

ACTIONS
Board of Supervisors Meeting of May 14, 2014

May 15, 2014

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>PODCAST</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 3:03 p.m., by the Chair, Ms. Dittmar. All BOS members were present. Also present were Tom Foley, Larry Davis, Ella Jordan and Travis Morris. 		
<p>2. Closed Meeting.</p> <ul style="list-style-type: none"> At 3:04 p.m., the Board went into closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under subsection (1) to discuss the performance standards and evaluation process for specific County employees appointed by the Board and under subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice related to the negotiation of easements on the County Office Building property. 		Listen
<p>3. Certified Closed Meeting.</p> <ul style="list-style-type: none"> At 3:51 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
<p>4. Review of County's Priority List of Secondary Road Improvements and the VDOT Secondary Six-Year Plan.</p> <ul style="list-style-type: none"> By a vote of 6:0, SET the County's Priority List for Secondary Roads and VDOT's FY15-20 SSYP Improvements for public hearing on June 11, 2014. By a vote of 6:0, SET adopted resolution to pave entire length of Midway Road. 	<p><u>Clerk:</u> Advertise and schedule on June 11, agenda. Forward adopted resolution to David Benish. (Attachment 1)</p>	Listen
<p>5. FY 15 Budget, Update on use of requested one-time funds from School Board.</p> <ul style="list-style-type: none"> Motion to take \$1,285,000 from the audited FY 2013 Fund Balance and provide to the School Division as one-time money for one-time expenses FAILED by a vote of 2:4 (Palmer/Boyd/Dittmar/Mallek). Motion to take \$1,285,000 from the audited FY 2013 Fund Balance and provide to the School Division as one-time money for one-time expenses FAILED by a vote of 2:4 (Palmer/Boyd/Dittmar/Mallek). Motion to amend the School Board budget by \$550,000 in one-time funds FAILED by a vote of 3:3 (Boyd/Dittmar/Mallek). CONSENSUS to the joint meeting with the School Board on June 11th, a discussion of joint Board and School Board retreat. 		Listen
<p>Recess. The Board recessed at 5:08 p.m., and reconvened at 5:17 p.m.</p>		
<p>6. Work Session: CPA-2013-01. Comprehensive Plan Update/Amendment, to begin with public comments and possible Board direction.</p> <ul style="list-style-type: none"> HELD. 	<p>(Attachment 2)</p>	Listen
<p>9. Adoption of Final Agenda.</p>	<p><u>Clerk:</u> Advertise and schedule on</p>	

