

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on February 13, 1974, at 7:30 P.M. in the Albemarle County Courthouse, Charlottesville, Virginia.

Present: Messrs. Stuart F. Carwile, Gerald E. Fisher, J. T. Henley, Jr., William C. Thacker, Jr., Gordon L. Wheeler and Lloyd F. Wood, Jr.

Absent: None.

Officers present: County Executive and County Attorney.

At 7:30 P.M. the Chairman called for public hearings on amendments to the County Zoning Ordinance, as advertised in the Daily Progress on January 24 and January 31, 1974:

By resolution of intent the Albemarle County Board of Supervisors referred to the Planning Commission for public hearing and recommendation two amendments to the Albemarle County Zoning Ordinance with reference to Article 2-1-23 relative to the location of mobile homes under "lineal relative qualifications" and secondly with reference to Article 15A-9-5 "Signs Prohibited". The Albemarle County Planning Commission having conducted a public hearing on the above proposed amendments on January 21, 1974, recommends to the Board of Supervisors the following amendments to the Albemarle County Zoning Ordinance:

- (1) Amend Article 2-1-23(A) to read: "A property owner residing on the premises in a permanent home wishes to place a mobile home on this property in order to maintain a full time agricultural employee". (The recommended reading deletes the right to place a mobile home on property for lineal relatives by right.)

Mr. Humphrey said the Planning Commission has recommended approval of this amendment. He said that anyone who wants to place a mobile home on their property for a lineal relative will have to apply for a special use permit. No one from the public spoke for or against the amendment. Mr. Batchelor asked how many additional cases this will bring before the Board each year. Mr. Humphrey said there could possibly be several hundred. He said that anyone who wants to locate a mobile home on any parcel of land, except for an agricultural employee or on an emergency basis for one year, will have to apply for a special use permit. He said it was originally thought that this provision was to accommodate a bona fide need, but this provision has been abused over the years.

Mr. Fisher asked if the planning staff will recommend at some time in the future that in order to correct these abuses that the permits that exist be retracted. Mr. Humphrey said that is correct. Mr. Evans and Mr. Woodson, zoning inspectors, are making a survey of the County at this time. They have a list of permits in existence at this time and they are checking this list against existing mobile homes. When this is completed, a list of those not in compliance will be sent to the Board. Mr. Fisher said this would not be a blanket revocation of all lineal relative permits. Mr. Humphrey said no, only those in existence without permits. He said the Planning Commission is recommending that this provision be included in the new ordinance.

Mr. Carwile offered motion to adopt the foregoing amendment to the Albemarle County Zoning Ordinance. The motion was seconded by Mr. Thacker.

Mr. Wood said he would vote for the amendment, however, he was not sure he understood all the ramifications. He would like to be assured that legitimate cases will be granted permits. He said by deleting this provision, he is not sure the Board can accomplish this. Mr. Humphrey said all applications will come before the

Board, or someone the Board may designate in the future, for review. Mr. Wood said he did not want to see the Board tied down to rubberstamping another 700 petitions, or see any action taken here that will deny a person the right to have a lineal relative live on his property. Mr. Wheeler said this will give the Board some control over the issuance of such permits. He felt this has been abused in the past. This will allow the board an opportunity to place conditions on the approval. He did not feel that there will be that many permits applied for if this amendment is passed.

Mr. Wood said he was afraid the Board will add unnecessarily to their work. Mr. Thacker said this could eliminate a number of mobile homes on small acreages. Mr. Fisher said the present ordinance requires the staff to issue a permit if the applicant swears that this is for a lineal relative. They have an absolute right to this permit. There are no conditions placed except for Health Department approval.

Mr. Wood said he would vote for the amendment, but if a lineal relative comes before this Board, as far as he is concerned, that person has a right to live on that property. He did not want this amendment passed so the Board can arbitrarily say that person cannot live on a given piece of property.

Mr. Wheeler said if the amendment is passed, it will be in the hands of the Board. The Board is not blanket approving mobile homes, but each will be taken up on its merits. *\* See pg 4/18/74 for correction. Motion was offered by Mr. Wood*

Vote was taken at this point and carried by the following recorded vote:

AYES: Messrs. Carwile, Fisher, Henley, Thacker, Wheeler and Wood.

NAYS: None.

- (2) Amend Article 15A to include the following new section: 15A-9-5 Signs Prohibited: "No sign is permitted in any zone which is visible from Federal Interstate Highway Systems and designated scenic highways and byway systems; except for on site sale or rental signs and on site business signs, providing the permitted signs follow the requirements set forth in Article 15A."

Mr. Humphrey said the Planning Commission recommended approval of this amendment.

