

**ACTIONS**  
**Board of Supervisors Meeting of July 9, 2014**

July 10, 2014

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>PODCAST</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> <li>Meeting was called to order at 4:05 p.m., by the Chair, Ms. Dittmar. All BOS members were present. Also present were Tom Foley, Larry Davis, Ella Jordan and Travis Morris.</li> </ul>		<a href="#">Listen</a>
<p>2. Work Session: Regional Firearms Training Center. <b>(Rescheduled to August meeting)</b></p>	<p><u>Clerk:</u> Schedule on agenda when ready to come to Board</p>	
<p>3. Closed Meeting.</p> <ul style="list-style-type: none"> <li>At 4:05 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under subsection (1) to consider appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointments; under subsection (1) to complete the annual performance review of the County Executive and to discuss his employment agreement; and under subsection (7) to consult with and be briefed by legal counsel and staff regarding probable litigation concerning a violation of a subdivision agreement because a public discussion would adversely affect the litigating posture of the County.</li> </ul>		
<b>5:00 P.M. – Lane Auditorium</b>		
<p>4. Certify Closed Meeting.</p> <ul style="list-style-type: none"> <li>At 5:05 p.m., the Board reconvened into open meeting and certified the closed meeting.</li> </ul>		
<p><b>Non-Agenda.</b></p> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>APPROVED</b> Amended Employment Agreement of the County Executive.</li> </ul>		
<p>Boards and Commissions: Appointments.</p> <ul style="list-style-type: none"> <li><b>APPOINTED</b> Mr. Richard Wagaman to the Citizens Transportation Advisory Committee (CTAC) with said term to expire April 3, 2017.</li> <li><b>REAPPOINTED</b> Mr. Frank Stoner and Mr. John Gobble to the Fiscal Impact Advisory Committee with said terms to expire July 8, 2016.</li> <li><b>APPOINTED</b> Mr. Dennis Dutterer to the Historic Preservation Committee with said term to expire June 4, 2017.</li> <li><b>APPOINTED</b> Ms. Anne Bedarf, Ms. Teri Kent and Ms. Margaret “Peggy” Gilges to the Long Range Solid Waste Solutions Advisory Committee with said terms to expire</li> <li><b>REAPPOINTED</b> Mr. Albert LaFave to the Region Ten Community Services Board with said term to expire June 30, 2017.</li> <li><b>REAPPOINTED</b> Ms. Amanda Moxham to the Workforce Investment Board with said term to expire June 30, 2017.</li> <li><b>REAPPOINTED</b> Ms. Janet Turner-Giles to the Workforce Investment Board with said term to</li> </ul>	<p><u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>	

<p>expire June 30, 2015.</p> <ul style="list-style-type: none"> <li>• <b>APPOINTED</b> Supervisor Ann Mallek to the Piedmont Workforce Network Council with said term to expire December 31, 2014.</li> <li>• <b>APPOINTED</b> Supervisor Jane Dittmar to the Piedmont Workforce Network Council (designee in absence) with said term to expire December 31, 2014.</li> </ul>		
<p>5. <b>Work Session:</b> CPA-2013-01. Comprehensive Plan Update/Amendment, to begin with public comments and possible Board direction.</p> <ul style="list-style-type: none"> <li>• <b>Held.</b></li> </ul>	(Attachment 1)	<a href="#">Listen</a>
<p><b>Recess.</b> The Board recessed at 6:46 p.m., and reconvened at 7:06 p.m.</p>		
<p>6. Call to Order Night Meeting.</p> <ul style="list-style-type: none"> <li>• At 7:06 p.m., the night meeting was called to order.</li> </ul>		<a href="#">Listen</a>
<p>9. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>ADOPTED</b> the final agenda.</li> </ul>		
<p>10. Brief Announcements by Board Members. <u>Brad Sheffield:</u></p> <ul style="list-style-type: none"> <li>• Announced that the Route 29 Project Advisory Panel would be holding its first meeting on July 10 and he would not be able to attend.</li> </ul> <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> <li>• Announced that she went on a ride along with an Animal Control Officer and suggested that the public and Supervisors do so as well.</li> </ul>		<a href="#">Listen</a>
<p>11. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <li>• <u>Nancy Carpenter</u>, resident of Scottsville District, said that she was concerned about the ingress and egress by local business along 5<sup>th</sup> Street as constructions begins on the new shopping center. She also announced a rally against fracking on July 13, 2014.</li> <li>• <u>Cyndra Van Clief</u>, resident of Samuel Miller District and County representative on Jail Authority Board, gave report on the Jail.</li> <li>• <u>Carole Milks</u> spoke on behalf of neighbor who would like to be connected to public water once Rivanna Village is built.</li> </ul>		<a href="#">Listen</a>
<p>12.2 Earlysville Road (Rte 743) Through Truck Restriction.</p> <ul style="list-style-type: none"> <li>• <b>DIRECTED</b> staff to proceed with detailed assessment and to present an appropriation request to fund the traffic engineering study to the Board for approval at a future Board meeting.</li> </ul>	<u>Jack Kelsey:</u> Proceed as directed.	<a href="#">Listen</a>
<p>12.3 Board of Supervisor's Rules of Procedure - Amend Rules of Procedure for adding Action Items to the Final Agenda.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> the proposed Rules of Procedure as set forth in Attachment A to amend Section D.2 regarding adding matters for action to the Final Agenda.</li> </ul>	<u>Clerk:</u> Proceed as approved. (Attachment 2)	
<p>13. <b>Appeal of ARB Decision:</b> ARB-2014-024. New Hope Church (<b>Deferred from June 11, 2014</b>),</p> <ul style="list-style-type: none"> <li>• By a vote of 3:3 (Mallek/Palmer/Sheffield), motion to approve the Certificate of</li> </ul>	<u>Clerk:</u> Schedule on August 6 agenda.	

