021.

(Ord. 11-3(4), 12-7-11; Ord. 13-3(1), 12-4-13)

**Sec. 3-217 Green Mountain Agricultural and Forestal District.**

The district known as the “Green Mountain Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on December 2, 2025.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
  - 1. Tax map 120: parcels 15A, 15B, 16C, 18A, 18A1.
  - 2. Tax map 121: parcel 2.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to December 2, 2025.

(Ord. 15-3(1), 12-2-15)

**Sec. 3-218 Hardware Agricultural and Forestal District.**

The district known as the “Hardware Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on November 4, 1987.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
  - 1. Tax map 72: parcel 51C.
  - 2. Tax map 73: parcels 38, 39C7, 41A, 41B1, 41B2, 42, 42A, 43, 44.
  - 3. Tax map 74: parcels 6H, 6N, 26, 28, 28B.
  - 4. Tax map 75: parcels 4A, 5.
  - 5. Tax map 86: parcels 14, 16, 16A, 16C, 16D, 16E, 16F, 16H, 27, 27A.
  - 6. Tax map 87: parcels 10, 13A1, 13A2, 13E (part consisting of 89.186 acres), 16A.
  - 7. Tax map 88: parcels 2A.
  - 8. Tax map 99: parcels 10 (part), 29, 52, 52B.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to September 12, 2017.

(Code 1988, § 2.1-4(h); Ord. No. 98-A(1), 8-5-98; Ord. 00-3(2), 7-12-00; Ord. 07-3(2), 9-12-07; Ord. 09-3(4), 12-2-09; Ord. 10-3(2), 7-7-10; Ord. 10-3(3), 12-1-10; Ord. 12-3(1), 7-11-12; Ord. 13-3(1), 12-4-13; Ord. 14-13(2), 11-12-14; Ord. 15-3(1), 12-2-15)

**Sec. 3-219 Hatton Agricultural and Forestal District.**

The district known as the “Hatton Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on June 29, 1983.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
  - 1. Tax map 135: parcels 13, 13A, 13B, 14B, 15, 15A, 15C, 17, 18, 19, 22, 22A, 22C, 22C1, 22C2.
  - 2. Tax map 136: parcels 2A, 6B, 8H, 9 (part), 9A2, 9B, 9C, 9D1, 9E.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to July 6, 2021.  
(Code 1988, § 2.1-4(a); Ord. 98-A(1), 8-5-98; Ord. 01-3(1), 6-20-01; Ord. 07-3(1), 7-11-07; Ord. 10-3(2), 7-7-10; Ord. 11-3(1), 7-6-11)

**Sec. 3-220 High Mowing Agricultural and Forestal District.**

The district known as the “High Mowing Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on January 16, 1991.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
  - 1. Tax map 84: parcel 69A.
  - 2. Tax map 85: parcels 39, 39H, 41A, 41A1.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to December 1, 2020.  
(Code 1988, § 2.1-4(t); Ord. 98-A(1), 8-5-98; Ord. 01-3(1), 6-20-01; Ord. 09-3(4), 12-2-09; Ord. 10-3(3), 12-1-10)

**Sec. 3-221 Ivy Creek Agricultural and Forestal District.**

The district known as the “Ivy Creek Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on November 2, 1998.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
  - 1. Tax map 44: parcels 18, 19, 19A, 19B, 20, 20A, 20B, 20C, 20D, 20E, 20F, 20G, 21A1, 21A2, 21A3, 21C(part).
  - 2. Tax map 45: parcels 5F, 5F4.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to December 4, 2023.  
(4-14-93; 2-14-96; Code 1988, § 2.1-4(n); Ord. 98-A(1), 8-5-98; Ord. 03-3(1), 7-9-03; Ord. 09-3(4), 12-2-09; Ord. 13-3(1), 12-4-13; Ord. 17-3(1), 12-13-17)

**Sec. 3-222 Jacobs Run Agricultural and Forestal District.**

The district known as the “Jacobs Run Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on January 6, 1988.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
  - 1. Tax map 19: parcels 25, 25A.
  - 2. Tax map 19A: parcels 9, 22, 31.
  - 3. Tax map 20: parcels 6J, 6S.
  - 4. Tax map 30: parcel 32B.

5. Tax map 31: parcels 1, 1B, 4K, 8, 8E, 16, 16B, 44C, 45, 45B.

C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to December 2, 2019.

(3-2-94; Code 1988, § 2.1-4(i); Ord. 98-A(1), 8-5-98; Ord. 00-3(1), 4-19-00; Ord. 09-3(4), 12-2-09; Ord. 10-3(2), 7-7-10; Ord. 11-3(2), 7-6-11; Ord. 13-3(1), 12-4-13; Ord. 15-3(1), 12-2-15)

**Sec. 3-223 Keswick Agricultural and Forestal District.**

The district known as the “Keswick Agricultural and Forestal District” was created and continues as follows:

A. *Date created.* The district was created on September 3, 1986.

B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:

1. Tax map 48: parcels 30, 30A, 30B, 30C, 30D, 30E, 45, 46.

2. Tax map 63: parcels 39, 39A, 40, 42A.

3. Tax map 64: parcels 5, 7, 7A, 8A, 9, 10 10A, 10B, 10C, 10D, 11 12, 13, 13A, 14.

4. Tax map 65: parcels 13, 14A, 14A1, 31C1, 31C3, 31D, 32.

5. Tax map 79: parcel 46.

6. Tax map 80: parcels 1, 2, 2A, 2C, 3A, 3A1, 3G, 3H, 3I, 4, 61D, 88, 114A, 115, 164, 169, 169A, 169C, 169C1, 174, 176, 176A, 182, 183A, 190, 192, 194.

