

ACTIONS
Board of Supervisors Meeting of April 3, 2024

April 4, 2024

AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
<p>1. Call to Order.</p> <ul style="list-style-type: none"> The Meeting was called to order at 1:03 p.m. by the Chair, Mr. Andrews. All BOS members were present. Also, present were Jeff Richardson, Steve Rosenberg, Claudette Borgersen, and Travis Morris. 		Link to Video
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> Announced that a resolution cancelling the April 10, Budget Work Session was added to the Consent Agenda as item #8.7a. By a vote of 6:0, ADOPTED the final agenda as amended. 		
<p>5. Brief Announcements by Board Members.</p> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Announced that Solarize Virginia through LEAP (Local Energy Alliance Program) was accepting applications from April 1 – June 30 for individuals who are interested in an assessment and information on their program. She encouraged community members to contact LEAP at solarizeva.org for more information. Announced that the White Hall Ruritans 14th annual plant sale would be held on Saturday, April 27th from 8:00 a.m. - 1:00 p.m., at the White Hall Community Building. <p><u>Bea LaPisto-Kirtley:</u></p> <ul style="list-style-type: none"> Commended staff on the budget town halls that had already been held and encouraged community members to attend the upcoming town halls. <p><u>Mike Pruitt:</u></p> <ul style="list-style-type: none"> Thanked staff for their community outreach on the budget and the budget development process. Reminded residents that in person early voting for congressional primaries would begin on May 3, 2024. <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> Announced that the upcoming Jack Jouett budget town hall was scheduled for Monday, April 8th, at Journey Middle School, after the Community Advisory Committee business meeting at 5:30 p.m. Acknowledged the passing of Dr. Daniel P. Jordan on March 21, 2024. She noted that Dr. Jordan was instrumental in bringing Monticello into the 21st century. <p><u>Jim Andrews:</u></p> <ul style="list-style-type: none"> Commended staff and members of the public who participated in the budget town hall meetings. Announced that the Batesville Day Festival would be held on May 4, 2024. 		
<p>6. Proclamations and Recognitions.</p> <p>a. Proclamation Recognizing April 2-8, 2024, as Dark Sky Week.</p>	(Attachment 1)	

	<ul style="list-style-type: none"> By a vote of 6:0, ADOPTED proclamation and presented it to Christine Hirsh-Putnam. 	
7.	<p>From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.</p> <ul style="list-style-type: none"> <u>The following individuals addressed the Board concerning Recreational Activities at Ragged Mountain Natural Area:</u> <ul style="list-style-type: none"> Carlos Armengol Mark Lorenzoni Grace Agnew Sue Friedman <u>The following individuals addressed the Board on Agenda Item #11. AC44 Work Session: Draft Goals and Objectives for Community Facilities:</u> <ul style="list-style-type: none"> Neil Williamson Rob McGinnis 	
8.2	<p>Fiscal Year 2024 Appropriations.</p> <ul style="list-style-type: none"> ADOPTED resolution to approve appropriations #2024032; and #2024033 for County government projects and programs. 	<p><u>Clerk:</u> Forward copy of signed resolution to Finance and Budget and County Attorney's office. (Attachment 2)</p>
8.3	<p>Schedule Public Hearing to Consider the Adoption of Ordinance to Amend County Code Chapter 15, Taxation related to Article 9, Transient Occupancy Tax.</p> <ul style="list-style-type: none"> SCHEDULED a public hearing at a future meeting. 	<p><u>Clerk:</u> Schedule on April 24 agenda and advertise in the Daily Progress.</p>
8.4	<p>Albemarle County Office of Housing Administrative Plan.</p> <ul style="list-style-type: none"> ADOPTED Albemarle County Office of Housing Administrative Plan. 	<p>(Attachment 3)</p>
8.5	<p>Resolution of Intent to Amend the Rio29 Form Based Code Zoning Ordinance.</p> <ul style="list-style-type: none"> ADOPTED resolution of intent to amend the Rio29 Form Based Code. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 4)</p>
8.6	<p>Resolution Declaring that Local Emergency is Ended (March 2024 Wildfires).</p> <ul style="list-style-type: none"> ADOPTED resolution. 	<p><u>Clerk:</u> Forward copy of signed resolution to County Attorney's office and County Executive's office. (Attachment 5)</p>
8.7	<p>Proclamation Recognizing Arab American Heritage Month.</p> <ul style="list-style-type: none"> ADOPTED proclamation. 	<p>(Attachment 6)</p>
8.7a	<p>Resolution Cancelling April 10, 2024, Budget Work Session.</p> <ul style="list-style-type: none"> ADOPTED resolution cancelling April 10, 2024, Budget Work Session. 	<p><u>Clerk:</u> Forward copy of signed resolution to County Attorney's office. (Attachment 7)</p>
9.	<p>S.L. Williamson Company, Inc. - Consideration of Claim.</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution to deny claim. 	<p><u>Clerk:</u> Forward copy of signed resolution to County Attorney's office. (Attachment 8)</p>
10.	<p>Work Session: VDOT/Albemarle County FY 25-30 Draft Secondary Six-Year Plan.</p> <ul style="list-style-type: none"> HELD 	
	<p>Recess.</p> <ul style="list-style-type: none"> At 2:09 p.m., the Board recessed and reconvened at 2:26 p.m. 	
11.	<p>Work Session: AC44 Work Session: Draft Goals</p>	