Mr. Graves spoke in opposition. He said he did not agree with the word "visible". He also did not see how the Board can regulate something that does not exist, such as scenic highways.

Mr. Roy Patterson, speaking for Citizens for Albemarle, thanked the Board for initiating the proposed ordinance and urged its adoption. He said they have been trying to have Route 250 West designated as a scenic highway and this will be a big step forward.

Mr. Henry O'Dell, speaking for the West Leigh Property Owners Association, commended the Board for bringing this matter to a vote.

Mrs. Frances Martin, speaking for the League of Women Voters, endorsed the amendment and urged its adoption.

Mr. Clifford Kelsey, speaking for the Ivy Citizens Association, urged the Board to approve this amendment.

Another lady, said she was authorized to speak to the Board on behalf of the

Ednam Forest Homeowners, The Farmington Homeowners Association, <sup>and</sup> the Bellair Property Owners Association. She said they commended the Board, and urged the Board to pass this amendment.

Mr. Thacker asked what was meant by "any zone". Mr. Humphrey said this meant any zoning classification, except for instances where there is business, regardless of the zone. It would not affect those areas that are zoned commercial or industrial that are located at intersections. They would still be permitted their on site business signs. This would prohibit location signs, any place between these localities, where no businesses are located.

Mr. Thacker said he is concerned about the way the amendment is worded. After a short discussion, Mr. Carwile offered motion to adopt the amendment with the following wording:

15A-9-5. Signs Prohibited:

No sign which is visible from Federal Interstate Highway systems and designated scenic highways and byways systems, is permitted in any zone; except for on site sale or rental signs and on site business signs, providing the permitted signs follow the requirements set forth in Article 15A.

The motion was seconded by Mr. Wood and carried by the following recorded vote:

AYES: Messrs. Carwile, Fisher, Henley, Thacker, Wheeler, and Wood.

NAYS: None.

(3) ZMP-291. Ski Land of Charlottesville, Inc. Action on this petition had been deferred from January 23, 1974. Mr. Wheeler said he had a request that this matter again be deferred since the petitioner is out of town. Mr. Fisher offered motion to defer any action until March 6 at which time the Board will take action, and also readvertise for the public hearing on this matter, and the applicant is to pay that cost. The motion was seconded by Mr. Wood and carried by the following recorded vote:

AYES: Messrs. Fisher, Henley, Thacker, Wheeler and Wood.

NAYS: None.

ABSTAINING: Mr. Carwile.

(4) ZMP-292. Ferrell Smith. Action on this petition had been deferred from January 23. Mr. Smith was present. Mr. Humphrey said this is a request to rezone five acres from A-1 to RS-1. The property is situated on the west side of Route 769, approximately three-quarters of a mile east of Route 20 North. The parcel sizes in the immediate area range from two acres to five acres. There are homes throughout the area. The comprehensive plan indicates this parcel to be in an area which is on the fringe of the outlying area of the urban cluster and for which a conservation zone is suggested. The parcel is on the slopes of the Southwest Mountain, and is in an area known as Rocky Hollow. The staff did not feel that the request is in compliance with the comprehensive plan, and recommended denial. The Planning Commission also recommended denial.

Mr. Wheeler asked Mr. Smith if he owns the five acres. Mr. Smith said no, his father and two brothers own this land. Mr. Wheeler asked if there are houses on the five acres now. Mr. Humphrey said yes. There are a total of four houses at the present time, one of which is dilapidated. Mr. Fisher asked if there are three houses on five acres already. Mr. Wood asked if it is all one family and not rental property. Mr. Smith said yes. Mr. Wheeler asked if it would be possible for the Board, instead of rezoning the total five acres, to rezone just one acre to RS-1, so he can build a house to have a place to live. Mr. Humphrey said it is permissible to reduce the amount of acreage. He could not see the reasoning because there will still be the intrusion in an A-1 zone. Mr. Fisher said you would still have four families living on five acres in what is essentially an A-1 zone. It will be on steep slopes. He asked if anyone had investigated the possibility of installing a septic tank on this spot. Mr. Wood asked if this is an FHA loan. Mr. Smith said yes. Mr. Wheeler suggested that this matter be deferred until Mr. Smith has time to check with the health department about a septic tank to see if one can be installed. He said this location will probably create problems. He said if a septic tank cannot be installed, the zoning would not do Mr. Smith any good, even if granted. Mr. Humphrey said the health department procedures do not allow them to check this without the issuance of a building permit. Mr. Wheeler asked that the planning department make this special request.

\* pg 171 Mr. Wheeler asked if anyone from the public would like to speak and no one rose.  
 4/11/74 - Motion was offered by Mr. Wood to defer action on this petition until March 6, 1974.  
 AYES: Messrs. Carwile, Fisher, Henley, Thacker, Wheeler, and Wood.  
 The motion was seconded by Mr. Carwile and carried by the following recorded vote:  
 NAYS: None.

