

ACTIONS
Board of Supervisors Meeting of October 5, 2022

October 10, 2022

AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
<p>1. Call to Order.</p> <ul style="list-style-type: none"> • Meeting was called to order at 1:02 p.m., by the Chair, Ms. Price. All BOS members were present with the exception of Diantha McKeel who arrived at 6:24. Also present were Jeff Richardson, Steve Rosenberg, and Claudette Borgersen. 		Link to Video
<ul style="list-style-type: none"> • By a vote of 4:0 APPROVED request to allow Supervisor LaPisto-Kirtley to participate remotely in accordance with applicable Board Rules of Procedure enacted pursuant to the Freedom of Information Act, given that she is unable to attend the meeting in person due to a medical reason. 		
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> • PULLED item 8.3, SE202200031 Rio Point Special Exception, from the consent agenda. • By a vote of 5:0, ADOPTED the final agenda as amended. 		
<p>5. Brief Announcements by Board Members. <u>Ann Mallek</u></p> <ul style="list-style-type: none"> • Announced that October 8 and 9 was the 42nd annual Crozet Arts and Crafts Festival and that Henley Fest on Whitehall Road would be on those same days. • Announced that October 9 was the Crozet Fire Department barbecue and raffle. • Commented that at the previous week's Metropolitan Planning Organization meeting, there was a discussion of the long-range transportation plan, and she encouraged community members to participate. • Asked that those traveling on highways be aware of construction workers in the roadways and to drive safely and slowly through those areas. • Stated that the Comprehensive Plan process had four frameworks that deserved input from community members in rural and urban areas of the County, and residents should look for that information online and at upcoming community meetings. • Remarked that at the previous Friday's 7th annual Rivanna River Basin Conference, two speakers spoke of various aspects of utility-sized solar projects and recordings of the presentations would be posted on rivannriverbasin.org website. • Commented that at the state workforce meeting the previous Wednesday, Sarah Morton, the Virginia Career Works Piedmont Region Workforce Development Director, was invited to do a presentation at the beginning of the state meeting about the programs happening in the area. • Noted that the previous Sunday was the 30th anniversary of the Rivanna Trails Foundation. • Announced two cross-country meets at Panorama Farm: one on October 15th at 10 a.m., which was the NCAA cross-country meet in advance of the finals in 2023, and one on 		

<p>October 28 at 11 a.m., which was the ACC championship.</p> <p><u>Bea LaPisto-Kirtley</u></p> <ul style="list-style-type: none"> • Remarked that the previous Monday, she had taken a tour of the Little Keswick School and was impressed with the great positive interactions between students. <p><u>Ned Gallaway</u></p> <ul style="list-style-type: none"> • Added to Supervisor Mallek's remarks about construction safety by stating that VDOT was taking corrective measures to add truck arrest places. <p><u>Jim Andrews</u></p> <ul style="list-style-type: none"> • Announced that the Batesville Apple Butter Weekend would be held on October 8 and 9 and encouraged community members to attend. • Noted that the Simpson Community Park event was postponed due to the storm and was rescheduled for October 22 from 5 p.m. to 7 p.m. • Mentioned that he had attended the climate discussion the previous Thursday and he looked forward to discussing the vulnerability and risk assessment. <p><u>Donna Price</u></p> <ul style="list-style-type: none"> • Stated that for the week of September 21, for the first time since March 2020, all communities within the Blue Ridge Health District were in the green area, and now they were back into yellow. She urged people to get immunizations and booster shots. • Remarked that she was happy to see the continued progress on Avon Street with the installation of drainage culverts and sidewalks. 		
<p>7. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> • <u>Barbara Cruikshank</u>, White Hall District, spoke towards the evaluation to determine the level of radiation frequency on the cell tower at Albemarle High School. • <u>Keith Smith</u>, Chair of the Piedmont Community Land Trust, spoke towards the number of affordable dwelling units they have provided. 		
<p>8.1 Fiscal Year 2022 Appropriations.</p> <ul style="list-style-type: none"> • ADOPTED resolution to approve appropriations #2022057 for local government projects and programs. 	<p><u>Clerk:</u> Forward copy of signed resolution to Finance and Budget, and the County Attorney's Office. (Attachment 1)</p>	
<p>8.2 Fiscal Year 2023 Appropriations.</p> <ul style="list-style-type: none"> • ADOPTED resolution to approve appropriations #2023018 for local government projects and programs. 	<p><u>Clerk:</u> Forward copy of signed resolution to Finance and Budget, and the County Attorney's Office. (Attachment 2)</p>	
<p>8.3 SE202200031 Rio Point Special Exception.</p> <ul style="list-style-type: none"> • ADOPTED the Resolution to approve the special exception. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 3)</p>	
<p>9. SE202200042 Tiffin Farm Cottage Homestay.</p> <ul style="list-style-type: none"> • By a vote of 5:0, ADOPTED resolution to approve the special exception, subject to the condition. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and the County Attorney's office. (Attachment 4)</p>	
<p>10. SE202200040 Loft at Saint George Homestay.</p> <ul style="list-style-type: none"> • By a vote of 5:0, ADOPTED resolution to approve the special exception subject to the condition. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and the County Attorney's office. (Attachment 5)</p>	