7. Tax map 81: parcels 1, 8A, 11H, 15A6, 15B, 63, 69, 72, 73, 74, 79.

C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to November 12, 2024.

(10-12-94; 4-12-95; 8-13-97; Code 1988, § 2.1-4(e); Ord. 98-A(1), 8-5-98; Ord. 04-3(3), 11-3-04; Ord. 09-3(4), 12-2-09; Ord. 10-3(3), 12-1-10; Ord. 11-3(4), 12-7-11; Ord. 12-3(1), 7-11-12; Ord. 13-3(1), 12-4-13; Ord. 14-3(2), 11-12-14; Ord. 15-3(1), 12-2-15)

**Sec. 3-224 Kinloch Agricultural and Forestal District.**

The district known as the “Kinloch Agricultural and Forestal District” was created and continues as follows:

A. *Date created.* The district was created on September 3, 1986.

B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:

1. Tax map 49: parcels 5C, 6A1.

2. Tax map 50: parcels 13, 19.

3. Tax map 65: parcels 7, 7A, 8, 84A, 86, 89, 90, 91, 91A, 92, 93A, 93A1, 94, 94A, 94B, 94C, 95, 95A, 100, 121.

4. Tax map 66: parcels 2, 3C, 3G, 32, 32D, 32E, 34 (Albemarle County portion only), 34B.

C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to November 12, 2024.

(11-17-93; 10-12-94; Code 1988, § 2.1-4(f); Ord. 98-A(1), 8-5-98; Ord. 00-3(3), 9-13-00; Ord. 04-3(3), 11-3-04; Ord. 09-3(5), 12-9-09; Ord. 10-3(2), 7-7-10; Ord. 14-3(2), 11-12-14)

**Sec. 3-225 Lanark Agricultural and Forestal District.**

The district known as the “Lanark Agricultural and Forestal District” was created and continues as follows:

A. *Date created.* The district was created on April 20, 1988.

B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:

1. Tax map 90: parcels 12, 14A.

2. Tax map 90B: parcel A-11.

3. Tax map 91: parcels 21, 21A, 31.
4. Tax map 102: parcels 33, 35, 35A, 35B, 35C, 37, 40, 40B, 40C.
5. Tax map 103: parcels 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1H1, 1J, 1K, 1L, 1M, 2A, 2B, 2E, 3, 3A, 3B, 3C, 3G, 5, 9, 10A, 10B, 10D, 43, 43D, 43F, 43J, 43L, 43L1, 43M, 68 (part).

C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to July 9, 2018.

(Code 1988, § 2.1-4(k); Ord. 98-A(1), 8-5-98; Ord. 98-3(1), 9-9-98; Ord. 99-3(2), 2-10-99; Ord. 99-3(5), 10-6-99; Ord. 08-3(1), 7-9-08; Ord. 09-3(4), 12-2-09; Ord. 15-3(1), 12-2-15)

**Sec. 3-226 Moorman's River Agricultural and Forestal District.**

The district known as the "Moorman's River Agricultural and Forestal District" was created and continues as follows:

- A. *Date created.* The district was created on December 17, 1986.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
  1. Tax map 27: parcels 32, 34, 34A, 40, 40A, 40A1, 42, 42A.
  2. Tax map 28: parcels 2, 2A, 3, 4, 5, 6, 6A, 6B, 7A, 7A1, 7B, 8, 12, 12A, 12B, 13, 13A, 17A, 17C, 18, 25 (part), 30, 30A, 30A1, 30B 32B, 32D, 34B, 35, 35B, 37A, 37B, 37C, 38.
  3. Tax map 29: parcels 2C, 4E, 8, 8B, 8E, 8E1, 8J, 9, 10, 15C, 40B, 40C, 40D, 45, 45H1, 45H2, 49C, 50, 54A, 61, 62, 63, 63A, 63D, 67C, 69F, 70A, 70B, 70C, 70F, 70H1, 70K, 70L, 70M, 71, 71A, 74A, 76, 78, 78A1, 79C, 79E, 79F, 84, 85.
  4. Tax map 30: parcels 10, 10A, 10C, 12, 12C, 12C1, 12D, 23.
  5. Tax map 41: parcels 8, 8B, 8C, 8D, 9E, 15, 15A, 17C, 18, 19, 41C, 41H, 44, 50, 50C, 65A1, 67B, 70, 72, 72B, 72C, 72D, 72E, 72F, 89.
  6. Tax map 42: parcels 5, 6, 6B, 8, 8C, 10, 10A, 10D, 37F, 37J, 38, 40, 40C, 40D, 40D1, 40G, 40H2, 41, 41B, 42B, 42B1, 43, 43A, 44.
  7. Tax map 43: parcels 1, 1F, 2A1, 2B, 3A, 4D, 5, 5A, 9, 10, 16B2, 16B3, 18E4, 18G, 18J, 19I, 19N, 19P, 20A, 20B, 20C, 2I, 21A, 24, 25A, 25B, 30, 30A, 30B, 30B1, 30B2, 30B3, 30B4, 30G, 30H, 30M, 30N, 32H, 33, 33E, 34D1, 41, 42, 43, 44, 45, 45C, 45D.
  8. Tax map 44: parcels 1, 2, 24, 26, 26A, 26B, 26C, 27B, 27C, 28, 29, 29A, 29D, 30, 30A, 30B, 31, 31A, 31A1, 31D, 31F, 31G, 31H.
  9. Tax map 57: parcel 69.
  10. Tax map 58: parcels 65A4, 65E, 65I.
  11. Tax map 59: parcels 32, 32A, 34, 35, 82A.
  12. Tax map 60E3: parcel 1.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to November 12, 2024.