(5) SP-310. W. M. Collins. Action on this petition had been deferred from January 23. Mr. Humphrey again gave the staff's report and stated that the Planning Commission had recommended approval with certain conditions. (These are set out in the minutes of this Board for the meeting of January 23). Mr. Collins was present.

Mr. Wheeler asked if this approval would allow three additional homes. Mr. Humphrey said yes. Mr. Fisher asked why SP-320 for a central well system had been requested. He asked if this is a health department requirement. Mr. Humphrey said the County requires this when it serves three or more dwelling units. Mr. Humphrey said the application has not reached the Planning Commission stage. Mr. Wheeler asked Mr. Collins how the two trailers were placed in violation of the conditions placed on the original permit. Mr. Collins said he did not feel they are in violation. Mr. Wheeler asked how many sites were approved on the original permit. Mr. Humphrey said when the original permit was approved, the staff found five in existence at the time. Approval was given for six additional trailer sites, making a total of 11 trailer sites. There are now 13 trailers on this site. Mr. Wheeler asked if any one from the public would like to speak to this petition. No one rose. Mr. Fisher said there were people in attendance at the last meeting, in opposition to

the granting of this permit. Mr. Wheeler asked why the Board had not required a central water system on the first approval. Mr. Humphrey said a well already existed at that time. Mr. Thacker asked if there are several wells existing on the site. Mr. Humphrey said a second well has been drilled. Mr. Thacker asked if one of those wells is to come under SP-320. Mr. Humphrey said that is correct. Mr. Thacker asked if the existing well is adequate. Mr. Collins said it can supply what now exists. Mr. Wheeler asked if the staff had had any report from the health department on the septic system. Mr. Humphrey said no. Mr. Wood said the site plan shown to the Board did not show any septic tanks or distribution boxes, only drainfields.

Mr. Fisher asked how many trees would be required in order to meet the condition that two staggered rows of evergreen trees be planted all around the property. Mr. Humphrey said he had no idea. Mr. Fisher said it did not say how far apart these should be. Mr. Humphrey said this must be to the satisfaction of the staff. Mr. Collins said when the plan was drawn, he expected to plant small pines, not pines six feet tall. He asked if this condition had been placed on other trailer parks around the County. Mr. Humphrey said there was one case where the height was not specified and the applicant planted six inch pines and that was the reason for specifying this height. Mr. Wheeler said he is concerned because there are already two trailers there that are illegal. Mr. Humphrey said one is in violation and there are two beyond the limits granted on the last permit. Mr. Fisher said he felt that if it were well planted in order to insure screening the existing homes, this would be worthwhile. He said this might be a mutual trade to get some improvement. He said he would support this, if the planting could be done and approved by the planning staff before any mobile homes are put in.

Mr. Collins asked what size trees the Board would require. Mr. Fisher said the size recommended by the staff. Mr. Collins said he did not think he could do that. He said he does not make that kind of money on a trailer park. Mr. Wheeler said he would either have to do this, if approved, or move the two in violation, and move the one that is installed at the wrong place. Mr. Henley said it would depend on what type of pine he uses for screening. Five feet is probably a closer size, if he uses white pines. Mr. Fisher said the staff did not specify how close they should be. He presumed that the type of tree would make a difference. Mr. Fisher asked Mr. Collins if the Board required trees would he not be able to expand the trailer park. Mr. Collins said it would depend on what he was required to plant. Mr. Fisher said he sensed that the Board would be willing to approve this petition, if he would plant the trees. The Board became involved in a discussion of how many additional trailer spaces would be approved on this request. Mr. Wood then offered motion to deny the request for SP-310 and asked that the staff be instructed to bring the original permit into compliance. The motion was seconded by Mr. Carwile and carried by the

following recorded vote:

AYES: Messrs. Carwile, Henley, Wheeler and Wood.

NAYS: Mr. Fisher and Mr. Thacker.

Mr. Wood then offered motion that the two trailers located in violation of the original permit be removed from the property within 90 days. The motion was seconded by Mr. Carwile and carried by the following recorded vote:

AYES: Messrs. Carwile, Fisher, Henley, Thacker, Wheeler and Wood.

NAYS: None.

(6) SP-319. William R. Wood. Action on this petition was deferred from January 23. Mr. Wood was again not present. Motion was offered by Mr. Fisher to defer this petition until March 6. The motion was seconded by Mr. Wood and carried by the following recorded vote:

AYES: Messrs. Carwile, Fisher, Henley, Thacker, Wheeler and Wood.

NAYS: None.

