



Albemarle County

Meeting Agenda Board of Supervisors

Supervisor, Rivanna District Norman G. Dill
Supervisor, Rio District Ned L. Gallaway
Supervisor, White Hall District Ann H. Mallek
Supervisor, Jack Jouett District Diantha H. McKeel
Supervisor, Samuel Miller District Liz A. Palmer
Supervisor, Scottsville District Rick Randolph
County Executive, Jeffrey B. Richardson
Clerk, Claudette K. Borgersen

Wednesday, December 18, 2019

1:00 PM

Lane Auditorium

Regular Meeting

1. Call to Order.
2. Pledge of Allegiance.
3. Moment of Silence.
4. Adoption of Final Agenda.
5. Brief Announcements by Board Members.
6. Recognitions:
7. From the Public: Matters Not Listed for Public Hearing on the Agenda.
8. Consent Agenda (on next sheet)

1:30 p.m. - Work Session:

9. [19-584](#) Five Year Financial Plan Work Session.
(Lori Allshouse, Director, Office of Management and Budget)

3:00 p.m. - Recess.

3:15 p.m. - Work Sessions (continued):

10. [19-591](#) 2020 Crozet Master Plan Update: Guiding Principles & Goals.
(Andrew Knuppel, Neighborhood Planner)

11. [19-595](#) ZTA201900006 Rio29 Form-Based Code.

(Rachel Falkenstein, Senior Planner)

12. 4:45 p.m. - Closed Meeting.

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

- *Under Subsection (1), to discuss and consider appointments to the Albemarle Conservation Easement Authority and the Architectural Review Board; and*
- *Under Subsection (7), to consult with legal counsel and briefings by staff members pertaining to actual litigation between the Board of Supervisors and the Scottsville Volunteer Rescue Squad.*

Closed meeting motion subject to change.

13. Certify Closed Meeting.

14. Boards and Commissions:

- 14.1. [19-544](#) Vacancies and Appointments.

(Travis Morris)

6:00 p.m.

15. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Public Hearings:

16. [19-585](#) Ordinance to Amend County Code Chapter 4, Animals (Dogs Running at Large). To receive comments on its intent to adopt an ordinance to amend Albemarle County Code Chapter 4, Animals, Article 2, Dogs, Section 4-225, Dog running at large is prohibited, to establish when a dog must be on a leash rather than merely be under its owner's or custodian's immediate control to not be deemed a dog running at large, and to provide exceptions to these requirements.

(Greg Kamptner)

17. [19-583](#) SP201900010 Rivanna Solar. PROJECT: SP201900010 Rivanna Solar
MAGISTERIAL DISTRICT: Scottsville TAX MAP/PARCEL(S):
09400-00-00-017A0 LOCATION: 2631 Buck Island Rd PROPOSAL:
Request to amend SP201700018 to extend expiration time by three years
for approved solar-energy electrical generation facility, with solar panels
occupying approximately 90 acres on a 149-acre parcel. PETITION:
10.2.2.58, Solar energy systems. No new dwelling units proposed.
ZONING: RA Rural Area - agricultural, forestal, and fishery uses; residential
density (0.5 unit/acre in development lots) OVERLAY DISTRICT(S):
Entrance Corridor, Flood Hazard Overlay District COMPREHENSIVE
PLAN: Rural Area – preserve and protect agricultural, forestal, open
space, and natural, historic and scenic resources; residential (0.5 unit/ acre
in development lots) POTENTIALLY IN MONTICELLO VIEWSHED: Yes.