(4-14-93; 12-21-94; 4-12-95; 8-9-95; Code 1988, § 2.1-4(g); Ord. 98-A(1), 8-5-98; Ord. 99-3(4), 5-12-99; Ord. 00-3(1), 4-19-00; Ord. 04-3(4), 12-1-04; Ord. 05-3(2), 7-6-05; Ord. 08-3(2), 8-6-08; Ord. 09-3(4), 12-2-09; Ord. 10-3(2), 7-7-10; Ord. 14-3(2), 11-12-14; Ord. 15-3(1), 12-2-15)

**Sec. 3-227 North Fork Moorman's River Agricultural and Forestal District.**

The district known as the "North Fork Moorman's Agricultural and Forestal District" was created and continues as follows:

- A. *Date created.* The district was created on November 17, 1993.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
  1. Tax map 4: parcels 1, 2, 3, 4.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to August 6, 2024.



(11-17-93; Code 1988, § 2.1-4(v); Ord. 98-A(1), 8-5-98; Ord. 04-3(2), 4-14-04; Ord. 14-3(1), 8-6-14)

**Sec. 3-228 Panorama Agricultural and Forestal District.**

The district known as the “Panorama Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on April 20, 1988.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
  - 1. Tax map 31: parcels 21E.
  - 2. Tax map 44: parcels 9A, 9C, 12, 12Q, 12X, 12Y, 12Z.
  - 3. Tax map 45A, section 1: parcels 27.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to July 9, 2018.

(6-14-95; Code 1988, § 2.1-4(l); Ord. 98-A(1), 8-5-98; Ord. 98-3(1), 9-9-98; Ord. 99-3(3), 3-17-99; Ord. 08-3(1), 7-9-08)

**Sec. 3-229 Pasture Fence Mountain Agricultural and Forestal District.**

The district known as the “Pasture Fence Mountain Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on November 17, 1993.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
  - 1. Tax map 13: parcels 1, 5, 8, 10, 12.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to August 6, 2024.

(11-17-93; 7-13-94; Code 1988, § 2.1-4(u); Ord. 98-A(1), 8-5-98; Ord. 04-3(2), 4-14-04; Ord. 14-3(1), 8-6-14)

**Sec. 3-230 South Garden Agricultural and Forestal District.**

The district known as the “South Garden Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on October 6, 1999.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
  - 1. Tax map 99: parcels 35, 102.
  - 2. Tax map 109: parcel 70.
  - 3. Tax map 110: parcels 8, 10, 18, 18E, 27.
  - 4. Tax map 119: parcel 2.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to October 5, 2026.

(Ord. 99-3(5), 10-6-99; Ord. 06-3(1), 10-4-06; Ord. 09-3(4), 12-2-09; Ord. 10-3(3), 12-1-10; Ord. 16-3(1), 10-5-16)

**Sec. 3-231 Sugar Hollow Agricultural and Forestal District.**

The district known as the “Sugar Hollow Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on September 6, 1989.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:

1. Tax map 25: parcels 11C, 12, 13, 14, 14A, 14B, 14C, 18, 18A, 18B, 21, 21A, 24, 25, 26, 27, 28.
  2. Tax map 26: parcels 5A, 10, 10B, 10D, 10F, 10G, 11C, 11D, 12A, 13, 14F, 19, 40B, 40C, 41A, 52, 52D.
  3. Tax map 27: parcels 8, 8E (part), 24A, 25, 26.
  4. Tax map 39: parcels 2, 2A, 3, 4, 13C3, 14, 15, 25, 25A.
  5. Tax map 40: parcels 1, 9, 9C, 9D (part), 9E, 10, 10A, 10B, 10C, 22, 22A, 27A, 46C1, 49.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to December 2, 2019.

(11-17-93; Code 1988, § 2.1-4(q); Ord. 98-A(1), 8-5-98; Ord. 99-3(5), 10-6-99; Ord. 02-3(1), 1-9-02; Ord. 02-3(2), 4-3-02; Ord. 09-3(4), 12-2-09; Ord. 10-3(3), 12-1-10; Ord. 11-3(4), 12-7-11)

**Sec. 3-232 Totier Creek Agricultural and Forestal District.**

The district known as the “Totier Creek Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on June 29, 1983.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
1. Tax map 121: parcels 70A, 70D, 70E, 72C, 85, 85A.
  2. Tax map 122: parcels 5, 5A.
  3. Tax map 127: parcel 39.
  4. Tax map 128: parcels 13, 14A, 14B, 14C, 14D, 27, 29, 30, 72.
  5. Tax map 129: parcels 3, 5, 6, 6A, 7A, 7D, 9.
  6. Tax map 130: parcels 1, 5A.
  7. Tax map 134: parcels 3, 3A, 3B, 3C, 3D, 3E, 3F, 3G, 3H, 3I, 3J, 3K, 3L.
  8. Tax map 135: parcels 7, 10.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to July 6, 2021.