(7) SP-304. T. J. Snead. Mr. Humphrey said that Mr. Donny Woodson, Zoning Inspector, and Mr. Melvin Breeden, of the Finance Department, were present to assist the Board in their discussion of this matter. Mr. Snead had been requested to appear at this time so the Board could discuss actions taken at the January 17, 1974, meeting. Mr. Wheeler asked what notice was sent to Mr. Snead of the actions taken by the Board to revoke the two mobile home permits. Mr. Humphrey said he had been notified by the Clerk. Mr. Wheeler said the mobile home located under MHP-248 was to have been moved within 10 days. Mr. Batchelor said the first notice to Mr. Snead was for him to appear at the January 17 meeting. He did not get that notice until after the Board had taken action. The staff gave Mr. Snead time to come in and present this again and not move the two trailers because he had not received that notice. Mr. Thacker asked how the notice was sent. Mr. Wheeler said the Board passed a motion and instructed the Clerk to send a letter. He asked Mr. Snead if he had received that letter. Mr. Snead said he did not get it in time to be at that meeting.

Mr. Wheeler asked that the Board discuss the mobile home which was to have been moved in 10 days. Mr. Woodson said he did not investigate this again because he received a copy of another letter saying that Mr. Snead would not have to move the mobile home within the 10 days specified. He said in his last investigation, no one was living in the trailer at the time. Mr. Snead said his stepson does not live in the trailer anymore. Mr. Wheeler said there is no reason why it should not be moved. Mr. Snead said it is his if he wants to come back to it. Mr. Carwile asked if he was the last person to live in the trailer. Mr. Snead said he lived there with another boy. Mr. Wheeler asked in whose name the trailer is titled. Mr. Snead said it is titled in his name. Mr. Thacker asked if a permit is still valid after the lineal relative vacates that trailer. Mr. Humphrey said no, but it can be replaced if it is certified that another lineal relative is moving into that trailer. Mr. Carwile

asked how long the trailer has been empty. Mr. Snead said it had been vacant since before Christmas. Mr. Wheeler said the Board should either reaffirm their prior action or leave the trailer there. Mr. Wheeler asked if Mr. Snead had a relative that he would like to live in this trailer. Mr. Snead said there was a brother to his nephew. Mr. Humphrey said nephews have never been considered lineal relatives.

Mr. Larry Snead said he had received a letter from Mrs. Miller stating that if the home had 800 square feet, no special permit would be required. He asked if an addition were built onto the trailer, could it be rented. Mr. Humphrey said if a mobile home has 800 sq. ft. or less when it is first located, it requires a special permit. If it is over 800 sq. ft., it is considered to be a modular unit, and does not require a permit, other than a building permit. Mr. Batchelor said there is no way to modify that present mobile home to come under that provision of the statute.

Mr. Fisher said he understands that the mobile home is vacant, and it does not comply with the permit issued. If a lineal relative wants to move into it now, that person would have to apply for a special permit.

Mr. Fisher offered motion to have the trailer located under MHP-248 moved from the property within 10 days from this date. The motion was seconded by Mr. Henley and passed by the following recorded vote:

AYES: Messrs. Carwile, Fisher, Henley, Thacker, Wheeler and Wood.

NAYS: None.

Mr. Woodson said the permit for the mobile home, identified as #1, was issued to Barbara Snead. It was found that a Mr. and Mrs. Newman were living in this mobile home. They plan to vacate the property as soon as possible. Mr. Breeden said the trailer located on the property is not the same trailer on which the permit was issued. Mr. Snead said that was correct. Mr. Fisher offered motion that the trailer located under MHP-247 be moved within 90 days from tonight, or as soon as the Newman's move off of the property. *\* MB 11 - Page 171 (4-18-74) / whichever occurs first. In* The motion was seconded by Mr. Henley.

Mr. Snead's son-in-law asked if the permit would be valid if they moved the trailer that this was originally issued on, back onto the property. Mr. Wheeler said he would have to come to the Board for a special permit. Vote was taken at this point and the motion carried by the following recorded vote:

AYES: Messrs. Carwile, Fisher, Henley, Thacker, Wheeler and Wood.

NAYS: None.

Mr. Wheeler asked who lives in the trailer issued under SP-304. Mr. Snead said his nephew does. Mr. Wheeler asked if the Board wanted to take any action on this permit. Mr. Wood said he is satisfied that this one was granted legitimately. Mr. Fisher asked Mr. Mills if he works on the farm. Mr. Mills said yes. Mr. Fisher asked if he pays any rent. Mr. Mills said no. Mr. Woodson said the third trailer is in compliance. The Board took no further actions.

