

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on March 12, 2014, 6:00 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Kenneth C. Boyd, Ms. Jane D. Dittmar, Ms. Ann Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer and Mr. Brad L. Sheffield.

ABSENT: None.

OFFICERS PRESENT: County Executive, Thomas C. Foley, County Attorney, Larry W. Davis, Clerk, Ella W. Jordan, and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. The meeting was called to order at 6:04 p.m., by the Chair, Ms. Dittmar.

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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. McKeel **moved** to adopt the final agenda. Mr. Sheffield **seconded** the motion.

Mr. Sheffield stated that, in the Rio District, the neighborhood of Squirrel Ridge is impacted by the bypass alignment in that nine of the homes are owned by VDOT, seven of which are in a dilapidated state. He stated that he would like the Board to send a letter to VDOT asking them to consider demolishing those buildings because they are uninhabitable and have a certain quality of life impact to the neighborhood, with other homes along the alignment experiencing the same kind of impact.

Mr. Davis said, because this item was not noticed at least two days prior to the meeting, the Board would need to suspend that rule in order to add it to the final agenda. He stated that the first step would be a motion to suspend the rule requiring notice for an action item.

Mr. Sheffield stated that this is not a motion the Board takes lightly but, in this case, he felt the discussions at the VDOT level were moving fairly quickly and, within the last few days, VDOT had a paint contractor onsite looking at the homes to determine whether they can be painted and spruced up. Mr. Sheffield emphasized that he had concerns that VDOT might be moving in a different direction than what he thinks is of benefit of the community adding that, if the Board waits another few weeks, it may not get a response from VDOT. He said he has met with the homeowners association at Squirrel Ridge, and encouraged Supervisors to take the same consideration. Mr. Sheffield stated that the Board would be able to discuss changing the content of the letter if it were added to the agenda.

Mr. Davis advised that Ms. McKeel withdraw her motion and Mr. Sheffield withdraw his second.

Ms. McKeel withdrew her motion; Mr. Sheffield withdrew his second.

Mr. Sheffield **moved** to suspend the rule requiring two days' notice for adding an action item to the agenda. Ms. Palmer **seconded** the motion.

Mr. Sheffield reiterated that his sense of urgency is getting this to VDOT and decision-makers before the March 19 meeting, and would like to move ahead as quickly as possible.

Ms. Dittmar suggested the Board discuss the letter first, because there's no need in moving forward with the suspension of rules if the Board does not agree with the concept of the letter.

Ms. McKeel said she supports the letter but wants to ensure the letter is broad enough in scope to cover all of the houses which are affected.

Ms. Mallek said the letter should contain a general statement, as Mr. Boyd had suggested earlier, that any homes identified in the right of way should be evaluated carefully and quickly.

Mr. Sheffield said the Board could change the reference from "attached page" to "vacant and dilapidated homes" which are in the path of the bypass. He stated that he would have brought this forward sooner, but he had not met with the homeowners association until the previous Saturday and did not feel it was appropriate to bring it forth until that had happened.

Ms. Palmer stated that she was fine with the letter and felt it was a good idea.

Mr. Boyd said he was also OK with it, and said that he would like to change the wording to indicate any homes which are "blighted," adding that the Board could conceptually pass the letter and leave the wordsmithing to Mr. Sheffield and staff.

Ms. Dittmar asked how the Board felt about suspending its rules to accommodate discussion of the letter, rather than waiting until April 2.

Ms. Palmer said she felt it was reasonable, given the urgency.

Ms. McKeel asked, if there were any other meetings between now and then, where it could be discussed.

Mr. Davis said there are no regular meetings, only special meetings – adding that the Board could take action at the advisory council training on March 24, but that is not an official Board meeting.

Mr. Sheffield stated that his intention is to personally deliver the letter to Secretary of Transportation, Aubrey Layne, and VDOT Chief, Garrett Moore.

Ms. Dittmar said she feels extremely uncomfortable suspending rules for any reason other than emergencies but, given the fact that Mr. Sheffield needed to meet a deadline in order to personally deliver the letter, she would go along with this.

Ms. Palmer stated that the concern with suspending rules is to avoid not letting the public know things that are going on which would affect a large number of the public – but this affects a small number of people.

Ms. Dittmar said this is the Board's third suspension of rules so far this year, and she wants to make sure Board members think about using the suspension.

Mr. Sheffield agreed, stating that the Board may want to discuss this rule in a broader sense at a later time.

Ms. Dittmar said this may fall into a legislative category, with the Board's first suspension pertaining to a General Assembly matter – and this was another government agency, so it may also fit.

Roll was then called, and the motion **passed** by the following recorded vote:

AYES: Ms. Mallek, Mr. Boyd, Ms. Dittmar, Ms. McKeel, Ms. Palmer and Mr. Sheffield.

NAYS: None.

Mr. Davis said the Board was now back to adopting its final agenda and, if the motion would include adding this as an action item, the Board would be back to adoption of final agenda.

Ms. McKeel **moved** to adopt the final agenda with the modification to include discussion of the letter from the Board to VDOT. Ms. Mallek **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

AYES: Ms. Mallek, Mr. Boyd, Ms. Dittmar, Ms. McKeel, Ms. Palmer and Mr. Sheffield.

NAYS: None.

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

Ms. Mallek announced that Western Albemarle High School's Scholastic Bowl team was undefeated in regular and post-season competition, and concluded a perfect season with the highest score of any school in the state championships, which were held at William & Mary the previous week. She said this team would participate in the national finals in Chicago, a trip for which the group is currently fundraising. Ms. Mallek stated that the other announcement would be for the Western robotics team – the Loose Screws – a non-school affiliated group that is coached by parents. She said members of the team from Western Albemarle were among the top finishers at the First Tech Challenge championship in Virginia, and would be participating in the super-regional tournament in York, PA the first week of April.

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Ms. Dittmar reported that she would hold a town hall meeting in the Town Council meeting room at Victory Hall in Scottsville on March 17 from 5-6:30 p.m.; the following night she and Supervisor Palmer would host another town hall at Monticello High School. She also stated that she had an entire day scheduled to ride around with Joel DeNunzio of VDOT to investigate areas of concern on roads in her district.

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Mr. Boyd said all of the Board members would be holding town hall meetings but, rather than announcing them, he would suggest going to the County website and checking out TV and newspaper ads.

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Agenda Item No. 6. Recognitions.

Item No. 6a. Proclamation recognizing Wednesday, March 19, 2014 through Sunday, March 23, 2014 as the *Twentieth Annual VIRGINIA FESTIVAL OF THE BOOK*.

Mr. Sheffield read and presented the following proclamation to Ms. Nancy Damon, Festival Director:

**WHEREAS**, Albemarle County is committed to promoting reading, writing, and storytelling within and outside its borders; and

**WHEREAS**, our devotion to literacy and our support of literature has attracted over 1,000 writers and tens of thousands of readers to our **VIRGINIA FESTIVAL OF THE BOOK**; and

**WHEREAS**, the **VIRGINIA FESTIVAL OF THE BOOK** celebrates the power of books and publishing; and

**WHEREAS**, businesses, cultural and civic organizations, and individuals have contributed to the ongoing success of the **VIRGINIA FESTIVAL OF THE BOOK**; and

**WHEREAS**, the citizens of the County of Albemarle and Virginia, and the world, have made the **VIRGINIA FESTIVAL OF THE BOOK** the best book festival in the country;

**NOW, THEREFORE, BE IT RESOLVED, THAT**, I, Jane D. Dittmar, Chair, on behalf of the Albemarle Board of County Supervisors, do hereby proclaim

**Wednesday, March 19, 2014 through Sunday, March 23, 2014  
as the  
Twentieth Annual**

**VIRGINIA FESTIVAL OF THE BOOK**

and encourage community members to participate fully in the wide range of available events and activities.

**Signed and sealed this 12<sup>th</sup> day of March, 2014.**

Ms. Damon addressed the Board and said the festival would be held March 19-23, with about 130 programs for adults and over 60 programs in the schools. She stated that schedules could be found at various locations around town.

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

Ms. Betty Sevacho addressed the Board, stating that she is a 28-year resident of the County and was before the Board as a taxpayer. Ms. Sevacho said she is a senior citizen, lives on a fixed income, has lived on a budget all her life, and stated that she wants to reiterate that everyone has their advocates in the County – but the Supervisors are the only advocates for the taxpayer. She urged the Board to make sure that every penny spent is being well-spent because, in the words of her former employer, John Kluge, “If you take care of the pennies, the dollars take care of themselves.”

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Dr. Charles Battig addressed the Board, stating that the U.S. government is not a democracy but a representative republic, and the Board’s sworn duty is to represent all people, not just the most vocal crowd at the moment as well as the “never enough” protesters. Dr. Battig asked Supervisors to get over its discomfort and recognize the destructive impacts which increased taxes have on all citizens, stating that the “never taxed enough crowd” are welcome to make voluntary tax contributions.

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Mr. Doug Arrington addressed the Board, stating that he is a resident of the Samuel Miller District and has lived in the County for 25 years. He referenced an illustrated drawing of Whittington Subdivision as it was approved by the County in 2007 and said that, even in phase one of the development, the property is already clear-cut. Mr. Arrington said the handout shows house lots carved out, emphasizing that this is what the Board was looking at when it voted. He stated, when the subdivision was started under the Librarian Land Corporation in 1977, the five houses done previously were done by carving out the septic field and the lot area. Mr. Arrington said, in 2011 - after being turned down in 2006 – Whittington applied to the Board for sewer, with the main argument being, if they were given sewer, they would be able to preserve trees – and he’d like to know where the trees are, as the site has been clear-cut and burned. He stated that there are other phases yet to come, and he hoped the Board and staff would ensure that the desecration does not continue up the mountain. Mr. Arrington said, when he asked why a tree conservation plan had not been done, staff told him it was not legal but, when Biscuit Run came about, they had increased their density by 30% just by saving trees and critical slopes.

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Mr. Kirk Bowers addressed the Board, stating that he is a resident of the Rivanna District and is representing the Piedmont Group of the Sierra Club. Mr. Bowers said they all agree that Albemarle is a great place to live because of its natural amenities and scenery but, for the last five years, they have seen limited funding for natural resource protection – although it should be a high budget priority. He stated that natural resources are essential to maintaining the quality of life here, and he wanted to remind the Board to consider the Sierra Club’s request for the FY15 budget. Mr. Bowers said the Sierra Club does not feel an economic development program should be used to attract new businesses and growth to Charlottesville and Albemarle, but believed this program should work to strengthen existing businesses

and develop job training for people in the County. Through these actions, he said the department would encourage innovation and entrepreneurship among local residents, producing a healthy and vibrant community from within. He stated that the group also thanks the Board for its vote on February 19, 2014 to withdraw support for the U.S. 29 Western Bypass, a move which will protect the community's grandchildren and the environment.

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Mr. Joe Draego addressed the Board, providing a document from the Albemarle County Police Department dated January 21, 2014 and signed by Carter Johnson, which showed how many people had been injured at the traffic camera intersection for the last three years since the cameras were installed. Mr. Draego said, since 2010 – the last year there were no cameras – there had been a tripling in the number of accidents per year which required an ambulance to arrive at the scene and transport victims to the hospital. He stated that this was the exact opposite of what Chief Steve Sellers told the Board and what he told delegates in Richmond several weeks earlier. Mr. Draego said Supervisors have all said the cameras are for public safety, but the Police Department's own document proves that the cameras decrease safety. He asked the Board how it could continue to support expansion of the traffic camera program.

Mr. Brad Sheffield stated that he would have copies made of the traffic report so these could be distributed to the Board.

