



Albemarle County

Meeting Agenda Board of Supervisors

Supervisor, Rio District Ned Gallaway
Supervisor, Rivanna District Bea LaPisto-Kirtley
Supervisor, White Hall District Ann H. Mallek
Supervisor, Jack Jouett District Diantha H. McKeel
Supervisor, Samuel Miller District Liz A. Palmer
Supervisor, Scottsville District Donna P. Price
County Executive, Jeffrey B. Richardson
Clerk, Claudette K. Borgersen

Wednesday, April 21, 2021

1:00 PM

Electronic Meeting

Regular Second Meeting

This meeting is being held pursuant to and in compliance with Ordinance No. 20-A(16), An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster. The opportunities for the public to access and participate in the electronic meeting are posted on the Albemarle County website on the Board of Supervisors' home page and on the Albemarle County calendar. Participation will include the opportunity to comment on those matters for which comments from the public will be received.

1. Call to Order.
2. Pledge of Allegiance.
3. Moment of Silence.
4. Adoption of Final Agenda.
5. Brief Announcements by Board Members.
6. Proclamations and Recognitions:
 - 6.1. [21-262](#) Proclamation Celebrating Arab American Heritage Month.
(Irtefa Binte-Farid, Coordinator of Equity and Accountability)
 - 6.2. [21-265](#) Proclamation Supporting the Goals of Sexual Assault Awareness Month.
(Renee Branson, Executive Director, Sexual Assault Resource Agency)

7. From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.

8. Consent Agenda (on next sheet)

1:40 p.m. - Action Items:

9. [21-259](#) Update on Completion of Courts Project Programming Phase.
- (Trevor Henry, Assistant County Executive/ Lance Stewart, Director, Facilities and Environmental Services)*

10. Amendment to WillowTree Performance Agreements:

(Roger Johnson, Director of Economic Development)

- 10.1. [21-230](#) Amendment to WillowTree Virginia Jobs Investment Program Match Grant Funding Agreement.
- 10.2. [21-231](#) Amendment to WillowTree Commonwealth's Development Opportunity Fund Match Performance Agreement.

3:15 p.m. - Recess.

3:30 p.m. - Presentations:

11. [21-267](#) Rivanna Water and Sewer Authority (RWSA) Quarterly Report.
- (Bill Mawyer, Executive Director, RWSA)*
12. [21-268](#) Albemarle County Service Authority (ACSA) Quarterly Report.
- (Gary O'Connell, Executive Director, ACSA)*

13. 4:00 p.m. - Closed Meeting.

Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- *Under Subsection (6), to discuss and consider the investment of public funds in a volunteer fire company where bargaining and negotiation is involved and where, if made public initially, the financial interest of the County would be adversely affected; and*
- *Under Subsection (7), to consult with legal counsel and briefings by staff members pertaining to actual litigation of the Board against the Scottsville Volunteer Rescue Squad, and a separate action brought by Virginia companies challenging a decision of the Board, where consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the Board in both cases; and*
- *Under Subsection (8), to consult with and be briefed by legal counsel regarding specific legal matters requiring legal advice relating to a volunteer fire company.*

Closed meeting motion subject to change

14. Certify Closed Meeting.**6:00 p.m.****15. From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.****Public Hearings:**

