An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on September 9, 2015, at 3:00 p.m., in Room 241, County Office Building, McIntire Road, Charlottesville, Virginia. The meeting was adjourned from September 2, 2015. The regular night meeting was held at 6:00 p.m., in the Lane Auditorium, County Office Building.

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 3:03 p.m. by the Chair, Ms. Dittmar.

Agenda Item No. 2. Joint Meeting with School Board.

SCHOOL BOARD MEMBERS PRESENT: Ms. Kate Acuff, Mr. Jason Buyaki, Mr. Ned Gallaway (arrived at 3:29 p.m.), Mr. Stephen Koleszar and Mr. John Stokes.

ABSENT: Ms. Pamela Moynihan and Ms. Barbara Massie Mouly.

SCHOOL STAFF PRESENT: Dr. Pam Moran, Superintendent; Dr. Matt Haas, Assistant Superintendent for Organizational and Human Resource Leadership; Mr. Dean Tistadt, Chief Operating Officer; Mr. John Blair, Senior Assistant County Attorney; and Ms. Jennifer Johnston, Clerk of the School Board.

Item No. 2a. Funding the Future – Planning and Policy Discussion.

Mr. Bill Letteri, Deputy County Executive, addressed the Board, stating that staff will begin with an overview of five-year financial planning, which is earlier than the typical November start. He stated through the Board's action the County has organized a Citizens' Advisory Committee, and as part of that effort staff has updated the five-year plan model and its drivers and assumptions. Mr. Letteri said staff feels this will be helpful in advance of the October meeting, which will focus on compensation and benefits, and there is more to be done regarding updated revenue and expenditures. He stated the second part of the discussion will involve revenue-sharing, including the history of why the formula exists, how it has been working, and possible future options. Mr. Letteri said the final part of their discussion will be an update on the local government and schools efficiency committee, which is looking at opportunities between them to achieve greater efficiency.

Ms. Lori Allshouse, Director of Office of Management and Budget, stated that five-year planning is a major part of their budgeting that informs their annual budget process. Ms. Allshouse said this planning has taken a turn over the last few years by involving the schools in the model, which connects the school fund, general fund, and the CIP. She stated the five-year planning is a critical part of the County's AAA bond rating, and these assumptions, such as the schools' enrollment numbers, will change somewhat. Ms. Allshouse said last year they had worked with two scenarios, one as a balanced five-year plan and one with a gap showing the Board's needs and aspirations, and this year the scenario is still showing a gap. She stated last year FY17 showed a gap of about $13 million in the model, and that is down to $8.8 million so there had been slight improvement in the earlier years. Ms. Allshouse said both general government and the school division have gaps, and in FY17 there is a $2.4 million general government gap, with the schools at $6.4 million.

Mr. Koleszar asked if this reflects gaps in the CIP between requests or just gaps in the operating funds. Ms. Allshouse responded this includes the regular transfers to the CIP and debt, which are about $20 million per year by formula, but does not include the shortfalls in the CIP. She noted it also brings into the model some of the operating costs associated with capital.

Ms. Allshouse reported the three main sources of revenue are federal, state and local, and what they typically discuss are local revenues, and presented a diagram of revenues from 2007 to 2016. She stated real estate tax revenue is a significant component, with sales tax, BPOL and fees as well as property taxes comprising additional revenues. Ms. Allshouse presented information on the percentage of revenue growth built into the five-year plan, and said revenues are increasing, but not at the pace needed to keep up with expenditures. She said fiscal years 17 and 19 have a tax rate increase dedicated to the CIP based on the model approved as a plan. Other general property and other local revenues have about a 2% growth rate, with state revenues for the general fund basically unchanged for the five-year plan. Ms. Allshouse said there are slight changes in the state revenue for schools, primarily because of changes in the composite index, and a 2.5% increase in federal revenues each year.

Ms. McKeel asked if the real estate tax projections are what is modeled in the gap. Ms. Allshouse confirmed they are, just for those dedicated to capital, so it does not help on the operating side.

Mr. Foley noted the gap would be greater if the tax increases were not included.

Ms. Palmer asked where the fluctuation is in school state revenues. Mr. Jackson Zimmerman, Director of Fiscal Services, explained there are several biennial recalculations for standards of quality, so every two years there is a small difference.

Mr. Dean Tistadt said this is not precise when making predications.

Mr. Steve Koleszar stated they are not guessing changes in the composite index. Mr. Zimmerman confirmed they are not, adding there have been some significant fluctuations in that number and many variables comprising it. He stated the composite index takes statewide numbers in terms of taxable property and school-aged population's sales tax, with a relative ability for each locality to pay. He said sometimes one or two people in the community can skew the composite index greatly.

Ms. Allshouse reported real estate revenues are estimated to increase at a moderate pace, with the estimate to include a tax rate in two years for the capital program.

Mr. Letteri said the increase is not reflective of anticipated asset value increases, but the tax rate increases.

Ms. Mallek asked if it is anticipated for real estate reassessments to continue increasing at a pace of 2%, as they had lost about 10% during the recession. Ms. Allshouse responded that the increase could be between 2% and 2.5% or more, and they would be adjusting some of those projections by the end of the calendar year. She stated reassessments plus new subdivisions and growth, as well as, tax rates are all factored in. Ms. Allshouse presented information on tax revenue changes over time, stating it is projected to go up an average of 2.5% over the next five years. She said sales tax is expected to increase slightly, and BPOL tax is essentially flat with a slight increase of 2% per year built into the current model.

Mr. Boyd commented the reason they did not have bigger dips during recession years is because of the efficiencies County government has implemented, including the work of auditors to find tax revenues that have previously been erroneously assigned to the City.

Ms. Allshouse reported that state revenues show flat projections, and as a percentage of the budget, they continued to comprise a decreasing portion. She presented information from Fiscal Analytics showing inflation-adjusted K-12 funding per pupil in the state and noted this shows about a 20% reduction from FY09-FY12 in state funding for schools. Ms. Allshouse said federal revenues are usually dedicated revenues for specific purposes and are often pass-through monies received as reimbursable items. She stated these comprise approximately 2% or $3 million per year of the school fund, and 3% or $5 million per year of the general fund. Ms. Allshouse presented a summary of revenues, noting the major drivers are property taxes and local revenues, with a projected 2.9% increase in FY17, a 3.9% in FY19, and remaining at 3% across the span of the five-year plan. She added that in dollars, FY17 will have a $7.2 million increase in general revenues. **(Note:** Mr. Gallaway arrived at 3:29 p.m.)

Ms. Allshouse reported the major expenditure drivers are mandates and obligations, salaries and benefits, and funding required to address population growth and school enrollment. She stated that based on the existing contract, the County is required to share revenue with the City, and from FY13 to FY16 that number decreased because of the recession and associated revenue drop, but in the new model it is starting to increase again, and in FY17 it will be $16.5 million; in FY19 it will be $17 million.

Ms. Allshouse presented information on salary and benefits, including healthcare increases, and staff has built assumptions into the model, with FY17 being unusual because of one-time monies used to fund salary increases for part of the current fiscal year and the need to make that funding for a full year in future budgets. She stated this brought in an assumption of a 2% raise with .7 for performance, which is built throughout the model as a full year. Ms. Allshouse said the current fiscal year includes a 9.6% increase in healthcare, with the model including 10% increases in the first three years and 7% in the out years. She stated that in FY17, FY19 and FY21, the schools are anticipating Virginia Retirement System (VRS) changes, and that is included in the costs. Ms. Allshouse said salary and benefit costs for FY17 reflects a $9 million increase.

Ms. Acuff asked if the 9.6% and 10% increases in healthcare are high, because they seem to be. Mr. Letteri responded there are a lot of challenges in the healthcare program, driven by the new healthcare laws and market forces, with higher claims as well. He said the County is looking at a number of plan design changes and changes in rates, and these assumptions are based on moderate changes to the plan. Mr. Letteri stated in October, staff will present a variety of suggestions to modify the plan and possibly bring down the premiums, and this is reflective of what is seen around the country, with healthcare costs rising quickly.

Ms. Allshouse reported the third expenditure driver is funding required to address growth in population and school enrollment, with the number of new positions associated with enrollment projected at 17 positions in FY 17, 16 positions in FY18, 12 positions in FY19, 13 positions in FY20, and 13 positions in FY21. She said staff projects with local government, just based on maintaining the same ratios per population, the need for about eight positions per year.

Mr. Ned Gallaway asked if that is keeping police at the same levels. Ms. Allshouse responded this was done at a very high-level view based solely on population projections, and is not the same in-depth analysis used last year to focus on police, social services, fire and rescue, etc.

Mr. Boyd commented this does not include moving towards geo-policing. Ms. Allshouse responded it does not, and said that in comparison to other jurisdictions Albemarle has a fairly low ratio of positions per 1,000 population. She said in the years before the recession, they were at a much higher level.

Mr. Letteri said that 6.6 employees per 1,000 population is lower than the target, and said the County is actually lower than the target level it had set for police officers per population.

Mr. Jason Buyaki asked if this is broken out by type of positions. Ms. Allshouse said they have not done that yet, but can build in different assumptions for the model to be presented in November.

Mr. Foley commented they are just tracking based on population growth, and that will generate the need for eight positions per year in the model.

Ms. Allshouse presented actual enrollment numbers for the 2010-11 school year in comparison to projections, and said this information will also be updated for November.

Ms. Allshouse stated if there are no school or local government increases in salary for FY17 and no additional positions, the gap will be $1.1 million.

Mr. Letteri stated this is not presented as a suggestion for the boards to follow, but is just to demonstrate that those two drivers alone comprise the vast majority of the gap.

Ms. Mallek asked if the estimated increase in revenues of about $6 or $7 million is reflected when calculating the gap of $8 million. Ms. Allshouse responded it is already factored in.

Mr. Buyaki asked for clarification of the figures provided as additional funding for the school division. Ms. Allshouse responded the numbers represent the total of all monies if there are no increases for salary for either schools or local government.

Mr. Letteri stated he will review the background and reasons for the funding formula and how it is calculated, as well as its relative magnitude. He said staff will walk through the information first and then allow time for questions. Mr. Letteri said staff is not particularly successful in finding documents pertaining to the history of the 60/40 split, but they know it has been a policy of the County for more than 30 years. He stated the objective of the formula is to provide consistent, predictable means of building the budget, and it is important to recognize that it is only a guideline, and was never intended to be absolute, nor could it be as school budgeting was needs-based. Mr. Letteri stated they are referring to an allocation of natural growth in revenues less certain adjustments, and for FY16 that amount was $6.6 million, or about 2% of overall revenue. He explained the policy stipulates that schools and local government share 60% of either the increase or decrease in available shared local revenues, and that is adjusted by changes in capital and debt, with those increases coming off of the top. Mr. Letteri said there are adjustments including revenue-sharing with the City, tax relief for the elderly and disabled, and tax refunds. He stated the policy also reads that the formula is intended to be guidance and is flexible. Mr. Letteri presented information showing $250 million in revenue, with 2.2% being the portion subject to the 60/40 split.

Mr. Tistadt stated last year, the increase associated with the formula was about $4 million or 2.4% of the school fund, so it is not a major component of the total picture.

Ms. Allshouse noted the base transfer amount, which was built in and automatic, represents 65.7% that always transfers over to the schools.

Mr. Letteri explained the formula works by taking all of the various revenue components and totaling them, taking off the top the transfer to debt and capital, which applies to school and local government. He pointed out that currently the vast majority of debt, about 75%, applies to school projects. Mr. Letteri said other deductions include revenue-sharing with the City, tax relief for the elderly, tax refunds, shared contingency reserves such as the required 10% reserve, and dedicated telecommunications funding for ECC-911.

Ms. Allshouse said these are local revenues, so state and federal revenues are not included in the formula as they are usually dedicated for specific items.

Mr. Letteri reiterated the formula is intended to provide helpful guidance in the budget, and over time there have been changes in it such as dedicating pennies on the tax rate or portions of pennies for specific initiatives, such as redirecting funding from the ACE program back to operations.

Mr. Koleszar stated that new revenue follows the dedicated penny, not the formula. Ms. Allshouse responded that in the past they have done it both ways, with the dedicated penny equaling $1.5 million into the base, or taking the growth from the formula.

Mr. Letteri said the formula provides more of a guideline than not doing anything, and offered some sense of predictability for a reasonable allocation as well as anomalies and special circumstances, with flexibility to make changes. He stated the 60/40 approximates the relative size of local government and school budgets. Mr. Letteri said the challenge with the split is that they do not always know what the state is going to provide, and it does not account for populations or student enrollment, and other jurisdictions have created an algorithm to reflect that.

Mr. Tistadt stated the formula currently does a very good job of including local government variables, but not on the school side to reflect things such as changes in demographics or enrollment or changes in state revenue. He said there is an opportunity to modify that, but it really comes down to what purpose that will achieve because it is intended to be a starting point for planning purposes, and the boards have flexibility to make changes. Mr. Tistadt said if they try to change the formula too much, it will eliminate a lot of that flexibility. He stated one example is commonality for compensation and health insurance and taking those costs off the top, but that will leave little or no money for the split and will remove one tool for the School Board to change its compensation as a means to balance their budget. He said if they agree the formula is a planning tool and starting point, he does not see the need to spend time in revising it, and there will never be a number so definitive that it will preclude the need for further dialogue.

Mr. Letteri added that over the last few years, they have worked together more on budgeting and have gained more understanding of their respective challenges, which supports staff's feeling to leave the formula as it is.

Ms. Dittmar commented that in going to statewide meetings it is apparent to her there are a lot of other places where things are not going well, and stated that Albemarle will continue to work on improving the school and local government relationship. She asked for Board comments.

Ms. Palmer stated she still has concerns about some of the predictability issues the schools continue to deal with, and would like to discuss how Roanoke is able to address the issue of school enrollment growth. Ms. Allshouse responded that staff will get a copy of the Roanoke model and send it to the Board, and said that during the 2007 and 2009 resource review studies, Mr. Boucher and his associates had recommended that Albemarle consider changing the formula.

Ms. Palmer said this would not necessarily mean changing the formula, but she wants to have a dialogue about finding ways to give the schools more flexibility.

Mr. Tistadt stated that two years ago, the schools had a higher than expected bill for CSA that required the School Board to take almost $1/2 million out of its school balance late in the year to cover unexpected cost increases. He said more students enrolled later in the year, especially those with demographic challenges, which meant more obligations that would come out of the school fund balance. He said having the Board and School Board discuss whether the current 2% limit on fund balance is the right amount, or having reserves set aside for specific purposes, might provide a solution that does not involve changing the funding formula itself.

Ms. Palmer asked if there is rationale for setting a fund balance that is higher.

Ms. Mallek stated the amount is currently capped at $3 million.

Mr. Letteri responded when they went through the exercise of evaluating the change in policy, they went back and looked at history and use of that fund to try to come up with a number that made sense for current and future fund balance. He said that use of fund balance set them up for future liabilities, so they have discussed it and have tried to limit the use of fund balance for recurring costs.

Ms. McKeel asked what the school division's fund balance was last year. Mr. Tistadt responded it was under 1%, about $1.5 million.

Ms. McKeel said they should have more dialogue about the 2% cap, as businesses keep several months in reserve for their operations, and occasionally there are times when schools use one-time monies for needs. She stated when the fund balance formula was changed and capped at 2%, the school division had a group of outside analysts looking at the budget, and they were concerned that the 2% was too low. Ms. McKeel said she would like for Mr. Letteri and Mr. Tistadt to evaluate the 2% level to see if it needs to be higher, such as 2.5% or 2.75%.

Mr. Boyd stated this had already been done when they first came up with the cap, and had not been done in a vacuum.

Ms. Mallek said the analysis was also done two years ago with a group that involved a lot of discussion and a review of the history of the previous five years, which had included times where the fund balance was $5-8 million, whereas the use was only about $1 million. She stated that it seems reasonable to have 2% or $3 million in the fund balance, and return the remainder for the CIP so that projects can get built. Ms. Mallek said they missed several years of the lowest building costs because they did not have the cash to get started, and there had been requests to dip into the Board's 10% contingency to cover the CSA funding.

Ms. Dittmar asked if there might be a trigger that allows them to look at other monies when they reach that point.

Ms. Mallek said it is the accepted policy and the schools have made official requests.

Mr. Letteri emphasized there has been 10% of total budgets set aside for both schools and local governments as critical reserves.

Mr. Boyd pointed out that the 10% is intended to handle cash flow problems, which the County covers for the school system, and said in business there are reserves set aside as a “fund balance” identified to handle cash flow problems. He stated the County has adopted this so that at times when there is no money coming in, the schools does not have to give up any of their budget.

Ms. McKeel stated they look at their formulas periodically, and she would like for Mr. Letteri and Mr. Tistadt to look at the 2% to see if it is still acceptable or needs adjustment.

Ms. Palmer reiterated that she would like to have staff look at what Roanoke has done to address unexpected school enrollment increases, because it seems that Albemarle frequently finds itself in stressful situations over small amounts of money.

Mr. Gallaway said it is important to note that prior to the fund balance cap, the 2% was based on the financial advice staff had received, and the intent was that it remain untouched, so when the school division used it to close gaps, the School Board worked hard to assign it only to one-time needs and tried to preserve the integrity of the 2% to allow for contingencies that come up during the year. He stated the School Board is advocating for something higher than 2% to allow them to protect the floor and provide 1/2% or 1% for emergency expenditures, and it will be worthwhile to provide an analysis of how fund balance has been used for one-time purposes.

Mr. Foley stated staff has already done all of that analysis, including historical perspectives, so they can bring that back for the Board. He said that money is often used for school busses, which is a good use of one-time funds.

Mr. Gallaway said the difference now is that the schools have real examples rather than “what ifs.”

Ms. Dittmar commented they can certainly refresh the information and bring it back.

Mr. Buyaki stated he would advocate leaving the formula as it is, because flexibility allows both schools and local government to better meet their needs.

Mr. Koleszar said at the time the schools submitted their funding request to the County Executive, they would have a better idea of what state revenue might be and at that point enrollment and population growth projections should be considered, perhaps changing the formula. He stated this whole discussion is a bit like “rearranging the deck chairs on the Titanic,” as there are tremendous needs and unless they can find a way to find adequate revenue it will not matter what the split is.

Mr. Boyd stated there is a reason that school boards do not have taxing authority, to provide checks and balances, and what Mr. Koleszar is suggesting is to give the schools more money for discretionary spending without approval from the Board of Supervisors.

Ms. Dittmar said they are really just looking at every possible funding strategy as well as economic development growth, rather than leaning on real estate taxes, and at least the citizen committee will provide some recommendations in the fall.

Mr. Koleszar stated if the composite index were to go up and there was a dramatic reduction from the state, the need for local funding would increase, whereas the reverse of that will decrease dependency on local funding. He said the issue is that the information and the influential factors were not available when the schools put their budget together, although that becomes clearer as the budget process proceeds.

Ms. Palmer said she does not feel they are talking about discretionary spending, but are trying to deal with the real pressures facing them.

Mr. Buyaki said at the end of the day it is still discretionary to the School Board, because they have the ability to fund whatever categories they choose with that funding.

Mr. Boyd stated they deal with the issue of mandates and enrollment requirements during the budgeting process, and it can be done without additional discretionary spending.

Mr. Koleszar said he sees the issue as being more of a problem when it gets to the County Executive in terms of assessing the needs of the schools.

Ms. Dittmar said she would like to have them proceed with the presentation, and then allow time for further discussion.

Mr. Letteri stated he will provide an update from the school and general government efficiency committee, which involves staff from both entities, and stated they have come together to celebrate what they do well together and look at what else they might do. He said he will update them on things that are under consideration, with both short-term and long-term items. Mr. Letteri stated they are looking at budgetary management issues, including the ways they track and monitor grant activity, which is currently a hybrid approach that will likely benefit from better utilization of software. He said they are also looking at how they appropriate for the schools and how that is tracked, and this has policy implications so it will need to come back to the boards. Mr. Letteri stated there are a lot of opportunities with building and grounds maintenance in terms of crews working on parks as well as schools, and maintenance operations for both schools and local government have some duplication that can possibly be resolved. He said that language assistance is required in certain County departments as well as schools, and it may be possible to address that need overall. Mr. Letteri said there is a focus on consolidating leadership training, which for local government has involved work with the Innovative Leadership Institute and high-performance organizations, and the hope is to extend the benefits of those training programs to the schools.

