	ACTIONS Board of Supervisors Meeting of October 5, 2022				
	Board of Supervisors Meet	ing of October 5, 2022	of October 5, 2022 October 10, 2022		
	AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO		
1.	<ul> <li>Call to Order.</li> <li>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.</li> <li>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.</li> </ul>				
4.	<ul> <li>Adoption of Final Agenda.</li> <li><b>PULLED</b> item 8.3, SE202200031 Rio Point Special Exception, from the consent agenda.</li> <li>By a vote of 5:0, <b>ADOPTED</b> the final agenda as amended.</li> </ul>				
5.	Brief Announcements by Board Members.				
5.	<ul> <li>Ann Mallek</li> <li>Announced that October 8 and 9 was the 42<sup>nd</sup> annual Crozet Arts and Crafts Festival and that Henley Fest on Whitehall Road would be on those same days.</li> <li>Announced that October 9 was the Crozet Fire Department barbecue and raffle.</li> <li>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.</li> <li>Asked that those traveling on highways be aware of construction workers in the roadways and to drive safely and slowly through those areas.</li> <li>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.</li> <li>Remarked that at the previous Friday's 7<sup>th</sup></li> </ul>		Link to Video		
	<ul> <li>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.</li> <li>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</li> </ul>				
	<ul> <li>the state meeting about the programs happening in the area.</li> <li>Noted that the previous Sunday was the 30<sup>th</sup> anniversary of the Rivanna Trails Foundation.</li> <li>Announced two cross-country meets at</li> </ul>				
	Panorama Farm: one on October 15 <sup>th</sup> at 10 a.m., which was the NCAA cross-country meet in advance of the finals in 2023, and one on				

	October 28 at 11 a.m., which was the ACC		
	championship.		
	Bea LaPisto-Kirtley		
	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.		
	Ned Gallaway		
	<ul> <li>Added to Supervisor Mallek's remarks about</li> </ul>		
	construction safety by stating that VDOT was		
	taking corrective measures to add truck arrest		
	places.		
	Jim Andrews		
	<ul> <li>Announced that the Batesville Apple Butter</li> </ul>		
	Weekend would be held on October 8 and 9		
	and encouraged community members to		
	attend.		
	<ul> <li>Noted that the Simpson Community Park event</li> </ul>		
	was postponed due to the storm and was		
	rescheduled for October 22 from 5 p.m. to 7		
	p.m.		
	<ul> <li>Mentioned that he had attended the climate</li> </ul>		
	discussion the previous Thursday and he		
	looked forward to discussing the vulnerability		
	and risk assessment.		
	Donna Price		
	<ul> <li>Stated that for the week of September 21, for</li> </ul>		
	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.		
	<ul> <li>Remarked that she was happy to see the</li> </ul>		
	continued progress on Avon Street with the		
	installation of drainage culverts and sidewalks.		
7.	From the Public: Matters Not Listed for Public		
	Hearing on the Agenda.		
	Barbara Cruikshank, 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.		
8.1	Fiscal Year 2022 Appropriations.	<u>Clerk:</u> Forward copy of signed	
0.1		resolution to Finance and Budget,	
	ADOPTED resolution to approve     appropriations #2022057 for local government		
	appropriations #2022057 for local government	and the County Attorney's Office.	
0.0	projects and programs.	(Attachment 1)	
8.2	Fiscal Year 2023 Appropriations.	<u>Clerk:</u> Forward copy of signed	
	ADOPTED resolution to approve	resolution to Finance and Budget,	
	appropriations #2023018 for local government	and the County Attorney's Office.	
	projects and programs.	(Attachment 2)	
8.3	SE202200031 Rio Point Special Exception.	Clerk: Forward copy of signed	
	ADOPTED the Resolution to approve the	resolution to Community	
	special exception.	Development and County	
	· · ·	Attorney's office. (Attachment 3)	
9.	SE202200042 Tiffin Farm Cottage Homestay.	Clerk: Forward copy of signed	
	• By a vote of 5:0, <b>ADOPTED</b> resolution to	resolution to Community	
	approve the special exception, subject to the	Development and the County	
	condition.	Attorney's office. (Attachment 4)	
10.	SE202200040 Loft at Saint George Homestay.	Clerk: Forward copy of signed	
	<ul> <li>By a vote of 5:0, ADOPTED resolution to</li> </ul>	resolution to Community	
	approve the special exception subject to the	Development and the County	
	condition.	Attorney's office. (Attachment 5)	