(Code 1988, § 2.1-4(b); Ord. 98-A(1), 8-5-98; Ord. 01-3(1), 6-20-01; Ord. 11-3(1), 7-6-11; Ord. 13-3(1), 12-4-13)

**Sec. 3-233 Yellow Mountain Agricultural and Forestal District.**

The district known as the “Yellow Mountain Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on March 8, 1989.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
1. Tax map 54: parcels 41, 43, 43A, 43D, 71B.
  2. Tax map 55: parcel 15.
  3. Tax map 70: parcels 15, 15A, 15D, 15E, 15G, 29, 37B, 37B1 (part), 37D (part), 37K, 37L.
  4. Tax map 71: parcel 2B, 22, 22A, 22B, 22K, 64, 64A.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to September 2, 2019.

(Code 1988, § 2.1-4(p); Ord. 98-A(1), 8-5-98; Ord. 99-3(1), 1-13-99, Ord. 99-3(4), 5-12-99; Ord. 09-3(3), 9-2-09; Ord. 09-3(4), 12-2-09)

### **Article 3. Districts of Local Significance**

#### **Division 1. Procedure**

##### **Sec. 3-300 Minimum size and location of parcels in a district.**

Each district is subject to the following:

- A. *Minimum core when district created.* Each district shall have a core of at least 25 acres in one parcel or in contiguous parcels when the district is created.
- B. *Parcels not part of core eligible to be in a district.* Any parcel that is noncontiguous to any parcel composing the core may be included in a district if: (i) the nearest boundary of the noncontiguous parcel is within one-quarter mile of the core; and (ii) the noncontiguous parcel was previously in a district.
- C. *District entirely in the County.* The land composing a district shall be located entirely within the County.

(9-15-93; Code 1988, § 2.1.1-2; Ord. 98-A(1), 6-17-98; Ord. 11-3(3), 8-3-11)

**State law reference**-Va. Code § 15.2-4405.

##### **Sec. 3-301 Creating a district.**

Each agricultural and forestal district of local significance shall be created as follows:

- A. *Application.* On or before any application date set by the Director of Planning, any landowner may submit an application to create a district to the Director. The application shall be made on a form developed and provided by the Director and shall be signed by each landowner whose land is proposed to be included in the district. Each submitted application shall include: (i) maps, aerial photographs, or both, as may be required by the Director, that clearly show the boundaries of the proposed district, the boundaries of the parcels owned by each applicant, and any other features prescribed by the Director; and (ii) the fee required by County Code § 3-306.
- B. *Referring the application.* Upon receipt of an application for a district, the Director shall refer the application to the Planning Commission, which shall:
  - 1. *Notice.* Direct the Department of Community Development to provide notice required by Virginia Code § 15.2-4405(C)(1).
  - 2. *Referral.* Refer the application to the Advisory Committee.
- C. *Advisory Committee review.* Upon receiving an application from the Director of Planning acting on behalf of the Planning Commission, the Advisory Committee shall review the application and any proposed modifications and report its recommendations to the Planning Commission. The Advisory Committee shall apply the criteria in subsection (F) when it reviews an application.
- D. *Planning Commission review.* Upon receiving the report of the Advisory Committee on an application, the Planning Commission shall: (i) provide the notice of a public hearing required by Virginia Code § 15.2-4405(E); (ii) hold a public hearing; and (iii) after the public hearing, report its recommendations to the Board of Supervisors. The Planning Commission shall apply the criteria in subsection (F) when it reviews an application. The Planning Commission's report shall include the potential effect of the district and any proposed modifications upon the County's planning policies and objectives.
- E. *Hearing and action by Board of Supervisors.* After receiving the Planning Commission's and the Advisory Committee's reports:
  - 1. *Public hearing.* The Board of Supervisors shall hold a public hearing on the application.
  - 2. *Notice of the public hearing.* The Clerk for the Board shall ensure that notice of the public hearing is published as provided by Virginia Code § 15.2-4405(E). The Director of Planning shall provide written notice to all landowners in the proposed district by first class mail. Any conditions to creating the district and the review period shall be described, either in the application or in a written notice provided by the Director of Planning by first-class mail to all landowners in the proposed district and published in a newspaper having a general circulation in the district at least two weeks before adoption of an ordinance creating a district.
  - 3. *Factors to be considered when acting.* The Board of Supervisors shall reasonably consider the recommendations of the Advisory Committee and the Planning Commission, the criteria in subsection (F), and any other relevant factors when it considers and acts on an application.