<p>11. Reconnecting Communities Grant Application.</p> <ul style="list-style-type: none"> • By a vote of 5:0, ENDORSED the Reconnecting Communities grant application by ADOPTING the Albemarle County Reconnecting Communities Grant Resolution. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 6)</p>	
<p>At 2:35 p.m., the Board recessed and reconvened at 2:51 p.m.</p>		
<p>12. Transportation Planning Quarterly Report.</p> <ul style="list-style-type: none"> • RECEIVED. 		
<p>13. Virginia Department of Transportation (VDOT) Quarterly Report.</p> <ul style="list-style-type: none"> • RECEIVED. 		
<p>14. Economic Outlook Report.</p> <ul style="list-style-type: none"> • RECEIVED. 		
<p>15. Closed Meeting.</p> <ul style="list-style-type: none"> • At 5:09 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia: • Under Subsection (1), to discuss and consider appointments to boards and commissions, including, without limitation, two Community Advisory Committees, the Jefferson Area Board for Aging, the JAUNT Board, the Solid Waste Alternative Advisory Committee and the Rivanna River Basin Commission. 		
<p>16. Certify Closed Meeting.</p> <ul style="list-style-type: none"> • At 6:00 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
<p>17. Vacancies and Appointments.</p> <ul style="list-style-type: none"> • REAPPOINTED Ms. Martha F. Davis to the Places 29 (Rio) Community Advisory Committee with said term to expire on October 1, 2024. • APPOINTED Mr. Reid H. Forbes to the 5th and Avon Community Advisory Committee, with said term to expire September 30, 2024. • REAPPOINTED Mr. Cameron D. Mowat to the Jefferson Area Board for Aging, with said term to expire on October 5, 2024. • APPOINTED Mr. Mike Murphy to the JAUNT Board, with said term to expire on October 5, 2024. • APPOINTED Ms. Anne K. White to the Advisory Committee (SWAAC), with said term to expire on May 31, 2026. • By a vote of 5:0, acknowledging that the prior action of the Board of Supervisors on August 3, 2022, to appoint Adam Gendell to the Solid Waste Alternatives Advisory Committee, was taken when a vacancy on the committee did not exist, APPOINTED Mr. Gendell to fill a vacancy on the committee, effectively immediately, with such term expiring on May 31, 2026. 	<p><u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>	
<p>18. From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> • There was no report. 		
<p>19. From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <p><u>Ann Mallek</u></p> <ul style="list-style-type: none"> • Suggested the Board start the process to consider ranked choice voting. <p><u>Ned Gallaway</u></p> <ul style="list-style-type: none"> • Reported that at the last MPO meeting, work had begun on the long-term transportation 		