	<p>Appropriateness for ARB-2014-24, subject to the one recommended conditions <b>FAILED</b>.</p> <ul style="list-style-type: none"> <li>• By a vote of 3:3 (Mallek/Palmer/Sheffield), motion to approve the Certificate of Appropriateness for ARB-2014-24, subject to the one recommended conditions <b>FAILED</b>.</li> <li>• By a vote of 6:0, motion to reconsider the denial of the Certificate of Appropriateness for ARB-2014-24 <b>PASSED</b>.</li> <li>• By a vote of 6:0, <b>DEFERRED</b> ARB-2014-24 to August 6, 2014 to consider the legal and ARB implications of setting a precedent on this application.</li> </ul>		<a href="#">Listen</a>
14.	<p><b>Pb. Hrg: PROJECT: SP-2013-00019. Tandem Friends School (Sign #84).</b></p> <ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>APPROVED</b> SP-2013-00019 Tandem Friends School Field House subject to conditions as recommended by staff.</li> </ul>	Clerk: Set out conditions of approval. (Attachment 3)	<a href="#">Listen</a>
	<p><b>Recess.</b> The Board recessed at 8:25 p.m., and reconvened at 8:33 p.m.</p>		
15.	<p><b>Pb. Hrg: PROJECT: ZMA-2013-00012. Rivanna Village.</b></p> <ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>ADOPTED</b> resolution approving ZMA 2013-00012 and the special exceptions related thereto with the addition that Steamer Drive end as a cul-de-sac.</li> <li>• By a vote of 6:0, <b>ADOPTED</b> resolution finding that the land and improvements proffered in Proffer 6 of ZMA 2013-00012 provide the public facilities envisioned by Proffer 2 of ZMA 1999-016 and that Proffer 2 of ZMA 1999-016 is satisfied to at least an equivalent degree.</li> <li>• By a vote of 6:0, <b>ADOPTED</b> resolution requesting that VDOT continue to evaluate whether an entrance permit at Route 250 and Butterfield Lane should be issued during the development of Rivanna Village to allow construction traffic to use that entrance.</li> </ul>	<p>Clerk: Forward copy of signed resolutions to Community Development, VDOT and County Attorney's Office. (Attachment 4)</p> <p>(Attachment 5)</p> <p>(Attachment 6)</p>	<a href="#">Listen</a>
16.	<p>Appointment of three additional representatives to the Long Term Solid Waste Solutions Advisory Committee.</p> <ul style="list-style-type: none"> <li>• Appointments were made after closed meeting portion of meeting.</li> </ul>		
17.	<p>From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> <li>• There were none.</li> </ul>		
18.	<p>From the County Executive: Report on Matters Not Listed on the Agenda.</p> <p><u>Tom Foley:</u></p> <ul style="list-style-type: none"> <li>• Discussed future Board work session times.</li> <li>• <b>CONSENSUS</b> to hold work session on August 11, 2014 starting at 6:00 p.m.</li> </ul>		<a href="#">Listen</a>
19.	<p>Adjourn</p> <ul style="list-style-type: none"> <li>• At 10:24 p.m., the meeting was adjourned.</li> </ul>		

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Attachment 1 – Comprehensive Plan Update Discussion  
Attachment 2 – Board of Supervisors Rules of Procedures  
Attachment 3 – Conditions of Approval

- Attachment 4 – Resolution approving ZMA 2013-00012 and the special exceptions related thereto with the addition that Steamer Drive end as a cul-de-sac
- Attachment 5 – Resolution finding that the land and improvements proffered in Proffer 6 of ZMA 2013-00012 provide the public facilities envisioned by Proffer 2 of ZMA 1999-016 and that Proffer 2 of ZMA 1999-016 is satisfied to at least an equivalent degree
- Attachment 6 – Resolution requesting that VDOT continue to evaluate whether an entrance permit at Route 250 and Butterfield Lane should be issued during the development of Rivanna Village to allow construction traffic to use that entrance