Mr. Draego said "it would not do a damn bit of good" because Board members already had their minds made up.

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Ms. Nancy Carpenter addressed the Board, stating that she is a resident of the Scottsville District and noting that she had sent members a letter from the Transit Riders of Charlottesville in reference to the FY15 budget and funding for Charlottesville Area Transit (CAT). Ms. Carpenter said riders would still like to see the County contribute 50% of the cost of the Route 1 bus service, which goes by Piedmont Virginia Community College (PVCC). She stated that CATEC is studying a blueprint as to how to work more collaboratively with PVCC, and one way to get from CATEC to PVCC is using the #11 and the #1. Ms. Carpenter said both the County and the City are looking into ways to grow business here, and one way to do that is to ensure there is public transit for those who may not have the ability to drive to those learning institutions. She stated that she hoped it could still be a consideration in the budget, even though the County is facing unfunded mandates from the state – and, if not this year, maybe next year, and perhaps in its consideration of development areas in the Comp Plan.

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There being no further speakers, the Chair closed the public comment portion of the meeting.

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Agenda Item No. 8. Consent Agenda. Ms. McKeel **moved** to approve Items 8.1 (as read) and 8.2. Mr. Sheffield **seconded** the motion. (**Note:** Discussions on individual items are included with that agenda item.)

Roll was called, and the motion passed by the following recorded vote:

AYES: Ms. Mallek, Mr. Boyd, Ms. Dittmar, Ms. McKeel, Ms. Palmer and Mr. Sheffield.

NAYS: None.

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Item No. 8.1. Approval of Minutes: September 4 and October 2, 2013; and January 30, 2014.

Mr. Boyd had read the minutes of September 4, 2013, and found them to be in order.

Ms. Mallek pulled the minutes of October 2, 2013 and carried them forward to the next meeting.

Ms. Palmer pulled the minutes of January 30, 2014 and carried them forward to the next meeting.

**By the above-recorded vote, the Board approved the minutes of September 4, 2013 as read.**

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Item No. 8.2. Tucker Way Road Name Change.

The executive summary states that pursuant to Part I, Section 6 (e) of the Albemarle County Road Naming and Property Numbering Manual, road name change requests shall be forwarded to the Board for approval upon validation of the following:

That the landowners of more than fifty percent (50%) of the parcels served by the road have signed a petition in favor of a common road name, and that the proposed road name is otherwise consistent with the road name guidelines set forth in the Manual.

The landowner of the four properties served by Tucker Way has submitted a request to change the road name of Tucker Way to Merlot Lane (Attachment A). The landowner agrees to pay for the cost of fabrication and installation of the new signage at the intersection of Half Mile Branch Road (Rt. 684). Staff finds the request to be consistent with Part 1, Section 6 (e) of the Albemarle County Road Naming and Property Numbering Manual.

There is no anticipated budget impact. The landowners will be responsible for the costs associated with new signage.

Staff recommends that the Board approve changing the road name of Tucker Way to Merlot Lane and authorize staff to implement the change.

**By the above-recorded vote, the Board approved the change of road name from Tucker Way to Merlot Lane.**

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Agenda Item No. 9. **Public Hearing: SP-2013-00020. Chick-fil-A, Pantops (Sign #120).**

Drive -thru lane for proposed retail building.

ZONING CATEGORY/GENERAL USAGE: Highway Commercial (HC); EC Entrance Corridor Overlay.

SECTION: 24.2.2(12) Special Use Permit, which allows for drive-in windows serving or associated with permitted uses.

COMPREHENSIVE PLAN LAND USE: Urban Mixed Use – retail, commercial services, office, and a mix of residential types (6.01 – 34 units/acre).

LOCATION: Tax Map Parcel 78-55A2, located on northeast side of Route 250 East, across from the intersection with State Farm Boulevard.

MAGISTERIAL DISTRICT: Rivanna Magisterial District.

*(Advertised in the Daily Progress on February 24 and March 3, 2014.)*

Ms. Margaret Maliszewski, Principal Planner, addressed the Board, stating that this is a request for a special use permit for a drive-through window and an associated waiver of the bypass lane requirement. She stated that the site in question is located in Pantops on the north side of Route 250 directly across from State Farm Boulevard, the previous site of the Aunt Sarah's Pancake House. She said this particular drive-through layout is called an "isolated drive-through" because it is separated from the parking lot and from pedestrian traffic, and the drive-through lanes wrap around the west, south and east sides of the building – with the parking lot on the north side, separated from it. Ms. Maliszewski said that the separation is considered a positive factor in this proposal.

Ms. Maliszewski presented a diagram of the layout, noting the two order lanes which end at the order stations, and said that the two lanes merge into a single lane which continues past the pickup window on the east side of the building. Ms. Maliszewski stated that the layout does not include a bypass lane, and drive-through windows usually require a special use permit because of concerns regarding access, circulation and traffic volumes. She said the ordinance allows the County Engineer to require a bypass lane based on travelway length, the nature of the land use, and internal traffic circulation – and in this case, engineering staff indicated that a bypass lane should be provided for safety and better onsite maneuverability. Ms. Maliszewski stated that the applicant has indicated that the isolated drive-through layout and the speed with which vehicles move through the drive-through lanes eliminate the need for the bypass.

To achieve the overall site layout illustrated in the plan, Ms. Maliszewski said there are grading and retaining walls proposed – and to mitigate the impact of retaining walls and the impact of the location of the drive-through lanes, which is on the entrance corridor side of the building, the applicant has proposed a considerable amount of landscaping. Ms. Maliszewski stated that the ARB has reviewed the proposal and had no objection to the proposed drive-through use with the plan as presented, and their recommendation is considered another positive factor for the proposal. She said staff's recommendation was for approval with a number of conditions, one of which was provision of the bypass lane. She said the Planning Commission reviewed the proposal on January 14 and recommended approval with the conditions listed in the staff report, except for the one requiring the bypass lane. Ms. Maliszewski noted that the Commission also recommended approval of the waiver of the bypass lane requirement.

Ms. Maliszewski stated that the Board would want to take two actions today: one for the special use permit for the drive-through use and the other for the related waiver request.

Ms. Mallek asked if the reluctance for inclusion of the bypass lane was related to some structural reason. Ms. Maliszewski said the applicant does not think the bypass lane is needed because of the drive-through layout; it would take up more space onsite and would likely reduce the amount of landscaping.

The Chair opened the public hearing.

Mr. Greg Dodd, the applicant's representative, addressed the Board and stated that Horton & Dodd, PC, were the civil engineers for Chick-Fil-A on this site. Mr. Dodd offered to answer specific questions and to give a presentation if the Board so desired.

Mr. Boyd stated that the main question Board members had was why the applicant felt strongly about not putting in a bypass lane.

Mr. Dodd said, on this particular site and others they are doing for Chick-Fil-A, they are using an isolated drive-through, which has proven to greatly improve the efficiency of the drive-through operation and decrease congestion onsite. He stated that they submitted a study to the County which indicates about 21 people in the drive-through lane at Chick-Fil-A at any given time and, if there is a single order point rather than two, there will still be 21 people in line. Mr. Dodd said they do not have room to do another bypass lane in addition to the two order points, and are squeezed in the front by utility easements which take up 15-20 feet more beyond the right of way. He stated that they are trying to provide the fourth leg of the current three-legged intersection with State Farm Boulevard, as shown on the County's master transportation plan. Mr. Dodd said, since there is not room to do the third bypass lane, it would cause those 21 cars to extend into the parking lot and cause congestion with pedestrians and other vehicular traffic. He stated that this can be very problematic adding that the time it takes a car to get through the bypass lane is another advantage with the isolated drive-through layout. Mr. Dodd said Chick-Fil-A tries to service someone at the window every 30 seconds but, with multiple order points, there may be someone not ready to decide on their order – so the line gets longer and longer. With multiple order points and the isolated scheme, he said one person can take longer and others can go to another order point. He stated that, if a customer is in the inside lane on a multi-order point and decides they want to get into the bypass lane, they cannot do so without interrupting traffic – so, without the proper space, it becomes impractical.

Mr. Boyd said this project has been languishing for quite some time, adding that Chick-Fil-A worked closely with the County to help design the road to be directly across from the traffic light, as it appears in the master plan. He stated that they have been great to work with, and he would take their word for how the queuing would work and not having the bypass lane.

Ms. Mallek asked if the berm over the utility easement would be planted to provide screening between Route 250 and the property.

Mr. Dodd said they had initially planned to keep the landscape the way it was with retaining walls which are eight or nine feet tall but, at the end of their meeting with the ARB, they concluded that they could greatly mitigate that by continuing a somewhat gentle slope up to the wall so, it is two or three feet tall with landscaping in front of it.

Ms. Jo Higgins addressed the Board, stating that she had no knowledge of this application until she arrived at the meeting, but suggested to Supervisors that there are many localities that have never required a bypass lane – and there are no statistics to say that someone who's waiting in line might need emergency assistance. She said, in an era where they're trying to reduce pavement due to stormwater quality and other aesthetic issues, she would like to see the Board revisit that requirement.

There being no further public comment, the Chair closed the public hearing and the matter was placed before the Board.

Mr. Sheffield said he is in favor of the application and has talked with Mr. Boyd about how positive it is that the applicant will make the road connection, but he is not happy about the curb cut just 200 feet past the light. He stated that it is out of the applicant's ability to diminish that connection on North Pantops Drive, but wondered if there was any potential to close it because of the curb cut.

Mr. Wayne Cilimberg stated that this provides access to some other properties, and Ms. Maliszewski might have additional details on the road.

Ms. Maliszewski said there is a site plan that is been submitted for review, and VDOT comments indicate that they will recommend the entrance be closed because of that short distance. She said the applicant is working with the adjacent property owners on how that will happen.

Mr. Boyd said this has been a point of discussion for some time, and there is some concern about access to a neighboring property.

Mr. Sheffield asked if the additional traffic signal that would have to go in at the intersection would be part of the proffers.

Ms. Maliszewski said, as a special use permit, there are conditions which would need to be recommended, but there are no proffers, adding that all improvements are being handled by the applicant.

Mr. Cilimberg stated that it would typically be the case that the applicant would pay for that.

Mr. Davis said condition #4 should cover the light, and it was not limited to the drive-through lanes.

Mr. Cilimberg stated that, for immediate site access, the improvements VDOT would require would typically be the responsibility of the developer of that site.

Ms. McKeel said the Planning Commission recommended approval of this with conditions and asked what their concern was for the bypass lane, as they've required it.

Mr. Boyd stated that they took it out as a requirement.

Ms. Maliszewski noted that what is before the Board includes a strike-through condition for the bypass lane, which the Commission had agreed could be removed.

Mr. Boyd **moved** to approve SP-2013-020, subject to the six conditions and clarification that the use shall commence on or before March 12, 2016 or the permit shall expire and be of no effect. Ms. McKeel **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

AYES: Ms. Mallek, Mr. Boyd, Ms. Dittmar, Ms. McKeel, Ms. Palmer and Mr. Sheffield.

NAYS: None.