By a vote of 5:0, ENDORSED the Reconnecting Communities grant application by ADOPTING the Albemanic County Reconnecting Communities Grant Resolution. A 2:35 p.m., the Board recessed and reconvened al 2:51 p.m. 12. Transportation Planning Quarterly Report. • RECEIVED. 13. Virginia Department of Transportation (VDOT) Quarterly Report. • RECEIVED. 14. Economic Outlook Report. • RECEIVED. 15. Closed Meening. • At 5:09 p.m., the Board went into Closed • Mat 5:09 p.m., the Board went into Closed • Mat 5:09 p.m., the Board went into Closed • Mat 5:09 p.m., the Board commissions, including, without limitation, two Community Advisory Committee, the velferson Area Board for Aging, the JAUNT Board, the Solid Waste Alternative Advisory Committee and the Places 28 (Ni) Community Advisory Committee with said term to expire on October 1, 2024. • At 6:00 p.m., the Board encovened into open meeting and cartified the closed meeting. 17. Vacancies and Appointments. • REAPPOINTED Mr. Reid H. Forbes to the 5th and Avon 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 on October 1, 2024. • APPOINTED Mr. Reid H. Forbes to the 5th and Avon Community Advisory Committee, with said term to expire on October 5, 2024. • APPOINTED Mr. Reid H. Forbes to the 5th and Avon Community Advisory Committee, with said term to expire on October 5, 2024. • APPOINTED Mr. Reineron D. Mowat to the spire on October 5, 2024. • APPOINTED Mr. Reid H. Forbes to the 14 Advisory Committee (SWAAC), with said term to expire on May 31, 2026. • By a vote of 50, acknowledging that the prior action of the Board of Supervisors on August 3, 2026. • There was no report. 19. From the County Executive: Reports and Matters Not Listed on the Agenda. • There was no report. 19. From the Board Start process to consider ranked Choice voting. Ned Gallaway • Reported that at the list MPO me	·			
Reconnecting Communities grant application by ADOPTING Net Altemarke County Reconnecting Communities Grant Resolution.     Development and County Atomey's office. (Attachment 6) Atomey's office. (Attachment 7) Atomey's office. (	11.	Reconnecting Communities Grant Application.	Clerk: Forward copy of signed	
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	<ul> <li>plan, and the public engagement portion began at the start of the calendar year. He recommended the CACs as a place for public engagement.</li> <li><u>Jim Andrews</u></li> <li>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.</li> <li><u>Donna Price</u></li> <li>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</li> </ul>		
20.	difficulty with connectivity. From the Public: Matters Not Listed for Public Hearing on the Agenda.		
	• There were none. At 6:10 p.m., the Board recessed and reconvened at 6:25 p.m.		
21.	<ul> <li>Pb. Hrg.: SP202200011 and SE202200030</li> <li>VERIZON - SCRUBY PROPERTY TIER III PWSF</li> <li>By a vote of 4:2, (Mallek, Price), APPROVED the special use permit.</li> <li>By a vote of 6:0, APPROVED the special exception.</li> </ul>	<u>Clerk:</u> Forward copy of signed resolutions to Community Development and County Attorney's office. (Attachments 7 and 8)	
22.	Adjourn to October 19, 2022, 1:00 p.m., Lane Auditorium. 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 smallarea 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

 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 smallarea 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 "Scruby Tier III Personal Wireless Facility," prepared by John A. Daughtry III and last revised 7/28/22