The next item under discussion was a request for a restricted road to serve

Ragged Ridge Subdivision, lots 1 - 5, as shown on plat of Wm. Morris Foster, dated November 29, 1973. Mr. Jack Camblos was present for the petitioner. Mr. Humphrey said the Planning Commission recommended approval of the road to serve lots 1, 2, 3, 4, and 5 subject to the restricted road serving all 5 lots, percolation tests on all 5 lots, grading permits to be secured before grading the road, and the uniform agreements for maintenance of road, and a note to be put on the plat to the effect that provisions for erosion control, both temporary and permanent, will be in accordance with the Albemarle County Erosion Ordinance.

Motion was offered by Mr. Thacker to approve the request as recommended by the Planning Commission. The motion was seconded by Mr. Wood and carried by the following recorded vote:

AYES: Messrs. Carwile, Fisher, Henley, Thacker, Wheeler and Wood.

NAYS: None.

The next item under discussion was a request to widen an existing right-of-way to fifty (50) feet, and to extend this fifty (50) foot right-of-way to serve one (1) two-acre lot. This request from Walter A. Young. This property is shown on plat of R. O. Snow, dated July 27, 1973. Mr. Humphrey said there now exists a service road which was set aside by the Highway Department when Interstate 64 was built. Some time ago, the County approved a right of way and this request is to extend a 50 foot restricted road to serve one additional lot and the residual acreage of 2.01 acres. The Planning Commission recommended approval to serve the W.A. Young property, and the Elvin R. Davis property, and the 2.01 acres shown on said plat. Motion to approve as recommended by the Planning Commission was offered by Mr. Henley, seconded by Mr. Fisher, and carried by the following recorded vote:

AYES: Messrs. Carwile, Fisher, Henley, Thacker, Wheeler and Wood.

NAYS: None.

Request was received for a restricted road system to serve Sections 5 and 6; 18 lots in Section 5, and 41 lots in Section 6 of Ednam Forest. Mr. John Rogan was present. Mr. Wheeler asked why the Board was considering this request, since restricted roads policy states that no road with more than 10 dwelling units will be approved. He asked Mr. St. John if the Board needed to decide if they will waive that policy before proceeding with hearing this request. Mr. St. John said that hearing the petition would not waive the policy. The Board can still follow the policy. If there were a rule or regulation in an ordinance which forbids a restricted road to serve more than 10 parcels, it would be futile to hear the request.

Mr. Humphrey said the applicant is asking for a waiver of that policy. He said that Ednam Forest was originally approved on May 1, 1967. There have been subsequent approvals. The preliminary plat was approved on July 25, 1968. This approval is now invalid, and the applicant has come before the Board for reapproval of the entire site and also for a model for Sections 5 and 6.



The Planning Commission has recommended approval of Section 5 and Section 6 (a total of 59 lots) with the following conditions:

- (1) Seeding of slopes and roads.
- (2) Review of road plans by the county engineer to make sure easements are correct, with proper size drainage culverts.
- (3) Waiver of the Cul-de-sac line requirements for Rockwood Place.
- (4) Recommendations of the county engineer regarding water pressure being incorporated into the plans.
- (5) Road system subject to review by the Albemarle County Board of Supervisors, regarding the restricted road question.

Mr. Humphrey said there have been comments regarding the water pressure. The county engineer is recommending pressure booster facilities at all points to provide pressure for two story homes. The county engineer made a final review of all road plans today, and indicated that the drainage areas along the roads should be paved ditches where the grade of the ditch equals or exceeds 5%. Erosion control stone is required at the outlets of culverts to also prevent erosion from the stream flows. Seeding of all banks and excavated areas for the road, in accordance with the Albemarle County Soil Erosion Handbook, is necessary. With the conditions of the Planning Commission, and with the incorporation of the engineering department recommendations with reference to the road drainage, the staff recommends approval.

Mr. Fisher asked if the only access to this subdivision is on existing restricted roads. Mr. Humphrey said yes. Mr. Fisher asked the traffic count. Mr. Humphrey said he did not have the traffic count; but it serves the Boars Head Complex, as well as Sections 1, 2, 3, and 4, a portion of Ednam Village, all the business zone at the entrance, and the Sport's Club. Mr. Humphrey said they are all located close to Route 250.