16. [21-242](#) SP202000007 Rappahannock Electric Cooperative. PROJECT: SP202000007 Rappahannock Electric Cooperative MAGISTERIAL DISTRICT(S): Rio, White Hall, Rivanna TAX MAP/PARCEL(S): 02100-00-00-01200, 02100-00-00-012D0, 02100-00-00-01500, 02100-00-00-015G0, 02100-00-00-015B0, 02100-00-00-016C0, 02100-00-00-01600, 02100-00-00-017C0, 02100-00-00-017A0, 02100-00-00-01900, 02100-00-00-007A0, 02100-00-00-007A0, 02100-00-00-00700, 02100-00-00-006B0, 02100-00-00-006E2, 02100-00-00-006D0, 02100-00-00-006I1, 02100-00-00-006H0, 02100-00-00-006A0 LOCATION: Parallel to the west side of Route 29 (Seminole Trail) from the southwest side of the intersection of Dickerson Lane and Route 29, north to the Greene County municipal boundary, a corridor of approximately 1.6 miles. PROPOSAL: Install "pole topper" extensions on existing power line poles to increase the height of the poles from an average of 46 feet to a new height of an average of 82 feet in order to install a new 115-kiloVolt powerline, on an existing transmission line route of approximately 1.6 miles, along an existing utility easement proposed to increase from 40 feet in width to 75 feet in width. PETITION: Energy and communications transmission facilities under Section 26.2(a) and Section 10.2.2(6) of the Zoning Ordinance, on 19 parcels of land totaling approximately 216.62 acres. No dwelling units proposed. ZONING: LI – Light Industrial, which allows industrial, office, and limited commercial uses (no residential use). RA Rural Area, which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots) ENTRANCE CORRIDOR: Yes OVERLAY DISTRICT(S): Airport Impact Area; Steep Slopes – Managed COMPREHENSIVE PLAN: Office/R&D/Flex/Light Industrial – commercial, professional office; research and development, design, testing of prototypes; manufacturing, assembly, packaging; residential is a secondary use (no maximum density), within the Community of Piney Mountain of the Places29 Master Plan area. Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots).

(Scott Clark, Senior Planner)

17. [21-254](#) WPTA 2021-00002 Water Protection Ordinance Regarding Stream Buffer Regulations. Advertised as Stream Health Initiative - Phase 1a WPO Revisions. To receive public comment on a proposed ordinance to amend County Code Chapter 17, Water Protection. In addition to minor revisions, the proposed ordinance would amend § 17-201 by updating the name of the Facilities and Environmental Services Department; amend the definition of "Agricultural road" in § 17-205 to require construction in compliance with the water quality protection procedures established by the Virginia Department of Forestry; update the Virginia Stormwater BMP Clearinghouse Website hyperlink in the definition of "Best management practice" in § 17-205; amend the definition of "Nonstructure best management practices" in § 17-205 to include "forest and open space;" add a definition of "Forest and Open Space" to § 17-205; amend the definition of "Land disturbance or land disturbing activity" in § 17-205 to include filling; add a definition of "Streamside Management Zone" to § 17-205; amend the definition of "Water supply protection area" in § 17-205 to delete Chris Greene Lake from the list of reservoirs; amend § 17-209(A) to allow payment of fees through the County online payment system; amend § 17-209(B)(4) to change the billing and due dates of maintenance fees; amend § 17-301(F) to require that forestry activities comply with Virginia Department of Forestry Best Management Practices, including streamside management zones, to be exempt from VESCP requirements; amend § 17-303(B) to require that forestry activities comply with Virginia Department of Forestry Best Management Practices, including streamside management zones, to be exempt from VSMP requirements; add § 17-402(D)(1)(a) to require a Critical Resources Plan with each agreement in lieu of an erosion and sediment control plan; add § 17-402(D)(1)(b) to identify land disturbances not eligible for agreements in lieu of an erosion and sediment control plan; amend § 17-402(D)(2) to allow the administrator to require additional information for an agreement in lieu of an erosion and sediment control plan or to not accept an agreement; amend § 17-414 to require an agreement with surety before any land disturbance activity; amend § 17-414(A) to require an agreement with surety as a condition of a land disturbance permit; add § 17-423(C) to require developers, prior to release of construction performance security, to either (1) transfer maintenance responsibilities of stormwater management facilities to a Property Owners Association or (2) provide the County with a maintenance security; delete temporary erosion and sediment control measures from the types of structures, improvements and activities allowed in a stream buffer without mitigation under § 17-603(B); and add § 17-604(G) to permit temporary erosion and sediment control measures within the outer 50-feet of a stream buffer, provided that the measures are located outside of the stream buffer to the extent practical and that the disturbance impacts are minimized.