Mr. Letteri stated that consolidating healthcare for local government and schools provides major opportunities for them, perhaps involving an internal clinic or pharmacy, and they are looking at a variety of plan changes including consumer-driven healthcare. He said some of this will be presented in October, with some aspects able to be implemented right away and others taking time. Mr. Letteri stated there are lots of opportunities in purchasing and procurement, with increases in economies of scale for better pricing and bidding, and said in some cases there are 35 vendors providing the same product for the County. He said the new warehouse operation will also offer opportunities for shared storage and mass purchasing. Mr. Letteri stated that as Ms. McKeel had suggested, consolidation of grants administration can help achieve greater efficiency. He said records management is also a major effort underway with the County, with a pilot program starting in Community Development and a records management policy that has application throughout the system for both local government and schools. He stated they are also looking at ways to reduce the amount of paper usage, and there are various sub-teams looking into and championing specific aspects of efficiency. Mr. Letteri noted there will be a formal efficiency report coming back to the Boards in November.

Ms. Dittmar asked if there are any “sacred cows” they did not discuss as part of the efficiency process. Mr. Letteri responded there are not, and said they opened up the discussion to include early brainstorming of all ideas that were subsequently narrowed down.

Ms. Mallek said she wants to be sure that someone is following up on the NACo and VACo purchasing options offered to the County every year, as a lot of other jurisdictions are using these.

Ms. Allshouse noted their upcoming joint meetings include an October 14 joint meeting on compensation and benefits, and on November 11 they will cover the five-year financial plan update, a preliminary CIP overview, efficiency team recommendations, and the Citizens’ Resource Advisory Committee recommendations.

Ms. Dittmar and Ms. Mallek said a 3:00 p.m. start time is not going to give them much time to cover all of those topics, and perhaps they should start at 1:00 p.m.

Mr. Gallaway said he will check with the School Board and see if they can move it to earlier.

Ms. Dittmar asked both Boards’ Clerks communicate regarding an acceptable meeting start time.

Mr. Letteri said staff can provide as much information as possible ahead of time so they do not have to spend a lot of time on details.

Ms. Dittmar stated she can see a lot of time spent on the Citizens’ Resource Advisory Committee.

Ms. Acuff asked if that committee will be providing a written report. Mr. Foley responded they are scheduled to present to the Board of Supervisors the week before, and then it will be shared with the School Board.

Ms. Dittmar suggested they can report to both boards at once so they can discuss it when they meet, rather than using that time for the actual presentation.

Mr. Gallaway asked when it is being reported to the Board of Supervisors. Mr. Foley responded they have set a deadline of having it provided to the Board at their first November meeting, so it can just be provided and received as a report, then prepared for presentation at a joint meeting.

Mr. Gallaway said November 11 is before the School Board’s meeting.

Ms. Dittmar stated it will be worked out.

Mr. Gallaway commented they have worked hard to get the budget book from the schools to be more transparent, but they also need to include what is taken off the top and how the formula plays out. Ms. Allshouse responded it is included on page 181.

Mr. Letteri said perhaps that page can be enhanced to provide more clarity.

Mr. Gallaway said it is one thing to see the formula, but another to see how the dollars play out.

Ms. Dittmar said she would like to see more information as to the criteria used to establish whether the penny is set or if it grows as revenue grows.

Ms. Mallek said her understanding is that whatever is dedicated becomes part of the base in the following year.

Ms. Allshouse said when it is dedicated to schools, it becomes part of their base, and when the County dedicates the fire fund, it is understood that the growth will go with that.

Mr. Foley confirmed Ms. Mallek's point that the penny does go to the base, and the growth in that penny is part of what is shared 60/40, and the only time they have ever done anything different is the dedication to the fire fund. He emphasized there is always a sharing of the growth with the schools, but staff will find a way to better convey it.

Mr. Boyd said there was 4/10 of a cent allocated to the schools a few years back.

Ms. Mallek said there was 2/10 for the schools just last year.

Mr. Foley stated this increased the schools' budget base, and the growth the following year was shared 60/40.

Mr. Koleszar said this should also show that there is a penny taken off the top for fire and 7/10 of that is dedicated, which was not shown on the slide.

Ms. McKeel stated if they agree that the 60/40 split on new revenues is the starting point, then they need to make sure when, in their budget cycle, they are clear with the community that it is a starting point and will have variables such as enrollment numbers. She said it is important that both boards use the same language with the community, and sometimes there is confusion that the entire budget is split that way.

Mr. Boyd said there is a graph within their budget books that explains exactly how it is broken down, including the CIP, and as long as that is included it should be clear to the public.

Mr. Koleszar commented it is closer to 50/50.

Ms. Mallek said it is actually 60/40, but the other way around because local government provides many services for schools, such as finance, that are not taken into account, so if they are going to focus on this split then they should provide full disclosure as to actual costs that local government takes care of but gets no credit for. She mentioned part of the fund balance change is an extra $1.2 million that goes to the CIP instead of the school department, which, in effect, amounts to $4.2 million for school busses.

Ms. Palmer said it is not so much about who gets what, but trying to cover the most critical things for the year.

Ms. Acuff asked if there will be numbers associated with the work of the efficiency committee, as there is capital investment needed for things like converting records from paper.

Mr. Letteri responded that when possible, they will include numbers for return on investment numbers and potential savings.

Ms. McKeel said they need to find a way to communicate their efficiencies on both the school and local government websites, because currently there is nothing on them.

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Agenda Item No. 3. Matters not Listed on the Agenda.

There were none.

(Note: The School Board adjourned its meeting at 4:44 p.m.)

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NonAgenda. Closed Meeting.

At 4:44 p.m., Mr. Sheffield **moved** that the Board go into a closed meeting pursuant to Section 2.2-3.711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees and commissions in which there are pending vacancies or requests for reappointments. Ms. Mallek **seconded** the motion.

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

AYES: Ms. McKeel, Ms. Palmer, Mr. Sheffield, Mr. Boyd, Ms. Dittmar and Ms. Mallek.
NAYS: None.

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Agenda Item No. 4. Call back to Order. At 6:00 p.m., the Chair called the Board back to order.

Motion was immediately offered by Mr. Sheffield that the Board certify by a recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield, Mr. Boyd and Ms. Dittmar.
NAYS: None.

Agenda Item No. 5. Pledge of Allegiance.
Agenda Item No. 6. Moment of Silence.

Agenda Item No. 7. Adoption of Final Agenda.

Ms. Dittmar introduced County staff.

Mr. Sheffield asked if they are doing the boards and commissions after the public hearings. Ms. Palmer said that is fine.

Mr. Sheffield **moved** to adopt the agenda as presented. Ms. Palmer **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield, Mr. Boyd and Ms. Dittmar.
NAYS: None.

Agenda Item No. 8. Brief Announcements by Board Members.

Ms. Mallek announced the Rivanna River Renaissance will be held on Friday, October 2, and stems from the work of the Rivanna River Basin Commission in conjunction with nonprofits associated with the river, as well as sponsorship from Albemarle, Charlottesville, Greene and Fluvanna and the Department of Conservation and Recreation. She stated the public can find out more on the RRBC and TJPDC websites.

Ms. Dittmar announced the Town of Scottsville will hold its annual community day on September 12 and invited the public to attend.

Agenda Item No. 9. Proclamations and Recognitions:

Item 9a. 2014 James River Grand Basin Clean Water Farm Award to Ronnie & Brenda Morris.

Ms. Mallek read the following proclamation in recognition of Ronald and Brenda Morris for Outstanding Conservation Farmer, a recognition at both the state and local levels.

RESOLUTION
In Recognition of Outstanding Conservation Farmer

*In recognition of **Ronald Morris** for his outstanding farm conservation management practices which includes implementation of a farm conservation plan,*

WHEREAS, *the Thomas Jefferson Soil and Water Conservation District serves this community through programs and activities that enhance water quality of our surface and ground waters; while conserving and protecting our natural resources; and*

WHEREAS, *in cooperation with the Virginia Department of Conservation and Recreation, farmers who demonstrate outstanding management practices which conserve our precious natural resources are selected and recognized through the Clean Water/Bay Friendly Farm Award Program; and*

WHEREAS, *the Thomas Jefferson SWCD has selected Ronald Morris as the Clean Water Farm Award Program recipient of Albemarle for 2014 and the Virginia Department of Conservation and Recreation has selected Ronald Morris as the James Grand Basin recipient for the State of Virginia.*

WHEREAS, *Ronald Morris, demonstrates a commitment to the conservation of the natural resources on his farm through:*

- *rotationally grazing 115 acres of pasture as 13 paddocks with 40 cow/calf pairs;*
- *managing 75 acres of woodland for wildlife;*
- *protecting 2.4 miles of streams with 14 acres of riparian buffers;*
- *installing 7 automatic water troughs; and*
- *100% stream exclusion on two family farm properties.*

NOW, THEREFORE, BE IT RESOLVED *by the Albemarle County Board of Supervisors that Ronald Morris is hereby commended for his commitment to protecting and enhancing waters that flow* *beyond farm boundaries and for the conservation ethic he demonstrates through his farm management practices.*

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Mr. Steven Meeks of the Thomas Jefferson Soil and Water Conservation District Board addressed the Board and emphasized the importance of these awards, stating that Mr. and Mrs. Morris are exemplary examples of the farmers worked with over the years and noting that the conservation efforts are all voluntary.

Mr. Ronald Morris addressed the Board and thanked Emily Nelson and Brian Walton of the Soil and Water Conservation District, and Aaron White, whose knowledge of fencing and water supply made this a more user-friendly system. He thanked his family for their support and work.

Ms. Mallek then **moved** to adopt the resolution as read. Ms. Palmer **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield, Mr. Boyd and Ms. Dittmar.
NAYS: None.

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Agenda Item No. 10. From the Public: Matters Not Listed for Public Hearing on the Agenda.

There were none.

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Agenda Item No. 11. Consent Agenda.

(Discussion: Ms. Mallek mentioned that she had two brief announcements that she had forgotten, and would do those when it was appropriate.

Regarding Item No. 11.2, Mr. Sheffield asked the Zoning Administrator, Ms. Amelia McCulley, about the timeline as to when temporary signs would come before the Board. Ms. McCulley said that they would like to do it as quickly as possible, so that would potentially be a public hearing with the Commission in October, back to the Board in November.

Mr. Sheffield asked if there is anything that can be done to cut some time out of that, and whether it is based on regularly scheduled meetings. Ms. McCulley responded that she is basing it on the requirement for public notice, but in terms of businesses wanting to get signs up before something was adopted, staff wants to be extremely flexible.

Mr. Sheffield said the timeline seems to be dictated by public notice procedures that must be followed, but the County is trying to move this along as quickly as possible.

Ms. Mallek stated that people who are interested should reach out to the Zoning Department and get going soon.

Mr. Sheffield said they can then submit applications once the ordinance is approved.

Ms. McCulley stated they can go ahead and submit them now, because there are things that can be done now under the current temporary sign regulations.

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Ms. Palmer and Ms. Mallek stated that they needed to pull their assigned minutes.

Mr. Boyd then **moved** to approve Items 11.1 (as read) through 11.4 on the consent agenda. Ms. Palmer **seconded** the motion.

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

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield, Mr. Boyd and Ms. Dittmar.
NAYS: None.

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(NonAgenda. Ms. Mallek announced that on September 26, the 10th National Prescription and Drug Enforcement Administration Handback Day will be held, where people can turn in their unused and unneeded prescription medication, from 10:00 a.m. to 2:00 p.m. at the police department and at Martha Jefferson Hospital.

Ms. Mallek announced the U.S. Cycling Team will arrive to begin their training, and will remain until September 19, at which time they will go to Richmond for the International Global Cycling Competition. She said on September 14 there will be a meet and greet at the Paramount Theater, followed by the showing of "Ride the Divide," a film about cycling endurance. She said on September 17 at the Ntelos Wireless Pavilion, Cycle Fest will take place from 3:00 to 6:30 p.m.)

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Item No. 11.1. Approval of Minutes: December 14, 2014; February 4, February 11, February 23 and March 10, 2015.

Ms. Mallek had not read the minutes of December 10, 2014, pages 42 (begin with Item #42) – end, and February 23, 2015, and asked that they be pulled and carried forward to the next meeting.

Ms. Palmer had not read the minutes of March 10, 2015, and asked that they be carried forward to the next meeting.

Mr. Sheffield had read the minutes of February 4, 2015, pages 38 (begin with Item #14) – end, and February 11, 2015, pages 1-23 (end at Item #12), and found them to be in order.

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

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Item No. 11.2. Resolution of Intent for Phase 2 of Route 29 Business Signage.

The executive summary forwarded to the Board states that as part of its broader Route 29 Solutions Business Assistance Program effort, the County is considering changes to its sign regulations for businesses affected by Route 29 Solutions construction. The Board adopted ZTA 2015-4 on May 6, 2015 to implement the Phase 1 changes (See Attachment A). That Zoning Text Amendment extended the 60 day temporary sign period for businesses losing their permanent signs as a result of utility work associated with the construction of the Rio-29 grade-separated interchange.

For Phases 2 and 3, the County was asked to consider changes to temporary and permanent sign regulations for the over 200 businesses located within the project limits of construction. From June to August 2015, County staff reached out to businesses in the affected corridor to solicit feedback on the impacts of construction on their business signage and to discuss their signage needs prior to, during, and after construction. A summary of those findings can be found in Attachment B.

Staff understands that VDOT is also relaxing restrictions and fees for their tourist oriented directional signage ("TODS") program during construction, but the program is not being expanded to include additional types of businesses. This should allow approximately 30 businesses to qualify for the signage that motorists recognize for direction to businesses. The remaining businesses that do not fit within the TODS criteria can find value in a relaxation of the sign standards.

Of those businesses who participated in the County's outreach efforts, a majority supported extending the 60 day temporary sign allowance to enhance visibility and allow for additional marketing opportunities prior to and during construction. Many also supported a reduction or elimination of the $25.00 temporary sign fees during this time. When asked about the potential for a proliferation of temporary signs if regulations were relaxed for all businesses in the area, several businesses supported the idea of incentives to encourage multiple businesses on one property to aggregate their temporary signage. Few businesses expressed concerns about the impact of the project on their permanent signage once construction is complete.

Taking into consideration the extensive support for extending the 60 day temporary sign period for businesses identified as being within Tier 2, staff recommends that the County move forward with amending its temporary sign regulations to allow one additional temporary sign per property that is permitted to be displayed prior to the start of construction through the completion of construction. Staff believes that allowing an additional sign per property rather than per establishment will encourage businesses on the same property to work together to find creative solutions for sharing signage and will limit the potential for a proliferation of temporary signs in an already visually congested construction zone. The County could consider allowing an increase in sign area of up to 50% (to up to 48 square feet) for those signs serving four or more businesses to encourage bundling multiple businesses on one sign and allowing these bundled signs to be more visible. Staff also recommends maintaining the current provision for temporary signs per establishment (up to 60 days) for special sales events and the like.

Given the input received to-date and what appears to be limited impacts on permanent signage once construction is complete, staff does not recommend amending the permanent sign regulations at this time. Should the need for changes to the permanent sign regulations be identified, staff recommends that they be considered in conjunction with broader changes to the sign ordinance under the pending text amendment to address the United States Supreme Court decision in *Reed v. Town of Gilbert* relating to content neutrality (ZTA 2015-10).

There is a potential for an increase in staff time to review temporary sign applications associated with this Zoning Text Amendment. If the County reduces or eliminates the $25.00 fee associated with these reviews in order to be supportive of businesses during this project, those staff costs would not be recovered, however, the workload will be limited by the project limits and duration.

Staff recommends that the Board adopt the attached Resolution of Intent (Attachment C) relating to the provision of additional temporary signage.

By the above-recorded vote, the Board adopted the following Resolution of Intent relating to the provision of additional temporary signage:

RESOLUTION OF INTENT

WHEREAS, the Virginia Department of Transportation construction project commonly known as "Route 29 Solutions," which is along Route 29 North and the adjoining areas between the southern terminus of Berkmar Drive and Myers Drive (the "Project" and the "Project Area"); and

WHEREAS, on May 6, 2015, the Albemarle County Board of Supervisors amended County Code § 18-4.15 to extend the duration for which temporary signs may be erected to allow those businesses whose permanent signs are removed in conjunction with the Project to erect temporary signs until new permanent signs are erected or the Project is completed, whichever occurs first; and

WHEREAS, the County has solicited and received additional feedback from business owners within the Project area and they expressed concern about the visibility of their businesses and marketing their businesses during the Project and possible solutions to address those concerns, including allowing additional temporary signage during the Project;

WHEREAS, it may be desirable to amend the County's sign regulations to allow one additional temporary sign, with a maximum sign area of up to forty-eight (48) square feet and, in order to avoid a proliferation of temporary signs and to encourage multiple businesses to share the same sign, to allow the one such additional temporary sign on a per site, rather than per establishment, basis.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending County Code § 18-4.15, Signs, and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission will hold a public hearing on the zoning text amendment proposed pursuant to this resolution of intent, and make its recommendations to the Board of Supervisors at the earliest possible date.

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Item No. 11.3. SDP200800155 Thomas Jefferson Foundation-Special Exception. (Scottsville Magisterial District.)

The executive summary forwarded to the Board states that critical slopes are slopes of 25 percent or greater. The parcel that is the subject of this application is located within the County's Rural Area and is outside of the Steep Slopes Overlay District (County Code § 18-30.7). Thus, the slopes on this parcel are regulated as critical slopes under County Code § 18-4.2. County Code § 18-4.2.3 prohibits a structure, improvement, or other land disturbing activity to establish a structure or improvement from being located on critical slopes unless a special exception is approved by the Board.

The Thomas Jefferson Foundation is requesting a special exception to allow the disturbance of critical slopes to allow for water and waste water improvements. The upgrades will include new underground storage tanks, two new pump stations, and a low pressure wastewater system. As part of these upgrades, the application plan depicts four separate areas of disturbance to critical slopes, which are described in the Applicant's Waiver Request (Attachment A) and depicted on the attached Plans (Attachment B). A portion of disturbance that will go under Route 64 will connect a force main to a public utility and is exempt under County Code § 18-4 -2.6(c).

County Code § 18-4.2.5 authorizes the Board to approve a special exception to waive the requirements of County Code § 18-4.2.3 to permit the disturbance of critical slopes. The applicant has submitted a justification for the special exception, and because the subject property is in the Rural Areas, this request has been reviewed for both the Planning and Engineering considerations pursuant to County Code §§ 18-4.2.5(a)(2) and (3). See Attachments C & D for Planning and Engineering staff's analysis of the relevant factors for the critical slopes waiver request. Based upon this analysis, staff opinion is that this request favorably satisfies all of the factors in County Code §18-4.2.5 with a condition limiting the disturbed area to that shown on Attachment B.

No budget impact will result from approving this special exception.

Staff recommends that the Board adopt the attached Resolution (Attachment E) to approve the special exception to disturb critical slopes subject to the condition attached thereto.