<p>and Objectives for Community Facilities.</p> <ul style="list-style-type: none"> • HELD. 		
<p>12. Closed Meeting.</p> <ul style="list-style-type: none"> • At 4:25 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 various boards and commissions including, without limitation, Crozet Community Advisory Committee, Historic Preservation Committee, JAUNT Board of Directors, Piedmont Family YMCA Board of Directors, Places 29 (Hydraulic) Community Advisory Committee, Places 29 (North) Community Advisory Committee, Rivanna River Basin Commission, and Albemarle County Social Services Advisory Board; • under subsection (8) to consult with legal counsel regarding specific legal matters requiring legal advice relating to the possible exercise of authority under Virginia Code § 15.2-2308 to appoint alternates to the Board of Zoning Appeals; and • under subsection (29), to discuss the renegotiation of a public contract between the County of Albemarle, Virginia and the Charlottesville-Albemarle Society for the Prevention of Cruelty to Animals involving the expenditure of public funds for the provision of shelter services, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the County and the Board. 		
<p>13. Certify Closed Meeting.</p> <ul style="list-style-type: none"> • At 6:01 p.m., the Board reconvened into an open meeting and certified the closed meeting. 		
<p>14. Boards and Commissions:</p> <p>a. Vacancies and Appointments.</p> <ul style="list-style-type: none"> • APPOINTED, Ms. Kate Acuff to the Places 29 (Hydraulic) Community Advisory Committee with said term to expire on August 5, 2026. • APPOINTED, Mr. John Reeher to the Places 29 (North) Community Advisory Committee with said term to expire on August 5, 2025. • REAPPOINTED, Mr. Lonnie Murray to the Rivanna River Basin Commission with said term to expire on April 30, 2028. 	<p><u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>	
<p>15. From the County Executive: Report on Matters Not Listed on the Agenda. <u>Jeff Richardson:</u></p> <ul style="list-style-type: none"> • Provided an update on the local emergency that was declared on March 20, 2024. <ul style="list-style-type: none"> ○ Consensus to authorize the Chair to send thank you letters to the communities who assisted Albemarle County during the local emergency. • Announced that Deputy County Executive Trevor Henry would present a report on Rivanna Futures at the second meeting in April. He mentioned that he and key staff would 		