**ALBEMARLE COUNTY COMPREHENSIVE PLAN  
DIRECTION AND COMMENTS ON RURAL AREA CHAPTER**

July 9, 2014

**Direction to staff on the Rural Area Chapter:**

- Retain the Rural Area Goal as proposed in the Plan draft.
- Make the following changes to the list of features expected in the Rural Area:
  - Change feature 1 to say, “A strong agricultural and forestal economy, with large unfragmented parcels of land on which to produce their goods, opportunities to gain value from processing their own produce, and access to local markets” instead of, “Continuous and unfragmented tracts of land for agriculture, forestry, and natural resource protection.”
  - For feature 5, explain what a significant tourist economy means in the phrase, “A significant tourist economy in which rural landscapes enhance the visitor’s experience.”
- Make the following changes to the list of criteria for review of new uses:
  - Clarify the statement in bullet 1, “require a Rural Area location in order to be successful.” The phrase is awkward and difficult to figure out.
  - Remove the words in bullet 6, “or no” in the phrase, “generate little or no demand for Fire/Rescue and Police service.
  - Remove the words in bullet 7, “long-term” in the phrase “be able to operate ~~long term~~ without the need for public water and sewer.”
- The Board will revisit the Criteria for Review of New Uses after looking at recommended uses in Rural Area.
- The Board will revisit text about the Land Use Plan for the Rural Area on page 7.4 after reviewing and discussing the recommended uses in Rural Area. At present, this text seems to be in conflict with the recommended new uses proposed in the Rural Area chapter.
- Make “Support a strong agricultural and forestal economy” the first objective and “Retain continuous and unfragmented land for agriculture, forestry, and natural resource protection,” the second objective.
- Retain the recommendations for crossroads communities as proposed in the Plan draft; except, amend Strategy 3c so that new by-right uses are only considered in existing structures.
- Add language to allow for other crossroads communities to be added in the future.

**Direction to staff on the Upcoming Topics for Review:**

- Amend the Comp Plan review schedule so that the next meeting is devoted to the Rural Area Chapter.
- Include a solid waste discussion to the list of topics for the second meeting in August for the Board to provide direction to the Solid Waste Advisory Committee.

**Other comments:**

- The Plan seems to be setting policies for the benefit of wealthy land owners rather than average farmers. The Plan should attempt to find viable way for people to keep their land and have source of revenue to allow them to do so.
- The Plan should strike a better balance among all residents of the Rural Area including those who do not own a winery or business. The emphasis in the prior Comp Plan did a better job of this.
- The Plan should consider property rights of Rural Area residents, but also consider property rights of neighbors to Rural Area businesses.
- We should try and figure out how fragmented the land currently is in the County to establish a baseline.
- Past Boards have attempted to keep land unfragmented but the 21 acre rule has largely resulted in 21 acre front yards rather than large working farms.
- There seems to be some disconnect between the Criteria for Review of New Uses and the rest of the chapter. The chapter contains a list of strategies and new uses we should consider which seem impossible to achieve with the Criteria.
- Criteria we use to review new uses should evolve as values and circumstances change and including them in the Plan may be locking us down. Determining if a use is appropriate in the Rural Area is the job of the Planning Commission.
- Without written criteria it means you make up criteria as you go. The written Criteria provide another level of protection, especially given the degree of changes the chapter recommends. The Planning Commission was trying to strike a balance between allowing new uses and limiting impacts with these Criteria.

- There is concern that the Plan could be discouraging success of our Rural Area businesses by discouraging growth and expansion in the Rural Area.
- We lose a lot of development to neighboring counties such as restaurant breweries because of our Rural Area restrictions.
- We talk about what we want our rural economy to look like but do we really know what it looks like now? Our rural economy should be surveyed to find this out.
- The reason we have a growth management plan is to keep costs and taxes down. Providing infrastructure and services for suburban development is costly for local governments.
- Board members often get requests for rural roads to be paved. The Plan should provide a warning that new residents of the Rural Area should not have an expectation for all rural roads to be paved.
- It is important for the Board to get staff's feedback on their interpretation of the plan language. It would be helpful if staff could present their interpretation of the language so the Board knows how it will be implemented.
- The number one priority of the Plan in previous discussions was to have agricultural, forestry and conservation as the primary purposes of the Rural Area. This should be stated first in proposed plan language.

#### **PUBLIC COMMENT – July 9, 2014**

Bob Satterfield, Virginia Center for Creative Arts, said his organization historically operated in Albemarle County. He said they currently are located in Amherst County at Sweet Briar College. He said the role of the organization is to serve 25 artists at a time and provide them basic services so that artists can spend time at the facility, typically 2-8 weeks, creating music, film, paintings, writing, etc. He said that admittance to the facility is a peer review process with typically 1000 applications per year for 400 spots. He said the facility is exploring a new long range location and are looking at two locations in Albemarle. He explained that the use is currently not allowed in the Rural Area due to zoning and that they have applied for a Zoning Text Amendment. He said he feels this use fits nicely into the Rural Area goals of plan. He asked the Board to consider an opportunity for Artist Retreat or Artist Colony uses in the Plan. He said they are looking at two properties in the County, one which is a large farm and another large estate.

Marcia Joseph, Rivanna District, said that page 7.34 lists items connected with golf courses and can be misleading to applicants because there are many other impacts of golf courses that are not included. She said each site is different and will demand different considerations. She asked the Board to also consider Conservation Easements when they are encouraging additional commercial activities in the Rural Area. She said there is no discussion in the Plan of how commercial enterprises will affect Conservation Easements or citizens' desire to put Conservation Easements on their land in the future. She encouraged the Board to protect and preserve the Rural Area because it is what makes us Albemarle County and tourism depends on.

Gerry McCormick -Ray, White Hall District, said she agrees with the ideas and language of the Comp Plan but she is concerned with increased activity in the Rural Area. She said these activities will bring about noise, pollution, traffic and higher costs of services. She said allowing more uses is a slippery slope. She said we need to be innovative on how we value the Rural Area. She encouraged the Board to leave the Rural Area how it is so it can be used as demonstration for educational purposes. She said increased music and events in the Rural Area undermine this.