By the above-recorded vote, the Board adopted the following resolution to approve the special exception to disturb critical slopes subject to the condition recommended by staff:

RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR SDP 2008-00155 THOMAS JEFFERSON FOUNDATION

WHEREAS, Thomas Jefferson Foundation, Inc. (the "Owner") is the owner of Tax Map and Parcel Numbers 07700-00-00-03100, 07800-00-00-02200, 07800-00-00-02300, 07800-00-00-02500, and 09200-00-00-00100 (the "Property"); and

WHEREAS, the Owner filed a request for a special exception in conjunction with SDP 2008-00155, Thomas Jefferson Foundation, Inc., to allow the disturbance of critical slopes, as the Property is depicted on the pending plans under review by the County's Department of Community Development.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the executive summary prepared in conjunction with the application, and its supporting analysis included as Attachments C and D thereto, the Applicant's critical slopes waiver request dated July 6, 2015 and plan entitled "Thomas Jefferson Foundation Water and Wastewater Improvements Part II Critical Slopes Application Plan" prepared by WW Associates and dated July 6, 2015, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-4.2.5 and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to authorize the disturbance of critical slopes for Thomas Jefferson Foundation, Inc.'s installation of water and waste water

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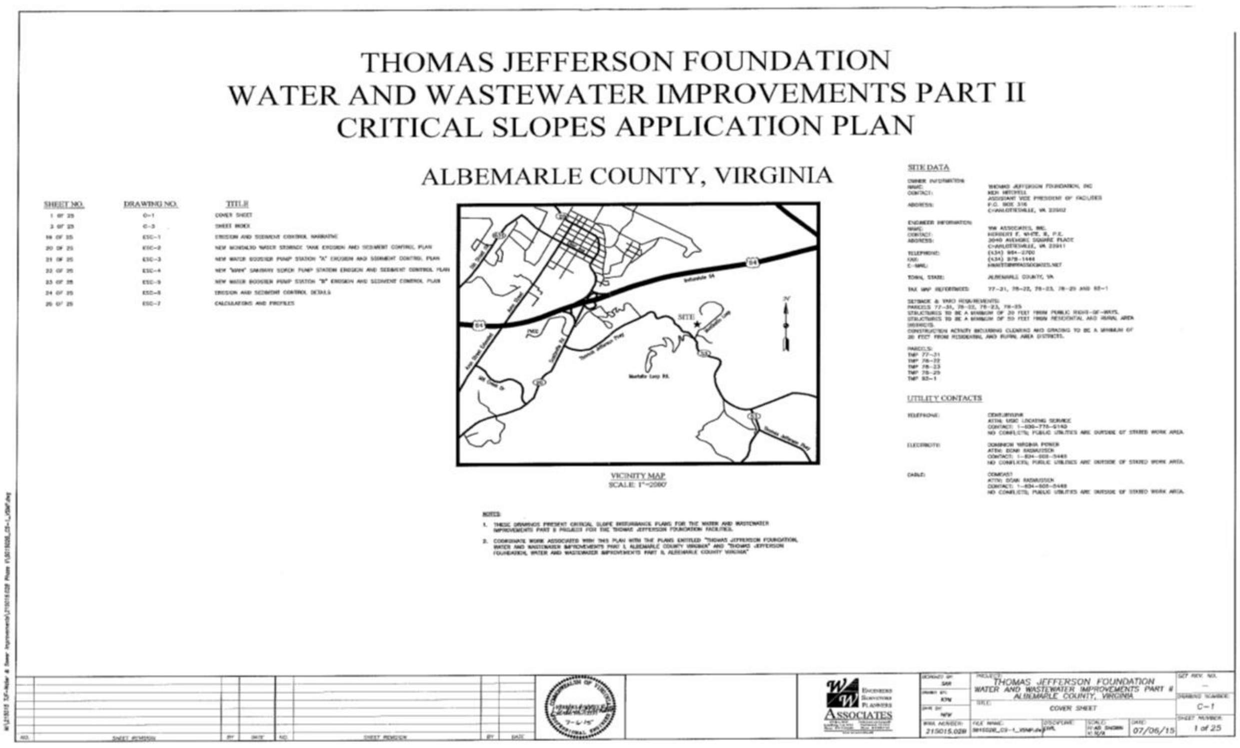
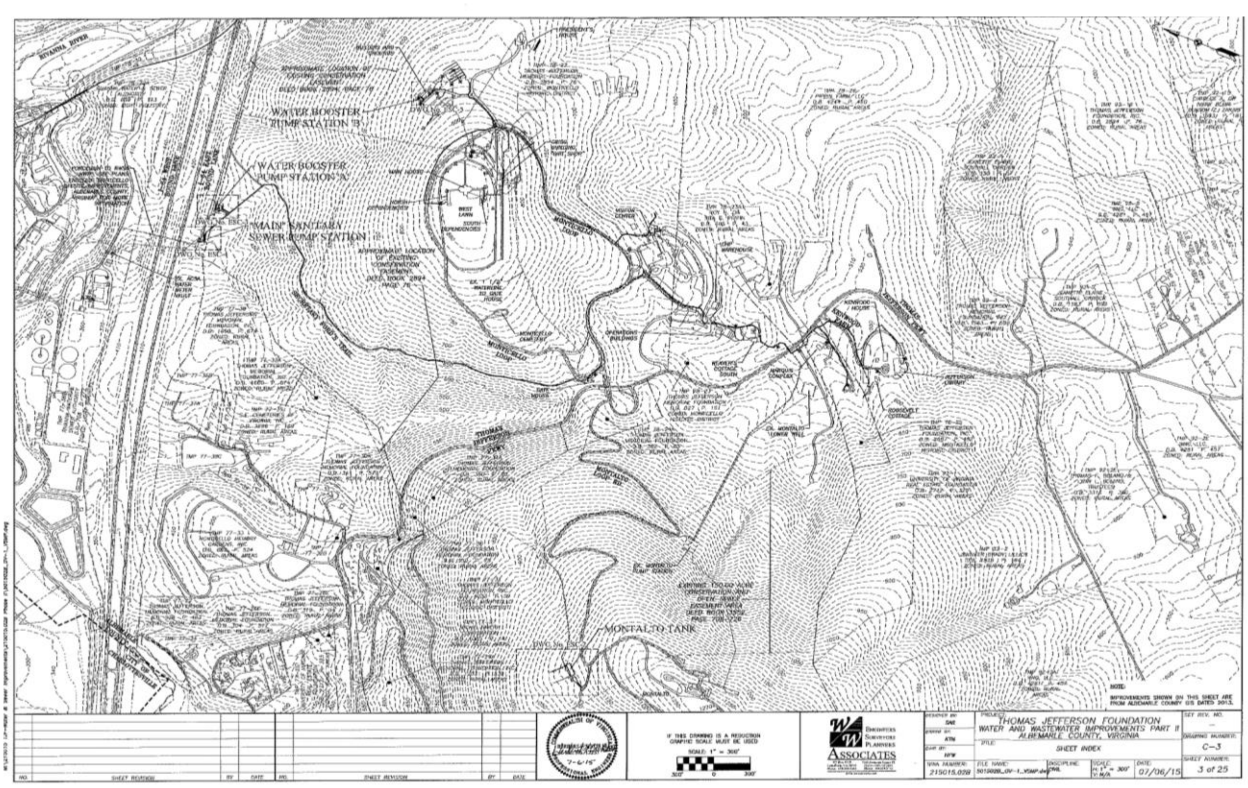
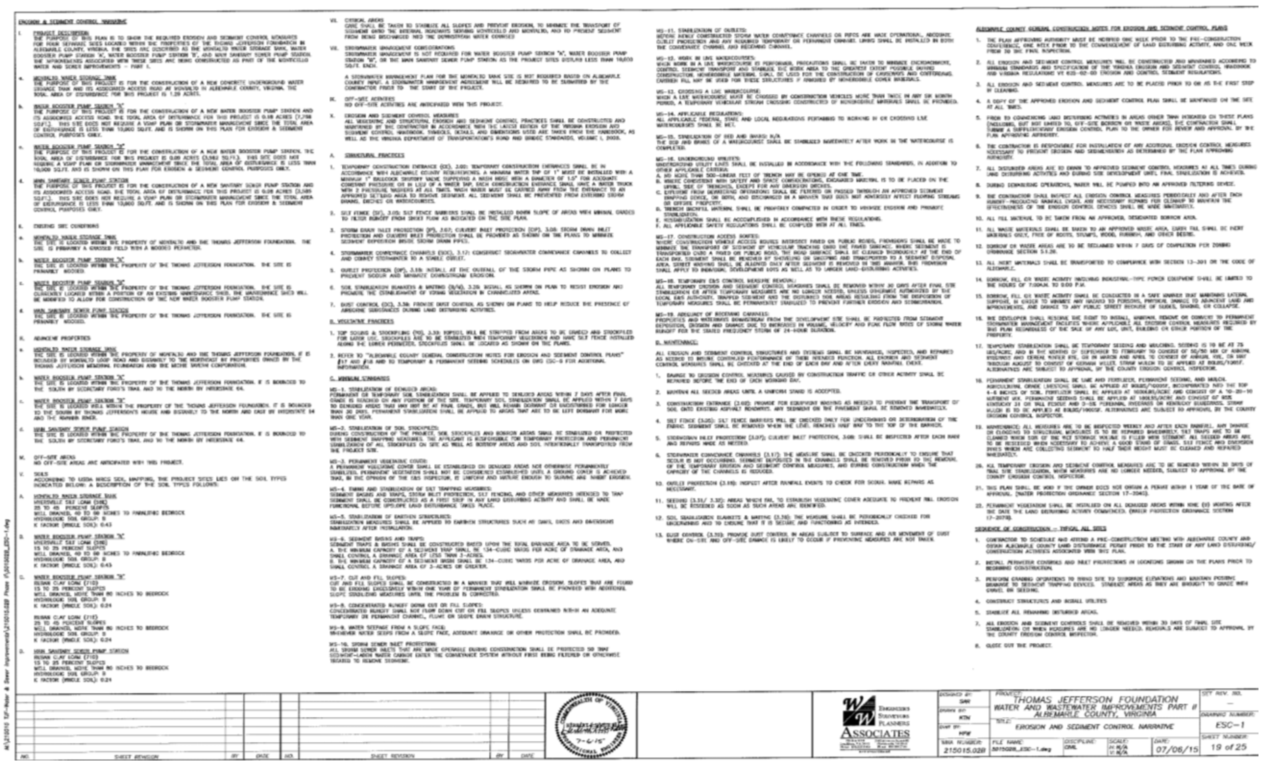
SDP 2008-00155, Thomas Jefferson Foundation Special Exception Condition

1. The area of land disturbance on critical slopes shall not exceed twelve thousand, two hundred, twenty-six (12,226) square feet as shown on the plan entitled "Thomas Jefferson Foundation Water and Wastewater Improvements Part II Critical Slopes Application Plan" prepared by WW Associates and dated July 6, 2015.



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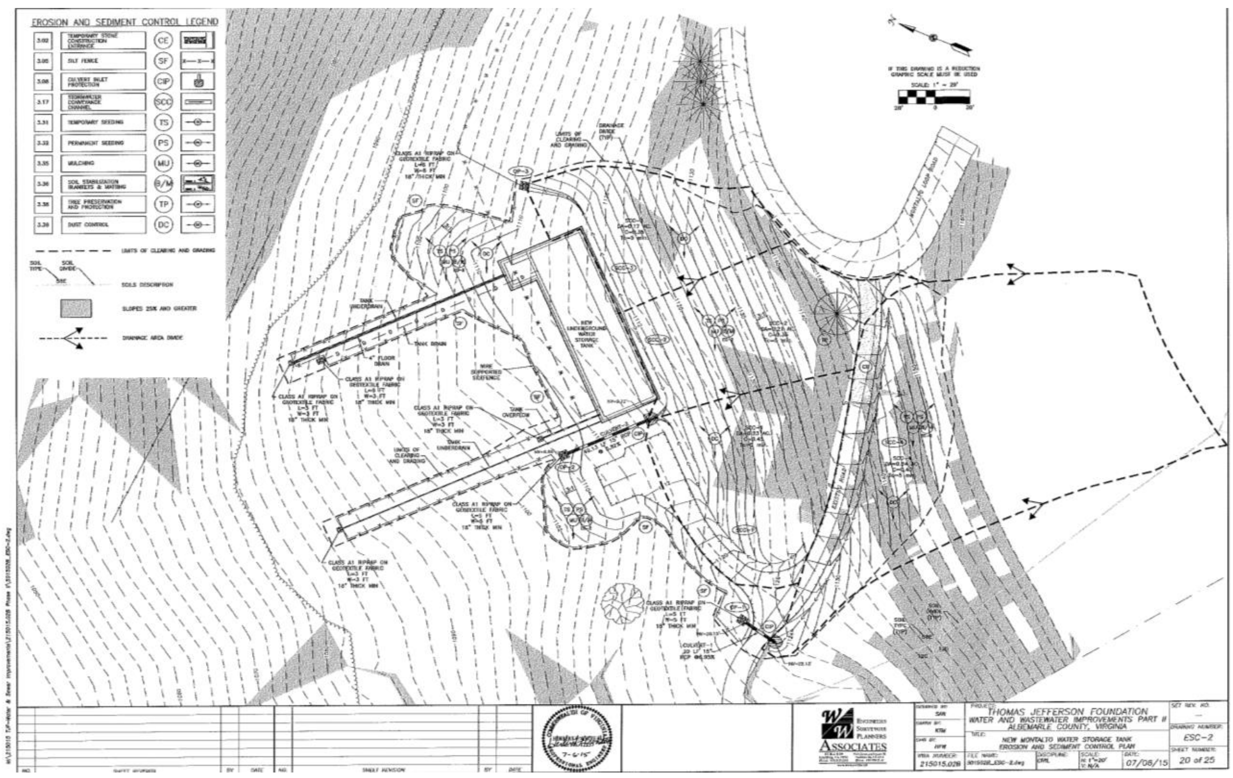
THOMAS JEFFERSON FOUNDATION
WATER AND WASTEWATER IMPROVEMENTS PART II
ALBEMARLE COUNTY, VIRGINIA
EROSION AND SEDIMENT CONTROL NARRATIVE
W&W ASSOCIATES
ENGINEERS
SURVEYORS
PLANNERS
215015.02B
ESC-1
07/06/15
19 of 25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SCALE: 1" = 20'
THOMAS JEFFERSON FOUNDATION
WATER AND WASTEWATER IMPROVEMENTS PART II
ALBEMARLE COUNTY, VIRGINIA
NEW MONTALTO WATER STORAGE TANK
EROSION AND SEDIMENT CONTROL PLAN
W&W ASSOCIATES
ENGINEERS
SURVEYORS
PLANNERS
215015.02B
ESC-2
07/06/15
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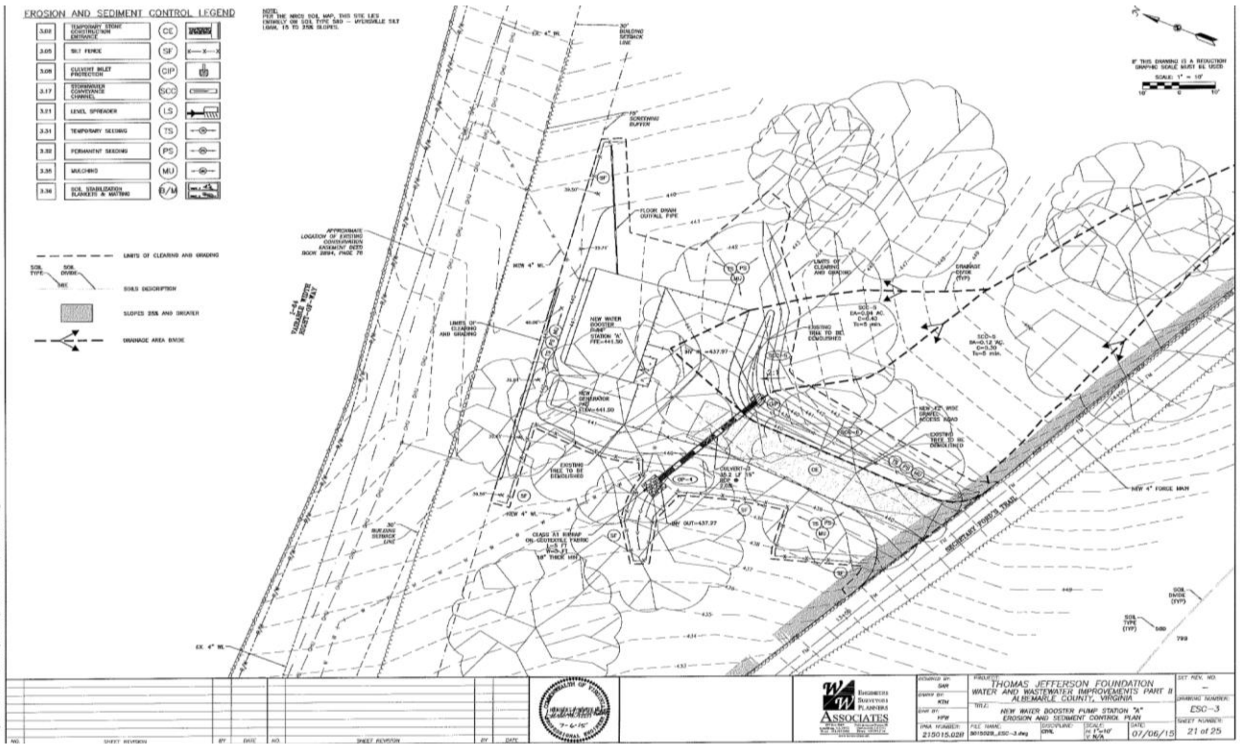
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THOMAS JEFFERSON FOUNDATION
WATER AND WASTEWATER IMPROVEMENTS PART II
ALBEMARLE COUNTY, VIRGINIA
NEW WATER BOOSTER PUMP STATION "A"
EROSION AND SEDIMENT CONTROL PLAN
07/06/15
ESC-3
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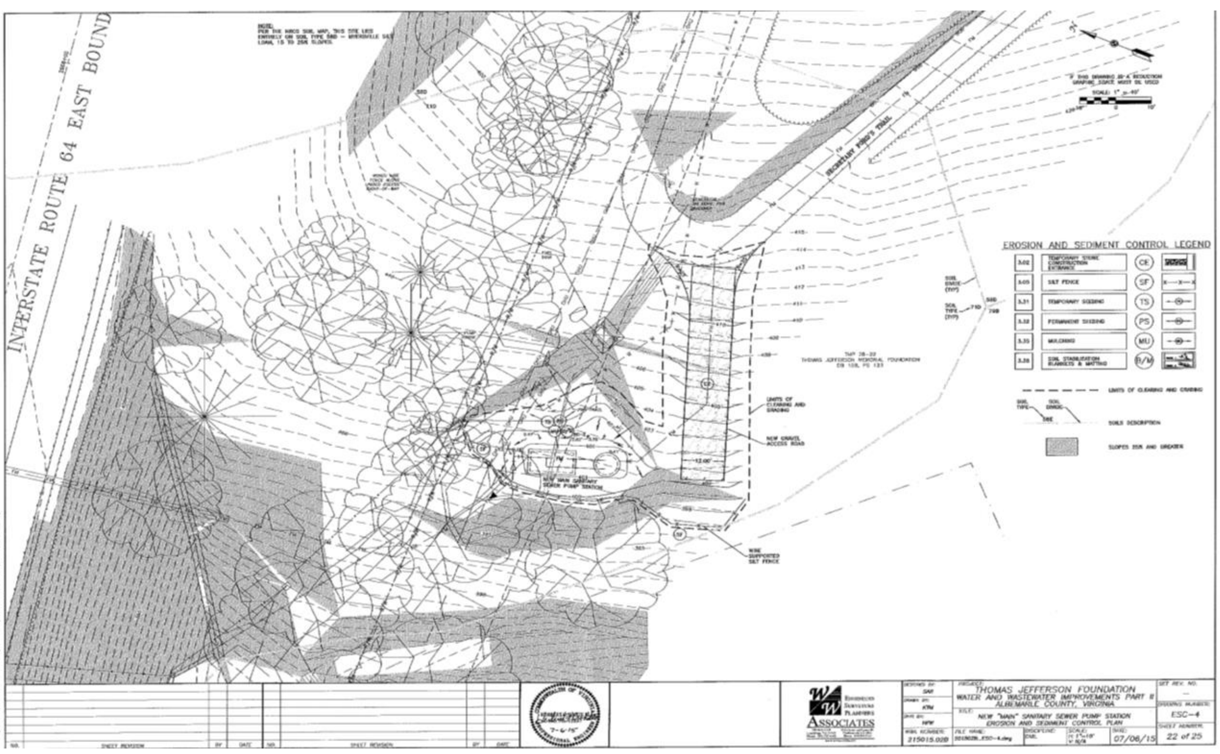
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EROSION AND SEDIMENT CONTROL LEGEND
THOMAS JEFFERSON FOUNDATION
WATER AND WASTEWATER IMPROVEMENTS PART II
ALBEMARLE COUNTY, VIRGINIA
07/06/15
ESC-4
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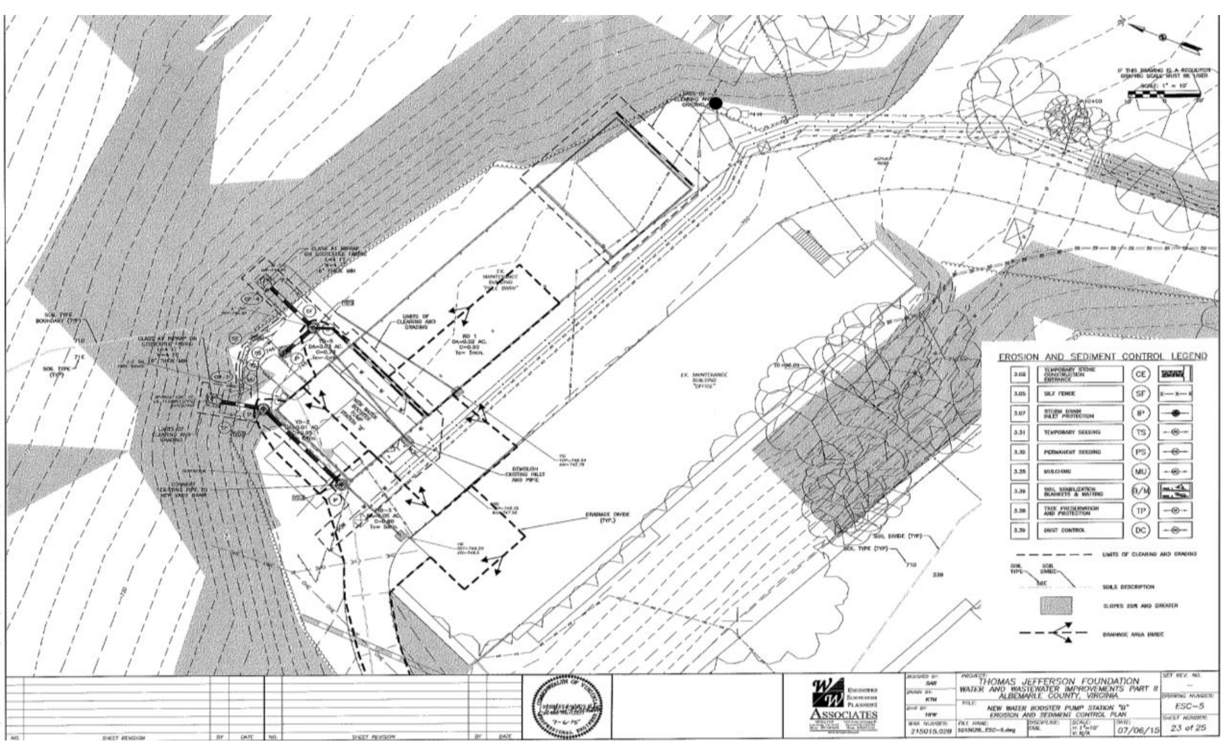
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WATER AND WASTEWATER IMPROVEMENTS PART II
ALBEMARLE COUNTY, VIRGINIA
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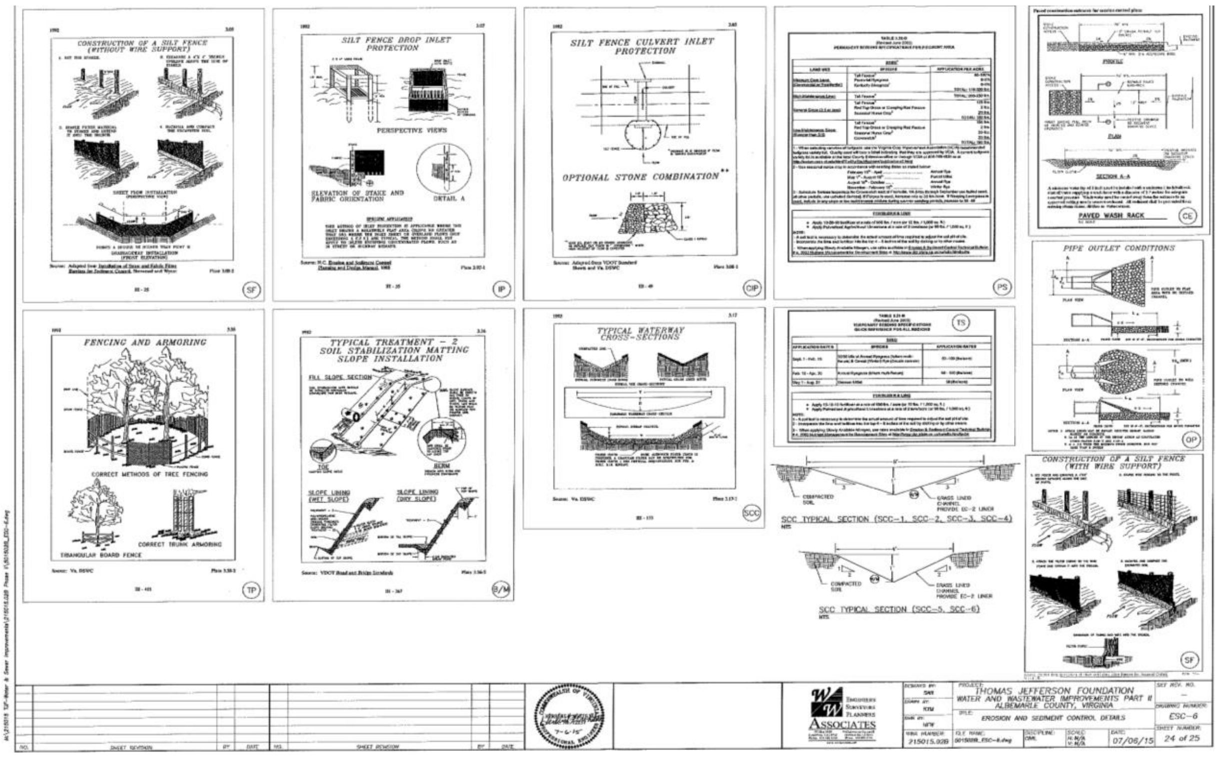
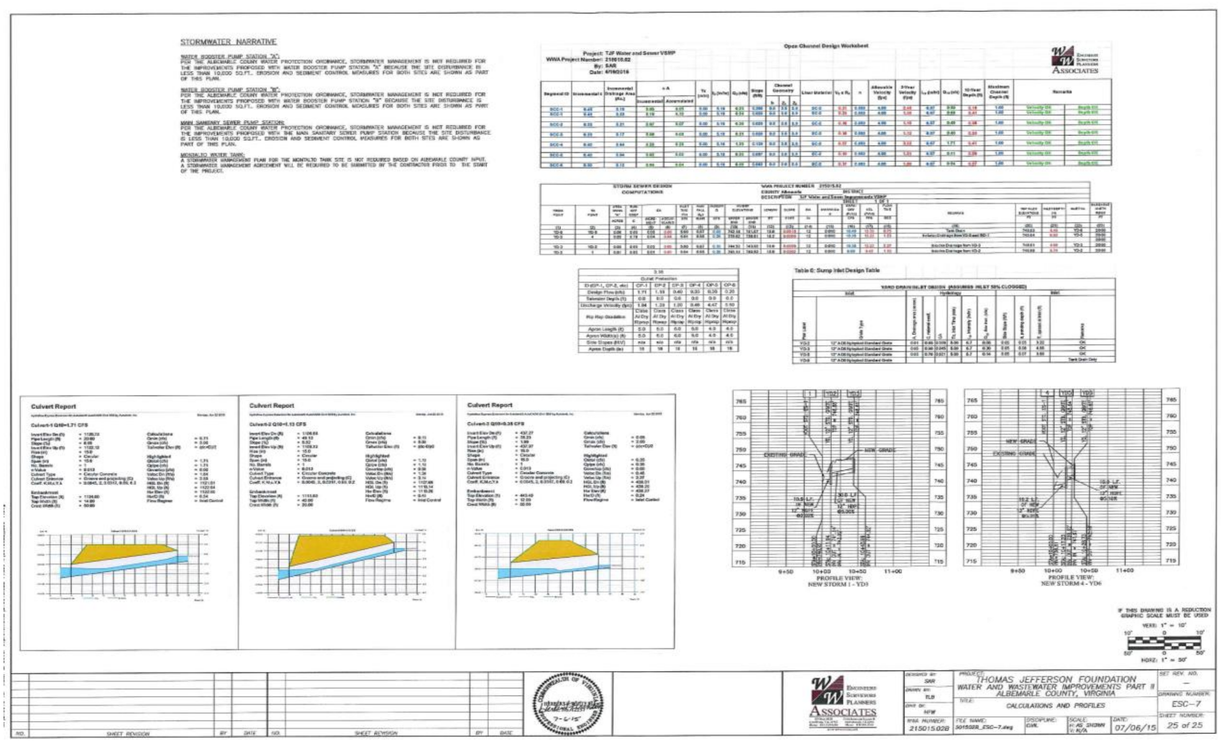
ESC-5
23 of 25