**(The conditions of approval are set out below:)**

1. Development and use shall be in general accord with the following plans prepared by Horton & Dodd, PC: Sheet C-2.0 "Layout Plan Option 1 6-25-13" dated 6/6/13 (hereafter "Layout Plan"), Sheet L-1.0 "Landscape Plan" dated 10/14/13 (hereafter "Landscape Plan"), and Sheet C-3.0 "Grading and Drainage Plan" dated 7/5/13, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the specified plans, development and use shall reflect the following major elements as shown on the plans:
  - a. Building location, orientation and mass
  - b. Relationship of drive-thru lanes to the building and the parking lot
  - c. Location and general character of landscaping
  - d. Relationship of retaining walls to the building and landscaping
2. Minor modifications to the plan to accommodate condition #3, and that do not otherwise conflict with the elements listed above, may be made to ensure compliance with the Zoning Ordinance.
3. Drive-thru windows shall be limited to one (1).
4. The applicant is responsible for installation and maintenance of control devices including but not limited to signage and pavement markings at the entrance and exit points of the drive-thru lanes, subject to county engineer approval to ensure appropriate and safe travel patterns.
5. The use shall not commence prior to the issuance of a Certificate of Appropriateness by the Architectural Review Board.
6. The use shall commence on or before March 12, 2016 or the permit shall expire and be of no effect.

Mr. Boyd then **moved** to approve the waiver for the bypass lane requirement associated with SP -2013-020. Ms. Mallek **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

AYES: Ms. Mallek, Mr. Boyd, Ms. Dittmar, Ms. McKeel, Ms. Palmer and Mr. Sheffield.

NAYS: None.

**Agenda Item No. 10. ZMA-2013-00014. North Pointe Neighborhood Investments (Sign #115).**

Request to amend approved proffers from ZMA200000009 on property zoned Planned Development – Mixed Commercial (PD-MC) zoning district which allows large-scale commercial uses; residential by special use permit (15 units/acre) uses. A maximum of 893 units on approximately 269 acres is approved by special use permit at a gross density of 3.31 units/acre. No new dwellings proposed.

ENTRANCE CORRIDOR: Yes.

AIRPORT IMPACT AREA: Yes.

FLOOD HAZARD OVERLAY: Yes.

PROFFERS: Yes.

COMPREHENSIVE PLAN: Urban Mixed Use (in Destination and Community Centers) – retail, residential, commercial, employment, office, institutional, and open space; Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses; Neighborhood Density Residential – residential (3 – 6 units/acre) supporting uses such as religious institutions, schools and other small-scale non-residential uses; Privately Owned Open Space; Environmental Features – privately owned recreational amenities and open space; floodplains, steep slopes, wetlands, and other environmental features; and Institutional – civic uses, parks, recreational facilities, and similar uses on County-owned property.

LOCATION: North of Proffit Road, east of Route 29 North, west of Pritchett Lane and south of the Rivanna River.

TAX MAP/PARCEL: 03200000002000; 032000000020A0; 032000000020A1; 032000000020A2; 032000000020A3; 032000000029I0; 03200000002300; 032000000023A0; 032000000023B0; 032000000023C0; 032000000023D0; 032000000023E0; 032000000023F0; 032000000023G0; 032000000023H0; 032000000023J0; and 032000000022K0.

MAGISTERIAL DISTRICT: Rivanna Magisterial District.

(Advertised in the Daily Progress on February 24 and March 3, 2014.)

Ms. Claudette Grant, Senior Planner, addressed the Board, stating that the North Pointe property is located north of Proffit Road, east of US 29 North, west of Pritchett Lane, and south of the Rivanna

River. Ms. Grant presented a diagram showing the location of the property, stating that it is comprised of several parcels which have a combination of Comp Plan designations. She said North Pointe is zoned Planned Development/Mixed Commercial, and the Board's focus would be on Tax Map 32, Parcel 22K. Ms. Grant stated that the applicant was requesting to amend approved proffers for ZMA 2000-0009, describing the construction and completion of the phase three road improvements, and no additional dwellings are proposed. She said the map shows the approved application plan with highlighted revisions, and the applicant is proposing to amend the proffers to allow the initial phase of internal road improvements to be only the section of road that would serve the proposed development on Tax Map 32, Parcel 22K. Ms. Grant reported that the remaining section of phase three internal road improvements from Parcel 22K to the school lot, and Northside Drive is to be constructed by other property owners within the North Pointe development. She said the main change within the proffer now describes the specific property boundary of the road improvements and the appropriate responsible property owner, and the proposed proffer amendment does not materially change the existing road system, the approved road network, or the street design within the development.

Ms. Grant said staff sees favorable factors as: the rezoning remains consistent with the Comp Plan, and the original intent of phasing of road improvements is maintained with this proffer amendment for the subject property and the other remaining properties in the North Pointe Development. She stated that staff finds no unfavorable factors, adding that this project was reviewed by the Planning Commission, who held a public hearing on January 14 and unanimously recommended approval. Ms. Grant said staff recommends approval of the rezoning with amended proffers.

Mr. Davis stated that staff discovered a form problem with the proffers which would require the document to be amended and re-signed and, while there would not be any substantive change, it would delay action by the Board. He requested that the Board hold the public hearing and, subject to that deliberation, defer the matter to April 2 for approval.

Ms. Palmer asked if a builder leaves a place for people to turn around when a road is stopped without connection. Ms. Grant said, typically, there is a turnaround area when there is a dead-end road and, while they had not discussed this yet, it would be discussed.

Mr. Cilimberg stated that it would be addressed at the site plan stage as part of the final site plan, providing the Board approves the rezoning.

Mr. Sheffield asked what the target number of homes is for the parcel. Ms. Grant said it was 123.

Mr. Sheffield stated that his concern is there be an adequate bus turnaround space, because no one is going to want kids to wait on Route 29 for a bus.

Ms. Palmer said there is also a steep slope there along the river, and she would be concerned about erosion with a lot of people turning around there.

Mr. Cilimberg stated that the plans staff has seen have all the units internally served by parking, and a bus could use that as a way to come in and get back out on Route 29.

Ms. Mallek said one of the reasons for support of this project was that it provided interior connections so that people did not have to come out onto Rt. 29 – providing sort of a community base internally – and asked what had happened to those important elements of approval.

Mr. Cilimberg stated that it was discussed at the first rezoning, and staff was suggesting that North Pointe Boulevard be built all the way through from Route 29 to Proffit Road, but that was not a requirement in the action to approve – it was only required that it would be built this far in this phase.

The Chair opened the public hearing.

Mr. William Shewmake of LeClair Ryan addressed the Board, stating that they are representing the applicant – Neighborhood Investments. Mr. Shewmake said they have worked very closely with staff and the County Attorney on this, and the adjacent property owners had come in with an amendment involving the delay of the school lot and site. He stated that his applicant did not oppose that, but they do want to go forward with this project. Mr. Shewmake said this property was very important to the greater North Pointe development because it ultimately provided access for that greater area out to Route 29. He stated that the applicant is not asking for any relief from improvements, but rather wants to ensure that, when the other properties build out, the road improvements will already be in place. Mr. Shewmake said there is a bit of a technical glitch, and each property owner is supposed to do its own road improvements. He explained that, even though the adjacent property owner is supposed to do those road improvements, his applicant technically could not get those done ahead of time.

Mr. Shewmake said they are providing very valuable affordable housing for the area around the Research Park and military station, and will also cut down on traffic coming from across the County. He stated that, when they first filed, the adjacent property had not been amended yet, so their zoning case was based on what the existing language said – and, once that was approved, the entire proffer case applies to that project. Mr. Shewmake said there are certain limits as to what the adjacent property owner must build before a certain number of houses can be built, and this application does not change that at all. He stated that the County Attorney has asked him to tweak the form on some of the other proffers so it mirrors what the Board has done recently, and his applicant has no problem with that.

Ms. Mallek stated that it would really help the families who will live there to be able to go out onto Proffit Road without having to go out onto Route 29.

Mr. Shewmake said they'd be delighted to do that once the adjacent property owner gets going.

There being no further public comment, the Chair closed the public hearing and the matter was placed before the Board.

Mr. Davis said the Board would need a motion to defer to April 2, 2014 and, if the Board has no concerns with this matter, it could be added to the Consent Agenda.

Mr. Boyd **moved** to defer ZMA-2013-0004 to the consent agenda of April 2, 2014. Mr. Sheffield **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

AYES: Ms. Mallek, Mr. Boyd, Ms. Dittmar, Ms. McKeel, Ms. Palmer and Mr. Sheffield.

NAYS: None.

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Agenda Item No. 11. **CPA-2013-01. Comprehensive Plan Update/Amendment.** To receive comments on the Planning Commission's recommended draft Comprehensive Plan Amendment. *(Advertised in the Daily Progress on February 24 and March 3, 2014.)*

The executive summary forwarded to the Board states that at the January 8, 2014 Board meeting, the Board set a public hearing to receive initial input on the draft Comprehensive Plan Amendment ("CPA") recommended by the Planning Commission in July and August of 2013 before undertaking further review of the CPA. In the process of preparing the CPA, the Planning Commission held over 40 meetings at which it received public comment.

The Board was introduced to the draft CPA recommended by the Planning Commission at its August 14, 2013 meeting. That executive summary, including attachments, is provided as Attachment A, noting the Planning Commission was still finishing the sections related to the Southern and Western Neighborhoods Master Plan, the Implementation Chapter, and the Plan Summary.

On September 11, 2013, the Board received the final sections of the CPA and began consideration with a review of the first three chapters. The September 11<sup>th</sup> Executive Summary, with its attachments, is provided as Attachment B. The CPA was not discussed in October or November due to time constraints. The Board subsequently deferred further consideration until the newly elected Board was seated.

The updated draft CPA dated January 23, 2014 can be found on the County's website. This draft contains all of the additions and changes to the original July 23, 2013 draft recommended by the Planning Commission. The CPA includes a summary section, the chapters of the Plan, appendices, and reference documents. Although the draft also incorporates grammatical and editing changes for clarity, the only substantive changes to the July 23, 2013 draft are those recommended by the Planning Commission in its actions last July and August.

The County's current Comprehensive Plan contains many recommended goals, objectives, and strategies. A comparison of those goals, objectives, and strategies with those recommended in the CPA can be found in Attachment C. A summary of the major changes proposed in the CPA can be found in Attachment D. Arrows denote topics of major discussion by the Planning Commission over the past two years. This summary may be useful to focus the Board's discussions as it decides on the strategy to review the CPA.

The Board has made several decisions that affect the recommendations made by the Planning Commission. Some of those decisions include approving a change to the Geographic Policing Model, building an indoor firing range, and accepting land offered for a County nature preserve south of the Southern and Western Neighborhoods. In order to reflect these decisions in the CPA, staff will recommend modifications for the Board's consideration during the upcoming review process. Staff will also provide any updates of data and information relevant to particular topics in the CPA during the Board's review.

As noted, the Board needs to decide what next steps it wants to take in reviewing the CPA after the public hearing. While the prior Board had begun to review the Plan chapter by chapter last fall, staff has recommended an alternative approach that is more topic and issue driven. In its last discussion regarding the CPA on January 8, 2014, the Board expressed an interest in first identifying the topics and issues for specific focus, then undertaking their review in the order in which they appear in the CPA. The Board still needs to confirm the topics and issues it wants to focus on and confirm its process for review.

Recommendations in the draft Comprehensive Plan include recommendations for future capital improvements and operations.

Following the public hearing, staff requests that the Board identify the topics and issues where there is interest in additional discussion. Staff can then suggest a schedule for completing the Board's review. Staff recognizes the Board may prefer additional time to reflect on the public comments and is prepared to hold a work session in March to consider a schedule for reviewing the CPA if that is the Board's preference. Staff recommends that the Board undertake its review of topics and issues in the order in which they appear in the chapters, as this provides an orderly progression through the CPA, and how later chapters are reviewed may depend on direction provided in the earlier chapters. Once the Board identifies the topics and issues, staff will provide a recommended schedule for review by the Board for the Board's consideration.