John Lowry, Samuel Miller District, said keeping Albemarle rural has been an important theme of the County. He said the addition of zoning in the 80s changed the development landscape in the County. He warned that it may be too much of a good thing. He said that more than 2/3 of the County is in land use taxation, which reduces taxes to almost nothing. He said conservation easements are growing at a rate of 4% to more than 86,000 acres in the County. He said a family member of his decided to put his land under a conservation easement and will get more than a million dollars in tax credits and will not be paying taxes for 15 years. He advocated for more business in the County to take on an increased share of the tax burden. He said the size of the growth area should expand over time. He asked the Board to come up with a Comp Plan that will balance the interests of competing segments and will generate additional income.

Morgan Butler, SELC, thanked staff and Ms. Echols for all their efforts on the Comp Plan. He said there is a tension in the draft Rural Area chapter between potential additional uses and trying not to deteriorate the Rural Area. He said that a note on page 7.9 discusses the need for changes taking place slowly and allowing time to evaluate impacts. He said this is an important note of caution. He said that on page 7.4 the two paragraphs under the land use plan have a very different tone. He said these paragraphs give the perception that the Plan is recommending the changes. He suggested making amending language by stating "other changes *may* still be needed," and "recommendations are made for *possible* changes." He said as they are written now these two

paragraphs are inconsistent with the rest of the chapter. He also said that Strategy 1d should not include words “without reducing development rights.”

Neil Williamson, Free Enterprise Forum, said he applauds much of the Rural Area chapter and that citizens and staff have been working on this draft for a while. He said the draft still contains some challenges to rural enterprises. He said the discussion on golf courses on page 7.34 is philosophically offensive and illegal. He said this is not the role of government. He suggested striking this paragraph from the plan. He said that the Criteria for Review of New Uses virtually guarantees that no new uses will be approved in the Rural Area. He said that rural enterprises make up a large portion of the County’s economy and the chapter needs to be amended to recognize the opportunities in the Rural Area.

Peter Halleck, Rivanna District, told the Board to be careful what they do in the Rural Area. He said it is an important part of what draws people to the community. He said for example UVA includes pictures of mountains in the Rural Area on its advertising materials. He told the Board to be very careful with uses allowed. He suggested a limit to the number of years on Special Use Permits. He said that the Board and staff cannot enforce the conditions of Special Use Permits in the Rural Area.

Jim Balheim, Rivanna District, said by law the Board is required to review the Comp Plan but that does not mean they need to change it. He said that last February and March some things were being discussed to protect the Rural Area. He said it seems that many of these things would harm rather than protect the Rural Area such as allowing restaurants, lodges, distilleries, etc. He said that conservation easements were created to protect the Rural Area. He said it would be wrong for the County to turn its back on easement holders by changing the Rural Areas to allow commercial uses. He said if this happens they will see fewer easements in the future. He asked the Board to tighten rather than loosen the Rural Area restrictions.

Dan Brewster said that golf courses in the Rural Area should be looked at from an agricultural perspective. He said that many other uses allowed in the Rural Area can easily convert back to agriculture in the future such as using a barn for entertainment or events. He said that golf courses are not the same. He said they are a single purpose operation that cannot easily be sold after the business fails. He also said that golf courses are losing popularity.

**RULES OF PROCEDURE  
ALBEMARLE BOARD OF COUNTY SUPERVISORS**

These rules of procedure are designed and adopted for the benefit and convenience of the Albemarle County Board of Supervisors. Their purpose is to help the Board conduct its affairs in a timely and efficient manner. They incorporate the general principles of parliamentary procedure found in *Robert's Rules of Order's Procedure in Small Boards* and applicable Virginia laws. The rules of procedure do not create substantive rights for third parties or participants in proceedings before the Board. Further, the Board reserves the right to suspend or amend the rules of procedure whenever a majority of the Board decides to do so. The failure of the Board to strictly comply with the rules of procedure shall not invalidate any action of the Board.

A. *Officers*

1. *Chairman.* The Board at its annual meeting shall elect a Chairman who, if present, shall preside at such meeting and at all other meetings during the year for which elected. In addition to being presiding officer, the Chairman shall be the head official for all the Board's official functions and for ceremonial purposes. The Chairman shall have a vote but no veto. (Virginia Code §§ 15.2-1422 and 15.2-1423)
2. *Vice-Chairman.* The Board at its annual meeting shall also elect a Vice-Chairman, who, if present, shall preside at meetings in the absence of the Chairman and shall discharge the duties of the Chairman during the Chairman's absence or disability. (Virginia Code § 15.2-1422)
3. *Term of Office.* The Chairman and Vice-Chairman shall be elected for one-year terms; but either or both may be re-elected for one or more additional terms. (Virginia Code § 15.2-1422)
4. *Absence of Chairman and Vice-Chairman.* If the Chairman and Vice Chairman are absent from any meeting, a present member shall be chosen to act as Chairman.