4. *Action.* After the public hearing, the Board of Supervisors may, by ordinance, create a district as applied for. If the Board desires to impose any conditions on creating the district or its review period, the Board shall not act on the ordinance until notice is given as provided in subsection (E)(2) and a second public hearing is held.
  5. *Time for action.* The Board of Supervisors shall act either to adopt the ordinance creating the district or reject the application, or any modification to it, within 180 days after the application date set by the Director of Planning under which the application was received.
- F. *Criteria.* The Advisory Committee, the Planning Commission, and the Board of Supervisors shall apply the following criteria when they review an application:
1. *Agricultural and forestal significance of the land.* The agricultural and forestal significance of the land within the district and in areas adjacent to the district; in evaluating the agricultural and forestal significance of the land, any relevant agricultural or forestal maps may be considered, as well as soil, climate, topography, other natural factors, markets for agricultural and forestal products, the extent and nature of farm structures, the present status of agriculture and forestry, anticipated trends in agricultural economic conditions, and ~~such~~ other relevant factors;
  2. *Significant agricultural or forestal lands not in active production.* The presence of any significant agricultural forestal lands within the district and in areas adjacent to the district that are not now in active agricultural or forestal production, considering the maps, factors, markets, and other information described in subsection (F)(1);
  3. *Uses other than active farming or forestry.* The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent to the district;
  4. *Development patterns.* Local development patterns and needs;
  5. *Comprehensive Plan and zoning regulations.* The Comprehensive Plan and the applicable zoning regulations;
  6. *Environmental benefits.* The environmental benefits of retaining the lands in the district for agricultural and forestal uses;
  7. *Development rights.* Whether any parcel has one or more development rights that would allow the creation of one or more parcels less than 21 acres in size; in considering whether to include any parcel in a district, the policy of the County is to not include any parcel determined to have no development rights and cannot be further divided to create one or more parcels less than 21 acres in size;
  8. *Use when the application filed.* Whether all of the land within the district is devoted to agricultural, horticultural, forestal, or open space use when the application is filed, provided that a reasonable amount of residential or other use, not exceeding five acres, may be included in the district if it is related to the agricultural, horticultural, forestall, or open space use.
  9. *Land in Rural Area pursuant to the Comprehensive Plan.* If the land is located in the Rural Area pursuant to the Comprehensive Plan, whether the landowner first attempted to include the land in a new or existing agricultural and forestal district of statewide significance.
  10. *Land in Development Areas pursuant to the Comprehensive Plan.* If the land is located in the Development Areas pursuant to the Comprehensive Plan, whether the district would protect open space resources, including stream valleys, mountains, wooded areas, buffer areas, or civic or cultural features, as identified on applicable maps in the Comprehensive Plan.
  11. *Land use value.* Whether the land is currently enrolled in the land use value assessment program.
  12. *Other.* Any other relevant matter.

(9-15-93; Code 1988, §§ 2.1.1-2, 2.1.1-4; Ord. 98-A(1), 8-5-98; Ord. 09-3(1), 6-10-09)

**State law reference**-Va. Code § 15.2-4405.

### **Sec. 3-302 Effect of creating a district.**

Any lands within a district are subject to the following:

- A. *Prohibition to develop to a more intensive use.* As a condition to creating a district, any parcel within the district shall not be developed to a more intensive use than that existing on the date the district was created, subject to the following:

1. *More intensive agricultural or forestal production is not development to a more intensive use.* Any parcel may be developed for uses resulting in more intensive agricultural or forestal production.
2. *Residential uses and occupancy deemed not to be development to a more intensive use; exceptions.* Residential uses on any parcel within a district that are allowed by right in the Rural Area zoning district are allowed, including the construction and placement of a dwelling unit, regardless of the size of the parcel, subject to the following occupancy requirements:
  - a. *Occupancy by landowners and members of their immediate family.* Any dwelling unit may be occupied by landowners and members of their immediate families, regardless of whether a portion of the dwelling unit is also occupied by one or more persons who are not members of the landowners' immediate family.
  - b. *Occupancy by members of the landowner's immediate family.* Any dwelling unit may be occupied by members of the landowner's immediate family and that members' family, unless the Board of Supervisors finds in a particular case that the occupancy would be incompatible with agriculture or forestry within the district.
  - c. *Occupancy by bona fide farm employees.* Any dwelling unit may be occupied by persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same parcel or parcels, and members of their immediate family, unless the Board of Supervisors finds in a particular case that the occupancy would be incompatible with agriculture or forestry within the district.
  - d. *Occupancy by others.* Any dwelling unit may be occupied by persons who are not identified in subsections (A)(2)(a) through (A)(2)(c), regardless of whether the landowner is receiving any consideration, provided that the occupancy is lodging for more than 30 consecutive days.
  - e. *Using a development right to add a dwelling unit to a parcel.* A development right may be used to add a dwelling unit to a parcel within a district.
3. *Non-residential uses and other actions deemed not to be development to a more intensive use.* The following non-residential uses and other actions are deemed not to be developed to a more intensive use:
  - a. *Subdivisions of any parcel within a district where each resulting parcel is at least 21 acres.* The division of any parcel, or multiple parcels, within a district by subdivision pursuant to Chapter 14 where the size of each resulting parcel is at least 21 acres, provided that any proposed internal public or private street to serve any parcel in the subdivision is prohibited development to a more intensive use.
  - b. *Subdivisions of any parcel where some land is within and some land is outside of a district.* The division of any parcel, or multiple parcels, where some land is within a district and some land is outside of a district, where the size of each resulting parcel within the district is at least 21 acres, provided that any internal public or private street to serve any parcel in the subdivision and within the district is prohibited development to a more intensive use. A subdivision where some land is within and some land is outside of a district does not change the boundaries of the district.
  - c. *Subdivisions of any parcel within a district to use a development right.* The division of any parcel, or multiple parcels, within a district by subdivision pursuant to Chapter 14 in order to use a development right and to establish a dwelling unit on its own parcel, where the size of each resulting parcel is at least 21 acres.
  - d. *Boundary line adjustments of parcels within a district where each resulting parcel is at least 21 acres.* A boundary line adjustment pursuant to Chapter 14 between two or more parcels within a district where the size of each resulting parcel is at least 21 acres.
  - e. *Boundary line adjustments of parcels where some land is within and some land is outside of a district.* A boundary line adjustment pursuant to Chapter 14 between two or more parcels, where some land is within a district and some land is outside of a district, where the size of each resulting parcel within the district is at least 21 acres. A boundary line adjustment where some land is within and some land is outside of a district does not change the boundaries of the district.
  - f. *Family subdivisions.* The division of any parcel within a district by family subdivision pursuant to Chapter 14, regardless of the size of the resulting parcels, provided that any internal public or private street to serve any parcel in the family subdivision is prohibited development to a more intensive use.