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Ms. Elaine Echols, Principal Planner, addressed the Board, stating that this was the Comp Plan presented by the Planning Commission and includes its recommendations. Ms. Echols said the Commission spent two full years on this project in conjunction with the Livability Project, and they listened, considered and discussed all the comments from the public at their mini-meetings. She stated that they had two actions in the summer to recommend this plan, and the plan given to the Board and presented online contains those recommendations from the Commission.

Ms. Echols said staff reports provide information on the major differences between the existing plan and the updated plan, and one of the Planning Commission's identified priorities were ways to improve the local economy. She said the Planning Commission is recommending some tourist-related activities in the rural areas, and wanted to make sure there was sufficient area for new businesses and industry. She said they have made recommended changes to the interstate interchange policy as well as changes to the rural areas section related to agri-tourism and non-traditional crops. Ms. Echols stated that they conducted a capacity analysis and recommended some minor changes to the development area boundaries, adding that there is a write-up on the capacity analysis in the reference section of the Comp Plan. She said the Commission spent considerable time with a number of expansion area requests before concluding that they could only recommend minor changes at this time. Ms. Echols stated that the Southern and Western Neighborhoods Master Plan has been put together with this Comp Plan so there are master plans for all of the development areas, and there are changes from the existing Comp Plan's land use section. She said a fair amount of time was spent on urban agriculture – primarily chickens and goats in the development areas – and heard from a lot of residents expressing both pros and cons, so there were some "cautious recommendations" made for urban agriculture.

Ms. Echols reported that the other things the Commission changed included lots of formatting and, instead of having just independent policies; they've added economic development and housing chapters. She said there were some minor changes to the affordable housing policy, as noted in the appendix, and they tried to get clarification on how the cash proffers and affordable housing proffers worked together – so they've made recommendations in that area. She said they updated the natural resources section, community facilities and those standards, made current the Neighborhood Model design guidance and tried to simplify the land use map and the designations so the master plans will be more consistent. Ms. Echols said they also worked on getting the Area B studies – which were all independent studies – incorporated into the plan so they're all in one place.

Ms. Echols stated that the plan itself is now much simpler to navigate, with an introduction, a background, and a vision and values sections. She said the growth management policy was not made a separate chapter, but the Commission felt it was important to have it as part of a chapter which helped explain "how and why." She said there are major topical areas within eight chapters and an implementation chapter on priorities as well as how to measure success – which the Commission felt was important. Ms. Echols stated that they also have a summary at the beginning of the document, which is the abbreviated version of the plan, and staff would like the Board to consider the public's comments tonight and add to that list of topics as needed. She said the Board would decide what's most important to review and how it systematically wants to go through the review, with the Board's next meeting on the Comp Plan scheduled for April 2.

Ms. Dittmar asked for clarification that the changes mentioned here are changes since the Planning Commission's adoption.

Ms. Echols said the Planning Commission made recommendations in July and August and, when the Board first heard this in the summer, staff had not had the chance to get all their changes incorporated into the document. She stated that staff had given the last former Board the plan that the Commission saw and the list of changes they said needed to be made to that plan.

Ms. Mallek reviewed the rules and protocol for speakers.

Ms. Dittmar announced that there was a time limit of two minutes for speakers in order to accommodate everyone but, if they had additional comments, they could submit those by email – as well as attend future meetings.

The Chair opened the public hearing.

Ms. Martha Levering addressed the Board, stating that she was speaking on behalf of the Natural Resources Committee of the Charlottesville League of Women Voters. Ms. Levering said, since the 1980s, they have studied the issues regarding disposal of trash in the community and have watched over the Comp Plan process throughout the years. She stated that this Board is now involved in decisions about solid waste and redevelopment of the Comp Plan. She said the League thanks the Board for

taking the issue of solid waste seriously – and giving citizens the chance to participate in considering various options. Ms. Levering said the League agrees with the U.S. Supreme Court that waste disposal is an important function of local government, and they want the community to set high standards for stewardship of the environment as well as having the Board include specific goals for refuse handling into the Comp Plan. She stated that one city in the country has a goal of zero landfilled waste by 2040, and the Comp Plan's public facilities section, as forwarded by the Planning Commission, includes an objective of "provide solid waste management services in an efficient and cost effective manner, sign onto the TJPDC solid waste plan, educate the public, find economic savings, continue operating the Ivy MUC and the McIntire Center, and utilize the Zion Crossroads facility to meet state mandates for recycling," which is 25%. Ms. Levering stated that Albemarle deserves a plan which sets some goals other than cost efficiency and meeting the state's minimum mandate. She said, in the last report to DEQ, the Planning District's rate is below the state average, which is based on the assumption that mixed materials processing – erroneously called "single stream" – actually works.

Ms. Linda O'Connor addressed the Board, stating that she and other residents of neighboring communities were attending in order to address the first draft of the Southern Master Plan. She stated that one of their primary desires for the neighborhood is to have a town center, specifically on Mill Creek Drive between Avon Extended and Route 20, and the draft master plan has a number of activity centers but not a center of gravity for the community. Ms. O'Connor said there is a great opportunity to develop some of the land beside the fire station on Mill Creek Drive as well as the shopping center, which would essentially merge two centers into one and make Mill Creek Drive a town center. She stated that the town center could have community facilities on county land, and there are many benefits to this model.

Ms. Pam Riley addressed the Board, stating that she resides in Mill Creek and participated in the public meetings held for the Southern and Western Neighborhoods regarding the Comp Plan update. She stated that, in general, she thinks the County has done an excellent job with growth management and agrees with directing growth into development areas, adding that she supports the use of the Neighborhood Model to achieve compact, livable development. Ms. Riley stated that the southern plan area is developing very rapidly, and the Comp Plan update calls for a more complete master plan to be written for the area in approximately 4-5 years – but she thinks that most vacant land in that area will already be developed or will be in the proposal stages by then. She said residents there feel more urgency about getting detail into the plan at this time, and she supports the emphasis on having a town center for the area along with more effective land use to deal with mixed use compatibility issues for the area. Ms. Riley said the forums addressed both the western and southern areas together, but what was missing was an opportunity for just the Southern Neighborhood to come together as a community to form a vision of what they want for that area – with not enough time for proactive visioning or design work, which they would like to do over the next few months.

Mr. Dennis Odinov addressed the Board, stating that he is chair of the Village of Rivanna Community Advisory Council and was speaking on their behalf regarding the proposed Comp Plan draft. Mr. Odinov said there is language appearing in pages 8.3, 8.10 and 8.11 which basically says "to encourage and support development at the higher end of the density range as recommended in the master plans." He stated that the density often skews to the higher end of the range and, in so doing, produces results that are not intended. Mr. Odinov said density is calculated on gross acreage, not buildable acreage – and critical slopes, intermittent streams and wetlands are ignored. He stated that, recently, their council examined a ZMA of 88 gross acres and, as part of that property; there is a dedicated County park and wetlands consisting of 35 acres or 40% of the land. Mr. Odinov said nothing was going to be built on it but, by using the present formula, gross land acreage of 88 acres must be used to get the required units, and that would mean a minimum 352 units. He said, if you divide these over the 53 buildable acres, you get a maximum minimum density of 6.6 units per acre, and the maximum density would be 10 units per acre. He noted that maximum density would realistically be 10 units per acre, but neighborhood density is 3.6 units per acre so the resulting appearance is closer to urban density. Mr. Odinov said the council recommends abandoning the one-size-fits-all concept and eliminating that language in the Comp Plan is a good start, and changing the basis for calculating density would be a more reasonable approach.

Mr. Roger Schickedantz addressed the Board, stating that he would provide a third point of view on the Southern Neighborhood in addition to Ms. O'Connor and Ms. Riley. He thanked County staff and the Planning Commission for a great job on the Comp Plan update, and said a high priority concern for Neighborhood Four is the definition of light industrial land use in the master plan and the increased footprint given over to it. Mr. Schickedantz said, as evidenced in the January 8 convenience center hearing, the community is not in favor of increased industrial-like activity, and said that the land use categories and guidelines document disguises light industrial by combining it with office use in a designation of "office, research and development, flex, light industrial." He stated that this is a distinction which does not exist in the zoning ordinance and is an attempt to make light industrial appear more palatable than it really is. Mr. Schickedantz said there is already a significant amount of light industrial use in this part of the County, and about 37% of the street frontage on Avon Street between the City line and Route 20 is a degraded or industrial-type use. He stated that residents do not think there's justification to expand it in an increasingly dense residential area, as lights, traffic, large buildings and parking footprints are incompatible with housing. Mr. Schickedantz said mixed-use walking communities with housing and commercial are not facilitated by more light industry, and County staff has said that the decision to expand flex research and development space was driven by economic development need for medical lab space with good highway access, but there is already a wonderful place which meets this criteria in the former Blue Ridge Hospital site and urged the Board to work with UVA to develop there.

Ms. Antoinette Brewster addressed the Board, stating that she is a resident of the Scottsville District and is deeply concerned by what seems to be a fast and furious effort to develop the rural areas into a vast sea of commercial activity. Ms. Brewster said this is the last vestige of green untouched beauty, and she now has visions of McDonald's, breweries, gas stations, "stop-n-shop" signs, and lodges throughout the rural areas – along with massive traffic jams as people deliberate which venue to enter from roads which are not passable. She stated that the thought of allowing people to have commercial activities in the rural areas is interesting and not without merit, but she encouraged the Board to have the community go slowly and think how this expansion will affect the County's precious water supply, roadways, and unsigned scenic beauty. She said the existing policy to protect the rural areas has served citizens well – why change? She said, remember, nothing grows on asphalt.

Mr. Benjamin Brewster addressed the Board, referencing a letter sent by former Planning Commissioner, Bill Edgerton, in which he quoted Lester Brown of the World Watch Institute stating that "asphalt is the last crop we will ever plant." Mr. Brewster said the Board needs to be very careful going forward with this plan in the rural areas because, once you put in asphalt, it is hard to get rid of it. He stated that the term "by right" is concerning, as it is a very difficult thing to control and opens a whole flood of people wanting to do something. Mr. Brewster said he would also like for "performance standards" to be clear and enforceable, adding that the crossroads development needs to be done carefully and lodging needs to be kept from getting out of hand – with the current level at five units on a farm and two facilities per parcel.

Ms. Paula Beasley addressed the Board, stating that she has lived in southern Albemarle for 20 years and urged the Supervisors to take the time to review each subsection of the Rural Area draft and to reject recommendations which broaden uses within the rural areas, especially by-right uses. She said the 2004 plan reflects the historic decline in rural lands, from 3,765 farms or 84% of the County in the 1920s, to only 37% of the County in 1997; smaller farms fell from 873 to 217, and this is a trend they cannot afford. Ms. Beasley said the voice of the Comp Plan draft tends to change from "preserve and protect" to what the rural areas "will be" – perhaps an unconscious giving-up of active preservation and protection and surrendering to broadening rural area uses into commercial and other unrelated activities. She stated that active policies of 2004 focused on reducing the division and fragmentation of land and slowed the trend; but much of that language is streamlined out of this draft, and the recommended broadening of uses into breweries, commercial events and uses – especially by right – will increase fragmentation and strain relationships to ag/forestral and natural resources. Ms. Beasley said the permissive encouragement of more lodging which should occur on the edge of development areas with supporting infrastructure will destroy rural lands; currently 10 rooms per parcel are permitted seven days per week, which could overwhelm a rural community and more are not needed. She stated that draft strategies listed as 1 A-F have worked and should be more actively supported because those incentivize landowners to preserve land, to farm land, and create biodiversity – not to give up farms and forests and take up a commercial enterprise for support. Ms. Beasley said preservation of these lands is our heritage, and the duty of landowners is to protect these lands and not cater to some perception of what tourism requires.