(Scott Clark, Senior Planner)

18. [19-588](#) 19-03(3) – Agricultural and Forestal Districts - Ordinance to amend County Code Chapter 3, Agricultural and Forestal Districts, Article II, Districts of Statewide Significance, Division 2, Districts, to review certain districts, to make corrections to certain district regulations to identify all those tax map parcels within the districts, and to add lands to certain districts, as specified below:
- a) AFD 2019-03 Buck Mountain AFD – District Review. The proposed ordinance would amend Section 3-209, Buck Mountain Agricultural and Forestal District, to continue the district for all parcels identified in the district regulations, to set the next district review deadline date of December 18, 2024, to identify TMPs 8-43A and 17-26C as no longer being in the district (land from TMP 8-43A was added to another parcel in the district, and TMP 17-26C was inadvertently not deleted in Ordinance 09-3(2), adopted on September 2, 2009, when land from this parcel was distributed to TMPs 17-26C1, 17-26C2, and 17-26C3 as a result of a subdivision), to identify TMP 8-44A as being in the district (this parcel was created by subdivision of another parcel in the district), and to remove TMPs 71-31(part) and 71-32, as well as any parcels for which a request for withdrawal is received before the Board acts on the proposed ordinance. The review of the district will be reduced from once every ten years to once every five years, so that the next review of the district after the current review will occur prior to December 18, 2024; and
- b) AFD 2019-04 Buck's Elbow Mountain AFD – District Review. The proposed ordinance would amend Section 3-210, Buck's Elbow Mountain Agricultural and Forestal District, to continue the district for all parcels identified in the district regulations, to set the next district review deadline date of December 18, 2024, and to remove any parcels for which a request for withdrawal is received before the Board acts on the proposed ordinance. The review of the district will be reduced from once every ten years to once every five years, so that the next review of the district after the current review will occur prior to December 18, 2024; and
- c) AFD 2019-05 Chalk Mountain AFD – District Review. The proposed ordinance would amend Section 3-212, Chalk Mountain Agricultural and Forestal District, to continue the district for all parcels identified in the district regulations, to set the next district review deadline date of December 18, 2029, and to remove any parcels for which a request for withdrawal is received before the Board acts on the proposed ordinance; and
- d) AFD 2019-06 Fox Mountain AFD – District Review. The proposed ordinance would amend Section 3-214, Fox Mountain Agricultural and Forestal District, to continue the district for all parcels identified in the district regulations, to set the next district review deadline date of

December 18, 2024, and to remove any parcels for which a request for withdrawal is received before the Board acts on the proposed ordinance. The review of the district will be reduced from once every ten years to once every five years, so that the next review of the district after the current review will occur prior to December 18, 2024; and

e) AFD 2019-07 Jacobs Run Mountain AFD – District Review. The proposed ordinance would amend Section 3-222, Jacobs Run Agricultural and Forestal District, to continue the district for all parcels identified in the district regulations, to set the next district review deadline date of December 18, 2024, and to remove any parcels for which a request for withdrawal is received before the Board acts on the proposed ordinance. The review of the district will be reduced from once every ten years to once every five years, so that the next review of the district after the current review will occur prior to December 18, 2024; and

f) AFD 2019-08 Sugar Hollow AFD – District Review. The proposed ordinance would amend Section 3-231, Sugar Hollow Agricultural and Forestal District, to continue the district for all parcels identified in the district regulations, to set the next district review deadline date of December 18, 2024, and to remove any parcels for which a request for withdrawal is received before the Board acts on the proposed ordinance. The review of the district will be reduced from once every ten years to once every five years, so that the next review of the district after the current review will occur prior to December 18, 2024; and

g) AFD 2019-09 Yellow Mountain AFD – District Review. The proposed ordinance would amend Section 3-233, Yellow Mountain Agricultural and Forestal District, to continue the district for all parcels identified in the district regulations, to set the next district review deadline date of December 18, 2029, and to remove any parcels for which a request for withdrawal is received before the Board acts on the proposed ordinance; and

h) AFD 2019-11 Yellow Mountain AFD – Addition. The proposed ordinance would amend Section 3-233, Yellow Mountain Agricultural and Forestal District, to add TMP 71-22C2 to the district.