- g. *Parcel combinations.* The combination of parcels within a district, regardless of their size, pursuant to Chapter 14.
  - h. *Uses that are agricultural or forestal production allowed by right.* Any uses that are determined by the Director of Planning to be agricultural or forestal production and allowed by right in the Rural Areas zoning district, including the construction and placement of structures primarily serving that use, regardless of the size of the parcel.
  - i. *Uses that are agricultural or forestal production allowed by special use permit.* Any uses that are determined by the Director of Planning to be agricultural or forestal production and allowed by special use permit pursuant to the Rural Areas zoning district regulations in Chapter 18, including the construction and placement of structures primarily serving that use, regardless of the size of the parcel.
  - j. *By right uses and structures allowed in the Rural Areas zoning district.* Any proposed use or structure allowed by right in the Rural Areas zoning district, except for borrow areas and borrow pits.
  - k. *Special uses and structures allowed in the Rural Areas zoning district.* Any proposed use or structure allowed by special use permit in the Rural Areas zoning district, provided that the Board of Supervisors determines that the use or structure allowed by the special use permit is consistent with the purposes of this chapter.
- B. *Applicability of the Comprehensive Plan and the subdivision and zoning regulations.* The comprehensive plan and the subdivision and zoning regulations (County Code Chapters 14 and 18, respectively) shall apply within each district to the extent that the regulations do not conflict with any conditions to creating or continuing the district, or the purposes of this chapter and the Local Agricultural and Forestal Districts Act (Virginia Code § 15.2-4400 *et seq.*).
- C. *Availability of land use-value assessment.* Land within an agricultural and forestal district of statewide significance that is and used for agricultural or forestal production shall automatically qualify for an agricultural or forestal use-value assessment pursuant to Virginia Code § 58.1-3229 *et seq.* if the requirements for use-value assessment established in that article are satisfied.
- D. *Parcel created by division remains in the district.* A parcel created from the permitted division of land within a district shall continue to be enrolled in the district.

(9-15-93; Code 1988, § 2.1.1-5; Ord. 98-A(1), 8-5-98)

**State law reference**-Va. Code § 15.2-4406.

### **Sec. 3-303 Adding land to a district.**

Land may be added to a district as follows:

- A. *Application.* On or before any application date set by the Director of Planning, any landowner may submit an application to the Director to add one or more parcels to an existing district. The application shall be made on a form developed and provided by the Director and shall be signed by each owner of the land proposed to be added to the district.
- B. *Procedure.* The procedure for adding land to a district shall be the same procedure to create a district in County Code § 3-301(B) through (E).
- C. *Criteria to be applied by the Advisory Committee and the Planning Commission.* The Advisory Committee and the Planning Commission shall apply the criteria provided in County Code § 3-301(F) when they review the application.
- D. *Factors to be considered by the Board of Supervisors.* The Board of Supervisors shall reasonably consider the recommendations of the Advisory Committee and the Planning Commission, the criteria in County Code § 3-301(F), and any other relevant factors when it considers and acts on an application.
- E. *Effect of land added to a district.* Any land added to a district is subject to County Code § 3-302.

(Ord. 98-A(1), 8-5-98)

**State law reference**-Va. Code § 15.2-4405.

### **Sec. 3-304 Reviewing a district; continuation, modification or termination.**

Each agricultural and forestal district of local significance shall be reviewed as follows:

- A. *Review period.* Each district shall be reviewed within eight years after its creation or its prior review.
- B. *Initiating district review.* The Director of Planning shall refer the district to the Advisory Committee for review at least 90 days before the expiration of the period of review of the district.