Mr. Hal West, a resident of southern Albemarle, addressed the Board, stating that the prior version of the Comp Plan is thorough in content and intent, and is consistent with what rural means. He said he is concerned with the missions in the new plan, which has wording that is ambiguous and could be open for personal interpretation. Mr. West asked the Board to remember what "rural" means, and stated that rural does not mean concentrated populations of people, industries creating noise or destination, or event planning in the guise of agriculture – which are not harmonious with the needs of a rural community. He stated that the rural areas provide organic produce, meat, milk, cheese and other dairy products that area markets sell and residents enjoy. Mr. West said quiet is essential to maximize agricultural productivity, and rural Albemarle is special and unique – with people from all over the country seeking out this rural area for its unequalled beauty, wildlife, and tranquility. He emphasized that loud and populated events will lead to destruction of this special agricultural area, and urged the Board to denote a clearer demarcation between rural and city. Mr. West encouraged the Board to develop close to the city limits where adequate infrastructure exists, and said that bringing large and loud events to rural areas destroys the peaceful ambiance and strains the rural infrastructure. He asked Supervisors to carefully review all proposed language changes in the Rural Areas section of the plan against that standard.

Ms. Barbara West addressed the Board, stating that she is a resident of the Southern Albemarle community and thanked Supervisors for listening to citizens' concerns and ideas – and for the "new era of transparency." She stated that, once a large enterprise or event is allowed in the rural area, another will follow and then another, and then all the establishments which serve their needs; and in no time, their distinguished and special atmosphere is gone – once gone, gone forever, and then Albemarle will be just another cookie cutter area like hundreds of others in the country. Ms. West said rural Albemarle will no longer be special, and the community is certain the Board does not want this to happen and asks Supervisors to really see the gem of rural Albemarle and have the conviction to preserve it for now and for future generations. She asked the Board to keep the quasi-agricultural tourist attractions, large events and establishments close to the city limits and within the currently defined development areas. Ms. West urged the Board to protect the rural areas from an insidious intrusion of events dressed in the guise of agriculture but without any real agricultural purpose. She asked the Board to please protect and value rural Albemarle.

Ms. Carole Thorpe addressed the Board, stating that she is a resident of the Jack Jouett District and chair of the Jefferson Area Tea Party. Ms. Thorpe said, for the last three years, members of that party have been actively involved in this process – with an assigned representative on the Livability Project and participation in several meetings and hearings in preparation for the Comp Plan. She stated that the spirit of the plan, according to Virginia Code, is that it is "simple and advisory," and her concern is

that a document of almost 400 pages with a 55 page executive summary can be neither. Ms. Thorpe said the last Board came to the decision that it was necessary to go over the plan chapter by chapter – which may not be the choice of the current Board. She stated that the JATP would recommend that the Board honor the decision of the previous Board and, if the plan is not going to be kept simple, the Supervisors should review it chapter by chapter. Ms. Thorpe asked for attendees to stand in support of a chapter by chapter review.

Mr. Jack Marshall addressed the Board, stating that he is a 25-year resident of the Whitehall District and speaking on behalf of Advocates for a Sustainable Albemarle Population (ASAP). Mr. Marshall said the vision statement in the Comp Plan is a generic platitude which needs to be bolder and clearer, and framed for their unique community. He stated that the vision indicates nothing about what Albemarle County aspires to be – Fairfax, Podunk, or Los Angeles. Mr. Marshall stated that ASAP proposes the addition of language after “a thriving community” to state “with a population size not significantly larger than it is today.” He said the notion of sustainability has nearly vanished in this draft of the Comp Plan, seemingly replaced by a theme of economic development, and County residents recognize that sustainability is a key value which should drive the vision and shape the policies and be incorporated into the vision statement. Mr. Marshall said the underlying premise of the Growth Management chapter of the plan and throughout the entire document is that all planning must accommodate open-ended population growth, and the tools described for growth management identify only where and how growth should occur, assuming that growth will continue without end. He stated that, on the contrary, planners and decision-makers should start now, with this Comp Plan, to anticipate what the County will and should be when growth stops, and plan for that situation. He stated that ASAP proposes the Comp Plan include a commitment to estimate an optimal, sustainable population size for the community. Mr. Marshall said this provisional estimate would be specific – a finite size or range which the community chooses, to best balance the various issues; and could serve as a wonderful planning tool.

Ms. Helen Swift-Dovel addressed the Board, stating that she is an active member of the Jefferson Area ‘Taxed Enough Already’ Party and a County resident, but was speaking on her own behalf. Ms. Swift-Dovel said she hoped this Board was honoring the intent of the previous Board to review the plan chapter by chapter, and said that the House of Delegates in Virginia just passed SB-241 which would make the Comp Plan law. She said the Board would be putting into law a requirement for citizens to comply with the plan, so the Board needs to make sure it is a policy. Ms. Swift-Dovel stated that her understanding was that the Board would be voting for adoption of the Comp Plan at the meeting tonight.

Ms. Dittmar clarified that the Board would receive public comment at this meeting, and staff would bring back a list of identified items at its next meeting for further discussion – so the Board is not voting on the draft at this meeting tonight.

Ms. Mallek said the Board still has several hundred pages of detailed meetings to go.

Ms. McKeel apologized for any confusion on the part of the public.

Mr. Tom Olivier addressed the Board, stating that he was speaking as an individual and was a resident of the Schuyler area of Albemarle County. Mr. Olivier stated that he had some revisions to propose for the current Comp Plan draft, and said that the single-sentence “vision statement” is almost without content – and the Sierra Club has proposed a one-page vision statement which would serve them much better. He said the draft also claims that the existing growth management policy was “a success and a cornerstone to the rest of the plan,” but he would describe the policy as a failure as population continues to grow rapidly and sprawl extends further into the rural areas every year, destroying natural resources. Mr. Olivier stated that the Board should not be passive about population growth but should try to accommodate it, and the Comp Plan should call for a public process to identify a best or right size for the community. He said that pursuit of sustainability and maintenance of quality of life should be cornerstone goals of the plan. Mr. Olivier said, in 1999, in the Natural Resources chapter of the Comp Plan, the County made serious commitments to protect native plants and animals, and those are continued in the current draft. He stated that those commitments can only be met if the planning staff roster that was so depleted is rebuilt in the next year or two. Mr. Olivier urged the Board to require an analysis of the cumulative effects of the multiple relaxations of any rules for businesses in rural areas as part of its decision process. He stated that there are many small proposals but, if many of these are passed, the allowed land use changes in the rural areas could be very large. Mr. Olivier also urged the Board to thoroughly analyze the potential impacts of expansion of the Schuyler Soapstone Extraction facility, as the mineral rights leases were written long ago under very different circumstances.

Mr. Neil Means addressed the Board, stating that he is a member of the Village of Rivanna Community Advisory Council and a resident there. He said, in the Comp Plan draft on page 8.10 under Objective 2, it states “encourage and support development at the higher end of the density range as recommended in the master plans,” and under 8.11, Strategy 2B, it reads “work with developers to build on the higher end of the density range.” Mr. Means said their council recommends removing that language because it skews the intention of the master plans, which were created during a long process with many community meetings and workshops that included numerous citizens and stakeholders. He stated that those master plans and the density ranges in them constitute an agreement with those citizens, and they’re now part of the Comp Plan. Mr. Means said it is highly inappropriate for the County to now adopt as a general policy in the same Comp Plan a redefinition of those density recommendations. He stated that, where the County had previously agreed that a given track would be developed at 3-6 units per acre, it is now saying that means 5 or 6, not 3 or 4. Mr. Means emphasized that this is a breach of trust with the County’s own citizens – a bait and switch – and, when a master plan says 3-6, it should mean 3-6. Under the current Comp Plan, he said the County can and should look at

each case and urge an appropriate density for that application, which might be at the high end – and there's no need for Objective 2 and Strategy 2B to be written in the Comp Plan as a universal policy. Mr. Means stated that, as a member of a community advisory council, he feels the County is asking him to violate his own ethics, as he is supposed to be a liaison between the County and his neighbors, and now they are asking him to go to his neighbors and say, "Ha, ha we changed the rules." He added that he is not going to do that.

Dr. Charles Battig addressed the Board, stating that the law establishing comprehensive plans states that they are to be "general in nature and advisory," and they are not the rule of law yet – and what the County has is a micromanagement of everything. Dr. Battig said the Comp Plan is 400 pages with a 55-page summary, and asked Board members if they had read every word. He reminded the Board that it had voted back in January to go on the fast track when presented with two choices. Dr. Battig said the document is very prescriptive and everything in the Comp Plan tells one what the community should and should not have, and contradicts the goal to "preserve individual rights." He stated that the concept of biodiversity is bogus, and the head of the Nature Conservancy even came out and said it was a lot of bunk, and said that data did not support the idea of a fragile nature at risk of collapse. Dr. Battig said, in January, the Board had voted not to do the chapter by chapter review, and asked if the Board had an answer for that.

Ms. Mallek said the Board had determined that, rather than waiting until the end of its own review to hold a public hearing, they wanted to hear from the public first and also at the end – while studying the chapters in between. She stated that she would be advocating for a full review of the plan.

Ms. Dittmar reiterated that the Board would not be voting on the plan at this meeting, and this is only the beginning of its review process. She said the Board would read every part of the plan before voting on it.

Ms. Palmer said what the Board had decided earlier was to further discuss the process by which it would review the plan, after hearing from the public and after having time to really go through it.

Mr. Doug Arrington addressed the Board, stating that he is a resident of Biscuit Run Valley and stating that, when this process started in January 2011, he was introduced to it through neighborhood meetings with Neighborhood 4 and 5, which encompass the Southern Area B. Mr. Arrington said, through this process, he has asked for clearer maps – even the new land use maps and the current land use maps have different color coding – and he does not have the foggiest idea as to what upgrading is going on in these neighborhoods. He stated that the Southern Parkway is not buildable or economically feasible, and they've also lost Sunset/Fontaine because Grangers is building out in that area. Mr. Arrington requested from the Board clearer maps and a town hall meeting for Neighborhoods 4 and 5 so they can get a handle on exactly what is changing and what is being upgraded. He emphasized that they have no infrastructure alternatives, particularly in Neighborhood Five – and there's nothing in the mandate which says they have to make any changes, they just have to review.

Ms. Karen Yates addressed the Board, speaking on behalf of the Charlottesville Area League of Women Voters. Ms. Yates said the 2013 Comp Plan update is very well organized, easy to follow, and clearly written. She stated that the League appreciates the work and commends the improvements, and thanks the Board for the opportunity to express concerns about the plan. Ms. Yates said their first concern is that some of the existing plan strategies and action items are part of narratives now in the updated version, and thus not specifically identified as action items. She stated that the plan is the framework on which County zoning decisions are built upon when facing a challenge in court, possibly involving millions of dollars, and the Board needs to provide strong legal authority – so it must ensure that the entire document has that authority, and that any item dropped from the existing plan still provides legal backing for environmental protection actions the Board may take. Ms. Yates urged the Board to ensure the plan meshes with the new mandated stormwater requirements, and said it should suggest the process, timeline, and milestones for implementation of the new requirements. She stated that the League has been interested in the region's water supply for many years and, in 2013, they reviewed the resources components of the updated plan. She said scattered throughout the existing plan are the five basic strategies, which emphasize the need for an entity with an overview of all water protection efforts, effective education programs, contamination preventative measures, a well-managed database used for water quality and quantity trends, collaborative efforts to achieve water protection, and goals. Ms. Yates noted that the league was submitting documents to the Board with more information about their concerns.