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Item No. 11.4. Resolution to accept Boulders Road, Phase 1 & 2, into the State Secondary System of Highways. (Rivanna Magisterial District)

At the request of the County Engineer, and by the above-recorded vote, the Board adopted the following resolution:

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 9th day of September 2015, adopted the following resolution:

R E S O L U T I O N

WHEREAS, the street(s) in **Boulders Road, Phases 1&2,** as described on the attached Additions Form AM-4.3 dated **September 9, 2015**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Boulders Road, Phases 1&2,** as described on the attached Additions Form AM-4.3 dated **September 9, 2015**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

* * * * *

The road(s) described on Additions Form AM-4.3 is:

1) **Boulders Road (State Route 16003)** from Seminole Trail (Route 29) east, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3805, pages 154-161; Deed Book 3819, pages 74-82; and Deed Book 1509, pages 50-53, for a length of 0.53 miles.

Total Mileage – 0.53

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Item No. 11.5. Transportation Alternatives Program (TAP) Grant, Moore's Creek Trail and Trailhead Park.

The executive summary forwarded to the Board states that the Thomas Jefferson Planning District Commission (TJPDC) is working with the County and City to submit a Transportation Alternatives Program (TAP) Grant application for funding to support the construction of multi-use trails and a trailhead park along Moore's Creek. TAP Grants require a minimum 20 percent local match. Cash proffers received from the Fifth Street Station development, contributed for the purpose of greenway development, can be used to cover the required match. The grant application is due to VDOT by November 2, 2015. Development of the Moore's Creek Greenway trail is identified as one of the priority pedestrian, bikeway and trail improvements in the County's Priority List of Transportation Improvements, which was approved by the Board in April 2015.

If the County is awarded this grant, the funds would be used to: 1) construct a multi-use trail along Moore's Creek from the Fifth Street Station commercial site to Fifth Street and to make connections to other existing nearby bike and pedestrian facilities in the County and City; 2) design and install pedestrian/bike crossing(s) on Fifth Street to connect to existing Rivanna Trails Foundation trails on the west side of Fifth Street; and 3) determine the location and design of trails along Moore's Creek from Fifth Street west to Old Lynchburg Road/Azalea Park.

These improvements would be developed in coordination with the greenway/trail facilities approved as part of the Fifth Street Station rezoning and would result in enhanced facilities in this area, above what could be constructed with the proffered funds alone. Proffer funds would be used for the construction of a bridge and trailhead park. In addition to the above three items, awarded grant funds would also be used for professional services for the design of the bridge and park, the design and construction of additional connecting trails, and the design of additional bicycle and pedestrian improvements to serve as the basis for future grant proposals to extend the network in the City and County.

The TJPDC would function as the grant and construction manager for the project. The total cost for the project is still under development at this time, but the requested amount of grant funds is estimated at $350,000.

There is no direct budget impact. Proffer funds can be used for the required 20 percent match. If awarded, the grant would leverage additional funds to advance trail construction in this area. Some grant funds will be used to cover the TJPDC's administrative and grant management costs. Department of Parks and Recreation staff time will need to be dedicated to the project.

This is for information only, and no action is required at this time. A Board Resolution of support will be needed for inclusion with the grant application. Staff will provide a Resolution to the Board for its consideration once the scope and cost of the project and the grant application are finalized.

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Item No. 11.6. Board-to-Board, August 2015, A Monthly Report from the Albemarle County School Board to the Albemarle County Board of Supervisors, ***was received for information***.

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Item No. 11.7. 2015 Second Quarter Certificate of Occupancy Report as prepared by the Department of Community Development, ***was received for information***.

The report states that during the second quarter of 2015, 143 certificates of occupancy were issued for 143 dwelling units. There were two permits issued for mobile homes in existing parks, at an exchange rate of $2,500, for a total of $5,000. There were no permits issued for the conversion of an apartment to a condominium.

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Item No. 11.8. 2015 Second Quarter Building Report as prepared by the Department of Community Development, ***was received for information***.

The report states that during the second quarter of 2015, 129 building permits were issued for 130 dwelling units. There was one permit issued for a mobile home in an existing park at an exchange rate of $2,500, for a total of $2,500. There were no permits issued for the conversion of an apartment to a condominium.

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Item No. 11.9. Copy of Letter dated September 2, 2015, to Mr. Scott Dahlquist, from Mr. Francis H. MacCall, Principal Planner, re: LOD-2015-00013 - OFFICIAL DETERMINATION OF PARCEL OF RECORD & DEVELOPMENT RIGHTS - Parcel ID 07300-00-00-039C7 (property of Paul & Barbara Jasiurkowski) Samuel Miller Magisterial District, ***was received for information***.

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Agenda Item No. 12. **PROJECT: SP-2015-00020. CVS at Rio and 29N**.
MAGISTERIAL DISTRICT: Rio.
TAX MAP/PARCEL: 0610000000123F0, 0610000000123G0.
LOCATION: 1700 and 1701 Seminole Trail.
PROPOSAL: Drive-through window for proposed CVS pharmacy.
PETITION: Drive-through window under Section 24.2.2 of zoning ordinance. No dwellings proposed.
ZONING: HC Highway Commercial, commercial and service; residential by special use permit (15 units/acre).
ENTRANCE CORRIDOR: Yes.
AIRPORT IMPACT AREA: Yes.
COMPREHENSIVE PLAN: Office/R&D/Flex/Light Industrial – commercial, professional office; research and development, design, testing of prototypes; manufacturing, assembly, packaging, in the Places29 Development Area.
(Advertised in the Daily Progress on August 24 and August 31, 2015.)

The executive summary as presented by staff states that at its meeting on August 4, 2015, the Planning Commission voted 6:0 to recommend approval of SP201500020 with the conditions recommended by staff and also recommended that the applicant proceed without waiting for the second letter of support.

Within the staff report staff recommended that this item not be scheduled for the Board of Supervisors until the applicant provides letters of support from adjacent property owners or holds a community meeting. During the review of this request it was determined that in lieu of a community meeting the applicant could provide letters of support from adjacent property owners who share entrances with the proposed CVS site.

The intent of the letters of support was to provide proof that adjacent property owners were aware of the project and to provide an outlet for them to express any concerns they had to staff. The Planning Commission felt that the property owners have been adequately notified of the project and were given opportunity to express concerns through the public hearing process. For this reason, the Planning Commission determined that the application could move forward to the Board of Supervisors without the additional letter of support.

The County Attorney has prepared the attached Resolution (Attachment A) reflecting the recommendation of the Planning Commission. Please note that some non-substantive modifications have been made to the language and form of the conditions contained in the Resolution. The Planning Commission's action letter, staff report and minutes from the July 14 meeting are also attached.

Staff recommends that the Board adopt the attached Resolution (Attachment A) to approve SP201500020 with the conditions attached thereto.

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Ms. Rachel Falkenstein, Senior Planner, addressed the Board, stating the purpose of the public hearing is a request to construct a drive-through window for a proposed CVS pharmacy, which is a permitted by-right use, but a special use permit is required for a drive-through window. Ms. Falkenstein stated the property is located in the northwest quadrant of the Rio/29 intersection, and is two parcels comprising 1.6 acres. She said that onsite there is a small shopping center and an existing bank that has a drive-through window, and the property is zoned Highway Commercial in addition to being on the Rio Road and Route 29 entrance corridors. Ms. Falkenstein said the proposal is for a 12,000 square foot pharmacy, with the existing buildings to be demolished and the lots combined into one. She stated the proposed drive-through use is on the northwest corner of the building, and the applicant is proposing space for five cars to be stacked behind the car at the drive-through window as well as space for cars to pass it. Ms. Falkenstein presented the rendering provided by the applicant to the ARB for their review of the proposal, and she noted the proposed drive-through will be located on the back of the building and will have limited visibility. She stated the ARB has no objection to the proposed drive-through and with the stacking space provided, staff does not feel there will be conflicts with the drive-through cars and those in the lot or offsite.

Ms. Falkenstein stated that typically, the County does not review drive-throughs for Neighborhood Model principles, but said this may be something they want to start considering in terms of the appropriateness of their placement. She said the Planning Commission reviewed the application in a public hearing on August 4 and recommended approval with four conditions. She stated the applicant is not able to get a letter of support from a neighbor, but the Planning Commission feels it is acceptable not to have this as the public had many opportunities to object to the proposal but did not.

Mr. Boyd said he is curious as to why this is before the Board since there is already a bank with a drive-through on the property, and wonders if there is a way to get around it since it takes up a lot of staff and Board time. Ms. Falkenstein said the previous drive-through was specific to that plan and location, so this application must go through the process as stipulated by the current ordinance.

Ms. Mallek said she has that on her list for discussion later. Mr. David Benish, Director of Planning, stated it is based on building location and the parking for that building, but they can consider changing it. He noted that staff is in the process of reviewing special use permits and possibly standardizing conditions, so perhaps they can look at those changes and go from there.

Mr. Sheffield asked if this will also pertain to redevelopment policies and changes. Mr. Foley responded they will have some conversation about this at the Board's strategic planning retreat, as they will be talking specifically about redevelopment.

Ms. Dittmar asked if staff can ensure that drive-throughs that already exist will be looked at for drive-throughs being requested. Mr. Benish responded that staff will wrap that into a larger discussion.

Mr. Boyd said if it is structurally sound, it seems it can just be done by administrative approval.

The Chair opened the public hearing.

Ms. Ashley Davies of the Williams Mullen law firm addressed the Board on behalf of the Rebkee Company and CVS, stating this project is at the center of the grade-separated intersection and it is great that CVS is investing in that important area. Ms. Davies said the applicant has worked closely with VDOT on the project, and a lot of the frontage has to be used for various utility easements, with topographical challenges as well as the issue of fronting two entrance corridors.

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

Mr. Sheffield **moved** that the Board adopt the proposed resolution approving SP2015-00020 with the attached conditions. Ms. Palmer **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield, Mr. Boyd and Ms. Dittmar.
NAYS: None.

RESOLUTION TO APPROVE
SP 2015-20 CVS AT RIO AND 29N

WHEREAS, Rio XRoad LLC is the record owner of Tax Map and Parcel Number 06100-00-00-123F0 and Seminole Trail LLC is the record owner of Tax Map and Parcel Number 06100-00-00-123G0 (collectively the "Owner"); and

WHEREAS, the Owner submitted an initial site plan (SDP 2015-00016) for the construction of a CVS Pharmacy with a drive-through window; and

WHEREAS, the initial site plan for the proposed CVS Pharmacy, which is a by-right use in the HC zoning district, was approved in June, 2015; and

WHEREAS, the proposed drive-through window requires a special use permit, and the application is identified as Special Use Permit 2015-00020 CVS at Rio and 29N ("SP 2015-20"); and

WHEREAS, on August 4, 2015, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2015-20 with the conditions recommended by County staff; and

WHEREAS, on September 9, 2015, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2015-20.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2015-20 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code § 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2015-20, subject to the conditions attached hereto.

SP-2015-20 CVS at Rio and 29N - Conditions

1. Development and use shall be in general accord with the following revised plans prepared by Kimley-Horn, Sheet CS-101 (1 of 3 in special use permit plan set) dated June 17, 2015 (hereafter "Layout Plan"), 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. Relationship of drive-through lanes to the building and the parking lot
   b. Building location, orientation and mass
   c. Minor modifications to the plan that do not otherwise conflict with the elements listed above, may be made to ensure compliance with the Zoning Ordinance.

2. The applicant shall install and maintain traffic control devices including, but not limited to, signage and pavement markings at the entrance and exit points of the drive-through lanes, subject to county engineer approval to ensure appropriate and safe travel patterns.

3. The use shall not commence prior to the issuance of a Certificate of Appropriateness by the Architectural Review Board.

4. The use shall commence on or before September 9, 2018 or the permit shall expire and be of no effect.

Agenda Item No. 13. **PROJECT: SP-2010-00017. All God's Children Child Development Center (Sign #41).** MAGISTERIAL DISTRICT: Scottsville. TAX MAP/PARCEL: 122000000002A0. LOCATION: 900 Glendower Road. PROPOSAL: Preschool for up to 50 children in existing building. PETITION: Day care, child care or nursery facility under section 10.2.2.7 of the Zoning Ordinance (reference 5.1.06). ZONING: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots) COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots). *(Advertised in the Daily Progress on August 24 and August 31, 2015.)*

The executive summary as presented by staff states that at its August 4, 2015 meeting, the Planning Commission considered this request for a special use permit for a day care. During that public hearing, changes to the proposed conditions of approval were introduced by staff and by the Planning Commission. All of the recommended changes are technical in nature and did not substantially change or modify the applicant's proposal.

The following changes to the proposed conditions were recommended by the Planning Commission on August 4th:

1. The wording of condition 2 was changed to be consistent with other recent approvals.
2. Irrelevant wording was deleted from condition 5.
3. Condition 6 was added to be consistent with current practice. This condition establishes the time period during which the special use permit approval is valid.