(Frank Pohl, County Engineer)

18. [21-248](#)

Community Development Department Fees:

1) BTA 2021-0001. To receive comments on a proposed ordinance to amend County Code Chapter 5, Building Regulations. The proposed ordinance would amend Chapter 5, Article 2, Fees, by increasing all current fees imposed in that section by up to 10.05%, rounded to the nearest dollar, an increase that reflects the increase in the County's reasonable costs to provide services for which each fee is imposed since the last time that each respective fee was increased or established; and to impose new fees for:

1. Plan review fee – commercial building permits: \$0.04 per square foot, for structures under 5,000 gross square feet - \$16.00 minimum; \$0.03 per square foot for structures greater than or equal to 5,000 gross square feet - \$16.00 minimum;
2. Plan review fee – commercial electrical permits: \$0.01 per gross square foot; \$16.00 minimum;
3. Plan review fee – commercial plumbing permits: \$1.80 per fixture; \$16.00 minimum;
4. Plan review fee – commercial mechanical permits: \$0.01 per gross square foot; \$16.00 minimum;
5. Plan review fee – residential building permits: \$0.05 per square foot; \$8.00 minimum;
6. Plan review fee – residential electrical permits: \$0.05 per square foot; \$8.00 minimum;
7. Plan review fee – residential plumbing permits: \$0.05 per square foot; \$8.00 minimum;
8. Plan review fee – residential mechanical permits: \$0.05 per square foot; \$8.00 minimum;
9. Plan review fee – fire suppression/alarm plan: \$0.02 per square foot; \$75.00 minimum;
10. Request for permit extension: \$74.00;
11. Commercial temporary certificate of occupancy: \$150.00 for each thirty days;
12. Addition or change in contractor or mechanic's lien agent after permit is issued: \$34.00;
13. Elevator certificate: \$100.00 per elevator;
14. Code modification request: \$250.00; no refund allowed;
15. Group home/daycare/adultcare form, with no inspection: \$74.00;
16. Administrative fee for working without a permit: \$250.00; and
17. Technology surcharge: An additional 4% of each fee in Sections 5-201 through 5-208(S).

2) STA 2021-00001 Fees. To receive comments on a proposed ordinance to amend County Code Chapter 14, Subdivision of Land. The proposed ordinance would amend § 14-203, Fees, by increasing all current fees imposed in that section by up to 10.05%, rounded to the nearest dollar, an increase that reflects the increase in the County's

reasonable costs to provide services for which each fee is imposed since the last time that each respective fee was increased or established; and to impose a new Technology Surcharge of an additional 4% of each fee in County Code § 14-203(A) through § 14-203(H)(7). The proposed fees and fee increases are authorized by Virginia Code § 15.2-2241(9).

3) ZTA 2021-00001 Fees. To receive comments on a proposed ordinance to amend County Code Chapter 18, Zoning. The proposed ordinance would amend § 18-35.1, Fees, by increasing all current fees imposed in that section by up to 10.05%, rounded to the nearest dollar, an increase that reflects the increase in the County's reasonable costs to provide services for which each fee is imposed since the last time that each respective fee was increased or established; and to impose new fees for:

1. Review by the ARB – Conceptual plan/advisory review: \$538.00;
2. Review by the ARB – Preliminary/initial review of a site development plan: \$538.00;
3. County-wide certificate of appropriateness – Structures 750 feet or more from the Entrance Corridor, no taller than five stories: \$538.00;
4. County-wide certificate of appropriateness – Structures located behind a structure that fronts the Entrance Corridor: \$538.00;
5. County-wide certificate of appropriateness – Personal wireless service facilities: \$538.00;
6. County-wide certificate of appropriateness – Fencing or equipment or lighting: \$269.00;
7. County-wide certificate of appropriateness – Additions to ARB-approved buildings: \$538.00;
8. County-wide certificate of appropriateness – Minor amendments to site or architectural plans: \$538.00;
9. County-wide certificate of appropriateness – Building permits where the change is 50% or less of the altered elevation: \$538.00;
10. Review of any sign to be constructed in the Entrance Corridors: \$130.00;
11. Review of the resubmittal of any sign to be constructed in the Entrance Corridors: \$65.00; and
12. Technology Surcharge – an additional 4% of each fee in County Code § 18-35.1(A) through § 18-35.1(H)(3).