<ul style="list-style-type: none"> • By a vote of 6:0, REMOVED agenda item #18 from agenda and SET public hearing for May 27, 2014 at 6:00 p.m. • ACCEPTED the final agenda. 	agenda.	Listen
<p>10. Brief Announcements by Board Members. <u>Ann Mallek:</u></p> <ul style="list-style-type: none"> • Announced that the Henley Destination Imagination team is going to the Global Competition in Knoxville Tennessee; information regarding their fundraising efforts are available in the BOS office. <p><u>Jane Dittmar:</u></p> <ul style="list-style-type: none"> • Acknowledged Monticello High School students Alexandra Fitzgerald, TJ Tillery, Alex Knudson and Wayne Luckado for their recommendation to the Route 29 Advisory Panel as part of their capstone project. • Announced that she had the opportunity to read the book <i>Scottsville On The James</i>. • Announced that she has information on upcoming Supervisor certification classes that are being held locally. 		
<p>11. Recognitions:</p> <p>a. Charles P. "Chip" Boyles, II, Executive Director, Thomas Jefferson Planning District Commission.</p> <ul style="list-style-type: none"> • Ms. Mallek announced Charles P. "Chip" Boyles as the new Executive Director of TJPDC. 		
<p>12. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> • <u>Neal Williamson</u>, spoke on the proposed grade separated interchanges that is included in the Route 29 Advisory Panel's recommended plan. • <u>Carter Myers</u>, spoke in opposition to grade separated interchanges at Rio Road and Route 29. 		Listen
<p>13.2 SDP-2013-00046. Gillenwater Property – Tier II Personal Wireless Service Facility – Special Exception.</p> <ul style="list-style-type: none"> • APPROVED the special exception to allow the critical slopes to be disturbed. 		
<p>13.3 Set public hearing for June 4, 2014, on an ordinance to amend Chapter 2, Administration, of the Albemarle County Code, to amend Section 2-202, Compensation of board of supervisors, to increase the compensation of the members of the Board of Supervisors by an inflation factor of 1% effective July 1, 2014.</p> <ul style="list-style-type: none"> • SET public hearing for June 4, 2014. 	<u>Clerk:</u> Advertise and schedule on June 4 agenda.	Listen
<p>14. <u>Pb. Hrg: PROJECT: CLE-2014-00025. Tewah's child care.</u></p> <ul style="list-style-type: none"> • By a vote of 4:2 (Palmer/Mallek), APPROVED CLE-2014-00025 subject to four conditions. 	<u>Clerk:</u> Set out conditions of approval. (Attachment 3)	Listen
<p>15. <u>Pb. Hrg: PROJECT: CLE201400041 Ms. Layla's child care.</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, APPROVED CLE-2014-00041 subject to four conditions. 	<u>Clerk:</u> Set out conditions of approval. (Attachment 3)	

<p>16. <u>WPO-2012-00066. Ragged Mountain Dam Borrow Area; WPO-2011-00029. Marshall Area; and WPO-2011-00068. New Ragged Mountain Dam</u> - Request to extend the deadlines for installing permanent vegetation, New Ragged Mountain Dam Project – Request for Extension of Time Limit for Permanent Seeding.</p> <ul style="list-style-type: none"> • By a vote of 6:0, APPROVED the request for an extension under County Code § 17-207(B)(3) for WPO 2011-00068 New Ragged Mountain Dam and WPO 2012-00066 Ragged Mountain Dam Borrow Area with the following condition: <ul style="list-style-type: none"> 1. Permanent vegetation on all denuded areas shall be installed by Aug 14, 2014. 		Listen
<p>17. <u>Appeal:</u> SDP-2013-00048. Durkin Property – AT&T Tier II Wireless Facility.</p> <ul style="list-style-type: none"> • By a vote of 6:0, DEFERRED indefinitely, at the request of the applicant, until the applicant and staff reach a position as to whether or not the application is approvable. 		Listen
<p>18. Discussion and Possible Action, re: Route 29 Advisory Panel Recommendations.</p> <ul style="list-style-type: none"> • This was moved and discussed under Item #9. 		
<p>19. From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> • There were none. 		
<p>20. From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> • There were none. 		Listen
<p>21. Adjourn to May 27, 2014, 6:00 p.m., Lane Auditorium.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 10:48 p.m. 		

ewj/tom

- Attachment 1 – Resolution – Midway Road
- Attachment 2 – Comprehensive Plan Update Discussion
- Attachment 3 – Conditions of approval

The Board of Supervisors of Albemarle County, in regular meeting on the 14th day of May, 2014, adopted the following:

RESOLUTION

WHEREAS, Section 33.1-70.1 of the *Code of Virginia*, permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, the Board of Supervisors of Albemarle County, Virginia desires to consider whether Route 688, Midway Road, From: Route 689 Burch's Creek Road, To: Route 635, Miller School Road, should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board's Six-Year Plan for improvements to the Secondary System of State Highways.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation; and

BE IT FURTHER RESOLVED, that the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state; and

FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Virginia Department of Transportation Residency Administrator.