The attached resolution and the referenced conditions reflect the conditions recommends by staff and the Planning Commission.

Staff recommends that the Board adopt the attached Resolution (Attachment A) to approve SP2010- 00017 with the conditions attached thereto.

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Mr. Scott Clark, Senior Planner, addressed the Board and stated this is a special use permit request for a daycare center located on Glendower Road near Scottsville, and the proposal was originally for up to 50 children in an existing building. He pointed out the location, which is near the Keene Post Office, and said that it is located in a very rural area with farms and wooded properties all around it. Mr. Clark said this is an existing building with an entrance and parking area, and the daycare will use just the first floor of the building as well as the parking area. He referenced the conceptual plan of the project and stated that lighting will be added on the parking area, but there are no new structures proposed. Mr. Clark stated the nearest dwellings are about 1,500 feet away in various directions, with most of the nearby properties either wooded or in open or agricultural use. He said the proposed level of use has dropped from 50 to 34 children, which will generate 136 or fewer drop-off or pick-up trips per day, and the average daily trip count on this part of Glendower Road is 50. Mr. Clark said VDOT has no objection to the use, although there may be some clearing necessary for site distance. He stated the project is adjacent to the Carter's Bridge agricultural and forestal district, and the Ag/Forestal District Committee voted 7-1 to recommend the proposal be approved at a smaller maximum attendance than 50 to lessen potential traffic impacts to the district. Mr. Clark said the applicant reduced their request to 34 for that reason, and because they realize they need fewer than 50 children to make their plan work.

Mr. Clark stated on August 4, the Planning Commission voted 6-0 to recommend approval of the special use permit with the six conditions as presented, and the conditions predicate that the existing building will be used with no new construction; a maximum enrollment of 34; approval of the entrance from VDOT; approval of water and septic from the Health Department; limit on lighting to 3,000 lumens, or less or full cut-off; and one year from Board approval for the site work to begin.

Ms. Mallek said this is located on a gravel road that people demand be paved, and asked if there will be concerns about paving the road, which will certainly be requested with the increased volume of traffic. She expressed concern about the character of the area and the impact on farming, and paving the road will make people go even faster. Mr. Benish responded that paving is entirely up to the Board's decisions, and only unusual circumstances, such as high erosion or excessive maintenance, will lead VDOT to pave it.

Ms. Mallek asked what is meant by VDOT when they stipulate the cutting of trees. Mr. Clark said VDOT has said that some clearing may be necessary for reasons of site distance, so that clearing will be near the entrance.

Ms. Mallek asked why the lighting condition says "3,000 lumens or full cut-off." Mr. Benish responded the ordinance states that full cut-off is for illumination of more than 3,000 lumens, and anything less than that is not subject to the ordinance.

Ms. Mallek asked if they can have up-lights if they are low to the ground. Mr. Benish said the brightness standard is contained in the ordinance.

The Chair opened the public hearing.

Mr. John Robbins addressed the Board, stating he is a board member on the All God's Children project and thanked the staff for their work. Mr. Robbins stated the Department of Social Services has done a citizens survey and a survey of childcare centers in the County and determined that there is a lack of high-quality childcare centers in the southern part of the County. He stated that DSS assembled a group of citizens, who got together and did a feasibility study with Virginia Tech, and that determined there is a need and a set of paying customers in that part of the County. Mr. Robbins said they also did a site search and found that St. Anne's Church is a perfect location. He stated the group has formed a 501(c)3 and have done fundraising including securing a grant from Bama Works.

Ms. Mallek asked if they are planning to make any changes to the parking lot. Mr. Robbins responded they will probably just re-top it with stone, and the County will require some handicapped spaces, and the applicants want to minimize any additional runoff.

Mr. Boyd asked for supporters of the application to stand, as Mr. Robbins had mentioned that other project board members were in attendance.

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

Ms. Palmer stated she and Ms. Dittmar had attended the church's open house for the childcare center and it is a lovely place, and she is happy to approve it.

Ms. Dittmar said she is proud of the hard work and dedication of a lot of people, which has brought the application to this point.

Ms. Dittmar **moved** to adopt the resolution approving SP2010-00017 with the conditions as presented. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield, Mr. Boyd and Ms. Dittmar.
NAYS: None.

RESOLUTION TO APPROVE
SP 2010-17 ALL GOD'S CHILDREN CHILD DEVELOPMENT CENTER

WHEREAS, Christ Church is the record owner (the "Owner") of Tax Map and Parcel Number 12200-00-00-002A0; and

WHEREAS, the Owner submitted an application for a Special Use Permit, and the application is identified as Special Use Permit 2010-00017 All God's Children Child Development Center ("SP 2010-17"); and

WHEREAS, on August 4, 2015, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2010-17 with modified conditions; and

WHEREAS, on September 9, 2015, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2010-17.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2010-17 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code §§ 18-10.2.2.7 and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2010-17, subject to the conditions attached hereto.

SP-2010-17 All God's Children Child Development Center - Conditions

1. Development of the use shall be in general accord with the conceptual plan titled "All God's Children Child Development Center," revised 7/23/15, (hereafter, the "Conceptual Plan") as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, the development shall reflect the following major elements within the development essential to the design of the development:

   - Use of the existing building; no new structures shall be used for the day-care use

   Minor modifications to the Plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. Maximum enrollment shall be thirty-four (34) children.

3. The permittee shall obtain written approval of the entrance design from the Virginia Department of Transportation prior to the County issuing a zoning clearance and the permittee commencing the use.

4. The permittee shall obtain written approval of the water supply and the onsite sewage system from the Virginia Department of Health prior to the County issuing a zoning clearance and the permittee commencing the use.

5. All outdoor lighting at the site shall either emit three thousand (3,000) lumens or less or be a full cutoff luminaire.

6. The use shall commence on or before September 9, 2018 or the permit shall expire and be of no effect.

Agenda Item No. 14. **CPA-2015-00001. Boundary Adjustment to the Southern Urban Neighborhood (Route 29/I-64 Interchange).**
MAGISTERIAL DISTRICT: Samuel Miller. To consider recommending adoption of an amendment to the Albemarle County Comprehensive Plan that would adjust the Development Areas' and Rural Area's boundaries by adding to the Development Areas and removing from the Rural Area those lands located near the Interstate 64/Route 29 South interchange, approximately 223 acres in area, composed of Tax Map and Parcel Numbers 07500-00-00-03300, 07500-00-00-03400, 07500-00-00-03800, 07500-00-00-04500, 07500-00-00-045A0, 07500-00-00-045B0, 07500-00-00-045C0, and portions of 07500-00-00-04800 and 07500-00-00-05300 (the remainders of such parcels are currently within the Development Areas) (collectively, the "lands") and designating those lands as Industrial (approximately 85 acres) and Parks and Green Systems (approximately 138 acres). The portions of Tax Map and Parcel Numbers 07500-00-00-04800 and 07500-00-00-05300 currently in the Development Areas are designated Regional Mixed Use and that designation will not be changed by this amendment.
(Advertised in the Daily Progress on August 24 and August 31, 2015.)

The executive summary as presented by staff states that on September 2, 2015, the Board of Supervisors held its scheduled work session to discuss the information provided for the above-noted CPA Boundary Adjustment to the Southern Urban Neighborhood. At that meeting, the Board requested additional information in advance of the public hearing scheduled for September 9, 2015 if it could be provided.

Information requested included a fact sheet on certain aspects of the CPA and its process, more specific and detailed maps showing alternative areas that could be included in a CPA that were shown at the September 2 meeting, and a copy of the PowerPoint presentation made at the September 2 meeting. Staff noted that the fact sheet would be provided in advance of the public hearing as soon as staff could complete it, but that maps beyond those which staff included in the PowerPoint presentation would not be available before the public hearing. A copy of the PowerPoint presentation is provided as Attachment G. The County Attorney has prepared a Resolution to be adopted if the Board approves the CPA (Attachment C), as well as a Resolution to be adopted if the Board disapproves the CPA (Attachment F).

After the public hearing, staff recommends that the Board take action regarding CPA201500001 Boundary Line Adjustment to the Southern Urban Neighborhood or give staff direction to prepare for the Board alternatives for the Board to consider.

Ms. Faith McClintic, Director of Economic Development, addressed the Board and stated there has been a lot of discussion on this item over the last few months, so she would recap a few of the more significant findings. Ms. McClintic stated the reason this study was initiated was because of a quality business that economic development staff had been working with before her arrival, and that certainly provided an opportunity to begin a dialogue on facilitating enhanced employment offerings and to address the lack of land and buildings for business opportunities. She said there is a shortage in what the average household pays in taxes versus the cost of providing the required government services generated by that home. Ms. McClintic said they have also discussed median household income, the cost of living index and how it is driven by housing costs, and how the cost of living and wage index does not align, with Albemarle's wages being below the state average. She stated they have also discussed the breakdown of how employment sectors are comprised, with the bulk of in government positons and the other large component being retail, accommodations and food service. She said healthcare and social assistance comprise 11% of employment; professional, scientific and technical services comprise just 7% of the employment base; and 4% of positions are in manufacturing. Ms. McClintic stated they have also talked about wage levels, and outside of the $1,900 per week associated with federal government jobs, finance and insurance is next, and average weekly wages for accommodation and food services are $378 per week, with retail trade at $565 per week.

Ms. McClintic stated they have also discussed the fact that land use designations for industrial and commercial purposes are minimal when compared to other peer communities, including those which have strong programs for preserving natural and historic assets. She said there are approximately 256 acres that are designated for industrial uses but not yet zoned that way, which led to challenges with inventory when prospects sought locations here. Ms. McClintic stated they have not yet discussed how some of that data gathered by planning staff has been broken down to establish minimal criteria for sites that are ready to go, which reduces that number even further. She said based on that criteria, there are just nine parcels currently in the County's inventory that are zoned, designated for industrial uses, and developable when considering site restraints, with those totaling 75 acres.

Ms. McClintic reported that Westcreek Business Park in Goochland County has 3,500 acres, including signature tenants, with that County also having been careful with their growth policies. She noted Goochland also has infrastructure at I-64 and I-288, with water, sewer and gas, and zoning to accommodate a variety of uses. Ms. McClintic stated that Orange County has 155 acres in the Thomas Lee Park and has a variety of users to date, with a primary Virginia roadway, Route 15, and water, sewer, gas and rail in place, and that property zoned industrial. She said Louisa County has been very aggressive, utilizing its economic development authority to position some business parks. She said Spring Creek has 155 acres in mixed-use development and already has some well-known tenants from the region, with infrastructure at I-64 and Route 29, and water, sewer and fiber in place, and it is zoned for business, office and residential uses. Ms. McClintic stated Ferncliff is a smaller business park at 104 acres and is the new home of Patriot Aluminum, formerly located in Albemarle, and that property is already zoned for industrial and commercial uses, with infrastructure and zoning already in place. She noted Louisa also has an 800-acre rail site. She said Augusta County also has a number of business parks up and running, with tenants, critical infrastructure, and zoning in place, and just three parks in Augusta County totals 1,400 acres with properties zoned for industrial uses with infrastructure in place. Ms. McClintic said the City of Staunton has 210 acres in Green Hills Technology Center, which is a venture between their Economic Development Authority, the private sector, and the City of Staunton, with the infrastructure in place and a great road network.

Ms. McClintic stated the real reason behind why economic development is so essential is the very significant gap in providing basic government services and the school system, and this opportunity will help provide quality jobs for residents of Albemarle County.

Ms. Palmer said they had talked last week about the recent change allowing industrial properties on Highway Commercial sites, and asked for confirmation that Ms. McClintic's overall review of sites she plans to include the possibility of industrial on those properties. Ms. McClintic responded this is correct, and said in the information provided by Elaine Echols, there are Comp Plan designations that allow for some commercial uses, and that has been factored in to some degree as to what the overall analysis will show. She said some on the list are PD-SC and PD-IP designations, and staff will drill down further into that in the full analysis.

Ms. Elaine Echols, Director of Planning, addressed the Board and noted on a map the area being considered for inclusion in the development areas, and stated they have in their packets the text that will go along with the land use plan. She stated the highlights are that it is for particular industries that need a location near an interchange near UVA and downtown Charlottesville, and for specific types of industries that are part of the County's targets. Ms. Echols stated that habitat protection is proposed for the area shown in parks and green systems, and that area might also be used for passive recreation. Because the properties are fairly hilly, one of the recommendations in the text is that creativity be used in site design when buildings are planned for the site. She said other recommendations include the need for interconnections for the regional mixed center, which is to the east of what is being considered; the importance of protecting nearby residential properties and other nearby properties from noise and odors; improvements to the interchange and provisions to keep the situation from getting worse; and that the improvements be provided concurrent with development.

Ms. Echols stated staff has recommended approval with those particular aspects after talking with the Planning Commission at their work session, but the Commission recommended disapproval, stating the interchange location does not make this an ideal place. She said one of the most important points to the Commission was the comprehensive industrial inventory has not yet been done, and when staff did the Comp Plan work they did an inventory of lands, but it was quantitative, not qualitative. Ms. Echols said Ms. McClintic's assessment will do that to see what is realistic with what is zoned and what is designated. She stated the Planning Commission has indicated the importance of this step to them, and it is one of the top three recommendations to the Board for the work program. The Commission has said even though water and sewer are available to the site, they are not there yet and the costs have not yet been determined, but it will likely be expensive. Ms. Echols said the Commission also is concerned about the environmental impacts, especially to Moore's Creek, and feel that habitat protection will be difficult to maintain in this significant mature hardwood forest, by having a new designation and development. She said the Commission also feels that traffic is a problem and the solutions are not in place, and is concerned that the process has a “compressed timeframe.” Ms. Echols stated the Commission also stated they had just finished a multi-year project with the Board on the Comp Plan, and it is not time to consider this addition. She said they also want to give the Economic Development Office time to do their work, and have asked for an accounting of any costs to the County with regards to incentives.

Ms. Echols asked if the Board has any questions for staff prior to opening the public hearing.

Mr. Boyd said he has been asked by a constituent if this will preclude any zoning requirements or proffers for the property, since the CPA was generated by the Board.

Mr. Davis responded the CPA was initiated by the Board as a resolution of intent asking that it be reviewed by the Planning Commission for their recommendation, but that has no bearing on a forthcoming rezoning application to be made by a property owner. He said a rezoning can be subject to proffers offered by the property owner, but if the rezoning is initiated by the Board, there will not be a mechanism for proffers.

Mr. Boyd said this is in line with what he had thought. He asked if there is a requirement for designation of open space at this stage, or if that can be done later since they are not sure about critical slopes and other barriers. Ms. Echols responded the land use plan designates those areas to be preserved because of the land’s particular characteristics, but the Board can choose to not designate any of that area in the parks and green systems designation, but that will not be consistent with other master plans. She said another important piece of this is the zoning, and once they get into the zoning aspects that becomes regulatory. She stated before having a recommendation for a critical slopes or steep slopes overlay, they will want to look more closely at the site. Ms. Echols confirmed the Board needs to designate some kind of use on the property, and overlaying the entire thing for industrial development will not be recommended by staff, but the restrictive activity comes at the zoning phase.

Ms. Mallek asked if it might be possible to indicate the areas that are most likely critical slopes, but will require more verification before being codified as such. Ms. Echols responded the Board is essentially saying that by recognizing those as important environmental features, but is not saying these should never be touched. She stated when the Board gets ready to look at zoning regulations in terms of steep slopes, this will provide some guidance, but this will not be the ultimate direction provided. Ms. Echols said that with Woolen Mills, the area surrounding the buildings is shown in green on the Southern Neighborhoods Master Plan, and the applicant has expressed concern that if the floodplain boundary moves they will not be able to develop those buildings. She stated staff assured the applicant this is not the case, and if the boundary moves, that green designation will not be applicable in that particular area. Ms. Echols said the steep slopes will be considered in the same way, with a closer look at the areas when it comes time to look at the steep slopes overlay if the property are brought into the development area.

Ms. Mallek said someone had commented that by bringing this into the growth area now, the potential steep slopes would lose that possibility and become managed slopes. Ms. Echols responded the determination of what becomes managed and what becomes preserved happens when they prepare the steep slopes overlay, and this does not set anything in stone, it only provides guidance. She said if the slopes are not 25% or do not meet other criteria, they may not necessarily be designated as preserved slopes, but staff has not done a deep enough analysis to determine which ones would and which ones would not.

Mr. Foley said this is a completely separate action by the Board as to what will be designated preserved and what will be managed.

Mr. Echols added staff will put together an overlay for public comment and input, and for the Commission’s review and recommendation, then to the Board for recommendation and public hearing, and the Board would have to adopt the overlay as part of the Zoning Ordinance. She confirmed this will include more analysis for the Board as to conditions in the field.

Ms. Mallek stated the earlier light industrial study was quantitative in terms of assets, and asked if staff would expect those numbers to increase with a qualitative review, because it seems that most likely those will be ruled out rather than in. Ms. Echols replied she would think it is unlikely they would have vacant developable land area, but part of the in-depth analysis will be looking at redevelopment opportunities and how commercially zoned properties might be available for some of the types of areas that target industries need.

Ms. Dittmar asked for staff to clarify exactly what is entailed in this CPA. Ms. Echols responded that a Comprehensive Plan Amendment in this case would be a change to the master plan, which is part of the Comp Plan, and it would provide land use designations as well as text that would be advisory in nature. She said this way, if a rezoning were to come along, the Board would have the direction needed from the CPA, and if there are any capital improvements or public projects to be done so guidance can be provided. Ms. Echols emphasized that a CPA is guidance, but is not regulatory.

Ms. Palmer said the Planning Commission had discussed that if something in the Comp Plan is industrial, it is assumed that someone looking at a site would be able to get a zoning change done on that property, and one of the concerns is that there are so many unknowns in this particular situation, it would be difficult to assure that rezoning. She asked for clarification that there is an assumption that a property can be rezoned to industrial if it is designated as such on the Comp Plan. Ms. Echols responded this is the case, and part of the reason why this is on a plan is to inform the property owner and others that there is an expectation of uses in a chart stipulating the possible uses.

Ms. Palmer stated the Planning Commission had expressed concern that this might be doable, given the constraints on the site.

Ms. Dittmar commented they are not considering critical slope waivers or things that require traffic studies, but if an applicant comes along they will have to go through the zoning process.

Ms. Echols agreed, and said there are different ways the property could be zoned, applicant-initiated or initiated by the Board into a conventional district or a specialized district.

The Chair then opened the public hearing.

Mr. John Martin of Free Union addressed the Board, stating this item is characterized as a "border adjustment," but it is really about designating additional land for industrial use in the County. He said as a Comp Plan Amendment, two things have to be done comprehensively: deciding how much additional industrial land is needed to have designated going into the future on the basis of studies of the County and its needs, and that has not been done; and conducting a comprehensive study as to where the additional industrial land should be located, in a general sense. Mr. Martin stated that Comprehensive Planning under the law has not been done, but what has happened is a target industry came to town, found some property that it liked, then met with County staff in secret and started negotiating what to do, and this resulted in a Comp Plan Amendment. He said the danger here is that if the Board approves this, it will compromise rural area residents because another target industry could come in and identify land it likes, then go through the same process without any Comprehensive Planning to get the property rezoned. Mr. Martin emphasized this will cause harm to the rural area and result in a piecemeal reduction of it.

Ms. Susan Roberts of the League of Women Voters addressed the Board and stated the LWV cannot support this proposal. Ms. Roberts stated the main areas of concern are that a well-established development area boundary has great value, and a firm boundary lets landowners know what to expect and how to plan for the land's use. She said if landowners outside the boundary believe their land can be easily open to extensive development, they will neither protect nor utilize its rural character; if landowners within the boundaries feel the development will leapfrog over them, they will not invest or completely develop what they have. Ms. Roberts said the LWV was surprised the staff report did not even mention the importance of a firm boundary, and are concerned about the precedent set when applicants are directed to the green fields outside the development area, and changes in the boundary should involve public discussion of when and for whom the development area line should be breached. She stated the LWV is not aware of any new policies adopted for pushing the boundary outward, even with a Comp Plan adopted after many public discussions. Ms. Roberts said this proposal does not seem to protect rural lands or natural resources, and before making such a large land use change, a thorough environmental study should be done. She stated the County should not encourage development in an existing green field at the headwaters of a stream that is already impaired, and critical slopes should be considered. Ms. Roberts said designating the property industrial does not lessen the threat of intense commercial, industrial or residential development. She said the government's reputation is affected by the County acting as applicant, and you cannot ask professional staff to represent the applicant and also analyze the application.