<p>plan, and the public engagement portion began at the start of the calendar year. He recommended the CACs as a place for public engagement.</p> <p><u>Jim Andrews</u></p> <ul style="list-style-type: none"> Commented that the Albemarle Broadband Authority (ABBA) had met and they were aware of ongoing issues with VATI initiatives. He remarked that ABBA was working on an extension with Shentel for March 31. <p><u>Donna Price</u></p> <ul style="list-style-type: none"> Expanded on Supervisor Andrew's remarks that by explaining that Shentel Beam had sent out notification about its intent to terminate the service effective November 30 and the Broadband Accessibility and Affordability Office (BAAO) had worked to help people who had difficulty with connectivity. 		
<p>20. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> There were none. 		
<p>At 6:10 p.m., the Board recessed and reconvened at 6:25 p.m.</p>		
<p>21. <u>Pb. Hrg.: SP202200011 and SE202200030 VERIZON - SCRUBY PROPERTY TIER III PWSF</u></p> <ul style="list-style-type: none"> By a vote of 4:2, (Mallek, Price), APPROVED the special use permit. By a vote of 6:0, APPROVED the special exception. 	<p><u>Clerk:</u> Forward copy of signed resolutions to Community Development and County Attorney's office. (Attachments 7 and 8)</p>	
<p>22. Adjourn to October 19, 2022, 1:00 p.m., Lane Auditorium.</p> <ul style="list-style-type: none"> The meeting was adjourned at 8:27 p.m. 		

ckb/tom

- Attachment 1 – Resolution to Approve Additional FY 2022 Appropriations
- Attachment 2 – Resolution to Approve Additional FY 2023 Appropriations
- Attachment 3 – Resolution to Approve SE 2022-00031 Rio Point Variation to Code of Development
- Attachment 4 – Resolution to Approve SE2022-00042 Tiffin Farm Cottage Homestay
- Attachment 5 – Resolution to Approve SE2022-00040 Loft at St. George Homestay
- Attachment 6 – Resolution of Support for the Albemarle County Reconnecting Communities Grant Application
- Attachment 7 – Resolution to Approve SE 2022-00030 Verizon– Scruby Property Tier III PWSF
- Attachment 8 – Resolution to Approve SP202200011 Verizon – Scruby Property Tier III PWSF

**RESOLUTION TO APPROVE
ADDITIONAL FY 2022 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriation #2022057 is approved;
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2022.

**RESOLUTION TO APPROVE
ADDITIONAL FY 2023 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 3) That Appropriation #2023018 is approved;
- 4) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2023.

**RESOLUTION TO APPROVE
SE 2022-00031 RIO POINT
VARIATION TO CODE OF DEVELOPMENT (ZMA201900008)**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE 2022-00031 Rio Point Variation to Code of Development application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-8.5.5.3, 18-4.12.6, 18-4.12.12, and 18-33.9, the Albemarle County Board of Supervisors hereby finds that the proposed special exception:

- (1) would be consistent with the goals and objectives of the Comprehensive Plan,
- (2) would not increase the approved development density or intensity of development,
- (3) would not adversely affect the timing and phasing of development of any other development in the zoning district,
- (4) would not require a special use permit, and
- (5) would be in general accord with the purpose and intent of the approved application.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves as a special exception Variation #1 to the Rio Point Code of Development, in general accord with the special exception application submitted by Timmons Group dated May 10, 2022.

**RESOLUTION TO APPROVE
SE2022-00042 TIFFIN FARM COTTAGE HOMESTAY**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE2022-00042 Tiffin Farm Cottage Homestay application and the attachments thereto, including staff’s supporting analysis, any comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-5.1.48 and 18-33.9, the Albemarle County Board of Supervisors hereby finds that a modified regulation would satisfy the purposes of the Zoning Ordinance to at least an equivalent degree as the specified requirement and that the proposed special exception:

- (i) would not cause adverse impacts to the surrounding neighborhood;
- (ii) would not cause adverse impacts to the public health, safety, or welfare;
- (iii) would be consistent with the Comprehensive Plan and any applicable master or small-area plan(s); and
- (iv) would be consistent in size and scale with the surrounding neighborhood;

NOW, THEREFORE, BE IT RESOLVED, that in association with the Tiffin Farm Cottage Homestay, the Albemarle County Board of Supervisors hereby approves the special exception to permit the use of an accessory structure for a homestay, subject to the condition attached hereto.

* * *

SE2022-00042 Tiffin Farm Cottage Homestay Special Exception Condition

1. Homestay use is limited to (i) a proposed accessory structure of less than 2,000 square feet in the general location depicted on the Proposed Homestay Location Exhibit (Attachment E) or (ii) an existing structure depicted on the Tiffin Cottage Lane Homestay Location Map (Attachment D) dated September 14, 2022 or a primary dwelling, either of which must meet all homestay setbacks.