<p>travel to Washington D.C. the following week to attend a three-day Association of Defense Communities Conference.</p>		
<p>16. From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.</p> <ul style="list-style-type: none"> • <u>The following individuals address the Board concerning Recreational Activities at Ragged Mountain Natural Area:</u> <ul style="list-style-type: none"> • Aaron and Emory Bernard • Jack Holbrook • Collen Little • Tom Olivier • David Stackhouse • Bobby Casteen • Rick Randolph • Len Wolowiec • John Lewis • Kim O'Brian 		
<p>17. <u>Pb. Hrg.: SP202300011 and SP202300013 Service Dogs of VA.</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED resolution to approve SP202300011. • By a vote of 6:0, ADOPTED resolution to approve SP202300013. 	<p><u>Clerk:</u> Forward copies of signed resolutions to Community Development and County Attorney's office. (Attachments 9 and 10)</p>	
<p>18. <u>Pb. Hrg.: SP202300012 Kenridge Landscaping Amendment.</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED resolution to approve SP202300012 Kenridge Landscape Amendment with amended Condition 6 as recommended by staff. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 11)</p>	
<p>19. From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <p>a. Permitted Recreational Activities at the Ragged Mountain Natural Area.</p> <ul style="list-style-type: none"> • By a vote of 4:2 (Mallek, McKeel), directed staff to come back at a subsequent meeting to provide a presentation regarding the litigation results, the settlement terms and what they mean in terms of the County's authority, and also possible ways forward if additional activities are to be considered. <p>b. General Items from the Board.</p> <ul style="list-style-type: none"> • By a vote of 6:0, approved of entering the e-mail from Amanda Brookman of the Scottsville District that was received by the members of the Board at 6:41p.m. (on April 3) into the official record. 		
<p>20. April 17, 2024, 1:00 p.m. Lane Auditorium.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 7:58 p.m. 		

ckb/tom

- Attachment 1 – Proclamation Recognizing Dark Sky Week
- Attachment 2 – Resolution to Approve Additional FY 2024 Appropriations
- Attachment 3 – On File in the Clerk's Office
- Attachment 4 – Resolution of Intent to Amend the Rio29 Form Based Code
- Attachment 5 – Resolution Declaring that Local Emergency Is Ended (March 2024 Wildfires)
- Attachment 6 – Proclamation Celebrating National Arab American Heritage Month
- Attachment 7 – Resolution Cancelling April 10, 2024 Budget Work Session

Attachment 8 – Resolution to Deny Claim Asserted By S.L. Williamson Company, Inc.
Attachment 9 – Resolution to Approve SP202300011 Service Dogs of Virginia Private School
Attachment 10 – Resolution to Approve SP202300013 Service Dogs of Virginia Kennel
Attachment 11 – Resolution to Approve SP 202300012 Kenridge Landscape Amendment

PROCLAMATION RECOGNIZING DARK SKY WEEK

WHEREAS, the aesthetic beauty and wonder of a natural night sky is a shared heritage of all humankind. The experience of standing beneath a starry night sky inspires feelings of wonder and awe. Many people in Albemarle County, live under a dome of light pollution—excessive artificial lighting at night that disrupts natural darkness—and may never experience the visual wonder or ecological and health benefits of living under a dark sky; and

WHEREAS, light pollution has scientifically-established economic and environmental consequences, which result in significant impacts to the ecology and human health of all communities; and light pollution represents a waste of natural resources amounting to roughly \$3 billion per year of wasted energy in the U.S. and contributes to climate change, and

WHEREAS, Albemarle County has adopted the Biodiversity Action Plan to protect the many species which rely on undisturbed night environments to hunt, mate, and thrive. Albemarle County is home to Fan Mountain Observatory operated by the Astronomy Department of the University of Virginia. The southernmost edge of Albemarle County is less than ten miles from the James River State Park which is one of four Virginia State Parks designated as an International Dark Sky Park by the International Dark Sky Association; and

WHEREAS, the International Dark-Sky Association is the globally-recognized authority on light pollution, and has created International Dark Sky Week to raise awareness of light pollution, and provide free education, resources, and solutions to the public to encourage the protection of and enjoyment of dark skies and responsible outdoor lighting.

