



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, September 1, 2021

1:00 PM

Electronic Meeting

Regular First 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. [21-426](#) Proclamation in Remembrance of the 20th Anniversary of 9/11/2001.
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. [21-422](#) SE202100028 Homestay Special Exception Buck Mountain. (White Hall Magisterial District)
(Lea Brumfield, Senior Planner II)
10. [21-421](#) SE202100027 Homestay Special Exception Ownby. (Scottsville Magisterial District)
(Lea Brumfield)

2:15 p.m. - Work Session:

11. [21-440](#) Proposed 2022 Legislative Priorities.
(Greg Kamptner)

3:15 p.m. - Recess.**3:30 p.m. - Presentations:**

12. [21-415](#) Climate Program Update.
(Gabe Dayley, Climate Protection Program Manager)
13. [21-443](#) Board-to-Board, August 2021, a monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors.
(Graham Paige, Chair, School Board)

14. 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:*
 1. *Appointments to eight committees, one task force, and one board; and*
 2. *The annual performance and salaries of the Clerk and the County Executive.*

Closed meeting subject to change.

15. Certify Closed Meeting.**16. Boards and Commissions:**

- 16.1. [21-411](#) Vacancies and Appointments.
(Travis Morris)

6:00 p.m.

17. 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.

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

Action Item:

19. [21-418](#) The Regents School - Private Central Sewerage System.

(Frank Pohl, County Engineer)

Public Hearing:

20. [21-425](#) Fiscal Year 2022 Budget Amendment and Appropriations.

(Andy Bowman, Chief of Budget Division)

21. [21-423](#) Ordinance to Form a Regional Cigarette Tax Board. To receive public comment on its intent to adopt an ordinance approving the formation of a joint cigarette tax board and an agreement between the County of Albemarle, Virginia and other participating local governing bodies that bestows on the tax board all powers necessary and proper for the performance of its duties as provided in the agreement and under Virginia Code § 15.2-1300.

(Lori Allshouse, Assistant CFO for Policy and Partnerships)

22. [21-407](#)

Agricultural and Forestal Districts (AFDs). Ordinance to amend County Code Chapter 3, Agricultural and Forestal Districts, Article 2, 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 2021-01 Sugar Hollow AFD – Addition. The proposed ordinance would amend Section 3-231, Sugar Hollow Agricultural and Forestal District, to add TMP 40-12A to the district;
- b) AFD 2021-02 Moorman’s River AFD – Addition. The proposed ordinance would amend Section 3-226, Moorman’s River Agricultural and Forestal District, to add TMPs 28-31, 28-31A, and 28-33 to the district;
- c) AFD 2021-03 Jacobs Run AFD – Addition. The proposed ordinance would amend Section 3-222, Jacobs Run Agricultural and Forestal District, to add TMP 18-16C to the district;
- d) AFD 2021-04 Hatton District AFD – District Review. The proposed ordinance would amend Section 3-219, Hatton 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 September 1, 2031, and to remove TMP 136-9 from the district, as well as any parcels for which a request for withdrawal is received before the Board acts on the proposed ordinance; and
- e) AFD 2021-05 Totier Creek AFD – District Review. The proposed ordinance would amend Section 3-233, Totier Creek 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 September 1, 2031, to identify TMP 121-82H (part) as being in the district (land already in the district was transferred to this parcel through a boundary line adjustment), and to remove TMP 121-85 from the district, as well as any parcels for which a request for withdrawal is received before the Board acts on the proposed ordinance.

(Scott Clark, Senior Planner II)

23. [21-420](#) ZTA 201900006 Rio29 Form-Based Code and ZMA 202100002 Rio29 Form-Based Code Overlay District (Sign #29, 35, 36, and 45). To receive comments on a proposed ordinance to amend the Albemarle County Code to establish an optional form-based code overlay district in the Rio29 Small Area Plan Area, and a proposed amendment to the zoning map under Albemarle County Code § 18-1.7, Zoning Map, by adding one or more maps delineating the boundaries of the Rio29 Form-Based Code Overlay District and depicting the Core Character Area, the Flex Character Area, and the Edge Character Area therein. This overlay district is proposed for the area within a half-mile radius of the intersection of Rio Road and U.S. Route 29, except for (a) the Berkeley, Four Seasons, Woodbrook, Greenfields, Northfields, and Raintree subdivisions, (b) the Oakleigh NMD, and (c) Tax Parcels 04500000002600, 045000000026A1, 045000000026A2, 04500000002700, 045000000027A0, 045000000027B0, 045000000029A0, 045000000093A0, 045000000093D0, 04500000009500, 045000000095A0, 04500000010800, 06100000013400, 061Z0030000600, 061Z0030000700, and 061Z0030000800. Among other revisions, the proposed ordinance would:
- Add § 18-20C – Rio29 Form-Based Code to encourage development consistent with the Rio29 Small Area Plan vision, establishing compact development patterns of massing and density at an urban scale with a mixture of uses within close proximity to each other; permit property owners to opt into the Form-Based Code regulations or to retain their existing zoning; establish three Character Areas with different uses and forms; create street standards, building standards, parking standards, architectural design standards, and civic space standards to achieve the goals of the Rio29 Small Area Plan vision; establish affordable housing requirements for residential developments of 5 or more residential dwelling units developed under the Rio29 Form-Based Code; and permit increased building heights in exchange for additional affordable housing units.
- Amend § 18-30.6.4 to allow structures developed under the Rio29 Form-Based Code to qualify for a county-wide certificate of appropriateness.

(Rachel Falkenstein, Planning Manager)

24. [21-428](#) Ordinance to Amend County Code Chapter 7, Health and Safety. To receive public comment on its intent to adopt an ordinance to amend County Code Chapter 7, Health and Safety, Article 1, Noise. The proposed ordinance would amend County Code § 7-105 to prohibit sound produced by loud explosive devices, such as air cannons and carbide cannons, that are designed to produce high intensity sound percussions for the purpose of repelling birds, if the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the device is located; or (ii) from inside a dwelling unit or hotel room. Virginia Code § 15.2-918 enables localities to prohibit these devices. The proposed ordinance also would expressly state that using these devices is not an exempt agricultural activity as otherwise provided in County Code § 7-106.

(Greg Kamptner)

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

26. **Adjourn to September 15, 2021, 1:00 p.m., electronic meeting pursuant to Ordinance No. 20-A(16).**

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

- 8.1. [21-412](#) Schedule a Public Hearing to Consider the Adoption of an Ordinance to Amend County Code Chapter 15, Taxation.
(Jian Lin)
- 8.2. [21-439](#) Resolution to Accept road(s) in Cascadia Blocks 1-3 into the State Secondary System of Highways. (Rivanna Magisterial District)
- 8.3. [21-432](#) Resolution to Accept road(s) in Cascadia Blocks 4-7 into the State Secondary System of Highways. (Rivanna Magisterial District)

8. FOR INFORMATION (no vote necessary):

- 8.4. [21-429](#) Rivanna River Corridor Plan Update and Time Frame for Consideration of Draft Plan.
(David Benish)

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" ("From the Public"), 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. 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 on to speak, state your name and magisterial district
- Address comments directly to the Board as a whole
- If you have written statements, e-mail them to the Clerk at clerk@albemarle.org
- 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
- Back and forth debate is prohibited

**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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