Ms. Muriel Grim of the Rio District addressed the Board and stated this proposal does not make sense. She stated the County has only a one in three, or four or five chance of getting a brewery that has some desirable values, and the brewery would provide an unknown percentage of its new jobs to current County residents. In exchange, she said, the County will jeopardize the legal authority of its Comp Plan; set a precedent of changing the growth area boundary without explicit criteria for how to do that; pay for major infrastructure improvement; turn an attractive gateway into an interchange with an industrial park; and add air, water, noise and light pollution to the area. Ms. Grim emphasized rejecting this amendment does not mean the area can never be open to development, and if the County proves to be in dire straits it can use a process that actually exists to change the growth area boundary, and it can get a definitely committed company to occupy the site. She said there is also the possibility that funds that would have gone to infrastructure at the 29 South site could be used instead to improve potential industrial sites already in the growth area. Ms. Grim stated keeping things as they are would allow the new Economic Development Director time to create an economic development plan that will show a path to increasing County revenues, while preserving the natural, cultural and historic assets that the County's vision statement honors. She said with a creative development plan, there may be no need to consider growth area expansion. Ms. Grim urged the Board to make this a true hearing and to listen, understand, consider and respond to objections, and to not rush the proposed amendment through.

Ms. Linda Goodling of Ivy addressed the Board and stated she used to live in one of the passive solar homes at Shepherd's Hill and is very familiar with the area. She stated the Planning Commission wisely unanimously voted against this rush to expand the growth area, and emphasized the Commissioners are professionally trained planners, with four out of seven having extensive backgrounds in planning. Ms. Goodling urged the Board to take the Commission's advice, and said there are too many unknowns to make a good decision. She said she is not against the business, just the location and the Board breaking all their rules for the possibility of beer. Ms. Goodling stated the report said this site is favorable for their business, but it may not be the right spot for the community, which is special because of careful planning. She said the Board took time with the 29 Bypass and water supply plan, yet rushed to bring in a brewery. Ms. Goodling stated a strategic assessment needs to be done, as there are environmental issues such as critical slopes and the proximity to Moore's Creek, which is already compromised. She said the traffic has been dangerous since the 1970s, and having beer trucks and beer drinkers will clog the area, and just because a traffic mess is created does not mean that VDOT will come in and fix it. Ms. Goodling stated this may not be the great financial deal they thought, and the County has admitted it has not defined the complete inventory, and they are fooling themselves to think that employees pushing beer will make $60,000. She said there is not an updated assessment of other sites, and there may be plenty of possible industry in the growth area that would be willing to do something if the County offered them a sweet deal. Ms. Goodling said green space will be lost forever, and when something seems too good to be true, it probably is not true. She urged the Board to listen to the Commissioners.

Mr. Neil Williamson of the Free Enterprise Forum addressed the Board and stated the crux of this discussion is about three things, jobs, revenue and growth control, and everything else is a designed distraction. Mr. Williamson said there have been suggestions to limit the expansion to one or two parcels, but the FEF believes the larger the expansion, the more flexibility the County will have if and when rezonings come forward. He stated the larger the expansion, the more career ladder jobs for the County, and economic diversity helps local economies weather market cycles. He stated the Board is aware of the significant demands on the budget, and has even appointed a Citizens Resource Advisory Committee to find new sources of revenue, and have just discussed "funding for the future" with the School Board. Mr. Williamson said just one business can equate to two cents on the residential tax rate, which is significant. He stated for years, Albemarle's economic policy was that applicants were lucky if the County was even considering them for location here, but in recent times there has been a warming of the positive climate for businesses, and a vote for this CPA would say that "Albemarle is open for business," with a negative vote being equally loud.

Mr. David Van Roijen addressed the Board and said sometimes people have two minutes and sometimes they have three minutes. Ms. Dittmar responded when there are a lot of speakers, the Board reduces the typical three minute allotment to two minutes, and that is not known in advance because they do not know who is signing up. She stated Ms. Mallek's advice is good, suggesting that speakers go to their main theme right away and then expand on their points.

Mr. Sheffield said providing the Board with written materials is also helpful.

Mr. Van Roijen stated he is from the Samuel Miller District and said the Board seems to think there is some confusion on the part of the public and the Planning Commission, and the only question is whether this land should ultimately be used for industrial purposes or not. He suggested the Board may have created a problem by not dealing with the public in the usual honest and straightforward planning process. Mr. Van Roijen stated the reality is they have a new Comprehensive Plan that reviewed all the County area designations, including looking at this area as growth area. However, he said with the need for additional tax revenues and a potential third tax increase, the Board decided to do a fast shuffle of the deck, enticed by Ms. McClintic's suggestion of $2.5 million in tax revenues from a brewing company. He noted the Board may not have fully understood the matching funds as part of the deal from the state. Mr. Van Roijen said the area consistently ranks in the top 10 places to live in the country, so it makes little sense to use tax dollars to bribe a factory to locate here, and companies should have to bid to be here. He stated he guessed that few of the Board members have walked the area in question, much less spent time observing the interchange, and there are numerous problems in adding this to the growth area. Mr. Van Roijen said the previous week's overturned tractor-trailer incident with a multi-hour backup only served to emphasize VDOT's report that the conditions are intolerable and need upgrading. He suggested the Board reject this resolution, or strike out the sentences that they have "carefully considered discussion and the recommendation of the Planning Commission and the comments from the public," and strike the resolution that this will "best promote health, safety and convenience, prosperity and the general welfare of inhabitants." He said otherwise, they will be guilty of malfeasance. Mr. Van Roijen said if they need more growth areas, they should review the whole County and provide supporting economic impact data that can be projected for selecting those locations before moving forward. He stated as a member of the Fiscal Impact Committee, he believes they need to better understand the costs of growth, and if revenues are needed, the Economic Development person should be working to help businesses grow.

Mr. Tim Hulbert, Executive Director of the Charlottesville Regional Chamber of Commerce, stated the Chamber firmly supports this parcel restoration in development area acreage and other future adjustments that do not manifestly shift the urban/rural balance. He stated the Chamber is not in favor of a manifest shift in the balance, and realize the Commission has recommended denial. Mr. Hulbert stated the Commission deals with the details of land use, but as Supervisors they have a broader responsibility to address and balance interests that are often competing: public safety, economic opportunity, workforce, tax base growth, school and preschool enrichment, infrastructure, cultural and environmental concerns, and so forth. He said the Supervisors are charged with doing this, and they ran for this office. Mr. Hulbert stated the Orange Dot Report shows that 16% of families in Albemarle are not self-sufficient, and said the status quo will be asking "why" they should approve this, and vision will be asking "why not." He urged the Board to approve the boundary adjustment and stated that 223 acres out of 440,000 total acres in the County is not a manifest shift.

Mr. John Dozier addressed the Board and stated he is a resident of North Garden and does not support this CPA, stating his reasons are the very similar as many of the Planning Commission's. Mr. Dozier stated one of those reasons is traffic, and VDOT's report showed that over the last 4.5 years, there have been 70 accidents within two miles of the interchange, including one nine days earlier when a tractor-trailer overturned. He said there are also quality of life issues, with an industrial area being put in next to a church that has been in the County almost 100 years, and a park that will be located right behind the brewery. Mr. Dozier said he is all for jobs and economic development, but his real objection is they have not gone through the proper assessment of their existing growth plan, and both Ms. Echols and Ms. McClintic have stated that "we do not really know what we have in the County to use for industrial areas." He said this is the lazy way to go about it, just to find a green field area and slap this on, and he urged them to do the hard work and determine what assets are in the County to attract businesses here.

Mr. Hunter Smith, President and Founder of Champion Brewing Company, addressed the Board and voiced his support for the proposal. Mr. Smith stated that as the person who employs these individuals and processes the seven-figure revenue his company made, he can attest to the real contributions this brewery will be making to both the job and revenue components of the industry. He said that despite the fact this brewery will be considered a competitor, the industry overall is collaborative and benefits from critical mass, bringing more breweries to the area. Mr. Smith stated they have seen breweries come looking for location here and keep going to places like Asheville, North Carolina. He said Champion was lucky to find a place to locate, and the site they are leasing now is the last place they had looked, and it is the last place they could find that would work. Mr. Smith stated they are looking for places now but are not finding them.

Mr. Jason Buyaki addressed the Board, stating he supports the amendment and noted that a vital economy is important for a vital community. Mr. Buyaki said they have seen the revenue cliff they face, and if they can grow the economic base they can reduce the burden on the real estate tax.

Ms. Carolyn Betts of the White Hall District addressed the Board and fully supports the CPA. Ms. Betts stated she is a commercial real estate agent in the area, and she can recall five companies she has worked with that wanted to locate their businesses in Albemarle, but there was nothing for them here. She said four of them ended up in surrounding counties, and one of them, that would have employed 600 people, is prospering and paying taxes in Roanoke. Ms. Betts commended the Board for hiring such a high-quality and high-caliber Economic Development Director and hopes they will give her the tools to do her job, reiterating she fully supports the CPA.

Ms. Helen Cauthen, President of the Central Virginia Partnership for Economic Development, addressed the Board and stated that CVPED strongly supports the boundary adjustment. Ms. Cauthen stated the County's successful existing businesses want to remain and grow here, and deserve to do so. She said staff had reported in June that the County had missed opportunities for 19 existing business expansions, representing more than 700 jobs, and these businesses generate tax revenues that help alleviate the need to raise taxes on the homeowners. Ms. Cauthen said when growing companies leave, they take their jobs and tax revenues with them. She stated her office is located in the Workforce Center, where people come to try to find livable wage jobs, and in FY15, more than 16,400 visits were made to the Center, with 42% or about 7,000 made by County residents. Ms. Cauthen noted last year, almost 200 graduates of Albemarle County high schools, or 20%, stated they did not plan to go to college and would be entering the workforce. She stated the Chamber jobs report produced with CVPED had noted that there were 4,395 manufacturing jobs in the year 2000, and only 2,161 jobs in 2014, a 50% reduction, and these jobs pay much better than retail positions. Ms. Cauthen said the Partnership has been working for more than a year with the prospect interested in this site, and she can assure them the company is a target industry and will be an outstanding fit for the County, with a focus on sustainability, and will offer quality career-ladder jobs for the creative class. She asked those at the meeting who are in support of the boundary adjustment to stand, and requested the Board support the CPA.

Ms. Jerry McCormick-Ray of the White Hall District addressed the Board and stated she opposes the proposal and does not think it is good for the County, nor does it set a good precedent for their planning process. Ms. McCormick-Ray stated they have not considered this for a long enough period of time to figure out the problems and how much debt they will go into before recuperating any job creation or tax incentives. She said there are many questions that need to be asked, including why this expansion is necessary; why the business opportunity ranks so highly given the decision will subvert the planning process; what the likely costs and impacts will be of this expansion on traffic, public services, and on the lives of the rural community that live there; what plan is in place to mitigate impacts; and how much the County will have to spend to facilitate this growth area and to pay for the water, sewer, traffic and security to support it. Ms. McCormick-Ray stated they are creating more problems and issues they will have to correct before deciding to go on with such an expansive decision in changing from a rural area into a developed area.

Mr. Brian Roy of the Samuel Miller District and contract purchaser of the Woolen Mills site, a mixed use site with a light industrial component, addressed the Board. He stated he is in favor of the boundary adjustment and supports the Board's efforts. Mr. Roy said since he was before the Board a year earlier, he had the opportunity to speak with several owners of manufacturing businesses, which are very productive and make a huge investment in their real estate and the County as a whole. He stated this will be very productive to the County and he hopes it goes through, and he said he is also the father of two boys in the County school system and sees the challenges of the budget shortfall. Mr. Roy said having a balance between industrial and residential that can add to the tax base benefits them all, and this provides an opportunity to help strike that balance.

Ms. Barbara Payne of the White Hall District addressed the Board, stating she has familiarized herself with the Planning Commission's reasons for their unanimous lack of support for this amendment to the Comp Plan, and she agrees with them and urges the Board to follow their recommendation. Ms. Payne stated this does not mean she is opposed to development, and she urges the County to identify all of the commercial land that can be placed into industrial land, so that people who come to visit know what is truly available.

Ms. Mary Rice of the White Hall District addressed the Board and stated one of the things mentioned by the Chair that they would not be discussing was rezoning, but that is exactly what they are talking about. Ms. Rice stated she was surprised that Ms. McClintic presented slide after slide showing data from neighboring counties and their industrial land when Albemarle does not even have that data, so it seems odd that they would measure their inventory against a bar when they do not even know what that is. She said her other concern is related to setting precedent, not just about the planning process, and as a resident of Crozet and a participant in that community's master planning process, it is very disturbing to see the fact that the land is near an interchange to be used as a reason to expand the growth area.

Ms. Laura Sprung of the White Hall District addressed the Board and stated the Planning Commission had unanimously disapproved of this amendment, and she pleads with the Board to listen to the Commission and turn this proposal down.

Ms. Kristin Suokko addressed the Board and stated she is the Executive Director of the Local Food Hub, which also serves as the fiscal agent in a planning process supported by the County and the City for a flash freezing facility for the region. Ms. Suokko said she is not before them to take a position on this amendment, and her organization has no stake in this site. She stated what she hopes to do is to add to the conversation regarding the lack of light industrial space and the high cost of locating agribusiness in the County. She stated the Local Food Hub is a non-profit aggregator and distributor of produce and value-added products from small Virginia farms, and last year they purchased close to $1 million from those farms as well as providing services to partner farms. Ms. Suokko said their infrastructure needs are fairly modest, with a refrigerated warehouse space and a need for truck accessibility. She stated the food hub currently operates out of an old IGA building in Ivy, with heavy subsidy from their landlord, and hopefully they will outgrow the space someday and find new space in the County. Ms. Suokko said in July, a team completed a feasibility study for a facility that would make local produce available year-round and create light manufacturing jobs, and they will need 30,000 square feet of industrial space, utility and road infrastructure, and proximity to workers. She stated the team looked at 20-25 properties in the City and County, and only one came close to fitting the criteria and being affordable, and they believe that a robust local food system needs farms and local businesses to support them.

Mr. Rich Barnett addressed the Board and stated he teaches history at UVA and has lived here since 1974. Mr. Barnett stated he had run through the property and saw there are many hardwood trees, some 350 years old, 220 feet tall, with very few conifers or softwood trees. He said he then envisioned the site after what they are proposing, and it will create a zone like 5th Street Extended opposite Food Lion, a big pile of green trees full of accelerants burning for 10 days to get rid of them. Mr. Barnett said he makes his own beer, and the brewing process generates a strong smell, and with a large brewery there will be noise and pollution 24/7. He noted during his visit to the site, three beer trucks passed him. Mr. Barnett said the whole idea of this creating jobs is entirely false, and said this project is a job killer, noting that Lowe's killed all but one mom and pop hardware store in Charlottesville; Smithfield Stadium Cinema killed all other movie houses, including Vinegar Hill; Barnes & Noble bookstore killed all but one mom and pop bookstore in Charlottesville. He emphasized the proposed brewery is a job killer, and urged them to make no mistake about it. Mr. Barnett said Ms. McClintic is doing a great job and what she was hired to do, but asked this adjustment be not here, and not now.

Mr. Tom Olivier, representing Advocates for a Sustainable Albemarle Population (ASAP) addressed the Board and stated the growth area expansion was proposed by County economic development staff as an attractive potential home for an out-of-state company indicating an interest in expanding here. Mr. Olivier said the public is being told the taxes from a business on this site will help close the growing gap between revenues and expenses; however, the fiscal benefits of this proposed use have not been established, and there are other associated problems. He referenced an analysis that indicates that under plausible assumptions, if half the jobs of a new company are filled by people who do not currently live here, the net fiscal effect of a new company is slightly negative, and subsidies can only worsen the imbalance. He stated VDOT has said the considered industrial use of the proposed expansion will exacerbate traffic problems, and a new Chamber of Commerce report shows that job growth is strong. Mr. Olivier urged them not to sacrifice the Comp Plan and rural areas at the altar of economic development, and to have the economic development program stay focused on helping local companies provide better jobs to current residents, and if new buildings are needed, to promote redevelopment of lands already in development areas. He stated the text on the Albemarle County website claims that "Albemarle is going green, and we want you to come along," and ASAP says, "Let's stay green, and not sacrifice 200+ acres of rural area to a growth area expansion of dubious value."

Ms. Wren Olivier of the Samuel Miller District addressed the Board, stating she is opposed to this proposal with the most important reason being preventing further desecration of rural areas, and said if they put as much effort into preserving them as they do toward development, they would all live in a much better place.

Ms. Christine Davis of the Samuel Miller District addressed the Board and presented a petition from voters from Samuel Miller and Jack Jouett, and said that increasing tax revenues is a worthy goal, but revenues do not equal net profits. Ms. Davis said the County is in a similar position to that of the financial firms for which she has worked: both had limited resources to invest, and both had rules as to how they evaluated projects and allocated resources. She urged the Board to follow their rules and conduct the usual level of due diligence that a change to the already approved Comprehensive Plan requires, and said one does not have to work in finance to know that insufficiently evaluated proposals lose their investors' money and create unintended problems. Ms. Davis asked the Board to table the change until they conduct two studies, and she read the language of the voters' petition, "Study before changing the Albemarle Comprehensive Plan." She read the petition, which calls for a neighborhood master plan and establishment of a citizens' advisory council as they had done for Crozet, as well as comprehensive land use plan that tallies all County lands currently available for industrial purposes and determines how much land the market needs. Ms. Davis noted that adding land before knowing is not good business practice.

Mr. Henry Weinschenk addressed the Board, stating there is an acute shortage of land for industrial use, and none of the opponents to the Comp Plan Amendment have suggested an alternate area for industrial expansion. Mr. Weinschenk said since retiring from his business, he has become an advisor to a small, very light manufacturing company that wants to grow, and if they are successful in growing, they are moving out of the area.

Ms. Judy Robinson addressed the Board, stating it has been brought to the attention of Sherwood Farms residents and others in the area that before raising questions, the land use change has to be agreed upon, but she does not know how they can approve of the change in land use until they fully understand the impact of the change. Ms. Robinson stated the light industrial site will be directly opposite the entrance to Sherwood Farms and their homes, and the thought of 500 extra vehicles going in and out, let alone 5,000 as was mentioned in the paper, is mind boggling. She said on her way home the day before, there were at least five or six tractor-trailers waiting to cross Route 29 South, and because the line was so long they were blocking one lane of 29, which is not unusual. Ms. Robinson stated there is no way the busy intersection can cope with such a huge overload, and surely infrastructure changes should be made now just to address present conditions. She said the whole area will have to change if more development is made at this junction, and said she is also concerned that the entrance corridors coming into the City of Charlottesville, particularly Route 29 and Route 250 at Pantops, are not an attractive entrance to the City. Ms. Robinson expressed concern that this type of development will happen on Route 29 South, possibly all the way to Lynchburg. She asked those who are opposed to the boundary adjustment to stand.

Mr. David Mitchell of the Jack Jouett District addressed the Board and stated he works for Great Eastern Management, and said his company manages properties in the growth area, and there is not enough light industrial land in Albemarle County. Mr. Mitchell stated his wife owns Bounce-N-Play and had visited a one-acre parcel in Albemarle County and requested that their business be located on Commonwealth Drive, but they were told this would not happen because there is not enough industrial land to allow them to get a special use permit for just a commercial use on that acre. He said tax revenues are important, and this can possibly help alleviate the burden on the real estate tax rate and reduce the Board's fight each year to establish to add pennies to the tax rate. Mr. Mitchell added this is not really an expansion of the growth area, it is compensation for the 1,200 acres that was lost when Biscuit Run became a park.

Mr. Jeff Werner addressed the Board, stating he is representing the Piedmont Environmental Council and clarifying that Biscuit Run does not have a single square foot of industrial land in it. He stated the PEC urged the Board not to approve this expansion until a thorough analysis has been done, as called for in their Comp Plan. Mr. Werner said people trust their voices will be heard, but after being told they are confused and are getting ahead of themselves, it is difficult to maintain that trust. He stated the Board has a responsibility to do Comprehensive Planning, and in June they wrapped up an almost five-year review of the plan, and they did not endorse this expansion. Mr. Werner said what the Board is considering is piecemeal planning that they initiated three months ago with the hope they could get an out of town brewery to locate here, but the business has made no commitment to this community, and the County is the applicant so far. He stated this will come down to financial incentives, and Asheville landed New Belgium Brewing with $12 million; Richmond had spent $38 million to get Stone Brewing there. Mr. Werner said there is no guarantee the brewery will come here, and the decision will run with the land, and there is no way to limit the site only to companies the Board likes, and that has a commitment to environmental stewardship. He stated staff claims it needs the expansion as there are only 75 acres of industrial land available, a total that is inexplicably down from the several hundred acres presented in August. Mr. Werner said staff's analysis continues to omit the underutilized parcels in the County, the uses allowed on commercial land, and the 500,000 square feet of vacant industrial building space in the County. He stated VDOT has also expressed significant concerns about this, and he presented materials on the New Belgium Brewery in Asheville, noting it does not lay lightly on the land.