**RESOLUTION TO APPROVE
SE2022-00040 LOFT AT ST. GEORGE HOMESTAY**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE2022-00040 Loft at St. George Homestay application and the attachments thereto, including staff’s supporting analysis, any comments received, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-5.1.48 and 18-33.9, the Albemarle County Board of Supervisors hereby finds that modified regulations would satisfy the purposes of the Zoning Ordinance to at least an equivalent degree as the specified requirements and that the proposed special exceptions:

- (v) would not cause adverse impacts to the surrounding neighborhood;
- (vi) would not cause adverse impacts to the public health, safety, or welfare;
- (vii) would be consistent with the Comprehensive Plan and any applicable master or small-area plan(s); and
- (viii) would be consistent in size and scale with the surrounding neighborhood

NOW, THEREFORE, BE IT RESOLVED, that in association with the Loft at St. George Homestay, the Albemarle County Board of Supervisors hereby approves the special exceptions to permit both (a) the use of an accessory structure for a homestay and (b) a homestay use within a primary structure setback, both subject to the condition attached hereto.

* * *

SE2022-00040 Loft at St. George Homestay Special Exception Condition

1. Homestay use is limited to (i) the existing accessory structure as currently configured and depicted on the Parking and Structures Location Exhibit dated September 15, 2022 or (ii) a primary dwelling meeting all homestay setbacks.

**RESOLUTION OF SUPPORT FOR THE
ALBEMARLE COUNTY RECONNECTING COMMUNITIES GRANT APPLICATION**

WHEREAS, Objective Six of the Albemarle County Comprehensive Plan Transportation prioritizes continuing “to provide safe, effective, and improved urban roads in the Development Areas while recognizing that multimodal opportunities help to improve road functions;”

WHEREAS, the Albemarle County Places 29 Master Plan identifies US 29 as a “strong spine” connecting the Northern Development Areas of Albemarle County, but clarifies that “this spine” also acts as a major impediment to connectivity for any travel mode other than the auto, which needs to be overcome in the long range planning for the area;

WHEREAS, the County of Albemarle desires to submit an application for a planning grant from the Reconnecting Communities Pilot discretionary grant program to fund the completion of a corridor study for US 29 (and the adjacent neighborhoods) from Hydraulic Road to the Rivanna River;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby supports the submittal of the Reconnecting Communities Pilot discretionary grant program application on behalf of Albemarle County for funding for the above-described study.

**RESOLUTION TO APPROVE
SE 2022-00030 VERIZON- SCRUBY PROPERTY TIER III PWSF**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE 2022-00030 Verizon - Scruby Property Tier III PWSF application and the attachments thereto, including staff's supporting analysis, any comments received, all of the factors relevant to the special exceptions in County Code §§ 18-5.1.40 and 18-33.9, and the information provided at the Board of Supervisors meeting, the Albemarle County Board of Supervisors hereby finds that a modified regulation would satisfy the purposes of the County's zoning regulations to at least an equivalent degree as the specified requirement, and that the proposed special exception would not have adverse visual impacts.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the special exception request to modify the requirements of County Code § 18-5.1.40(b)(2)(c), provided that no antenna authorized by this special exception may project more than 18 inches from the face of the monopole to the farthest point of the back of the antenna.

**RESOLUTION TO APPROVE
SP202200011 VERIZON – SCRUBY PROPERTY TIER III PWSF**

WHEREAS, upon consideration of the staff report prepared for SP202200011 Verizon – Scruby Property Tier III PWSF, the recommendation of the Planning Commission and the information presented at the public hearing, any comments received, and all of the factors relevant to the special use permit in Albemarle County Code §§ 18-5.1.40 and 18-10.1, the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

- 1. not be a substantial detriment to adjacent parcels;
- 2. not change the character of the adjacent parcels and the nearby area;
- 3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Rural Areas district, and with the public health, safety, and general welfare (including equity); and
- 4. be consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP202200011 Verizon – Scruby Property Tier III PWSF, subject to the conditions attached hereto.

* * *

SP202200011 Verizon – Scruby Property Tier III PWSF

- 1. The maximum height of the tower is 122 feet above ground level.
- 2. The facility must be located and designed in accord with the plans titled “Scrubby Tier III Personal Wireless Facility,” prepared by John A. Daughtry III and last revised 7/28/22