Mr. Bob Stroud, attorney for the developer, said that he would like to correct one piece of information given to the Board. Their records indicate that in January, 1961, the Planning Commission approved this, on statements made in 1960. Mr. Humphrey said that was correct, the Planning Commission records do not go back that far. Section 2 was approved in 1967. Mr. Fisher asked what bearing the date of approval for Section 1 had on this question. Mr. Humphrey said the staff was trying to show the history to show that a precedent had been set on the question of granting of restricted roads. Mr. Wheeler said he felt the Board's policy has changed, and he will not support 59 lots with restricted roads. He felt this may have been the wrong decision from the beginning. Mr. Fisher said he had no idea what the vehicle count is. Mr. Humphrey said this is basically seven per dwelling unit, or almost 400 vehicle trips per day, generated by the additional 59 lots in this section. Mr. Fisher asked how many other lots have already been approved. Mr. Humphrey said an equal number now exist. Mr. Fisher said the Board struggled a long time to develop a policy on restricted roads. Since development of that policy, the Board has been

applying this to subdivisions. Therefore, he felt development of this policy was a procedure the Board need not have gone through. He did not see how a restricted road can handle this amount of traffic.

Mr. Batchelor said Mr. Rogan had tried to get this before the Board prior to the Board's appointing the committee, and this subdivision is a long standing project. This is not something that was presented since the policy was formulated. Mr. Fisher said if the Board is going to throw the policy out the window, there is no sense having it. Mr. Wheeler said he hardly supports having a policy to cover 10 lots, and he votes for those with reluctance. He said he is not going to create problems for those who follow him on the Board.

Mr. Wood asked if the first section was approved in 1961. Mr. Rogan said yes. Mr. Wood asked how many lots exist now. Mr. Rogan said approximately 89. Mr. Wheeler asked if these are already on restricted roads. Mr. Rogan said yes. He asked what limitation, size, depth, or grading, the Board is trying to achieve. Mr. Rogan said he would be willing to comply with any regulation the County has. Mr. Wheeler said he felt that anything this size should have roads built to state specifications, and the roads should be in the state system. Mr. Rogan asked if he meant the roads in the entire area, up to the Boars Head Inn. Mr. Wheeler said yes.

Mr. Fisher said that any traffic that would have to go through this subdivision to a state road should be over state maintained roads. Mr. Wood said that would be his feeling also if this were all before the Board as a new plan tonight. This subdivision is low density with high acreage. It started 13 or more years ago, prior to the County having a zoning ordinance or standards for roads. He felt the Board is committed to the balance of that, and the atmosphere of Ednam Forest would probably be destroyed if they cut a 50 foot right of way through some of those areas. He agreed with what is being presented, and said he would be in favor under these conditions. He said if the subdivision were new, and nothing had been developed, he would not look with favor at 150 or more lots on roads not up to state standards. Since 89 lots are already developed, the atmosphere has been set and he did not feel the Board should require something that far back off the road to conform to state standards.

Mr. Fisher said when the restricted roads policy was discussed, Mr. Wood was most concerned about having any restricted roads. Mr. Wood said he led the fight on restricted roads, but he had received very few complaints about the roads in the present subdivision. He said somebody must be maintaining the roads. This has created its own atmosphere and a rather nice one; it does not require that in 1974 the Board require that this be changed. Mr. Henley said he felt that the restricted roads would not have been approved, if it had been known that there would be 140-150 units. Mr. Wood said in 1960 there was no thought of zoning; you could do what

you wanted. The mistake may have been made, but the environment has been created. Mr. Henley said two wrongs don't make a right. He said there are some restricted roads in his district which were fine when they were constructed, but nobody knows who will take care of them now. Mr. Wood said he felt these roads are maintained. Mr. Henley said twenty years from now may be a different question.

Mr. Carwile said in Ednam Forrest they have the appropriate legal machinery or apparatus, the type of thing that the restricted roads committee tried to strive to accomplish in the model documents. Ednam Forest already had such documents and some of these were used as a guide in preparing restricted roads materials.

Mr. Wheeler said that may be true, but through Ednam Forest and the Boars Head complex, the road is barely sufficient to take care of the traffic that is on it now. To think about putting additional traffic on that main thoroughfare does not make sense. Mr. Fisher said if this were adjacent to a state road, nobody here would consider putting another 59 lots on restricted roads in that situation. He could not see adding additional traffic to roads that are barely adequate to handle the traffic that is there now. He felt this will create problems for the Board, and they will have no way to solve them.

Mr. Rogan said he had been to the state highway department to ask about a separate entrance for this, and they recommended that he not put in a separate entrance or exit because they felt it was too dangerous. Either up the hill or where Mr. Coty's Ednam Village comes out onto the highway. Mr. Coty helps contribute to the maintenance costs of the roads in the complex. Mr. Rogan said they were the first in the City or County to develop an owners association. They do have the machinery for the maintenance of the roads. The original owners guaranteed maintenance of the roads to a certain time. After that the homeowners, when they buy, agree to this. They feel they have something that is an asset to the community. He said he could not guarantee that 59 additional lots are all there will be, because the Boars Head Inn and the Sports Club may increase in size. Ednam Village may increase in size. These things may all have something to do with the traffic on the road. Even if the roads are brought up to state specifications, and the only criteria there is that they be two feet wider, they now have the depth, drainage, and everything else, but they purposely built the roads two feet less so they could not be taken in. They wanted these roads to be considered private, so they could control them. They feel they have done a good job; the owners seem to be happy. He has talked with 60 people about this, and they are happy with their situation. Because they started in 1960, when zoning had barely started, they were allowed to install roads which were two feet narrower than a state road. He felt they have precedent in asking that they be allowed to put in roads which are up to state standards now, but they do not have to touch what is existing.