Mr. Harvey Wilcox of Ivy addressed the Board and stated he is alarmed at the procedure the Board is following, wherein they have reached the conclusion that more light industrial land is needed and asked the staff to come up with a way to justify it. He said this is totally backwards, and he expected better from this Board. Mr. Wilcox stated the series of interchanges throughout the County is green for a good reason, and the Board had just completed a long overhaul of the Comp Plan. He said this is a genie they will never get back in the bottle, as rezoning will surely follow, and interchange alterations will eventually change the character of the County. Mr. Wilcox stated this is a much bigger decision than one brewery's application, and there are a lot of questions to be answered, what good is industrial zoning and how much does it really add to the tax revenue base, and how many employees of this company will actually live in the County. He said he would hate to have this Board be remembered as the one that turned this County's interchanges into ones that resemble the Ohio Turnpike.

Mr. John Cruickshank of the Piedmont Group of the Sierra Club addressed the Board and urged them not to approve an expansion of the growth area at the I-64/Route 29 intersection. He stated the

Piedmont Group recognizes the importance of increasing the industrial tax base, but there are too many unanswered questions that require careful consideration: why it is necessary to expand the growth area when there are hundreds of acres in the growth area available for light industrial use, and whether numerous vacant buildings in the County are being considered for redevelopment; what the impact of development at this intersection will be on the flow of traffic on Route 29 South, and whether it will be necessary to install another traffic site; what impact the company wanting to build on this site will have on the ecosystem and how much water it will take from reservoirs; what new infrastructure, such as water and sewer, electric lines, and roads will be needed to accommodate this business; and what steps will be taken to mitigate damage to the natural environment and protect the attractiveness of the southern entrance to Charlottesville. Mr. Cruickshank said the people of Albemarle County have the right to know the answers to these questions before the Board decides to expand the growth area, and asked them to reject this proposal.

Ms. Janet Eden of the Scottsville District addressed the Board and said several years earlier the Supervisors tried to put a dump in her backyard, but the people spoke up and it did not happen, and that is going to have to happen again. Ms. Eden said if this is a local brewery looking for a bigger place to be in the County, they should be helped to find a place, but not this site. She stated that using the interchange is taking your life into your hands, and when she called VDOT about the road condition, they laughed. Ms. Eden said they cannot even get organized enough to repave the bridges going across because there is so much traffic. She stated she does not think this is going to happen, and all the Board is going to do is create a big fight and waste everyone’s time.

Ms. Celia Belton of the Samuel Miller District addressed the Board and urged them to be very cautious in considering this proposal, which is fraught with unintended consequences and will set a dangerous precedent, and approving this action will leave them vulnerable for development of other interchanges. Ms. Belton said that little by little, the very fabric that makes the locality so splendid is being torn asunder, and certainly a more suitable location could be found for this industrial complex, and they can avoid setting a dangerous precedent.

Mr. Donald Day of the Samuel Miller District addressed the Board and stated he opposes the Comp Plan change, in part because the action is motivated by a specific brewer’s interest rather than a disciplined study of what is best for Albemarle. He stated this unusual approach absolutely conflates the boundary line adjustment with the zoning, and asked why they would change the Comp Plan’s designated use for an area if the potential use is not appropriate. Mr. Day said the Board has the letter from VDOT, and commented it will be decades before the funding is available to fix the intersection. He asked if it would not be more prudent to have a balance sheet that could convince them that the cost for the impacts is less than the revenue generated. Mr. Day stated the County should be welcoming businesses that can take advantage of the University and the graduates who want to stay here. He said that encouraging development is not just what can be provided to businesses in terms of amenities and subsidies, but should include questions as to how their presence will help the area become a better community, and how they will nurture creativity and resourcefulness. Mr. Day stated the Planning Commission is comprised of professional planners and he hopes their input will not be tossed aside, adding that a no vote is not a vote against growth or jobs, it is an affirmation for Comprehensive Planning. He added if they contact him, he could find $1.5 million in revenue from a business in the County with $280 million in revenue.

Ms. Norma Diehl of the Samuel Miller District addressed the Board, stating she opposes the change and considers the proposed action a direct assault on the integrity of the Comp Plan, which has guided County growth and development since 1971. Ms. Diehl said residents have the right to the same studies and timely review that occurs with every other district for Comp Plan amendments. She said the Planning Commission got it right, and was done a disservice by the casual dismissal of their unanimous denial, which is based on a woeful lack of important information, missing studies, and incomplete or misleading data. Ms. Diehl stated there is not a grain of infrastructure available to support an 80+ acre industrial park on this mountainside, and no adequate interstate interchange in the foreseeable future. She said thus far, normal planning process has been ignored at the request of a single business interest and an LLC, but residents need clarity and a real study process prior to any Board action. Ms. Diehl asked the Board to defer the amendment for a proper and complete review worthy of Albemarle County, adding that they can put lipstick on a pig, but it is still a pig, and this amendment is a pig.

Mr. Glen Brome of the Samuel Miller District addressed the Board and stated that Ms. McClintic has a difficult job. He stated he opposes changing the Comp Plan and has five reasons why. Mr. Brome stated one is pride in Albemarle, and development should be for a really good reason, not to benefit a few or one; Albemarle is unique and should not be seen in competition with other counties in terms of attracting businesses. He stated it severely weakens the Comp Plan when someone waves money and they look at modifying it, and once they open this up to development, it makes it easier for others to come. Mr. Brome said another reason is not to slay the goose that laid the golden egg, as people come here to see the beauty, and they leave money without leaving negative impacts on the environment. He stated impact fees typically do not offset the needs generated by development, such as widening of 29 and additional police, which are already short. Mr. Brome stated if it is true that additional development generate increased revenue for the tax base, then people in Northern Virginia should be paying no taxes, and a recent *Washington Post* article indicates that while taxes are up, services are down. Mr. Brome added he would not want to be in that environment ever again.

Mr. Percy Montague addressed the Board, stating he is a lifelong resident of Albemarle County and expressed his support for the boundary adjustment. Mr. Montague stated he supports the notion that there is not enough light industrial land in the County, and it has been suggested that Highway

Commercial can be substituted. He explained that Highway Commercial land requires access, visibility, traffic count, and is sold by the square foot to be used by restaurants, banks and gas stations. He said light industrial property is in much larger parcels of five, ten or more acres and is sold by the acre, and the cost of purchasing multiple HC sites to comprise this kind of area for manufacturing is not realistic. Mr. Montague stated the growth area boundary was created about 20 years ago and was a rather arbitrary line drawn around the community, and he owned a piece of property with a line drawn right down the middle of it, with part in the growth area and part out of it. He said the entire parcel is in the jurisdictional area for water and sewer, and is zoned R-1, so it is a pretty arbitrary designation. Mr. Montague said when the idea of the growth area was sold five years ago, the idea was that it would be reviewed every five years and modified as needed.

Mr. Morgan Butler of the Southern Environmental Law Center addressed the Board, stating growth area expansions are a big deal in Albemarle. He said this is not to say they are never appropriate, but they should be a last resort and should have compelling justifications. Mr. Butler said one of the main justifications with this expansion is concern that vacant areas designated for industrial use in the Comp Plan are not suitable for industry. He stated this concern needs to be clarified, and the Comp Plan the Board just adopted presents a set of strategies designed to get to the root of the issue and address it. Mr. Butler said they include doing a strategic assessment of the areas currently designated for business and industry, and investing in ways to make those locations more suitable. He stated the SELC is concerned this proposal has leapfrogged in front of those other strategies, turning inside out the strategy that growth area expansion should be a last resort. Mr. Butler said there is a specific business prospect driving the rush here, and while the SELC appreciates the County changing course back in June to go through the normal CPA steps, they are very uncomfortable that the County, rather than the business prospect or landowner, is the one spearheading the CPA. He stated this has resulted in an awkward situation in which the County is playing the role of applicant and reviewer, and the public is reacting with understandable angst. Mr. Butler said in light of these concerns, the SELC urges the Board to take a step back and complete the steps called for in the Comp Plan before further considering the expansion of the growth area to increase the supply of industrial land. He asked if the County is determined to try to accommodate the brewery in this area, they should at least proceed in a way that limits the long-term precedential damage that could be done here. Mr. Butler asked that any proposal be limited to the R-1 parcel, and that either the landowner or the agent step forward as applicant, rather than having the County continue to stumble through the process.

Mr. Radford Davis of the Samuel Miller District addressed the Board, stating he wants to reference several things the Supervisors have said publicly over the last few weeks. Mr. Davis said Ms. Dittmar was quoted in Charlottesville Tomorrow as stating that people are “confused” by the process, and that without planning classes they tend to “smoosh it all together.” Mr. Davis said that more people are planners than she thinks, and he makes his living by planning the growth of complex systems with a lot of variables, and he would be fired if he smooshed it all together. He emphasized that people are not confused by planning, but by the lack of it. Mr. Davis stated that no specific criteria has been defined to determine the suitability of this parcel for industrial use, which the Board has said is the one question being discussed. He said no alternate parcels have been compared, nor have any alternate uses been proposed for this parcel, and if there is no way to measure success, there is no way to succeed. Mr. Davis said this might be why the Planning Commissioners, who surely had planning classes, have recommended denial of the proposal they submitted to themselves. He stated several Supervisors have suggested that development of the area would induce VDOT to improve the road problems sooner, but VDOT already knows the road is over capacity. Mr. Davis said they know this because of accidents there, and there was one last week in the same spot one had happened a year earlier in which two people were killed and two were injured. He stated VDOT has proposed upgrading this interchange starting in 2024, and VDOT representative Chuck Proctor has told the Planning Commission that the cheapest of the proposed improvements would consume 1/5 of the HB2 funds and would compete against projects in Northern Virginia and Hampton Roads, which have a lot more congestion. Mr. Davis emphasized the Board is gambling with lives and with highway funds, and the people who drive through the intersection lose either way. He asked if the Board considers those lives to be acceptable losses along with transparency and due process, and asked if the ends of economic development justify the means of using road accidents to push VDOT to act sooner.

Mr. Frank Stoner addressed the Board, stating his property is across the street at Sherwood Farms, and he is also a real estate professional who has lived and worked in the community for 32 years, helping some businesses wanting to relocate in the County. Mr. Stoner stated he has many reasons for supporting this proposal, including the fact that prior land use changes in the last Comp Plan versions did not have the benefit of an economic development professional, and the Board should give her a chance to do her job. He said that voting no to this proposal will send a clear message that Albemarle is still closed for business, and will increase the likelihood that, at least, a portion of this property will develop as it is currently zoned, R-1 residential, resulting in significant environmental degradation. He stated this will also mean no money for cash proffers, surplus revenue, or addressing of traffic issues. Mr. Stoner said the traffic issues exist today, and he is far more confident that these issues will be addressed to their satisfaction through a rezoning and development review, rather than by right. He stated light industrial can be developed in ways that are environmentally compatible and in keeping with the rural character of Route 29 South, and still provide needed highway access.

Ms. Abigail Turner of the Samuel Miller District addressed the Board and stated her opposition to the CPA, and said they need a more thorough analysis particularly regarding the cost of water and sewer for an industry like a brewery. Ms. Turner said this is a speculative opportunity for a brewery that may or may not locate here, and the new Chesapeake Bay requirements alone require a more thorough analysis in terms of costs for water and sewer improvements.

Ms. Susan Bender of the Samuel Miller District addressed the Board, stating she opposes the boundary adjustment as it was not arrived at with the same sort of study given to the Comp Plan. Ms. Bender said the Plan is just three months old, and it seems that now suddenly there is this terrible need for industrial land. She stated part of the common heritage of humanity is being able to see the stars, and to share that with future generations. Ms. Bender said when her family arrived in 1976, she could show her children a red star on Christmas Eve, but by the time they left in 1996 after Pantops had been developed, and there was only gray overhead. She stated the County's lighting ordinance is not enough, and the glare from the City of Charlottesville only compounds this problem. Ms. Bender added she is very afraid that adding light industrial development will cause the night sky to disappear even more.

Mr. Jerry Miller addressed the Board and stated he owns a small business on Market Street and two properties in the Samuel Miller District, and is in favor of the proposal because of new job creation, the tax revenue boost, the beer tourism dollars that attract residents from D.C. and other areas. Mr. Miller stated he and 10 friends had recently done a beer crawl around Charlottesville and had a fabulous time, and the group was spending money on food, beverages, and merchandise. He said in addition to the direct revenue from those sales, there is also money spent on things such as gas for distribution vehicles and media outlets covering the breweries.

Ms. Sally Thomas of the Samuel Miller District addressed the Board, stating there was a study done by the Darden Business School on GE that showed that 65% of new hires came from outside, so you cannot expand your way out of fiscal problems when new families are brought in for new businesses. Ms. Thomas said there are 900 new jobs in the community at above-average wage levels, including those with COSTCO and Wegman's, and not a penny of tax dollars went to attracting them, with those businesses offering just the kinds of jobs that are wanted here and that people presently in the community can fill. She stated one of the charges for the Economic Development Office will be to determine why it is so difficult to change land into industrial use.

Ms. Audrey Jesson of the Samuel Miller District addressed the Board, stating she had heard Mr. Boyd speaking on WINA's Rob Schilling show about the John Warner Parkway's ineffectiveness and the difficulties with the Rio Road improvements. Ms. Jesson said in asking how they got to that point, what they are deciding tonight is exactly how they got there, and they have the opportunity to not make another decision like those, that they will be living with for a long time. She stated Mr. Boyd had also mentioned that the jobs coming here are "blue collar," and she wonders if those will really be able to afford the typical Albemarle County home. Ms. Jesson urged them not to make a change at the interchange.

Mr. Neil Hulverson Taylor, vicar of Good Shepherd/Hickory Hill at 960 Monacan Trail Road is before them to address the urgency of this CPA, and said they should take a longer view. He stated the church has been there since 1905, with a cemetery onsite that has graves from people who lived in the 19th Century. Mr. Taylor emphasized the Comp Plan is a wise plan, and includes considerations of concerns for not just the present, but also the past. He stated that perhaps the church plays a role in making that important, but they need to take a longer view as to what kind of character they want for the rural area.

Mr. John Hermsmyer of the Scottsville District addressed the Board and stated he has lived there since 1989. He said that in preparing for this meeting, he wondered what the rural areas and all their inhabitants, human and otherwise, would say if they could speak for themselves. Mr. Hermsmyer stated that earlier in the meeting, the Board was honoring caretakers of the land, but now is also considering wiping out those contributions by this action, and at some point they need to call a truce and work toward environmental improvement, rather than eroding it. He said growth is not inevitable, it is a choice, and rural areas being destroyed are associated with destruction of the quality of life. Mr. Hermsmyer said the Planning Commission is taking a broader view in their considerations, not just economic ones, and that should be listened to. He added he is confident the Board will be looking at redevelopment.

There being no other comments, the public hearing was closed.

(NonAgenda. At 8:42 p.m., the Board recessed meeting, and then reconvened at 8:59 p.m.)

Mr. Sheffield stated he wants to acknowledge the comments made thanking Ms. McClintic for her work, as she has taken quite a bit of heat with this proposed CPA.

Ms. Palmer said she appreciates the comments made about needing more industrial property, from the business community and others, and feels this is something the County needs to look at. She stated she is concerned about this particular CPA in this particular area, and said the Planning Commission has some very good points. Ms. Palmer said this particular place has problems that need to be looked at further before they go through the CPA, and stated that sometimes they do Comp Plan Amendments, but most of the time they are done within the context of the Comp Plan review. She stated if there is a property that a business is interested in, it is more appropriate to be doing the CPA along with the rezoning and having an applicant, so they can deal with the mitigating factors in that particular area. Ms. Palmer said she is not in favor of going forward with this CPA the way it is stated at this point, adding that the Planning Commission had some very good points to make.

Mr. Boyd stated he realizes that four of the Supervisors have not been on the Board for a very long time, but he and Ms. Mallek have, and in January 2010, they made economic development a top priority. Mr. Boyd said this is not a rush process, and they have held numerous roundtable discussions, work sessions, meetings with the Planning Commission, and input from industry experts, real estate brokers, and so forth. He stated they brought in experts in helping companies relocate, and have heard stories of companies going to other communities because Albemarle is perceived to be "an unfriendly community" towards business. Mr. Boyd said one of the first things they had to do was convince people, including those in the Governor's office, that Albemarle is open for business. He stated they have been working to change that image, and agreed to hire an Economic Development Director, and he is glad they had done that. Mr. Boyd said there are thousands of people in the community who are looking for work, and Albemarle is unwilling to provide the necessary space for industrial jobs. He stated this vote is for a Comprehensive Plan Amendment, which is just the first part of this process, and they will still have to go through a rezoning process and traffic studies, and a site plan process that will address site-specific issues. Mr. Boyd stated he is in favor of the proposal, and the Board has a much bigger job than just trying to satisfy a group of people who came out in opposition to it. He added he is concerned that a vote against this will be a vote against some of the middle class people of the community.

Ms. Palmer said this is not about jobs and protecting middle class people, it is about a specific area, and when they talk about this interchange being unique because it is near UVA, it is also unique because it is the worst designed interchange on I-64. She said there are problems with this area, and to say you can designate something industrial in the Comp Plan means it can be rezoned for industrial, and for that they need the further study. Ms. Palmer emphasized this is not a vote for or against middle class people, it is a very specific situation.

Mr. Boyd said he does not agree with her.

Ms. McKeel asked staff to address the claims that have been made about the Board setting a precedent with this decision. Mr. Davis said that every decision the Board makes sets a precedent, and when they designated something in the Comp Plan, they were providing guidance for what would be approved in a rezoning. He stated that it will be a precedent for other applications, it will probably encourage other applications to be made, but in land use planning, just because something is a precedent does not mean the Board has to approve additional applications. Mr. Davis said every land use decision can be distinguished on its facts, and if there are distinguishing facts, it does not bind the Board to approve future applications because they approved one that was before it. He stated the burden will be on this Board and on staff to identify those distinguishing characteristics.

Ms. Echols said one of the important features about the Comp Plan text is it provides the particulars about how the zoning should take place. She said this is why it is more than just the map, and why the wording references features that will be important if they are to bring this into the development areas. Ms. Echols added the text is the direction, and is as important, if not more, than the colors put on the map.

Ms. Palmer read from the land use book: "Relying on the Comprehensive Plan facilitates reasonable and well-informed decisions, and decisions that conform to the Comprehensive Plan are more likely to be found reasonable, and they reduce the potential for claim discrimination in the decision-making process for individual landowners." She stated the issue she has heard people bring up is that when Comprehensive Planning is applied consistently, they would be in a better situation if there were claims against a decision that was made.

Mr. Davis said that is correct, and explained the courts look to whether decisions are arbitrary and capricious, and if the Board is making decisions that are consistent with the Comp Plan, there is generally enough evidence of a rational basis for their decisions that they will be "fairly debatable," which is the standard localities are held to in land use decisions, and those decisions are defendable. He stated that consistency with the Comp Plan in making zoning decisions is a very important consideration.

Ms. Palmer asked if the next step in thinking is that if they are changing the Comp Plan in a less than ideal way, they will be less likely to be able to defend claims against it. She explained they have just finished a Comp Plan review, the Planning Commission has indicated this would not be the right time, and now the Board is considering making this change just a few weeks after that process.

Ms. Dittmar stated that tonight they are to look at whether they like this to be the kind of land use for this place, and the timing of it is stimulated with interest from an outside company, but they cannot make decisions based on the attractiveness of the company because it has not made a commitment here and does not own the land. She said the Board is charged with determining whether they want this land to have light industrial designation, and she would like to know what is possible on the parcels now, and whether they want to make a higher and better use of them.

Ms. Echols presented a map of the area under consideration, and said the parcel, which is not in the development area, is zoned R-1 residential, and is in the jurisdictional area for water and sewer. She stated the other parcels are zoned RA and are not in the jurisdictional area for water and sewer. Ms. Echols pointed out a group of properties zoned R-1, and a group zoned HC, and said there is an unusual parcel in between the designated development area and the true rural areas.