The proposed fees and fee increases are authorized by Virginia Code § 15.2-2241(9) (pertaining to County Code § 18-32, Site Plans) and § 15.2-2286(A)(6).

(Steve Allshouse, Manager of Forecasting and Performance)

19. From the Board: Committee Reports and Matters Not Listed on the Agenda.

20. From the County Executive: Report on Matters Not Listed on the Agenda.

21. Adjourn to April 28, 2020, 6:00 p.m., electronic meeting pursuant to Ordinance No. 20-A(16).

CONSENT AGENDA**8. FOR APPROVAL (by recorded vote):**

- 8.1. [21-253](#) Approval of Minutes: September 18 and October 16, 2019; and March 17, and March 27, 2020.
- 8.2. [21-258](#) FY 2021 Appropriations.
(Andy Bowman)
- 8.3. [21-257](#) Mutual Aid Agreement for Fire and Rescue Services Between Albemarle County and Louisa County.
(Dan Eggleston)
- 8.4. [21-245](#) Berkmar to Lewis and Clark Connector Revenue Sharing Project Agreement.
(Daniel Butch)
- 8.5. [21-266](#) Resolution to accept road(s) in the Sparrow Hill Subdivision into the State Secondary System of Highways. (White Hall Magisterial District)
- 8.6. [21-246](#) SE202000027 Special Exception for Proposed Antenna Array at an Existing Wireless Facility (1066 Goodwin Farm Lane).
(Rebecca Ragsdale)

8. FOR INFORMATION (no vote necessary):

- 8.7. [21-269](#) Facilities and Environmental Services (FES) 1st Quarter CY2021 Report.
(Lance Stewart)

Thank you for attending today's public hearing. During the 2021 Calendar Year, the Chair is Ned L. Gallaway and the Vice-Chair is Donna P. Price.

During the time set aside for "From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or Matters that are Pending Before the Board", individuals may address the Board of Supervisors concerning matters previously considered by the Board or matters that are pending before the Board. Please visit the Participation Guide for Public Meetings on the Albemarle County Board of Supervisors webpage for instructions on how to join the virtual meeting.

During Public Hearings, the Board will only acknowledge speakers addressing the item listed for Public Hearing. Speakers are limited to one appearance of three minutes per public hearing item. Applicants are limited to a ten-minute presentation of their proposal and are allowed a five-minute rebuttal at the close of the public hearing.

Albemarle County residents may sign up online in advance of the meeting to speak during Public Hearings and "From the Public" at <https://albemarle.legistar.com/Calendar.aspx> and clicking on eComment for the select meeting. To create an account, click on the sign-up link at the top right corner of the eComment webpage. Advanced sign-up will end two hours prior to the meeting. Residents who are unable to sign up in advance of the meeting may do so during the meeting through the webinar chat, provided there are remaining slots available. If you require assistance, please contact the clerk's office at clerk@albemarle.org or call 434-296-5843.

Up to 10 persons may speak during each "From the Public" session. The 10 speakers are determined on a first-come, first-served basis, with those persons signing up to speak before the meeting having priority. Each speaker may speak for up to three minutes and at only one "From the Public" session at each meeting. The speaker may include a visual or audio presentation, provided that the presentation is received by the Clerk at least 48 hours before the "From the Public" session at which the speaker plans to speak.

Time keeping is conducted by the Clerk. In order to give all speakers equal treatment and courtesy, the Board requests that speakers adhere to the following guidelines:

- When called, state your name and magisterial district
- Address comments directly to the Board as a whole
- Upload written statements and other supporting documents through the online eComment portal
- If you exceed your allotted time, you will be asked to end your comments
- If a speaker does not use all allocated time, the unused time may not be shared with another speaker

All comments are live streamed, recorded and published on the Albemarle County website.

Please turn off all pagers and cellular telephones.

Clerk, Board of County Supervisors
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