- C. *Advisory Committee review.* Upon receiving the referral of the district from the Director of Planning, the Advisory Committee shall: (i) provide notice of a public meeting required by Virginia Code § 15.2-4311; (ii) meet with the owners of land within the district at the public meeting; (iii) review the district by considering the criteria in County Code § 3-301(F)(2), (3), (4), (5), and (7); and (iv) after the public meeting, report to the Planning Commission its recommendations as to whether to continue, modify, or terminate the district.
- D. *Planning Commission review.* Upon receiving the report of the Advisory Committee on a district, the Planning Commission shall: (i) provide notice of a public meeting required by Virginia Code § 15.2-4311; (ii) meet with the owners of land within the district at the public meeting and review the district; (iii) review the district by considering the criteria in County Code § 3-301(F)(2), (3), (4), (5), and (7); and (iv) after the public meeting, report to the Board of Supervisors its recommendations, together with the Advisory Committee's recommendations, as to whether to continue, modify, or terminate the district.
- E. *Hearing and action by the Board of Supervisors.* After receiving the Planning Commission's and the Advisory Committee's reports:
  - 1. *Public hearing.* The Board of Supervisors shall hold a public hearing on the district review.
  - 2. *Notice of the public hearing.* The Clerk for the Board shall ensure that notice of the public hearing is published as provided by Virginia Code § 15.2-1427(F). If new or different conditions to continuing the district are proposed, the Director of Planning shall also provide written notice to all landowners in the district and publish notice in a newspaper having a general circulation in the district at least two weeks before adoption of an ordinance continuing a district.
  - 3. *Factors to be considered when acting.* The Board of Supervisors shall reasonably consider the recommendations of the Advisory Committee and the Planning Commission, the criteria in County Code § 3-301(F)(2), (3), (4), (5), and (7), and any other relevant factors when it reviews a district.
  - 4. *Action.* After the public hearing, the Board of Supervisors may, by ordinance, continue, modify, or terminate the district. If the Board desires to impose any conditions on continuing the district for which written notice was not previously provide, the Board shall not act on the ordinance until notice is given as provided in subsection (E)(2) and a second public hearing is held.
  - 5. *Time for action.* The Board of Supervisors shall act either to adopt the ordinance creating the district or reject the application, or any modification to it, within 180 days after the application date set by the Director of Planning under which the application was received.
- F. *Effect of failure to complete review by review date.* A district shall not terminate because the Board of Supervisors fails to act pursuant to subsection (E) by the district's review date.
- G. *If district continued without modified conditions.* If the Board of Supervisors continues a district without modifying its conditions, the district shall continue as originally constituted, with the same conditions and review period previously established.
- H. *Board may determine review is unnecessary.* The Board of Supervisors may determine that a district review is unnecessary. If it does so, the Board shall set the date by which the next review will occur.

(9-15-93; Code 1988, § 2.1.1-5; Ord. 98-A(1), 8-5-98)

**State law reference**-Va. Code § 15.2-4406.

### **Sec. 3-305 Withdrawing land from a district.**

Land may be withdrawn from an agricultural and forestal district of local significance as provided herein:

- A. *Withdrawal by right by landowner before district is created.* An owner of land who joined in an application to create a district may withdraw the land, in whole or in part, by right before the Board of Supervisors acts to create the district. In order to withdraw the land from the application, the landowner shall file a written notice of withdrawal with the Clerk for the Board of Supervisors, who shall promptly forward the notice to the Director of Planning.
- B. *Withdrawal by right by landowner during district review.* An owner of land within a district may withdraw the land from the district as a matter of right at any time between the date the Director of Planning refers the district to the Advisory Committee for review and the time the Board of Supervisors acts to continue, modify, or terminate the district. In order to withdraw the land from the district, the landowner shall file a written notice of withdrawal with the Clerk for the Board of Supervisors, who shall promptly forward the notice to the Director of Planning.
- C. *Withdrawal by right by certain successors to the deceased owner.* Any heir, devisee, surviving co-



tenant, or personal representative (collectively, the “successor”) of a sole owner of any fee simple interest of land may withdraw the land from the district by right, upon the inheritance or descent of the land. In order to withdraw the land from the district, the successor shall file a written notice of withdrawal with the Clerk for the Board of Supervisors and the Department of Finance within two years after the date of death of the landowner. The Clerk shall promptly forward the notice to the Director of Planning.

D. *Withdrawal in the discretion of the Board of Supervisors.* At any time after a district is created, an owner of land within the district may request to withdraw the land, in whole or in part, from the district, as provided herein:

1. *Filing written request.* The owner shall file a written request for withdrawal with the Director of Planning. The request shall identify the landowner, identify the land or part thereof proposed to be withdrawn by parcel identification number, state the reason for the request, and address the criteria for review set forth in subsection (D)(2). The landowner shall pay the fee required by County Code §3-306 when the request is filed.
2. *Criteria for review.* A request to withdraw land from a district may be approved only for good and reasonable cause, based on the following criteria:
  - a. *No significant adverse impact.* The proposed new land use will not have a significant adverse impact on agricultural or forestal operations on land within the district; in considering this criterion, the land proposed to be withdrawn may be reevaluated through the Virginia Land Evaluation and Site Assessment (LESA) System;
  - b. *Consistent with the Comprehensive Plan.* The proposed new land use is consistent with the Comprehensive Plan;
  - c. *Consistent with the public interest.* The proposed land use is consistent with the public interest of the County in that it promotes the health, safety, or general welfare of the County, rather than only the proprietary interest of the landowner; and
  - d. *Changed circumstances.* The proposed land use was not anticipated by the landowner at the time the land was placed in the district, and there has been a change in circumstances since that time.
3. *Advisory Committee review.* Upon receiving a request to withdraw from the Director of Planning, the Advisory Committee shall review the request and report to the Planning Commission its recommendations. The Advisory Committee shall evaluate the request pursuant to the criteria in subsection (D)(2).
4. *Planning Commission review.* Upon receiving the report of the Advisory Committee on a request to withdraw, the Planning Commission shall hold a public hearing and evaluate the request pursuant to the criteria in subsection (D)(2). The Planning Commission shall report to the Board of Supervisors its recommendations, together with the Advisory Committee's recommendations.
5. *Hearing and action by the Board of Supervisors.* After receiving the recommendations of the Planning Commission and the Advisory Committee:
  - a. *Public hearing.* The Board of Supervisors shall hold a public hearing on the request.
  - b. *Notice of the public hearing.* The Clerk for the Board shall ensure that notice of the public hearing is published as provided by Virginia Code § 15.2-1427(F). The Director of Planning shall also provide written notice to all landowners in the district at least two weeks before the public hearing.
6. *Factors to be considered when acting.* The Board of Supervisors shall reasonably consider the recommendations of the Advisory Committee and the Planning Commission, the criteria in subsection (D)(2), and any other factors relevant to whether good and reasonable cause exists.
7. *Action.* After the public hearing, the Board of Supervisors may, by ordinance, approve the request to withdraw, or it may disapprove the request.
8. *Time for action.* The Board of Supervisors shall act within 180 days after the request is received by the Director of Planning.