B. *Clerk and Deputy Clerks*

The Board at its annual meeting shall designate a Clerk and one or more Deputy Clerks who shall serve at the pleasure of the Board. The duties of the Clerk shall be those set forth in Virginia Code § 15. 2-1539 and such additional duties set forth in resolutions of the Board as adopted from time to time. (Virginia Code § 15.2-1416)

C. *Meetings*

1. *Annual Meeting.* The first meeting in January held after the newly elected members of the Board shall have qualified, and the first meeting held in January of each succeeding year, shall be known as the annual meeting. At such annual meeting, the Board shall establish the days, times, and places for regular meetings of the Board for that year. (Virginia Code § 15.2-1416)
2. *Regular Meetings.* The Board shall meet in regular session on such day or days as has been established at the annual meeting. The Board may subsequently establish different days, times, or places for such regular meetings by passing a resolution to that effect in accord with Virginia Code § 15.2-1416. If any day established as a regular meeting day falls on a legal holiday, the meeting scheduled for that day shall be held on the next regular business day without action of any kind by the Board. (Virginia Code § 15.2-1416)

If the Chairman (or Vice Chairman, if the Chairman is unable to act) finds and declares that weather or other conditions are such that it is hazardous for Board members to attend a regular meeting, such meeting shall be continued to the next regular meeting date. Such finding shall be communicated to the members of the Board and to the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement shall be required. (Virginia Code § 15.2-1416)



Regular meetings, without further public notice, may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business of the Board is complete. (Virginia Code § 15.2-1416)

3. *Special Meetings.* The Board may hold special meetings as it deems necessary at such times and places as it deems convenient. A special meeting may be adjourned from time to time as the Board finds necessary and convenient. (Virginia Code § 15.2-1417)

A special meeting shall be held when called by the Chairman or requested by two or more members of the Board. The call or request shall be made to the Clerk of the Board and shall specify the matters to be considered at the meeting. Upon receipt of such call or request, the Clerk, after consultation with the Chairman, shall immediately notify each member of the Board, the County Executive, and the County Attorney. The notice shall be in writing and delivered to the person or to his place of residence or business, or if requested by a member of the Board, by electronic mail or facsimile. The notice shall state the time and place of the meeting and shall specify the matters to be considered. No matter not specified in the notice shall be considered at such meeting unless all members are present. The notice may be waived if all members are present at the special meeting or if all members sign a waiver for the notice. (Virginia Code § 15.2-1418) The Clerk shall notify the general news media of the time and place of such special meeting and the matters to be considered.

D. *Order of Business*

1. *Agenda.* The Clerk of the Board shall establish the agenda for all meetings in consultation with the Chairman. The first two items on the agenda for each regular meeting of the Board shall be the Pledge of Allegiance and a moment for silent meditation.

a. At regular meetings of the Board, the order of business shall generally be as follows:

1. Call to Order.
2. Pledge of Allegiance.
3. Moment of Silence.
4. Adoption of Final Agenda.
5. Brief Announcements by Board Members.
6. Recognitions.
7. From the Public: Matters Not Listed for Public Hearing on the Agenda.
8. Consent Agenda.
9. General Business (To include Public Hearings, Presentations, Work Sessions, Appointments, and other Action Items).
10. From the Board: Committee Reports and Matters Not Listed on the Agenda.
11. Adjourn.

A Closed Meeting shall be held whenever necessary. Generally, a Closed Meeting will be scheduled at the midpoint of the agenda at day Board meetings and at the end of the agenda prior to adjournment at evening Board meetings.

b. The above order of business may be modified by the Clerk of the Board to facilitate the business of the Board.

2. *Adoption of Final Agenda.* The first order of business for a regular meeting of the Board shall be to adopt a final agenda for that meeting. The Board may modify the order of business as part of the adoption of the final agenda. In addition, any Board member may propose to add additional items to the agenda presented by the Clerk for action if notice of that item has been given in writing or by email to all Board members, the Clerk, and the County Executive by 5:00 p.m. two days before the date of the meeting or upon the unanimous consent of all Board members present. Any such item shall be added to the end of the agenda for discussion or action unless a majority of the members of the Board agree to consider the item earlier on the agenda. The final agenda shall be adopted by a majority vote of the members of the Board. No matter for action not included on the final agenda shall be considered at that meeting.

3. *Consent Agenda.* The “Consent Agenda” shall be used for matters that do not require discussion or comment and are anticipated to have the unanimous approval of the Board. There shall be no discussion or comment on Consent Agenda matters. Any Board member may remove an item from the Consent Agenda. Any item removed from the Consent shall be moved to a specific time or to the end of the meeting agenda for further discussion or action. A matter requiring only brief comment or discussion may be considered immediately after the approval of the Consent Agenda.
4. *From the Board: Committee Reports and Matters Not Listed on the Agenda.* “From the Board: Committee Reports and Matters Not Listed on the Agenda” shall be the last order of business for a regular meeting of the Board unless a majority of the members of the Board agree to consider the item earlier on the agenda. It shall be limited to matters that are not substantial enough to be considered as additional agenda items to be added to the final agenda. Such matters are not matters to be acted upon by the Board at that meeting. Routine committee reports and information updates by Board members shall be presented under this agenda item.
5. *Public Comment.* The procedures for receiving comment from the public for matters not on the agenda shall be at the discretion of the Board. Unless otherwise decided, individuals will be allowed a three-minute time limit in which to speak during the time set aside on the agenda for “From the Public: Matters Not Listed for Public Hearing on the Agenda”.
6. *Zoning Public Hearings.* Zoning applications advertised for public hearing shall be on the agenda for public hearing on the advertised date unless the applicant submits a signed written deferral request to the Clerk of the Board no later than noon on Wednesday of the week prior to the scheduled public hearing. The first request for a deferral will be granted administratively by the Clerk. The Board will be notified of the deferral in the next Board package and the deferral will be announced at the earliest possible Board meeting to alert the public of the deferral. Any request received later than the Wednesday deadline and any subsequent request for a deferral for the same application previously deferred will be granted only at the discretion of the Board by a majority vote. The deferral shall not be granted unless the Board determines that the reason for the deferral justifies the likely inconvenience to the public caused by the deferral. The staff will make every effort to alert the public when a deferral is granted.