Mr. Jerome Beasley addressed the Board, stating that he has lived in Esmont for the last 20 years and wanted to address the expanded use recommendation in the Rural Areas draft and urged the Board to retain the prior tone, priorities and uses from the 2004 draft in order to preserve and protect agricultural and forestal lands, as those are our greatest assets and distinguish the area from other parts of the state and country. He said tourism here has prospered not because of gift shops, zip lines, and tourist attractions – but because they do not have them. Mr. Beasley stated that the County has great expanses of agricultural and forestal lands, and he asked what sense it makes to encourage landowners to find alternative uses for their land and to encourage them to give up agricultural and forestal pursuits such as raising livestock and horses in favor of expanded lodging, restaurants, destination venues, manufacturing and commercial activities which are inappropriate for rural areas without public input or Board review. He asked where the infrastructure would come from to support these services and how the community would maintain the distinct character of the rural areas with these intrusions, and how rural rustic roads would accommodate large-scale events especially without impacting other residents. Mr. Beasley asked why one resident's non-farm activities would be permitted to disrupt and degrade his neighbors' farm activities, livestock, water usage and enjoyment, emphasizing that these by-right uses

remove the Board's decision-making and residents' input about the water, roads, noise, lights and other detrimental aspects of these activities. He recommended that the Board take considerable more time to evaluate the draft.

Ms. Nancy Flynn addressed the Board, stating that she has a few issues regarding the mining overlay in the Schuyler area and would like to know more about what it entails. Ms. Flynn said there are things she would like to see implemented, including the updating of documents to be used for the overlay – as most of the mining deeds associated with the area have not been updated since the 1950s. She stated that the properties have been sold and transferred, and nothing has been updated with the mining permits and leases, which affects the tax office, zoning office, and other areas of County management.

Ms. Bonnie Harden addressed the Board, stating that she is a resident of Schuyler Road and bought a piece of property there in 2009 which had not been mined in 60 years. Ms. Harden said she welcomes the new mining company, but said they would be subject to reflections of the last few years where they were preparing for them to come. She stated that there had been an aggressive push to reactivate mineral rights on residential lands, and the Comp Plan designation is part of that. Ms. Harden said recent arrivals are unaware of those preparations, and the deeds are from the 1950s and 60s – with nothing updated. She said the company is trying to mine her subdivision, within 40 feet of her kitchen. She stated that residents have been pushed to litigation over the roads through their subdivision, and the existing roads are a historical byway.

Mr. John Chavan addressed the Board, stating that he was a longtime resident of Albemarle County and owns property at Pantops located next to a 200-room hotel. Mr. Chavan said there was a VDOT study in 2000 which showed 30,000-33,000 cars per day going by his business, and the area is still zoned rural. He stated that no one here would think it was a rural area with that many cars, and he referenced a study from January 11, 2010 by county staff entitled, "The Assessment of Availability and Demand for Industrial Zoned Property in Albemarle County." Mr. Chavan said the County has not been considered a major industrial center as evidenced by limited breadth of industrial buildings, and Map 2 shows a limited amount of undeveloped industrial land near the interstate interchange at Pantops. He stated that there is some land there but it does not have road frontage, whereas his property does have frontage.

Mr. Joe Draego addressed the Board, stating that the average time given to citizens throughout the nation to address public bodies is three to five minutes, and two minutes is not enough time. Mr. Draego said he is very dissatisfied with this process, and the current format of the public hearings does not work – adding that there should be an open forum whereby citizens can discuss issues with Board members.

Mr. Boyd stated that Board members cannot engage in dialogue when they're on the dais receiving public comment, but each Supervisor is holding town hall meetings out in the community whereby citizens can have a conversation with them.

Mr. Draego said, at a recent town hall meeting he attended, Ms. Mallek basically "kicked him out of the place," and stated that he was not a member who lived in the community and, therefore, did not have a right to ask her "questions that she found embarrassing."

Ms. Dittmar stated that this is a structured, legal, formal approach which the Board must go through and wants to go through, but there are many other ways by which it can have dialogue – including roundtables, stakeholder roundtables that are open to the public, town hall meetings, citizens advisory committee meetings, etc. She said it is required by law that the Board holds public hearings and, what is said in these particular forums becomes part of a permanent public record. Ms. Dittmar stated that normally the Board allows three minutes for each speaker, but for larger public hearings, they cut it back to two minutes, and perhaps that could be reconsidered in the future.

Ms. Audrey Welborn addressed the Board, stating that she has been a resident of the County for 42 years and has been frustrated with the process also. Ms. Welborn said she's been involved with the revised Comp Plan process for almost three years, starting as a community member when the Thomas Jefferson Planning District Commission (TJPDC) held its first preliminary meetings after being awarded the grant from HUD. She stated that she participated and hardly ever missed a meeting – with 30 or 40 citizens representing the community, and at least one third were very concerned about protecting private property rights during the Comp Plan revisions. She said, even though they gave input, she does not feel anything they said was incorporated into the document. Ms. Wellborn said she also participated in the Planning Commission process and spoke every time they addressed the plan, with several different items of concern including transfer of development rights, the definition of rural property, how habitats would be identified, etc. – but no one ever answered any of her questions either during or after the meeting. She stated that, last fall, she spoke again to the Board and asked the same questions, but still did not get any answers.

Ms. Dittmar asked Ms. Welborn to submit her written comments to the clerk.

Mr. Jim Moore addressed the Board, stating that he is a lifetime resident of the area and thanking the Planning staff for a more organized plan. He stated that the size of the plan needs to be reduced significantly, adding that the summary alone is 55 pages long with a lot of unnecessary high brow verbiage throughout the plan. Mr. Moore said it has been over a year now that the public, the Commission and Board have been requesting from staff that there be a "full, simple draft" of before and after changes, step by step, and he would recommend that the entire County start to use Wiki-style

content management software – which is readily and freely available from Wikipedia. He stated that he really opposes almost the entire philosophy that a codified statutory comment “has been and continues to be the primary tool by which we retain our values.” Mr. Moore said he is personally a bit offended by this statement and does not appreciate this paternal tone.

Mr. Salvatore Giordano addressed the Board, congratulating the new faces on the Board and thanking them all for their service to the County. Mr. Giordano said he is president of the board of directors of the Quarries Association, a homeowners association representing the Quarries eco-village in the Schuyler area of southern Albemarle County. He stated that, on behalf of that community, he wishes to express opposition to the expansion of the natural resources extraction overlay district – at least the way it is written now. Mr. Giordano said soapstone was quarried extensively in this area from the 1880s to the 1930s, and it declined drastically from the Great Depression to the 1970s. He stated that the community has changed significantly since then, with dozens of families having moved there and dozens of homes being built. Mr. Giordano said their concern is that the overlay expansion could be a slippery slope which would open the door to other mining activities that do not have any historical precedent. He said many people from the larger Schuyler community met the previous evening with representatives of the Polycore company, a Canadian company that owns the leases to do the soapstone quarrying – and they have no strong position about the extraction district, which makes him wonder where the push is coming from. He stated that any increase in the lands where mining is permitted beyond where it is occurring would negatively impact many of the people living in the area, and he urged the Board to proceed with caution.

Mr. Charles Winkler addressed the Board, stating that he was there as a City resident to “start hostage negotiations” – as he is landlocked in the City and must pass through the County in order to leave. Mr. Winkler said he drives about 10,000 miles per year to Northern Virginia and back and, in looking at the transportation priorities in Chapter 13, there are about seven references to pedestrians, five to bicycles, two to rail, one to air, and roadways are barely mentioned. He stated that he was a member of the Livability Partnership, and he would like to bring roads and highways into the conversation – as the language in the plan suggests that the only way people and freight move around the County is by foot or by bicycle. Mr. Winkler said he would like for other indicators for progress to be safety on the roads, a reduction in accidents and fatalities, decreased travel time, and more consideration for roads and highways.

Ms. Laura Emrick addressed the Board, stating that she reiterates what Sal Giordano said about the quarries in Schuyler and does not understand what the impetus is for the overlay expansion. Ms. Emrick said she moved to Schuyler after living 20 years in New York City, and built her home surrounding the long-abandoned quarries that comprise the reason and name of their subdivision. She stated that nature has reclaimed and flourished in the quarries, and the remaining holes have become especially picturesque swimming holes and a haven for plants and wildlife. Ms. Emrick said the residents of the area strongly support protection of the environment and are very concerned about the new interest in mining and changing the environment. She urged the Board to consider this very carefully prior to moving forward.

Ms. Tina Twitchell addressed the Board, stating that she is a resident of the Schuyler area and moved there to purchase a two-acre lot with the understanding that the mining was defunct. She stated that to have mining in her backyard is unsettling to her, adding that she came to the rural area to get what it had to offer – not to have dynamiting and truck traffic – and she is concerned about the proximity of mining activity to her home. Ms. Twitchell said she is also concerned about dust and the impact on the plant and animal environment in the area.

Mr. Morgan Butler addressed the Board on behalf of the Southern Environmental Law Center, stating that the SELC participated in many of the public work sessions held as the draft made its way through the Planning Commission and feels the draft has benefitted from that process, from staff’s hard work, and from the Commission’s review. Mr. Butler said the Comp Plan is a very important document, describing the community they aspire to be and showing the path for getting there. He stated that there has not been a wholesale revisiting of the Comp Plan for a long time – and there’s not likely to be another one for years or even decades, so it is crucial that the Board and the public use this opportunity to ensure this plan charts a course which makes them a leader in environmental protection and responsible growth management, and helps ensure that County residents will continue to enjoy a high quality of life. He stated that there are a number of issues the SELC feels the Board should look closely at, which are reflected in a letter submitted to them in February, one of which is commercial uses in the rural areas. Mr. Butler said the County has recently taken steps to broaden the extent of commercial activities in the rural areas, including changes regarding wineries, farmer’s markets, home occupations, bed & breakfasts and transient lodging. He stated that staff and the public have both urged caution in going any further until they have a better sense of how those recent changes are playing out – both in terms of negative impacts and its benefits. Mr. Butler said, if the draft were to open the door to a number of additional uses including new commercial lodging buildings as a by-right use, the caution voiced by staff and the public is well-warranted. He stated that the SELC urges the Board to tread carefully on this issue, pull up on the reins a bit, and wait until there is a clearer picture of the impacts of recent changes before pursuing any more.

Ms. Betsy Baten addressed the Board, stating that she is a resident of the Village of Rivanna and would like to reinforce comments made earlier regarding a one-size-fits-all approach for development if the Comp Plan recommends higher density. She stated that the scheme would not really work unless undevelopable acreage which contains features such as streams, critical slopes, and wetlands is subtracted from density calculations for development. Ms. Baten said this provision in the Comp Plan

forces very dense development into useable acreage which will result in overcrowded, unattractive communities.

Mr. Jeff Werner of the Piedmont Environmental Council (PEC) addressed the Board, stating that Albemarle is a beautiful and unique place and, in many polls, is the "best place to live," but that is not by accident. Mr. Werner said, for decades, County residents and local groups have worked with the County to develop and implement policies which protect natural and historic resources, maintain growth areas, and preserve the countryside that is truly rural. He stated that the Comp Plan is the County's vision statement and its roadmap for future development, and the current plan is a good one which should be revised carefully during the updating process. Mr. Werner said a key concern for PEC is the clear policy shift regarding the rural area, and the current plan focuses on the true agricultural economy and the threat of suburban-scale development. In contrast, he said the draft is almost singularly focused on commercial activities which have little to do with local ag other than using it as a backdrop. Mr. Werner said the revision appears to downplay the concerns of the suburbanized countryside, as if merely rearranging rural development will somehow mitigate the cost and consequences of that development. He stated that the current plan calls specifically for an evaluation of the fiscal cost of rural development, which is not found in the revisions. Mr. Werner said the draft suggests new uses in the rural area that should be considered – as long as they're appropriate to the setting, but who determines that setting? He recalled the opposition to expanding events at Castle Hill Cidery, the police training facility in Keene, and the campground in Howardsville – which all showed that rural residents value their community. Mr. Werner said the Comp Plan should recommend that the County work with rural residents to identify the unique settings of their communities, and this becomes imperative with a rural policy that encourages non-ag commercial activity.