**ALBEMARLE COUNTY COMPREHENSIVE PLAN
DIRECTION AND COMMENTS ON BACKGROUND AND GROWTH MANAGEMENT CHAPTERS
May 14, 2014**

PUBLIC COMMENTS ON WEBSITE**Direction to staff:**

- Focus on getting Mind Mixer up and running as soon as possible so public can submit Comp Plan comments via the website.
- Don't make personal emails to BOS available on the website.
- Board members will forward emails they receive regarding the Comp Plan to staff (Ella and/or Elaine).
- Consider limiting the number of characters for online comments.
- Allow only one online comment per person per topic and, if technology allows, eliminate form letters.
- For online comments include required fields for magisterial district and/or home address so comments from County residents and property owners can be distinguished from residents of other localities.

COMP PLAN UPDATE PROCESS**The Board agreed to use the following process in review of the draft Comprehensive Plan:**

- All Board-directed changes to the Comprehensive Plan draft will be documented in Action memos .
- All changes, except the Vision, will be incorporated in a final draft of the Plan at the end of the work session process.
- Staff will send a re-draft of the Vision using direction received at the May 7 meeting that will be discussed on June 4.
- Staff will provide a red-line version of all changes with the final draft of the Plan. This version will also contain non-substantive editing.
- All future work sessions will begin at 5:00pm.
- The Interstate Interchange Policy will be added to the topics to discuss with the Rural Area chapter.

CHAPTER 1: BACKGROUND**Direction to staff:**

- Move the description of the Sustainability Accords (currently on pg 1.11) into the blue box that contains the Accords (currently on p. 1.7).
- Add language to the section on Sustainability (which begins on page 1.7) that provides clarity to the definition of sustainability as being able to meet the needs of the present without compromising the ability of future generations to meet their own needs. Also indicate that specific objectives and strategies relating to sustainability and environmental stewardship are interwoven within each chapter of this Comprehensive Plan.
- Add language to the section called, "The County Today," which indicates the Reference Documents will be regularly updated to provide current economic and demographic data.
- Clarify that the joint Planning Commission's Livability Project Goals in the form in which they appear on page 1.10 are *historical* rather than *directive*.

Other Comments:**Sustainability Accords**

- Sustainability Accords are 16 years old which affects how they should be used in the Plan.
- The term, "appropriate scale," in the ninth Accord is not easily defined and is one example of why the Accords need to be updated if they are to be used as goals.
- The second Accord dealing with size and distribution of human population is problematic.
- The 13th Accord speaks to ensuring that everyone in the community is able to find a good job; however, it is not the County's responsibility to make sure that everyone is employed.
- The description and reference to the Accords in the beginning of the Plan is a good introduction to the Plan.
- Use of the term, "aspirational principles" is confusing.
- The word, "sustainability," can mean many different things. The way in which the word is used in the Comprehensive Plan should clearly reflect the meaning intended by the Board.

Livability Project Goals:

- More discussion should take place on the topics of job multipliers and jobs for non-target industries at the work session on the Economic Development Chapter.

CHAPTER 2: GROWTH MANAGEMENT

Direction to staff:

- Change the sequence and wording of the growth management goal to include natural resources at the beginning of the goal.
- Add language to page 3.7 that recognizes that there are by-right uses of private property that can occur on land under current zoning and make reference to more detailed language in Rural Area chapter. Clarify that “current zoning” does not refer to the zoning of the property on the date of the plan but rather zoning as it exists on property in the present day.
- In Strategy 1a on page 3.7, change word “approve” to “encourage,” in the statement, “Continue to approve new development proposals in development areas....”
- Earmark Strategy 1c to revisit before completion of the Plan. This strategy should reflect outcomes of the Cash Proffer Policy discussions. However, the discussions may not be complete by the time the Plan is complete and, if that is the case, the strategy will need discussion and modification.
- Include discussion on protection of natural resources in the Development Areas and cross reference existing language in Development Areas chapter.