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Mr. Carwile asked Mr. Bill Stevens<sup>N</sup> if the homeowners are not in opposition to what Mr. Rogan is requesting. Mr. Stevens said the association has agreed not to oppose it.

Mr. Stroud said it was suggested that the 1960 beginning is important. At that time, and they have now located the original submission to Albemarle County, it shows the commercial development and all of the lots, including those before the Board tonight. On the strength of the approval given by the County, they began in what was the then customary pattern of development, section by section. He has furnished Mr. Humphrey with data as to when those approvals were given. Based on those, more than one-half of the subdivison has been constructed. He said it gets to a point in legal contemplation, where a change of rules is not fairly applied to projects that are in progress. When you have crossed the half way point, you have begun to reach that point. He said the developer does not own the roads through the front of the property. There are a number of entities and organizations, with dissimiliar ownership, and to talk about changing the front entrance at this time is simply not under the developers control, even if he desired to do it.

Mr. Fisher said he is aware of some of the agreements between the homeowners and Mr. Rogan, and they have agreed not to oppose this. It is not his intention to approve 59 lots on private, restricted roads any where in Albemarle County. He did not feel the Board could approve the subdivision as it stands with restricted roads, and he offered motion to deny the request. The motion was seconded by Mr. Henley.

Mr. Thacker asked Mr. St. John if by approving restricted roads some 13 years ago, that established a precedent. Mr. St. John said he was confused about the procedure by which this application came to the Board. He said he had not reviewed this before the meeting tonight, but he noticed that restricted roads are coming before the Board, not as part of a subdivision. He asked if the request is for approval of restricted roads, or a subdivison containing restricted roads. Mr. Humphrey said the request is all inclusive; restricted roads, with the subdivision as shown. Mr. St. John said the question would then be whether or not the Board is going to deny the subdivison on the grounds that it contains restricted roads. Furthermore, it is on the grounds that it is served by restricted roads which are in a previously approved subdivision. He said he would have preferred more time to look into this matter. He was not sure the Board can deny the subdivision if it is in accordance with the zoning provisions in that area; and if there are no other defects, simply on the grounds that the roads outside of it, which must serve it, are not state roads. He did not know all of what was approved in 1961.

Mr. Wheeler said the Board is also being asked to approve restricted roads for these sections. Mr. St. John said it is well within the power of the Board not to approve those restricted roads. The Board can say these roads will still have to be made state roads, regardless of the fact that this subdivision is to be served by

restricted roads, or roads not up to state specifications. Mr. Thacker said the state would not accept these roads because they do not exit onto an approved state road. Mr. Carwile said if a bond were put up, it would stay forever. Mr. Thacker said he could not see that the Board is gaining anything by making the developer construct these roads to state standards when they have nobody to maintain them.

Mr. Wheeler said there are quite a few questions, and he would prefer that the Board be well informed. He preferred to see this matter deferred in order for Mr. St. John to research the question. He felt the Board could not require state roads in this section, require a bond, and require this to be carried out in a certain length of time. The developer would then have to find another way to get out of the subdivision. Mr. St. John asked what was approved in 1961. Mr. R. O. Snow said the overall concept was approved, and this has been approved time and time again. Mr. St. John said this was not piecemeal where only Section 1 was approved. Mr. Snow said no. Mr. St. John asked if the developer could assemble documents showing those approvals. Mr. Humphrey said they allowed the preliminary approval to lapse, which is for only one year. This was approved about a year and one-half ago, but they never followed up by filing a plat.

Mr. Thacker then offered a substitute motion, that the Board defer action on this to allow Mr. St. John adequate time to research and come back to the Board. The motion was seconded by Mr. Carwile and carried by the following recorded vote:

AYES: Messrs. Carwile, Fisher, Henley, Thacker, Wheeler and Wood.

NAYS: None.

Mr. Stroud asked if he could submit some materials to Mr. St. John on behalf of the developer. Mr. Wheeler said yes. Mr. Rogan asked when this would come back to the Board. It was suggested that this be put on the March 13 agenda.