NOW, THEREFORE, BE IT PROCLAIMED that we, the Albemarle County Board of Supervisors, do hereby recognize

April 2-8, 2024

as

INTERNATIONAL DARK SKY WEEK

and ask each resident to join us, not only in observing and pondering upon this important week, but also in raising awareness and support for protecting our precious dark skies resources.

Signed this 3rd day of April 2024.

**RESOLUTION TO APPROVE
ADDITIONAL FY 2024 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2024032; and #2024033 are 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, 2024.

On File in the Clerk's Office

**RESOLUTION OF INTENT
TO AMEND THE RIO29 FORM BASED CODE**

WHEREAS, on December 12, 2018, the Board of Supervisors adopted the Rio29 Small Area Plan as a component of the Places 29 Master Plan portion of the Comprehensive Plan; and

WHEREAS, on September 1, 2021, the Board of Supervisors adopted the Rio29 Form Based Code (*Albemarle County Code* § 18-20C) to help achieve the Rio29 Small Area Plan vision; and

WHEREAS, review of the first site development plan applications under the Form Based Code have revealed problematic ordinance provisions; and

WHEREAS, revisions would improve both the Form Based Code, the application review process, and the ultimate development of the Rio29 area; and

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to amend *Albemarle County Code* § 18-20C and any other sections of the Zoning Ordinance deemed appropriate; and

BE IT FURTHER RESOLVED THAT the Planning Commission hold a public hearing on this resolution of intent and return its recommendations to the Board of Supervisors at the earliest possible date.

**RESOLUTION DECLARING THAT LOCAL EMERGENCY IS ENDED
(March 2024 Wildfires)
(Virginia Code § 44-146.21)**

WHEREAS, beginning 20 March 2024, atmospheric conditions, including drastic winds and wildfires (“the Disaster”) caused and threatened to cause significant damage to Albemarle County (“the County”); and

WHEREAS, the Board of Supervisors formally declared a state of local emergency on 20 March 2024; and

WHEREAS, there is no longer a need for the County to provide aid or assistance pursuant to or to exercise the powers conferred by Virginia Code § 44-146.21.

NOW THEREFORE, BE IT RESOLVED, that there are no further emergency actions related to the Disaster to be taken; and

BE IT FURTHER RESOLVED, the declared local emergency is ended.

Proclamation Celebrating National Arab American Heritage Month

WHEREAS, the National Arab American Heritage Month is recognized in April and is a time for celebrating the history, contributions, and cultures of Arab Americans; and

WHEREAS, Arab American communities have played an important role in shaping, advancing, and enriching the fabric of our nation and Albemarle County by making immense contributions to all areas of life, including government, business, arts and sciences, medicine, law enforcement, technology, and the military; and

WHEREAS, the history of Arab Americans in the U.S. has been neglected or defaced by misconceptions, harmful stereotyping; and

WHEREAS, Arab Americans join all Americans in the desire to see a peaceful and diverse society where every individual is treated equally and feels safe.

NOW, THEREFORE, BE IT PROCLAIMED, that we, the Albemarle County Board of Supervisors, do hereby honor and recognize Arab American Heritage Month and continue to affirm our commitment to equity and inclusion in Albemarle County.

Signed this 3rd day of April 2024.

RESOLUTION CANCELLING APRIL 10, 2024 BUDGET WORK SESSION

WHEREAS, by resolution adopted at its organizational meeting on January 3, 2024, the Board of Supervisors of the County of Albemarle, Virginia established a schedule for its meetings during 2024.

WHEREAS, pursuant to the established schedule, the Board of Supervisors is scheduled to conduct a budget work session on Wednesday, April 10, 2024, at 3:00 p.m.