Ms. Dittmar asked what the current by-right use would be on that. Ms. Echols responded the current by-right use is residential at one dwelling unit per acre, which would mean 52-56 units on that parcel, but more site design will be needed because of critical slopes, road layout, and whether there are building sites. She said 50 lots or so would likely be able to go on the site.

Ms. Dittmar asked if the RA space under consideration further away is one dwelling per 20 acres. Ms. Echols responded there are about 12 units available with existing development rights, so that would mean roughly 60-70 dwellings from a residential standpoint on all of those parcels together, the R-1 parcels, and those in the RA. She said the parcels with R-1 zoning are not assessed for residential potential, because the land use plan calls for more of a mixed-use area, so even though they are zoned R-1, people can ask for rezoning in conformance with the Comp Plan.

Ms. Dittmar stated the best use expected for that land now is houses, so they can define a "higher and better use" as a campus setting and LI, for example.

Mr. Boyd stated he wants to clarify that this is not just about jobs, but about narrowing the revenue and expenditure gap, and there are a lot of taxes that a large industrial site would generate.

Ms. Dittmar asked if there is a better way to understand what a potential return on investment for LI might be with a decent employer there. Mr. Foley responded that specific information on investments the company projects to make cannot be shared publicly, but they can generalize that tax revenue from this type of company, based on having to match the state's incentives, the County would expect to pay back anything put into that within three years. He said it is expected that this property will generate more than $4 million in property tax over the first five years, and after the second phase of buildout, it will generate about $1 million per year.

Mr. Sheffield asked if that excludes sales tax. Mr. Foley responded that it excludes sales tax, potential meals tax, and other economic benefits such as payroll taxes that will go back into the community. He emphasized this is a land use decision, not a rezoning, but that is the kind of revenue expected from a target industry.

Mr. Sheffield stated that sales tax revenue is about where it was prior to the recession.

Mr. Boyd said a boost to the economy will raise all the boats, and economic vitality will generate tax revenues for the County and will keep the Board from having to raise taxes over the next two or three years.

Ms. McKeel stated she is not wed to this particular project, but she would like to figure out a more balanced way to provide core services for residents. She said with the meeting they had with the School Board, they saw the five-year financial gap of about $30 million, and that assumes property assessment increases, which is very concerning. Ms. McKeel stated there are a lot of people who are concerned about environmental protection, and she is too, and she does not feel that economic development and environmental protection needs to be mutually exclusive. She said they can preserve the rural areas through land use and at the same time promote economic development in the right place, in the right way. Ms. McKeel stated she does not know that this particular project is going to come, but she is becoming more convinced that the County needs to have more area for the right kind of target industries, and for local businesses to expand. She stated more houses bring more deficits, which adds to their funding gap, and the average household pays about $3,500 for services that cost the County about $6,700. Ms. McKeel said she would like to see less housing that negatively impacts their fiscally constrained operational budget, and to use economic development for established target industries. She asked Ms. Echols to confirm that there is a total of 82 acres zoned for R-1 residential on this site.

Ms. Echols explained there is about 82 acres zoned R-1 and in the jurisdictional area, with about half of it buildable.

Ms. McKeel asked her to clarify what the term "jurisdictional area" means. Ms. Echols explained that jurisdictional areas have been established for many years as being the places where public water and sewer service can be extended. She said if a property is in the development areas, it is automatically expected to be in the jurisdictional area, but there are properties outside of the development areas that have that designation. Ms. Echols said there may be stipulations such as water only, sewer only, or water to existing structures only, but the jurisdictional area boundary is one of the primary tools in the toolkit to help keep development within the development area boundaries. She noted if the Board makes the decision to extend water and sewer service to someone outside of the jurisdictional area, it is not taken lightly, and in this case, the Board would not have to make that decision because it is already designated for water and sewer service.

Ms. McKeel said this is an important point to her.

Mr. Sheffield asked if there are any other parcels in the rural area that are designated for water and sewer. Ms. Echols responded this is the only one.

Mr. Boyd said if they limit the amount of available property, it will constrain an applicant's location to place a facility, and he is concerned about the impact to the church, so if they approve a smaller site, it will limit that ability.

Ms. Palmer stated she agrees with many of the points being made, but the Planning Commission said if the County was going to designate something industrial, it needs to be able to be rezoned industrial. She said there are still many unanswered questions, which is why these changes typically have an applicant bringing the CPA forward with the rezoning. Ms. Palmer asked if the property were put in the development area, if it could still be developed R-1 if the property owner chose to do that. Mr. Davis responded the Comp Plan does not change any development potential allowed by right or the zoning classification that it has, so it is zoned R-1 regardless of any Comp Plan changes, and if the developer wants to develop it as such and meets the site plan or subdivision requirements for it, it can be done by right.

Ms. Palmer asked how this will be impacted if a property is zoned R-1 but the Comp Plan has it as industrial designation. Mr. Davis responded if it is the part currently in the rural area, it will be difficult for staff to make the determination that a rezoning to a more intensive use would be consistent with the Comp Plan, because the designation is rural area and will not support that type of rezoning. He said if the land is designated to be development area, an application by an R-1 property owner to a more intensive use classification can be supported by the planning staff to be consistent with the Comp Plan, if it meets the criteria of the area and how it is designated. Mr. Davis stated if it is designated industrial use and someone wants to rezone it from R-1 to HC, if the zoning application is structured so it supports industrial uses within an HC district, that might be able to be supported to be consistent with the Comp Plan, and that will require a rezoning.

Mr. Sheffield noted there is a lot of land in the development area that is not zoned to match what is in the Comp Plan, and that was done to basically get proffers from developers so the rezoning can be done. He stated the Board will go through this time and time again, and properties will come forward such as Brookhill requesting rezoning, adding the shape of Berkmar as it is extended will not likely be the shape the County wants.

Mr. Boyd stated that Brookhill is very unpopular, and people from Forest Lakes, Montgomery Ridge, and Polo Grounds Road are against it.

Mr. Sheffield stated that people's expectations with the Comp Plan are very different than they are with rezonings.

Ms. Palmer said if they really want the parcel in question to become industrial and want to be sure it will become that, there are several ways to ensure that, such as having an applicant comes forward with a rezoning in tandem with a CPA. She asked what other measures can be taken to drive the process to what they want.

Ms. Dittmar said at that point, the market will drive the process, and asked if they really want all those houses there. She asked if it would be more lucrative for a person to sell a piece at the intersection of two major highways as homes, or as a light industrial parcel. Ms. McClintic responded that in most communities, you do not typically see a lot of residential development around an interstate interchange, as they are usually set further back from highways. She said in working with developers, they have told her they can recover their investment and minimize their carrying cost by developing the residential portion first, which is why communities through the zoning process would define benchmarks for commercial or industrial components before allowing the residential to be built.

Ms. Dittmar asked if she is saying that people are going to build houses one way or another. Ms. McClintic responded the best way for public bodies to dictate what can or cannot happen to a property is to either own the property themselves, or to proactively rezone it for the uses they want and proffer out those they do not want.

Ms. Mallek said the vulnerability issue is a concern for her in terms of what happens between the first decision and the second. She said with the mixed use designation, she would anticipate town centers with a mix of housing and retail, and the County already has four or five that were approved but are struggling to meet their rentals. Ms. Mallek asked how people would get out onto either I-64 or 29 South, as she does not see any access.

Ms. Echols stated the existing network would use Gold Eagle Drive, and that road is what serves the existing distribution facility and any of the properties in the northern area of the property. She pointed out the regional mixed-use area and Gold Eagle Drive, and said staff had expected the addition of another road to serve the area, and Shepherd's Hill Road is expected to create a network with Gold Eagle Drive. Ms. Echols stated someone had been interested in developing this particular area at an earlier time, but VDOT said it is too close to the interchange and the applicant needs to get further down Route 29. She said this is one of the reasons why, when staff took this to the Planning Commission in 2013, they felt that better access would allow for more area to be developed industrially in this sector, with the parcels working together.

Ms. Mallek stated this is a specific location, but is not a specific user, because they do not have any control over that. She said for many years she has been watching and listening from the job seeker's point of view at the One Stop Center and the Piedmont Workforce Network, and from the small business point of view where people are looking to expand, and she sees a strong need to change some of this availability. Ms. Mallek stated she is concerned about precedent, and Exit 107 on I-64 is one of the areas most exposed by the potential vulnerability this action will create. She said there are residents who are wholly focused on the success of downtown Crozet and the various opportunities for development and redevelopment there, and does not support the distractions of a commercial nature on the interstate. Ms. Mallek said there is a heavy industry there now that works in renewable resources, and is focused on rural area uses, while being a good citizen for neighbors. She stated from the White Hall District's point of view, it is important to focus on something that is unique and has distinguishing facts, and the R-1 parcel is more contributory to a limited view than the whole parcel. Ms. Mallek said she understands the concern about the 200+ acres, especially after she learned it will not be as easy as expected to get broad expanses of steep slopes into conservation easements, which is the type of win for the environment she was always hoping for. She stated this is also about people, in addition to protection of environmental resources, and the world has changed a lot since 1950 when she was born. Ms. Mallek said she wants to honor the fact that there are people here now who need better opportunities, and hopefully the County can help facilitate expanded opportunities for people to get jobs. She stated it is not possible today without a multi-generational effort for a young person to buy a house, and if they move forward with this amendment, she wants to acknowledge there is a bigger picture than perhaps the Board has given credit for.

Ms. Dittmar stated when traveling in the southern part of her district or in Scottsville, the conversation is all about jobs, but in the northern part of her district, the conversation is about not wanting property taxes to go up. She said it has been interesting to have those conversations with people, and she understands it might be more prudent to stay within the jurisdictional area, as this will help clean that up, with Whittington being the last area they addressed in this regard. Ms. Dittmar stated there is a direct correlation between creating new jobs and more benefit to people that live in the area, and more benefit to people that want services from government. She said there may be reasons such as wanting certain stores to locate here, but that is not really why economic development is done. Ms. Dittmar said they need to prioritize looking at the shortage of light industrial land, and this has been evident since the 1980s. She stated they can have experts study this, but in the end the report will still say they have a critical shortage of light industrial land. Ms. Dittmar said businesses that have moved into neighboring counties are benefiting those localities, and while it is not a competition with those areas, Albemarle is sending them across the border. She added they do not want to issue a message that the County is open for business, but then send them away.

Ms. Palmer stated she has heard many, many times that this is “market driven,” and Ms. McClintic has said that developers are better off starting with residential, so she wants to know what the Board can do to ensure it will not just be houses, or houses plus a Cracker Barrel. She asked if a small area plan or something that can designate it will be helpful in establishing their desired use. Ms. McClintic responded the Comprehensive Plan is the guiding document and sets the stage, but if they do not, at least, define it with the map and the text, they will not be able to provide certainty to companies that they will be able to do what they need to do on that land, which comes at the time of zoning. She said if the Board does not define that and gives them the opportunity through the Comp Plan adjustment, they will not have that opportunity and will risk having the R-1 develop as residential, and possibly the RA develop by right as residential. Ms. McClintic stated at this point, taking those designations off the table is a very good first step to avoiding having that happen in the future.

Ms. Palmer said the Planning Commission does not even know if it can be rezoned commercially because of the difficulty with the site, and that is what they keep going back to.

Ms. Mallek asked why that is the case.

Ms. Palmer responded the traffic is the main issue, and they do not know if the traffic can be handled without significant improvements to the area until they do a traffic study and until VDOT does all the things they are supposed to do. She said everyone keeps saying “that is next,” but it is a really important next.

Mr. Foley stated they will not know the traffic impacts until they know what is being proposed.

Ms. McKeel said they will not get there until they make the first step, so Ms. Palmer is kind of chasing this in a circle.

Ms. Palmer stated she is not, but she is going back to the Planning Commission’s point that it will be best to have a rezoning request come forth at the same time as the CPA, or to have an applicant do that, and that was a constant theme with the Commissioners, including in individual conversations.

Ms. Echols said they have to set the stage for what they want in the future, and the Board can also talk about the timing of the improvements, and the zoning can be limited by what improvements are available. She stated they know the interchange needs improvements and it will be expensive, but they do not know when that will take place or how it will be paid for. Ms. Echols said they can set the stage for what a future land use would be and the timing expected, and then they will have to do their follow through at the zoning stage. She said if they do not set the stage for the future, they will not get the future they want.

Mr. Boyd stated he appreciates the work of the Planning Commission, but they are not an elected body and it would not be unprecedented for the Board to go in a different direction. He said as someone had pointed out, the Board members are elected to their positions, and this is where they need to stand up and take a vote.

Ms. Palmer asked if they want to talk about the Comp Plan text as well as wanting to go forward with the R-1. Ms. Echols stated if the Board wants to do something differently than their starting point as a potential change to the land use plan and the text, and if they want to do something less than this, they need to be able to better define what is going on this parcel. She said it may be that much of what the Planning Commission said is still important to the Board, but they need to provide that direction to staff.

Ms. McKeel said she does not want to make a bad decision because it is late at night, and asked staff to bring something back to the Board.

Ms. Palmer stated if they are going to go ahead with this, she wants to be able to talk about the text that is going to be in the CPA, such as stipulating the site is not suitable for large-scale, standalone, big boxes, and she wants to tighten that language up as much as possible.

Ms. McKeel said she does not think they can adequately do all of that at this meeting.

Ms. Mallek stated the bullet points on the list are the starting place with other things needed to be added to them, and it will just take some time to organize those as this is an important decision.

Ms. Echols said the next step will be establishing whether the Board knows what it wants for this area, and if not they need time to review what they want for the area, and staff can give it their best shot as a starting point, but they will need some kind of direction.

Ms. Mallek asked if there is agreement on the Board that they will limit change on the R-1 parcel, and clarified that she means the 82-acre parcel to the south of the development area.

Ms. McKeel responded she is most interested in that one as well.

Mr. Boyd said he feels that will be limiting the site plan work that can be done and the appropriateness of the site, and restricting the amount of land available might even impact neighboring homes and churches.

Ms. McClintic said the Board has come far in this process and it is a painful decision for all involved, so it is important they follow through with this and maximize the opportunity with the available land, so the process will be purposeful in the end. She stated she also fears if they defer this, they will be in a place they do not want to be, and will not have followed through with delivery time to the brewery in terms of factoring the CPA into their decision making.

Mr. Foley stated the Board needs to be thoughtful about their decisions going forward, and Ms. Mallek is right in stating they need to define how much land is included in this. He said Mr. Boyd wants consideration of the entire area, and there is a lay of the land in terms of available sites, and the parcel adjacent to the one they have agreed should be under consideration makes a big difference in terms of land available and creates a site big enough for this company or another company.

Ms. McKeel commented the adjacent parcel makes the site whole. Mr. Foley agreed, and stated they need to get this defined as either the one parcel, or the two parcels that create more opportunity for development. He said if their action tonight is to develop conditions for approval, the Board has given a very good indication with the right conditions, that is where they are headed, and that is a positive message to the prospect that can be delivered in October.

Ms. McKeel said it is an important decision and they want to do it right, but she is also sensitive to the timeframe, so she would not mind having a special meeting.

Ms. Dittmar stated the more they can work through this so they get light industrial use, the better.

Mr. Boyd asked if they are talking about doing a CPA with conditions.

Ms. Mallek stated they are referring to the text of the CPA.

Ms. Dittmar said she wants to be careful that they are in dialogue with the landowner if they are putting restrictions on it.

Mr. Foley stated there is a crossover with these two parcels if the second parcel is included, and that provides enough land so they can meet up with the crossover. He suggested if the Board wants just one parcel they should provide that direction, but if they want to consider the other parcel, it would be helpful to have that direction also. Mr. Foley noted that staff will consider adding the other parcel because of this prospect or another future prospect because of the lay of the land and the way the site can develop.

Ms. Palmer stated that Ms. McClintic had mentioned at a previous meeting that the brewery had been looking at a parcel that is straddling the R-1 parcel and a development area portion.

Ms. Mallek asked if it is straddling the 82 acres and the RA parcel.

Ms. Palmer said it is straddling the 82 acres and the parcel noted in red.

Ms. McClintic clarified the candidate is looking at both of those scenarios, and is looking at another opportunity that includes both parcels currently on the Board’s screen.

Ms. McKeel reiterated her interest in having a special meeting to decide this.

Mr. Sheffield suggested they meet an hour earlier at their meeting on September 10, but Ms. Dittmar indicated she cannot get there earlier.

Mr. Davis stated if the Board is considering changing the expansion area boundaries, Planning will need to prepare a map, and the text will have to conform to whatever has changed, so it will require some advanced work by staff before the Board can vote on this.

Mr. Boyd asked if it will require another public hearing. Mr. Davis responded that if they are going to contract the area advertised, it will not require another public hearing, but the work to prepare the map and the text will need to get done.

Ms. Echols stated she would need to think about how much time is needed.

Mr. Foley said staff will assess this and plan for a special meeting, and it sounds as though the Board wants to consider the two parcels as an option, and the one parcel as another option. He asked if there is anything with Ms. Echols text that they want to change, and said it is clear the Board is working towards conditions for an approval as it relates to the company thinking there is something positive going forward.

The Board then reviewed the proposed conditions, and agreed they are comfortable with what was presented.

Ms. Dittmar asked Ms. McClintic if she can tighten this up to be closer to the use they want. Ms. McClintic said she and Ms. Echols had extensive discussion about the industries shown on the screen, so she will not deviate too far from that.

Ms. Palmer said she has some other suggestions she will share with staff. Mr. Foley stated staff will make sure the entire Board is copied on that so they will all have full information for the special meeting.

Ms. Mallek said she would like to see combined uses if possible, whereby a commercially zoned section would allow for something like a restaurant, and perhaps companies can work together to focus on the northeastern part instead of the other 40-acre parcel.

Ms. Palmer stated this brewery has a restaurant and drinking establishment, but she is not sure if they have planned to have that in this location.

Mr. Foley said staff will provide what it can, with an understanding they may not be able to have all of that kind of information.

Ms. Echols clarified the Board has asked staff to bring back the two different options, and then the Board will provide comments on the existing text; and staff will provide them with information for them to make a decision at the next meeting.

Mr. Davis asked if the Board intends to take action to defer this matter, as that would be the typical protocol.

Ms. McKeel then **moved** to defer CPA-2015-0001 to a special meeting, to be determined at a later date. Ms. Mallek seconded the motion.

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

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

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

Ms. Palmer offered **motion** to make the following appointments/reappointments:

- **appoint** the following individuals to the 5th & Avon Community Advisory Committee, with said terms to expire September 30, 2017: Rex Linville; Roger Schickedantz; Thomas Kochka; Pam Riley; Virginia Ann Neumark; Daniel Heuchert; (Emilie) Adele Wood; and Steve Whitaker.
- **appoint** the following individuals to the 5th & Avon Community Advisory Committee, with said terms to expire September 30, 2018: Stuart Lowson; Brian Roy; Christopher LeBlanc; Jonathon Earl; Stephanie Blanch; Amy Brereton; and David Thomas.
- **reappoint** Stephen T. McLean, A. Bruce Dotson and Sherry Buttrick to the Acquisition of Conservation Easements Committee, with said terms to expire August 1, 2018.
- **appoint** Andrea Saathoff to the CACVB Management Board, with said term to expire August 1, 2017.
- **appoint** Crystal Ptacek to the Historic Preservation Committee, with said term to expire June 4, 2018

Ms. Mallek **seconded** the motion.

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

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield, Mr. Boyd and Ms. Dittmar.
NAYS: None.

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Agenda Item No. 16. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Mallek stated she had been notified by Grants Coordinator, Kristy Shifflett, that the Department of Housing and Community Development had not awarded the planning grant to Crozet, but has encouraged them to keep trying.

She said she had also noted the drive-through windows issue as raised by Mr. Boyd is on her list for discussion. Mr. Foley said the Community Development Work Plan is scheduled for the Board's October agenda, and that will be an opportunity to discuss that item and others.

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Agenda Item No. 17. From the County Executive: Report on Matters Not Listed on the Agenda.

There were none.

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Agenda Item No. 18. Adjourn to September 10, 2015, 3:00 p.m., CitySpace.

At 10:22 p.m., with no further business to come before the Board, **motion** was offered by Ms. Mallek, to adjourn the meeting to September 10, 2015, CitySpace, 3:00 p.m., for a joint meeting with Charlottesville City Council. Ms. McKeel **seconded** the motion.

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

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield, Mr. Boyd and Ms. Dittmar.
NAYS: None.

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Chairman

Approved by Board
Date: 12/02/2015 Initials: EWJ