The following resolution, adopted by the Albemarle County School Board on January 28, 1974, was presented to the Board:

WHEREAS, the County School Board of Albemarle County developed a five year building program in January of 1972 which would provide for kindergarten education and reorganize the division's schools into a K-5, 6-8, and 9-12 plan, and which building program provides for the orderly housing of the County's continuously increasing student population at all grade levels; and

WHEREAS, the said School Board sees a need now to expend \$6,500,000 to build a new Senior High School and to make capital improvements;

BE IT RESOLVED BY THE COUNTY SCHOOL BOARD OF ALBEMARLE COUNTY, VIRGINIA:

1. It is hereby determined to be desirable to undertake additional school construction and improvements at an estimated cost of \$6,500,000 to be financed by the sale of school bonds.

2. The Board of Supervisors of Albemarle County is hereby requested to adopt a resolution pursuant to Section 15.1-186 of the Code of Virginia 1950, as amended, determining that it is advisable to contract a debt and issue general obligation bonds of the County in the maximum amount of \$6,500,000 to provide funds, together with any other available funds, to finance the cost of

acquiring, constructing, improving and equipping school buildings and related facilities, including sites therefor, and requesting the Circuit Court of Albemarle County to order an election on the question.

3. The Clerk of this Board is hereby authorized and directed to cause a certified copy of this resolution to be presented forthwith to the Clerk of the Board of Supervisors of Albemarle County.

Motion was offered by Mr. Wood to adopt the following resolution of intent to hold a \$6.5 million bond referendum:

WHEREAS, The County School Board of Albemarle County, Virginia, adopted a resolution on January 28, 1974, determining the desirability of undertaking additional school construction and improvements at an estimated cost of \$6,500,000.00 and requesting the Board of Supervisors of Albemarle County to adopt a resolution to initiate the borrowing of not to exceed \$6,500,000.00 therefor; and

WHEREAS, the Board of Supervisors concur in the proposal of the County School Board;

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ALBEMARLE COUNTY, VIRGINIA:

1. The foregoing resolution of the County School Board is hereby approved in all respects.

2. It is hereby determined that it is advisable for Albemarle County to contract a debt and issue its general obligation bonds in the maximum amount of \$6,500,000.00 pursuant to the Virginia Public Finance Act, as amended, to finance, together with any other available funds, the cost of acquiring, constructing, improving and equipping school buildings and related facilities, including sites therefore.

3. The Circuit Court of Albemarle County, or the Judge thereof, is hereby requested to order an election upon the question of contracting such debt and the issuance of such bonds.

4. The Clerk of this Board is hereby authorized and directed to cause a certified copy of this resolution to be presented to the Circuit Court of Albemarle County.

5. This resolution shall take effect immediately.

The foregoing motion was seconded by Mr. Carwile and carried by the following recorded vote:

AYES: Messrs. Carwile, Fisher, Henley, Thacker, Wheeler and Wood.

NAYS: None.

Mr. Wood had been asked to make a report to the Board on changing the Supervisors meeting place to the Piedmont Community College auditorium. Mr. Wood said everytime this comes before the Planning Commission, it has been rather late. He did not want to recommend that the Planning Commission be asked to return to the Courthouse or that the Board change their meeting place to Piedmont. He felt there are drawbacks to Piedmont as a meeting place. Mr. Fisher suggested that there are advantages both ways. He felt the advantage is to the public in that the chairs are more comfortable, and they can hear better. There are disadvantages to the people in front because there is inadequate room to make a presentation. It was the consensus of the Board that they would continue to meet in the Courthouse.

Miss Page Godsey gave an updated report on the County's legislative package.

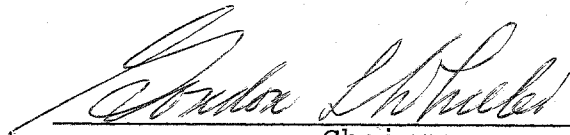
Mr. Wheeler said he had asked the local delegates to introduce in the General Assembly, a bill to raise the salary of the Board of Supervisors to \$6,000 a year. He feels that \$6,000 is not enough to cover the time, the travel, and the expense of meetings. He said this recommendation was his and he had not discussed this with other Board members, however, it will be included in the 1974-75 budget as a recommendation from the Chairman. If this legislation is passed, the Board will have to vote on this at a later time.

Mr. Wheeler said the Board had been given a copy of the budget. He has had requests for a public work session to go over this budget line by line. He suggested that this first session be held on March 6, 1974, at 3:00 P.M., in the Board Room.

At 10:20 P.M., Mr. Thacker offered motion to adjourn this meeting until February 19, 1974, at 7:30 P.M., at Henley Jr. High School. The motion was seconded by Mr. Fisher and carried by the following recorded vote:

AYES: Messrs. Carwile, Fisher, Henley, Thacker, Wheeler and Wood.

NAYS: None.

  
Chairman