(Scott Clark)

19. [19-573](#) ZTA 201900003 – Religious Assembly Use in Rural Area. To receive public comment on its intent to adopt amendments to the following sections of the Albemarle County Code: Section 18-5.1 – to institute performance standards and neighbor notice requirements for religious assembly uses in Rural Areas similar to the performance standards for agricultural operations, and to permit by-right minor expansions of a limited nature to non-conforming religious assembly uses in Rural Areas; Section 18-10.2.1 – to permit religious assembly uses in Rural Areas with assembly of not more than 200 persons by right; Section 18-2.2.2 – to permit religious assembly uses in Rural Areas with assembly of more than 200 persons by special use permit; Section 18-32.2 – to exempt religious assembly use with assembly of not more than 200 persons from site plan requirements.

(Lea Brumfield, Senior Planner)

20. [19-590](#) Regulation and Licensure of Certain Mobility Devices. To receive public comment on its intent to adopt an ordinance to amend Chapter 9 (Motor Vehicles and Traffic) of the Albemarle County Code by adding the following proposed provisions: (1) Article IX (§§ 9-900 to 9-910) would establish regulations for bicycles, electric power-assisted bicycles, motorized skateboards or scooters, and mopeds (collectively, the “vehicles”) by making the riders of the vehicles subject to applicable traffic laws, requiring the vehicles to be equipped with lights and brakes, requiring the vehicles be operated on roadways generally and prohibiting them from being operated on sidewalks, regulating parking the vehicles and other manners of their operation, establishing penalties for violations, requiring that accidents be reported, and disposing of unclaimed vehicles; and (2) Article X (§§ 9-1000 to 9-1007) would establish a licensing program for any business that offers, or applies to offer, a bicycle, electric power-assisted bicycle, or motorized skateboard or scooter (collectively, the “vehicles”), for hire, and to authorize the County Executive or his designee to administer a permitting program, including issuing permits and establishing a cap on the number of vehicles licensed to operate under the program, establishing reasonable fees, charges, and penalties, establishing regulations for suspending or revoking permits for violations of the program, and establishing an administrative appeal process for permit denials, suspensions, revocations, and the number of vehicles allowed under a permit.

(Kevin McDermott, Principal Planner – Transportation)

21. [19-586](#) Ordinance to Amend County Code Chapter 9, Motor Vehicles (Residential Parking). To receive comments on its intent to adopt an ordinance to amend Albemarle County Code Chapter 9, Motor Vehicles, Section 9-102, General prohibitions, and Section 9-118, Removal or immobilization of vehicles with outstanding parking violations-enforcement of parking regulations; notice of violations; waiver of trial; contesting charges; penalties. The proposed ordinance would prohibit commercial vehicles from being parked on, and storage containers and dumpsters from being placed on, secondary streets in areas zones for residential use in the County, impose a fine for the violation of these regulations, provide definitions for “commercial vehicles” and “areas zoned for residential use,” and clarify the fine payment process.

(Greg Kamptner)

22. [19-596](#) Conveyance of Real Property to the Albemarle County School Board. To consider conveying Tax Parcel 09100-00-00-01100, owned by the County, located at 133 Galaxie Farm Lane, and consisting of approximately 15.80 acres, to the Albemarle County School Board, for the purpose of the Albemarle County School Board’s construction of a high school center.

(Greg Kamptner)