It is the Board’s preference that a public hearing for a zoning matter should not be advertised until all of the final materials for a zoning application have been received by the County and are available for public review. To achieve this preference, applicants should provide final plans, final codes of development, final proffers, and any other documents deemed necessary by the Director of Community Development, to the County no later than two business days prior to the County’s deadline for submitting the public hearing advertisement to the newspaper. Staff will advise applicants of this date by including it in annual schedules for applications and by providing each applicant a minimum of two weeks advance notice of the deadline.

If the applicant does not submit the required materials by this date, the public hearing shall not be advertised unless the applicant demonstrates to the satisfaction of the Director of Community Development that good cause exists for the public hearing to be advertised. If not advertised, a new public hearing date will be scheduled. If the public hearing is held without final materials being available for review throughout the advertisement period due to a late submittal of documents, or because substantial revisions or amendments are made to the submitted materials after the public hearing has been advertised, it will be the policy of the Board to either defer action and schedule a second public hearing that provides this opportunity to the public or to deny the application, unless the Board finds that the deferral would not be in the public interest or not forward the purposes of this policy.

Final signed proffers shall be submitted to the County no later than nine calendar days prior to the date of the advertised public hearing. This policy is not intended to prevent changes from being made to proffers resulting from comments received from the public or from Board members at the public hearing.

E. *Quorum*

A majority of the members of the Board shall constitute a quorum for any meeting of the Board. If during a meeting less than a majority of the Board remains present, no action can be taken except to adjourn the

meeting. If prior to adjournment the quorum is again established, the meeting shall continue. (Virginia Code § 15.2-1415)

A majority of the members of the Board present at the time and place established for any regular or special meeting shall constitute a quorum for the purpose of adjourning such meeting from day to day or from time to time, but not beyond the time fixed for the next regular meeting.

F. *Voting Procedures*

1. *Approval by Motion.* Unless otherwise provided, decisions of the Board shall be made by approval of a majority of the members present and voting on a motion properly made by a member and seconded by another member. Any motion that is not seconded shall not be further considered. The vote on the motion shall be by a voice vote. The Clerk shall record the name of each member voting and how he voted on the motion. If any member abstains from voting on any motion, he shall state his abstention. The abstention will be announced by the Chairman and recorded by the Clerk. A tie vote shall defeat the motion voted upon. A tie vote on a motion to approve shall be deemed a denial of the matter being proposed for approval. (Article VII, § 7, Virginia Constitution)
2. *Special Voting Requirements.* A recorded affirmative vote of a majority of all elected members of the Board shall be required to approve an ordinance or resolution (1) appropriating money exceeding the sum of \$500; (2) imposing taxes; or (3) authorizing the borrowing of money. (Virginia Code § 15.2-1428)
3. *Public Hearings.* The Board shall not decide any matter before the Board requiring a public hearing until the public hearing has been held. The Board may, however, at its discretion, defer or continue the holding of a public hearing or consideration of such matter. The procedures for receiving comment from the applicant and the public for public hearings shall be at the discretion of the Board. Unless otherwise decided, the applicant shall be permitted no more than ten minutes to present its application. Following the applicant's presentation, any member of the public shall be permitted no more than three minutes to present public comment. Speakers are limited to one appearance at any public hearing. Following the public comments, the applicant shall be permitted no more than five minutes for a rebuttal presentation.
4. *Motion to Amend.* A motion to amend a motion before the Board, properly seconded, shall be discussed and voted by the Board before any vote is taken on the original motion unless the motion to amend is accepted by both the members making and seconding the original motion. If the motion to amend is approved, the amended motion is then before the Board for its consideration. If the motion to amend is not approved, the original motion is again before the Board for its consideration.
5. *Previous Question.* Discussion of any motion may be terminated by any member moving the "previous question". Upon a proper second, the Chairman shall call for a vote on the motion of the previous question. If approved by a majority of those voting, the Chairman shall immediately call for a vote on the original motion under consideration. A motion of the previous question shall not be subject to debate and shall take precedence over any other matter.
6. *Motion to Reconsider.* Any decision made by the Board may be reconsidered if a motion to reconsider is made at the same meeting or an adjourned meeting held on the same day at which the matter was decided. The motion to reconsider may be made by any member of the Board. Upon a proper second, the motion may be discussed and voted. The effect of the motion to reconsider, if approved, shall be to place the matter for discussion in the exact position it occupied before it was voted upon.
7. *Motion to Rescind.* Any decision made by the Board, except for zoning map amendments, special use permit decisions, and ordinances, (these exceptions shall only be subject to reconsideration as provided above) may be rescinded by a majority vote of all elected members of the Board. The motion to rescind may be made by any member of the Board. Upon a proper second, the motion may be discussed and voted. The effect of the motion to rescind, if approved, is to nullify the previous decision of the Board. Zoning map amendments, special use permit decisions and ordinances may be rescinded or repealed only upon meeting all the legal requirements necessary for taking action on such matters as if it were a new matter before the Board for consideration.