PUBLIC COMMENT

Kirk Bowers, Sierra Club – Called for a more environmentally sensitive comp plan. He said commitment to sustainability should be important component and that we have a responsibility to protect resources for future generations. He referenced recent reports regarding the realities and impacts of climate change and urged the board to keep this in mind for update of the comp plan.

Tom Oliver – Asked the Board to include commitment to sustainability in vision statement instead of just stewardship of resources. He said stewardship is part of sustainability but sustainability also requires living within limits of resources for future generations. He said he served on Thomas Jefferson Sustainability Council in 1990 when they wrote the Sustainability Accords. He wants Albemarle to strive for sustainable population that can be supported by our natural resources and said that it would be disappointing if the county distances itself from goals to be sustainable. He asked the Board to reaffirm the county’s commitment to sustainability. He said the Growth Management policy does not protect natural resources.

Charles Batting – Called the reports referenced by Mr. Bowers bogus and said they have already been debunked. He said sustainability is used to destroy private property rights because there is no clear definition. He said there is a debate between preserve and conserve and said that preserve implies putting something in a museum and never using it. He referenced a sentence about biodiversity on page 4.22 about loss of species. He said that Nature Conservancy data does not support idea of fragile natural systems at risk of collapse. He pointed out a figure in the plan that shows that one day in two years had unhealthy air quality. Said the Smart Growth village model has been debunked by APA. He said the County is behind the times and is using dogma not science.

Carole Thorpe, 1318 Oak Tree Ln – Commended the Board for the thorough review of the plan. She said she has issues with Sustainability Accords. She told the Board that the Accords are actually 17 pages long and mention maintaining sustainable population size as well discussion of distribution and composition of population. She urged the Board to consider what the role of local government should be and told the board they do not need to include the Accords in the plan but if they wish to include them they should have a public hearing on the entire Accords, not just the portion in the comp plan

Travis Pietila, SELC – Said a clear endorsement of sustainability should be in the plan similar to the current plan. He said goals for reduction of green house gases and air pollutants should be included in growth management chapter.

Neil Williamson, Free Enterprise Forum – Said that the tone of the plan varies from chapter to chapter. He referenced the Economic Development chapter which calls for all goals to be in keeping with goals of all other chapters. He said this should be carried throughout the plan or removed from this chapter. He said some diagrams in Natural Resources chapter belong in a science book not the Comp Plan. He said if these details are to be included about natural resources then there should be a better explanation of cash proffers. He said the

cash proffer description should include explanation of how proffer policy is developed and requirements that proffers be related to impacts of development based on the Koontz decision.

Jeff Werner, PEC – Said you can call it sustainability or whatever you want, but the concept is supported by the citizens of the county. He asked the Board not to lose sight of parts of the growth areas that are worth protecting. He said that environmental, cultural and natural systems are also needed in the growth areas.

CONDITIONS OF APPROVAL

PROJECT: CLE-2014-00025. Tewah's child care.

1. No outside activities before 10:00 a.m. or after 7:30 p.m. associated with this use;
2. Parking for child pick-up and drop-off and any employee not residing in the home shall be on-street only;
3. Before the family day home for six (6) to twelve (12) children uses HOA common area for activities, the applicant shall provide evidence to the Zoning Administrator that it has obtained the consent of the HOA to use the HOA common area for that purpose; and
4. This approval shall expire on May 14, 2015 and shall be subject to reapplication and approval for continued use after that date.

PROJECT: CLE-2014-00041. Ms. Layla's child care.

1. No outside activities before 10:00 a.m. or after 7:30 p.m. associated with this use;
2. Parking for child pick-up and drop-off and any employee not residing in the home shall be on-street only;
3. Before the family day home for six (6) to twelve (12) children uses HOA common area for activities, the applicant shall provide evidence to the Zoning Administrator that it has obtained the consent of the HOA to use the HOA common area for that purpose; and
4. This approval shall expire on May 14, 2015 and shall be subject to reapplication and approval for continued use after that date.