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

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

25. **Adjourn.**

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

- 8.1. [19-569](#) Personnel Policy P-86 and P-81 Amendments.
(Kim Shigeoka)
- 8.2. [19-587](#) Resolution Request for Funding Through VDOT Recreation Access Program to Construct New Entrance and Roadway to Biscuit Run Park.
(Bob Crickenberger)
- 8.3. [19-599](#) Eastern Avenue South Connection Proposed Design and Engineering Study.
(Blake Abplanalp)
- 8.4. [19-601](#) Conveyance of Small Pieces of Land to Virginia Department of Transportation for Bridge Replacement in Totier Creek Park.
(Lance Stewart)
- 8.5. [19-594](#) Authorization to Schedule a Public Hearing for Ordinance to Amend County Code Chapter 4, Animals.
(Greg Kamptner)
- 8.6. [19-602](#) Resolution to accept road(s) in the Stillhouse Ridge Subdivision into the State Secondary System of Highways. (Samuel Miller Magisterial District)
- 8.7. [19-603](#) Resolution to accept road(s) in the Berkshire Landing Subdivision into the State Secondary System of Highways. (Jack Jouett Magisterial District)
- 8.8. [19-263](#) Resolution to accept road(s) in the Woodlawn Subdivision into the State Secondary System of Highways. (Jack Jouett Magisterial District)
- 8.9. [19-574](#) Resolution of Intent to Amend Design Standards for Land Disturbing Activities.
(Lea Brumfield)
- 8.10. [19-568](#) Resolution of Intent to Amend Procedures for Review of Zoning Text Amendments, Zoning Map Amendments, Special Use Permits and Special Exceptions.
(Bill Fritz)
- 8.11. [19-579](#) Special Exception Request – disturbance of critical slopes and modification of a building site for TMP 63-19E.
(Tori Kanellopoulos)

- 8.12. [19-578](#) SDP201900052 W4 Development Car Wash - Special Exception Request.
(*Mariah Gleason*)

8. FOR INFORMATION (no vote necessary):

- 8.13. [19-598](#) Q1 FY20 Quarterly Financial Report; Q1 FY20 General Fund Revised Financial Projections Report; and Q1 FY20 Economic Indicators Report.
(*Bill Letteri*)
- 8.14. [19-592](#) 2019 Growth Management Report.
(*Andrew Knuppel*)
- 8.15. [19-575](#) Albemarle County 2019 3rd Quarter Certificate of Occupancy Report.
(*David Benish*)
- 8.16. [19-576](#) Albemarle County 2019 3rd Quarter Building Report.
(*David Benish*)
- 8.17. [19-593](#) CCP201900003 UVA Encompass Health.
(*Tori Kanellopoulos*)

Thank you for attending today's public hearing. During the 2019 Calendar Year, the Chair is Ned L. Gallaway and the Vice-Chair is Rick Randolph.

During the time set aside for "Matters Not Listed for Public Hearing on the Agenda", individuals may address the Board of Supervisors concerning any issue not listed on the agenda for Public Hearing. Individuals are allowed three minutes to speak, unless otherwise decided. A sign-up sheet is provided at the 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. A sign-up sheet is provided at the meeting and you may sign up online in advance of the meeting at <http://www.albemarle.org/bosspeakers/>. Speakers will be called forward in an alternating pattern of in person sign ups and online sign ups. 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.

Time keeping is conducted through a timer and a light system at the podium. The green light will go on when you begin speaking and this begins your allotted time; a yellow light indicates you have one minute to finish your comment; a red light indicates your time has expired. If more than 10 speakers are signed up to speak, the time allotted to speak will be reduced to two minutes and the yellow light will indicate you have 30 seconds to finish your comment. In order to give all speakers equal treatment and courtesy, the Board requests that speakers adhere to the following guidelines:

When called to the speaker's podium, state your name and magisterial district;

Address comments directly to the Board as a whole;

Give written statements and other supporting material to the Clerk;

If you represent a group or organization, you may ask others present to raise their hands and be recognized;

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;

Speakers are permitted one opportunity to comment during each of the public comment periods per meeting;

Back-and-forth debate is prohibited;

Do not speak from your seat or out of turn;

Persons in the audience are encouraged to raise their hands to indicate their support or opposition to speakers at the podium or any item during the meeting;

Please refrain from applause and other forms of approval or disapproval, as a courtesy to each speaker;

Signs are permitted in the meeting room so long as they are not attached to any stick or pole and do not obstruct the view of persons attending the meeting.

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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