D. *Effect of withdrawal.* Land that is withdrawn from a district shall be subject to roll-back taxes as provided in Virginia Code § 58.1-3237. Withdrawing land from a district shall not, itself, terminate the district.

**State law reference-**Va. Code § 15.2-4407.

**Sec. 3-306 Fees.**

A landowner is required to pay a fee to create a district as follows:

- A. *Amount.* The fee to apply to create a district pursuant to County Code § 3-301 is \$50.
- B. *When the fee must be paid.* The fee must be paid at the time the application or request is filed. An application or request shall not be filed if the required fee is not paid.
- C. *Form of payment accepted.* The fee must be paid in cash, by a check payable to the "County of Albemarle," or by any other means accepted by the County, provided that the County may add to any amount due the amount charged to the County for accepting any payment by a means that incurs a charge to the County or the amount negotiated and agreed to in a contract with the County, whichever is less.

(9-15-93; Code 1988, § 2.1.1-4; Ord. 98-A(1), 8-5-98)

**State law reference-**Va. Code § 15.2-4403.

**Division 2. Districts**

**Sec. 3-307 Nortonville Local Agricultural and Forestal District.**

The district known as the "Nortonville Local Agricultural and Forestal District" was created and continues as follows:

- A. *Date created.* The district was created on October 6, 1999.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
  - 1. Tax map 8: parcels 26 and 28 (part consisting of 2 acres).
- C. *Review.* The district is reviewed once every eight years and will next be reviewed prior to December 13, 2025.

(Ord. 99-3(5); 10-6-9; Ord. 07-3(3), 9-12-07; Ord. 17-3(1), 12-13-17)

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Agenda Item No. 21. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Randolph said that he and Ms. Mallek would attend a meeting held at the Department of Forestry Center on November 13, 2018, at 6:00 p.m. regarding the Senegrow Central LLC Sewage Sludge application. He said that unfortunately, DEQ and EPA do not really permit them to look at this issue very closely. He noted that a sewage treatment plant removes biological agents but not ingredients such as chemicals associated with pharmaceuticals and other products that may be in the sludge. He said they take this and add it to soil from which crops are grown and this was certainly not organic and could pose a health risk. He said the applicant was located in the Scottsville District.

Mr. Randolph said they have received a communication from longtime Albemarle resident, Ms. Emily Lumke, about salamanders crossing over pools at Rio Mills, and he had offered to bring up the matter with the Board and staff.

Ms. Mallek said Ms. Lumke was concerned that they were racing to do things, so she reassured her that they were working within the existing fence to get the boat launch completed and the rest of the planning would be done carefully to make sure they avoided the wetlands.

Mr. Randolph said the Board received communication from Ms. Rita Krenz of the Scottsville Volunteer Rescue Squad and the concern about Overbrook Condominium. Mr. Randolph said he has asked Mr. Richardson to have staff look into the legal opinion and issues of due process and notification raised by the attorney. He noted that the condominium was located within Mr. Dill's district.

Mr. Dill said he has walked around and spoken with residents and this was a complicated issue. He agreed that the legal aspect of notification was not something he was involved in, but should be looked at.

Ms. Mallek remarked that the topic of notification has come up repeatedly.

Mr. Dill recounted that Mr. Richard Brewer had given a presentation to the CAC and though he notified some nearby residents, he did not notify his own residents, those of who are losing their parking spaces.

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Ms. Mallek said she received three calls over the past weeks from constituents informing her that nobody at the SPCA answered the phone during weekday afternoons and there was no place to leave a message or inquire. She said she would like this to be looked into and to have operations improved, considering that the County provides them with financial support.

Ms. Mallek asked that County PACC representatives that attend the next meeting at UVA report back on the issues that are being discussed, as some would have a big impact on the County. She mentioned that she recently found out that the University now owns Fontaine instead of the Foundation, which will remove it from the tax records.

Ms. Mallek expressed interest in having a short presentation and discussion when the County transfers over the revenue sharing check to the City of Charlottesville in December, for the benefit of newer residents to have a better understanding of what it is all about.

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Agenda Item No. 22. From the County Executive: Report on Matters Not Listed on the Agenda.

There were none.

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Agenda Item No. 23. Adjourn to November 14, 2018, 2:00 p.m., Lane Auditorium.

At 9:29 p.m., Ms. Mallek adjourned the Board to November 14, 2018 at 2:00 p.m. in Lane Auditorium.

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Chairman

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|-------------------|
| Approved by Board |
| Date 09/04/2019   |
| Initials CKB      |