Mr. Neil Williamson with the Free Enterprise Forum addressed the Board, stating that he had sent the Board a list of minor issues which occur in the plan and emphasized that process is the main course for the day. He said, in its Community Development workplan, proffers are discussed and moved to completion by the third quarter of 2014, and he strongly encouraged the Board to do those in concert with the Comp Plan. In addition, he said the Economic Development Plan is the shortest chapter and probably the right length for a chapter in the Comp Plan, and the first objective was to balance the needs of economic development with every other chapter in the plan – and he is fully supportive of that if that is made the first objective in every chapter, as that chapter must be balanced with every other. Mr. Williamson said he had also shared a concern about special use permits and unmet needs for business in the County, but that did not appear in the April plan but the paragraph found its way into the Rural Areas plan. He emphasized that he is very concerned about the County determining unmet needs for business.

Ms. Nena Harrell addressed the Board, stating that she is affiliated with United Land Corporation and requesting three areas for inclusion in the growth area. Ms. Harrell said the first area is Rivanna Station. She said they have worked very closely with staff on an area which is extremely important to the County's economic vitality – and, with the jobs that are presently there, the area can be improved upon. She stated that they were in close agreement with staff's recommendation for expansion in that area. She stated that the second area is south of Hollymead Town Center and, while part of it is in the Comp Plan, United Land would like to have further discussion about the direction and the designation of that area. Ms. Harrell said the third priority is Somerset Farm, which they think would have major benefit to replace the density lost by Biscuit Run, as it is within a mile of the City, I-64, and within walking distance of schools and fire stations – and already has water and sewer availability in addition to being directly across from Mill Creek Drive. She stated that, overall, the plan is too long and complicated.

Mr. Jim Balheim addressed the Board, stating that, when he moved to the area 35 years ago, he heard a lot about preservation of the rural areas and it caught his attention. Mr. Balheim said he came up with the idea of the conservation easement on his farm, which he did about 30 years ago, and he then became very involved with Acquisition of Conservation Easements (ACE) – which has been very successful in the County. He stated that, when he reads about the commercialization in the Rural Areas, it seems to fly in the face of this and in the face of the people who have made this commitment. He urged the Board to move slowly on this, as it deeply concerns him, adding that ACE has worked pretty well for 30 years.

Mr. Kirk Bowers addressed the Board, stating that he is a resident of the Rivanna District and is the conservation chair of the Sierra Club's local chapter. Mr. Bowers said oversimplification is a recipe for disaster and can often lead to confusion and liability for local governments. He said the Sierra Club has presented its vision statement to the County for the Board's review, and they would like to see the Comp Plan vision statement in the beginning of the new plan revised as it is way too simple. Mr. Bowers stated that they regard the values and elements of their vision statement as interconnected and essential for a quality community, and envision their community as one in which there is respect for all residents, safety and justice, equal opportunity, promotion of healthy communities in which the cultural environment strives for open and accountable governments, meeting obligations for the common good, quality education, good healthcare, affordable housing for low-income residents, an economy that provides meaningful and rewarding jobs for all workers, sufficient public transportation, and diverse recreational opportunities. He said they would like to ensure they preserve, protect and enjoy their natural environment, as Albemarle County is a great place to live. Mr. Bowers said the Sierra Club does not want to see expansion of growth areas as they are "well over capacity" at this moment with approved plans for site development.

Ms. Jo Higgins addressed the Board, stating that she would address the Natural Resources section and the concerns raised by the Alberene soapstone surface mining operations. Ms. Higgins stated that the draft plan indicates the plant was closed in 1995, but that pertains to the plant – which is actually located in Nelson County. She said the current plant operation has varied from three employees

to 300, and it currently employs 26 people. Ms. Higgins said Polycore reopened a month ago and met the previous evening with residents in the area, at the request of the Quarries Eco-Village Homeowners Association. She stated that this would be done on a more frequent basis, and the reason Polycore is ambivalent about the mining overlay strategy is because of its potential impact to current operations. She invited staff and residents to set up a tour of the quarries operation, adding that most of the deed issues relate to civil matters between the owner of the mineral rights and those individuals.

There being no further public comment, the Chair closed the public hearing.

**(Note:** The Board then recessed at 8:58 p.m., and reconvened at 9:16 p.m.)

Ms. Dittmar stated that it might be helpful for Ms. Echols to share her slide about process again, as it shows what changes were made prior to the Planning Commission's review and how those were made after the Commission's input.

Ms. Echols explained that the Planning Commission spent its time putting together the recommended plan, and they had the plan dated April 23, 2013. She stated that, when they went through the plan, they identified things to be changed and, when staff first took that to the Board, staff did not have those changes made – so they could only provide the plan which the Commission had first seen and its list of changes. Since that time, she said staff has incorporated all of the changes that are reflected in the document now before the Board – so, what the Board is looking at is the version which the Commission recommended in its entirety. Ms. Echols said the work program provided to the Board in 2010 and 2011 said that they wanted staff to begin work on updating the Comp Plan, and staff provided the Board with a list of things which needed to happen. She stated that the list included the “de-bulking” of the plan to make it more streamlined, because it was large and repetitive.

Ms. Mallek said the same boilerplate was said numerous times.

Ms. Palmer said a lot of it was in a narrative, with the Natural Resources section alone being 170 pages of mostly narrative statements.

Ms. Echols said staff was trying to remove that repetition and standardize the format, and the Board also had some identified priorities for the Comp Plan update – so staff included that information in what was presented to the Planning Commission. She stated that staff also updated it to be more current, including new census information and coordination with the Livability Project. Ms. Echols said the Commission did their work and took all of that into consideration, then staff brought this back to the Board with those incorporations. She clarified that July 26, 2011 was the Commission's first in-depth work session, and staff took the existing goals, objectives and strategies to them and asked if any of the big picture items needed to be revisited beyond what the Board had directed. Ms. Echols said the Commission did not identify anything new beyond the Board's instruction as to what should be looked at.

Mr. Wayne Cilimberg stated that there was an original document which went to public hearing last April with the Commission, at which time they received input and decided to have follow-up work sessions to go through the document, consider the comments they'd heard, and make changes prior to sending the draft along to the Board – which then became the July draft, and what the Board started with. He emphasized that the July draft was not the end of the Commission's work, as they made additional changes in August before they were finished, and staff informed the Board at that time that the Commission was still reviewing the document and would provide the Board with a separate addendum of additional changes. Mr. Cilimberg said, with the January 23, 2014 document, staff has now been able to incorporate all of the Commission's recommendations from the previous summer, including the August changes. He stated that the document currently before the Board is the full recommendation.

Ms. Dittmar asked Mr. Davis to comment on the Virginia Code requirement for localities to have a comprehensive plan and anything related to specificity or generalization, and also to comment on the lessened liability associated with having a better plan.

Mr. Davis said the Virginia Code specifically requires every locality to adopt a Comp Plan, and it sets out a process by which that must occur. He stated that the initial Comp Plan was adopted by the County many years ago, but the law requires that the plan be initiated by the Planning Commission and be based on studies and surveys made by the Planning Commission – and, after conducting those, the Commission is required to make a recommended plan to the Board. After the initial Comp Plan is adopted by the County, there is a requirement that the Planning Commission review it at least once every five years to determine whether or not amendments are required and, over the years, Albemarle County has accomplished that by studying specific chapters of the plan and updating those on an annual recurring basis. However, the County has not reviewed all of the chapters at one time in a comprehensive fashion since the 1990s.

Mr. Davis stated that the plan is designed to be a general guide by the language of the state code, but also requires that there be a number of specific areas or items included in the Comp Plan – from transportation to public facilities, to maps which show the general development of areas of the County and how they might be developed over time, specific provisions for natural resources and affordable housing, and a number of other items specifically set out in the code. Mr. Davis said the document is not an ordinance which sets out specific requirements like the zoning ordinance or subdivision ordinance, but it is intended to be a guide to the Board when it is making legislative decisions or long-term planning to guide how development happens in the County. He said the language in the state code says, “Guiding and accomplishing a coordinated, adjusted, and harmonious development of

the County.” Mr. Davis said, without that guide, the vision would be difficult to accomplish because the Board would not know what it was trying to reach.

From a legal standpoint, Mr. Davis explained, in defending legislative decisions of the Board of Supervisors in rezonings and special use permits, if the Board acts consistently with the Comp Plan, the courts have upheld the decisions of the Board as being “at least fairly debatable,” which is the legal standard for whether or not a Board decision would be sustained if challenged. Mr. Davis said that if the Board’s decisions are consistent with the Comp Plan, then that establishes a high level of certainty that it meets that standard of “fairly debatable,” and thus would be upheld by the courts. He stated that, to the extent that zoning or land use decisions are supported by the Comp Plan, it is an important legal document for the County.

Ms. Dittmar asked how fellow Board members wished to proceed.

Ms. Mallek said she would like to address a few of the public comments made, stating that she found the comment about a “reduction in the services in the rural areas” was not in line with her understanding so she would look for that. She stated that there is definitely a focus that taxpayer-funded improvements are best located in a place where the services can be provided in the most efficient way, and that is in the growth area. Ms. Mallek said there should be an amplification and enhancement of services in the growth area with the idea of encouraging people to live there. She commented that it would have helped to have a red-line document of all changes to the Comp Plan, but that became impractical. Ms. Mallek stated that the essence of community values is not necessarily people’s personal values, but more how they come together to create a community value or quality of life which they want to have.

Ms. Palmer said, in the Comp Plan, there are goals with respect to response times for police, fire and rescue that are different for the rural and development areas, so “reducing services” may actually provide goals to reach with respect to response times, and adding that water and sewer are only provided to development areas.

Mr. Boyd stated that he listed 26 different items of concern from the public and he also noticed the number of people who stood up to express an interest in having the Board study the plan some more but, given the hour, he would like to have staff develop a plan of action for the Board to study and evaluate the plan, including work sessions with the public. Mr. Boyd said some of the items would not be as controversial or important as others, so they could be grouped, and the public could have ample notice to be able to attend and weigh in.

Ms. Mallek said the Board cannot rush it because the Board might miss asking some questions it will need answered later.

Ms. Palmer stated that she would like to go through the plan in depth, chapter by chapter, starting with the vision statement.

Mr. Sheffield said if the Board goes through it chapter by chapter, he would recommend starting at the end so as to consider the goals, objectives and strategies which relate there. He stated that all of the information builds up to an end result, and the Board needs to examine that and work backwards to see how they got there – to connect the dots and yield more productivity in the process. Mr. Sheffield said, ultimately, people would not question content as much as the implementation.

Ms. McKeel said she liked the idea of having a timeline for the review, and did not think she would have much to offer this late in the meeting.

Ms. Dittmar noted that the Board has a retreat scheduled in early June, and wondered if that would be a “big picture” point at which to start.

Mr. Sheffield said he had thought the Board would be done reviewing it by the retreat, so that Supervisors could talk about the plan as part of the retreat.

Ms. Mallek said she did not think the Board would be done by June, and felt that year-end was more realistic.