G. *Amendment of Rules of Procedure*

These Rules of Procedure may be amended by a majority vote of the Board at the next regular meeting following a regular meeting at which notice of the motion to amend is given.

H. *Suspension of Rules of Procedure*

These Rules of Procedure may be suspended by a majority plus one vote of the Board members present and voting. The motion to suspend a rule may be made by any member of the Board. Upon a proper second, the motion may be discussed and voted. The effect of the motion to suspend a rule, if approved, is to make that rule inapplicable to the matter before the Board. Provided, however, approval of a motion to suspend the rule shall not permit the Board to act in violation of a requirement mandated by the Code of Virginia, the Constitution of Virginia, or any other applicable law.

I. Necessary rules of procedure not covered by these Rules of Procedures shall be governed by *Robert's Rules of Order Procedure in Small Boards*.

\* \* \* \* \*

(Adopted 2-15-73; Amended and/or Readopted 9-5-74, 9-18-75; 2-19-76; 1-3-77; 1-4-78; 1-3-79; 1-2-80; 1-7-81; 1-6-82; 1-5-83; 1-3-84; 1-2-85; 1-3-86; 1-7-87; 1-6-88; 1-4-89; 1-2-90; 1-2-91; 1-2-92; 1-6-93; 1-5-94; 1-4-95; 1-3-96; 1-2-97; 1-7-98; 1-6-99; 1-5-2000; 1-3-2001; 1-9-2002; 1-8-2003; 1-7-2004; 1-5-2005; 1-4-2006; 1-3-2007; 1-9-2008; 1-7-2009; 1-6-2010; 1-5-2011; 1-4-2012; 1-09-2013; 1-8-2014; 7-9-2014).

## CONDITITONS OF APPROVAL

**PROJECT: SP-2013-000019. Tandem Friends School.**

1. The development of the use shall be in general accord with the concept plan entitled, "Tandem Friends School Campus Plan Study Site Plan," prepared by VMDO Architects, and dated April 3, 2014 by staff, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the specified plan, development and use shall reflect the following major elements as shown on the plan:
  - building orientation
  - building size
  - location of the buildings
  - limits of disturbance
  - parking-lot layout and landscapingMinor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance;
2. Additional buildings or increase in total enrollment/staffing may only be authorized by a new special use permit; and
3. Total school enrollment shall be limited to two hundred and fifty (250).

## RESOLUTION

**WHEREAS**, the application of Rivanna Village, LLC, to amend the zoning map for Tax Map and Parcel Numbers 07900-00-00-025A0, 08000-00-00-04600, 08000-00-00-046A0, 08000-00-00-046C0, 08000-00-00-046D0, 08000-00-00-046E0, 08000-00-00-05000, 08000-00-00-05100, 08000-00-00-052A0, 08000-00-00-055A0, 093A1-00-00-00300 and 093A1-00-00-00400 (the "Property") is identified as ZMA 2013-00012, Rivanna Village ("ZMA 2013-00012") for a community known as "Rivanna Village"; and

**WHEREAS**, 93.0 acres of the Property are zoned Neighborhood Model District, subject to the code of development, application plan and proffers approved and accepted in conjunction with ZMA 2001-00008 on June 13, 2007, and ZMA 2013-00012 proposes to amend the code of development, application plan and the proffers applicable to the Property; and

**WHEREAS**, 1.76 acres of the Property, comprised of Tax Map and Parcel Numbers 08000-00-00-05100, 08000-00-00-052A0, are designated Town/Village Center in the Village of Rivanna Master Plan and are zoned Rural Areas, and ZMA 2013-00012 proposes to amend the zoning map and change the zoning of those parcels from Rural Areas to Neighborhood Model District, to be added as part of Rivanna Village, and to be subject to the amended code of development, application plan and proffers applicable to Rivanna Village; and

**WHEREAS**, ZMA 2013-00012 would reduce the maximum number of residential units allowed on the Property from 521 to 400 and the maximum square footage of non-residential structures from 120,000 square feet to 60,000 square feet, and would make other amendments to the code of development, the application plan, and the proffers that were approved in conjunction with ZMA 2001-00008; and

**WHEREAS**, the Board held a public hearing for ZMA 2013-00012 on July 9, 2014 after notice was provided as required by Virginia Code §§ 15.2-2204 and 15.2-2285, and Albemarle County Code § 18-33; and

**WHEREAS**, the Board also considered at the public hearing for ZMA 2013-00012 the owner's request for special exceptions that would modify zoning regulations pertaining to yards, parking and loading, signs, recreation, outdoor lighting, and swim, golf and tennis clubs as set forth in Attachment D to the Executive Summary, which had previously been approved in conjunction with ZMA 2001-00008.