Mr. Boyd stated that he would not want to diminish all the other things the Board has on its plate for the retreat, and the Comp Plan review process should be a separate process which allows for public comment – with a chapter or two considered at each meeting.

Ms. Palmer asked if some of this could be incorporated into the Board’s day-long meetings.

Mr. Foley said that is what staff would do, and Mr. Boyd said that is what he was referring to.

Ms. McKeel stated that day meetings exclude people who have jobs, and she would be willing to at least hold some of the work sessions in the evenings – just like this meeting.

Ms. Palmer agreed that night meetings would work just as well.

Mr. Foley said staff would come back to the Board in April with a proposed plan of action and some alternatives. He said scheduling work sessions in the evening would be a departure from the norm,

but that does not mean it is not a good idea. He stated that these meetings have typically been done at a late afternoon meeting prior to the Board meeting.

Ms. McKeel stated that this seems to be the topic people are most interested in, so it makes sense not to exclude them.

Ms. Mallek said there are also people who are unable to drive at night.

Ms. McKeel stated that the attendance at this meeting was great, and it represented a wide variety of individuals.

Mr. Boyd said the key will be to define it as much in advance as is possible, including which chapters will be reviewed at which meetings, so people can work their schedules around it.

Mr. Cilimberg said staff had planned to bring to the Board at its April 2 day meeting a process by which it could go through the plan, identify topics and issues staff is aware of so the work sessions could be tagged by topic. He stated that it sounds as though the Board wants to start with the vision and goals, objectives and strategies – and then go through chapter by chapter. Mr. Cilimberg said it mostly boils down to how much can be accomplished in one work session.

Ms. Dittmar said it will be important to delineate which topics would require the most time, which generated the most interest at the Planning Commission level, and perhaps the Board could schedule some early evening work sessions for the really hot items.

Mr. Boyd said there is a sense of what the really hot topics are.

Ms. Mallek said Rural Areas would need a day unto itself.

Ms. Dittmar emphasized the importance of carving out sufficient time for the review, and staying to the schedule so people know well in advance what they are coming for.

Board members agreed.

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Agenda Item No. 11a. Letter to VDOT.

Mr. Sheffield stated the Board should talk generally about the letter and let staff revise it based on Board input. He said the way he structured the letter was to identify to VDOT that there are neighborhoods which have been negatively impacted by discussion of the bypass for over 20 years now – with the quality of those neighborhoods declining and home values plummeting. He said his letter references the recent letter from the FHWA, mentioning that there could be possible additional delays and noting that this could continue to hold these homeowners hostage. Mr. Sheffield said there's a phrase in his letter which says the Board is "writing at this time as a united Albemarle Board of Supervisors to ask that the vacant and dilapidated homes be demolished irrespective of the decisions made about the U.S. 29 corridor." He said this is important because the CTB and VDOT have criticized Supervisors on being a divided Board on the bypass issue, and he would like VDOT to realize that it is not a divided Board with regard to the impacts to the community. Mr. Sheffield said the letter can reference properties which are owned by VDOT that are in the proposed bypass alignment that are vacant and dilapidated, and he stated that he wanted to avoid having VDOT make that assessment – because they might say they're all fine, and this should be a community decision. He stated that the Board should make the point that demolition of these homes – regardless of which way the bypass goes – is a positive thing. Mr. Sheffield noted that, even though Mr. Davis has not been able to find this in the record, VDOT thought at one time that Albemarle County had indicated they did not want the homes to be demolished.

Mr. Boyd said the Board did make that statement, and there was a discussion at one time that said the majority of Supervisors did not want the houses to be torn down – because they felt it was an acceptance of moving forward with the bypass.

Mr. Davis said, as he recalled, that was in the context of preserving the value of the property so that, if those had to be re-sold, there would be a reclamation of the value that was paid for the properties. He stated that, if it is now the opposite of that and the properties are no longer holding value, they can move to a different approach.

Mr. Boyd stated that, in looking at the letter, the only part he takes exception to is the middle paragraph – but he is fine with the first and last paragraphs.

Ms. Mallek said she liked the sentence from his email and suggested that he drop it in as the first sentence in the middle paragraph, rather than the one that is there now.

Ms. McKeel stated that some of the first properties purchased were in Squirrel Ridge, and they've been vacant the longest.

Ms. Mallek said she was one of the ones who brought up the question of demolition and, right after the change of policy, there was a directive to start knocking things down – but the FHWA directed VDOT not to do anything until they had resolved the environmental problem. She noted that this was in

the fall of 2011, at which time they emphasized that VDOT could not start destroying the environment before having permission to build the road.

Mr. Boyd said the Board did not vote on it, Supervisors just had a discussion on it.

Ms. Mallek agreed, stating that Jim Utterback of VDOT was present and took it forward to get clarification.

Ms. McKeel said the intent is to clean up the property if VDOT goes in and destroys the homes.

Mr. Davis stated that the only thing he was not clear on from Mr. Sheffield's letter is that, if VDOT is not going to determine which of these properties no longer have value, who would? Mr. Sheffield said VDOT can weigh in once they get the letter, but what he's trying to convey is that this is Albemarle County asking VDOT to consider demolishing x, y and z – and VDOT can come back and say "x is just fine, but we'll agree to y and z."

Mr. Davis asked if the request is for VDOT to demolish all of the houses. Mr. Sheffield stated that there may be some that are habitable, but there are some that have been vacant for more than a year so he questions whether they can be occupied by law.

Mr. Boyd asked if there was an ordinance which covered abandoned houses, noting that he thought there was one on the books.

Mr. Davis said there is an existing ordinance, and they've gone through the process at Squirrel Ridge within the last month to determine whether or not the houses are safe. He stated that the standard is that, if a house "poses a danger to health, safety and welfare," the County can take an action to require the house be removed or improved so the health danger no longer exists. Mr. Davis said, oftentimes, it means just securing the house so people cannot get in, and does not deal with aesthetics – just public safety. He stated that the County Building Official looked at houses in Squirrel Ridge and determined that they were not "unsafe" with the exception of one, which he requested that it be better secured. Mr. Davis said the issue Mr. Sheffield is trying to address is not safety alone, it is blight.

Ms. McKeel said VDOT is not in the real estate business but they have houses which are currently rented, and her question is who is actually managing the rentals for them – so they will have a way to identify which houses are habitable, in consultation with the County.

Mr. Sheffield said some of the homes in Squirrel Ridge are boarded up to the point they are inaccessible.

Mr. Boyd suggested attaching a list of homes and stating that they are not limited to just those, and VDOT should evaluate all of the structures.

Ms. McKeel said the Board should make it clear it is not a complete list.

Mr. Sheffield said the Board could direct staff to consult with the neighborhoods, and he was able to work with a homeowners association to allow the County to do that – and, in other areas, that is not the case.

Mr. Foley stated that his understanding from the Board is that Supervisors want to better define the first sentence in the second paragraph and send the list of homes along with a statement that this would be a minimum along with a process to evaluate other homes which may need to be demolished.

Mr. Boyd added that it would involve working with local staff, and he felt comfortable having the Chair, staff and Mr. Sheffield address this.

Mr. Foley said the rest of the paragraph may be fine, and identifying the homes that are in question is the key issue – so maybe the letter should say, "the list and working together with you to identify other properties."

Ms. Palmer said it is difficult to wordsmith at this point in the meeting, so Mr. Sheffield could work with staff to come up with the exact phrasing.

Board members agreed.

Ms. Mallek said the only question she has is whether demanding demolition is the best approach, or to say that these houses "need substantial improvement if possible, and demolition if not."

Mr. Sheffield stated that they talked about that as a neighborhood, and VDOT is not in the real estate business so they will not improve the homes to a resale value level – just improve them enough to continue to rent them out. He said demolition provided the best opportunity for those neighborhoods to reclaim the quality of their neighborhood, and it makes the lots a bit more attractive if they do go back out on the market.

Ms. Dittmar suggested that Mr. Foley and Mr. Davis review the letter and see what the best language is, then run it by Mr. Sheffield and finally by her before signing.

Mr. Sheffield **moved** to approve sending the letter to VDOT along with the modifications as discussed, pending Chair approval. Ms. McKeel **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

AYES: Ms. Mallek, Mr. Boyd, Ms. Dittmar, Ms. McKeel, Ms. Palmer and Mr. Sheffield.

NAYS: None.

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Agenda Item No. 12. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Mallek commented that, in light of the Comp Plan discussion and how it might be impacted by SB151 and other General Assembly actions, perhaps the Board can use this as a barricade of sorts to uphold the County's quality of life and the decisions it has made over the last 50 years.

Mr. Davis said they do not know yet what the final bill looks like, as it still will be subject to the Governor's amendments.

Ms. Mallek said she had heard it would be reenacted so it would have to go back around next year.

Mr. Boyd said he had understood the Governor had already signed it.

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Ms. McKeel said she had asked for a copy of the study on poverty, and wanted to make sure it was distributed to the Board at some point.

Mr. Foley said staff was trying to identify that specific report, and it was on their follow-up list.

Ms. McKeel thanked staff for all their work on her town hall meeting held the previous evening.

Mr. Foley said he would pass that message on, adding that Ms. Dittmar had sent along her thanks as well. He stated that they were glad the Board was out engaging with the public, and staff would continue to support that.

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Mr. Sheffield stated that he and Ms. Mallek had set up a meeting with Allison DeTuncq, as MPO representatives, just to get to know her. He confirmed that the CTB meeting was scheduled for March 19.

Mr. Davis said he was just now hearing about the CTB meeting, stating that, if there were three Board members who would be attending with the possibility of discussing or transacting County business, the meeting would have to be noticed with someone taking notes of what the Board did while in attendance and, if Board members "discuss or transact" business, then it counts as an assembled meeting. He stated that the Board would have to keep very basic minutes of what is discussed, and they would also need to notify Ms. Jordan so she can post the notice.

Mr. Davis emphasized that, if four Board members were going to attend, it would constitute a quorum and a meeting of the Board of Supervisors – so it would have to be an adjourned meeting or a special meeting of the Board. He said the Board meeting on March 24 would have to be a special meeting for purposes of assembling as a Board to talk about advisory councils, because that would be after its March 19 meeting.

Mr. Foley said the plan for the March 24 meeting is that all of the councils will gather at the beginning, at which time there would be overviews for all the councils before breaking out into their own sessions – and, as long as the Board does not make comments during that initial session, it is not a meeting, and it is also fine for Board members to have discussions in the smaller break out groups.

Mr. Davis said, as long as there are less than three Board members in a group, that is acceptable and, when Supervisors assemble in the beginning, those members would need not to participate in that part of the meeting.

Ms. Dittmar suggested Supervisors restrict conversation at that part of the meeting.

Mr. Davis stated that, if Board members wanted to attend the CTB meeting, Supervisors should adjourn to that meeting and only travel in groups of two so that the car ride does not constitute a meeting.

Ms. McKeel said she wanted to make sure Supervisors are clear on what the Board is doing related to the meeting with legislators.

Mr. Foley stated that it would probably constitute a special meeting.

Ms. Mallek said, if necessary, the Board could adjourn at the CTB meeting to the next meeting.

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Agenda Item No. 13. Adjourn.

At 10:03 p.m., Mr. Sheffield **moved** to adjourn to March 19, 2014 at 10:00 a.m. at VDOT's main office in Richmond for the Commonwealth Transportation Board meeting. Ms. Mallek **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

AYES: Ms. Mallek, Mr. Boyd, Ms. Dittmar, Ms. McKeel, Ms. Palmer and Mr. Sheffield.

NAYS: None.

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Chairman

Approved by Board
Date: 10/01/2014
Initials: EWJ