**NOW, THEREFORE, BE IT RESOLVED** that upon consideration of the material and relevant factors in Virginia Code § 15.2-2284, including the consideration of the Village of Rivanna Master Plan, the executive summary and reports prepared by the County's planning staff, and the comments and information received from the public, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Board of Supervisors hereby amends the zoning map and approves ZMA 2013-00012 with the code of development dated June 9, 2014, the application plan dated June 9, 2014, and the proffers dated June 13, 2014; and

**BE IT FURTHER RESOLVED** that in rezoning Tax Map and Parcel Numbers 08000-00-00-05100 and 08000-00-00-052A0 from Rural Areas to Neighborhood Model District, the Board is mindful that the Village of Rivanna Master Plan states that "approval of future development should be monitored in conjunction with improvements to US 250 and available sewer capacity so that approval of new units or uses does not exceed capacity of the sewage treatment plant or the road system" (page 4) and "in addition to sewer limitations, approval of any development by rezoning will be predicated on the completion of a number of transportation improvements" (page 32); however, although these improvements have not been made, rezoning these parcels as part of ZMA 2013-00012 would not establish a precedent because these parcels were anticipated for future inclusion within Rivanna Village when ZMA 2001-00008 was approved, as reflected in their inclusion on the application plan for that rezoning and being designated for "Potential Future Development," the parcels are adjacent to the other portions of Rivanna Village, and ZMA 2013-00012 reduces the maximum number of dwelling units and commercial intensity allowed and, therefore, the impacts from Rivanna Village are less than the potential full buildout under ZMA 2001-00008; and

**BE IT FURTHER RESOLVED** that the special exceptions for the modifications set forth in Attachment D to the Executive Summary for ZMA 2013-00012 are approved, based upon the Board's consideration of the relevant factors set forth in Albemarle County Code § 18-33.9 and the specific sections being modified, and the executive summary and reports prepared by the County's planning staff, including those prepared for these modifications, in conjunction with ZMA 2001-00008.

## RESOLUTION

**WHEREAS**, Proffer 2 of ZMA 1999-016 (Glenmore), originally accepted as a proffer for the rezoning of Glenmore ZMA 1990-019, stated that the owner, Glenmore Associates, would donate approximately 27 acres of land to the County or its designee for a public school or other public use facilities as the County may select, together with an appropriate right of way; and

**WHEREAS**, Proffer 6 of ZMA 2001-00008 (Rivanna Village at Glenmore) stated that the owner, Glenmore Associates, would, at its expense and at the request of the County, engineer, construct, and dedicate in fee simple to the County a park comprising approximately 18 acres, which would be platted with the first plat for Rivanna Village at Glenmore, and all of the park improvements described in the code of development would be built or bonded prior to the issuance of the certificate of occupancy for the 174<sup>th</sup> residential unit within Rivanna Village; and

**WHEREAS**, the County desired the park proffered in Proffer 6 of ZMA 2001-00008 to serve the residents of Albemarle County; and

**WHEREAS**, the land referred to in Proffer 2 of ZMA 1999-016 was part of the land rezoned under ZMA 2001-00008 and, as a result of such rezoning, the land offered by Proffer 2 of ZMA 1999-016 was no longer available for public facilities uses; and

**WHEREAS**, in conjunction with its approval of ZMA 2001-00008, the Board adopted a resolution finding that the land and improvements proffered in Proffer 6 of ZMA 2001-00008 would provide the public facilities envisioned by Proffer 2 of ZMA 1999-016 and that such land and improvements were deemed to satisfy Proffer 2 of ZMA 1999-016 to at least an equivalent degree and that neither Glenmore Associates nor its successors nor assigns would have any further obligation with respect to Proffer 2 of ZMA 1999-016; and

**WHEREAS**, Proffer 6 of ZMA 2013-00012 (Rivanna Village) restates Proffer 6 of ZMA 2001-00008 but amends certain terms including that the park will comprise 18.4 acres and will be located in Block J, and that all of the park improvements described in the code of development will be built or bonded prior to the issuance of the certificate of occupancy for the 137<sup>th</sup> residential unit within Rivanna Village.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors finds that the land and improvements proffered in Proffer 6 of ZMA 2013-00012 provide the public facilities envisioned by Proffer 2 of ZMA 1999-016 and that such land and improvements are deemed to satisfy Proffer 2 of ZMA 1999-016 to at least an equivalent degree; and

**BE IT FURTHER RESOLVED** that neither Glenmore Associates, Rivanna Village LLC, nor their successors nor assigns, shall have any further obligation with respect to Proffer 2 of ZMA 1999-016.

## RESOLUTION

**WHEREAS**, the application plan approved in conjunction with ZMA 2013-00012 for Rivanna Village shows an eastern entrance designated as Butterfield Lane from Route 250 into Rivanna Village; and

**WHEREAS**, the Virginia Department of Transportation (“VDOT”) previously determined that it would not issue an entrance permit at Butterfield Lane to serve construction traffic during the development of Rivanna Village (the “decision”) and, as a result, construction traffic will use Glenmore Way, subject to a construction traffic management plan proffered by the owner of Rivanna Village, subject to approval by the County’s Department of Community Development; and

**WHEREAS**, the residents of Glenmore are concerned about the construction traffic using Glenmore Way during the construction of Rivanna Village and these concerns are primarily focused on safety and congestion on Glenmore Way; and

**WHEREAS**, the Glenmore Community Association and Glenmore residents have stated that they will continue to request that VDOT reconsider its decision, and the Board supports these efforts.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby requests that VDOT continue to evaluate whether an entrance permit at Butterfield Lane should be issued during the development of Rivanna Village to allow construction traffic to use such an entrance and that it reconsider its decision based on changing conditions, traffic data, or other justifications that may arise during the development of Rivanna Village.