WHEREAS, the Board of Supervisors desires to cancel its scheduled work session.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia that its budget work session scheduled on Wednesday, April 10, 2024, at 3:00 p.m. be, and hereby is, cancelled.

**RESOLUTION TO DENY CLAIM
ASSERTED BY S.L. WILLIAMSON COMPANY, INC.**

WHEREAS, S.L. Williamson Company, Inc. ("SLWCO"), by counsel, has asserted a claim for additional costs incurred in its completion of the Ivy Road Sidewalk Improvements Project in the amount of \$238,207.29 against the County of Albemarle, as specifically set forth in a Notice of Claim dated January 16, 2024; and

WHEREAS, the claim was presented to the Board of Supervisors by counsel to SLWCO at a meeting of the Board on March 6, 2024; and

WHEREAS, the Board of Supervisors finds that the present claim is not supported by the facts or by law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia denies the claim of S.L. Williamson Company, Inc. in the amount of \$238,207.29.

**RESOLUTION TO APPROVE
SP202300011 SERVICE DOGS OF VIRGINIA
PRIVATE SCHOOL**

WHEREAS, upon consideration of the staff reports prepared for SP 202300011 Service Dogs of Virginia - Private School and all of their attachments, including staff's supporting analysis, the information presented at the public hearings, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-10.2.2(5) and 18-33.8(A), 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 zoning 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 SP 202300011 Service Dogs of Virginia - Private School, subject to the conditions attached hereto.

* * *

SP202300011 Service Dogs of Virginia Private School Special Use Permit Conditions

1. Development of the use must be in general accord with the conceptual plan titled "Service Dogs of Virginia Special Use Permit Application Plan" drawn by Collins Engineering, dated March 13, 2024. To be in general accord with the Conceptual Plan, development must reflect the following major elements essential to the design of the development:
 - a. Location of building envelopes;
 - b. Location of parking, structures, and facilities within building envelopes;
 - c. Location of entrance and access road;Minor modifications to the plan that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.
2. The maximum height of structures must not exceed 24 feet.
3. Perimeter fencing of outdoor activity areas must be installed prior to the commencement of the uses.
4. All kennel buildings must be sound-proofed.
5. The private school use of the property is limited to service animal instruction, training, and handling.

**RESOLUTION TO APPROVE
SP202300013 SERVICE DOGS OF VIRGINIA
KENNEL**

WHEREAS, upon consideration of the staff reports prepared for SP 202300013 Service Dogs of Virginia - Kennel and all of their attachments, the information presented at the public hearings, any comments received, and the factors relevant to special use permits in Albemarle County Code § 18-10.2.2(17) and § 18-33.8(A), 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 zoning district, with the applicable provisions of Albemarle County Code § 18-5.1.11, 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 SP 202300013 Service Dogs of Virginia - Kennel, subject to the conditions attached hereto.

* * *

SP202300013 Service Dogs of Virginia Kennel Special Use Permit Conditions

1. Development of the use must be in general accord with the conceptual plan titled "Service Dogs of Virginia Special Use Permit Application Plan" drawn by Collins Engineering, dated March 13, 2024. To be in general accord with the Conceptual Plan, development must reflect the following major elements essential to the design of the development:
 - a. Location of building envelopes;
 - b. Location of parking, structures, and facilities within building envelopes;
 - c. Location of entrance and access road;
 Minor modifications to the plan that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.
2. The maximum height of structures must not exceed 24 feet.
3. Perimeter fencing of outdoor activity areas must be installed prior to the commencement of the uses.
4. All kennel buildings must be sound-proofed.
5. The private school use of the property is limited to service animal instruction, training, and handling.

**RESOLUTION TO APPROVE
SP 202300012 KENRIDGE LANDSCAPE AMENDMENT**

WHEREAS, the Kenridge Homeowners Association submitted an application for an amendment to a special use permit that was previously approved (SP 2012-13), and

WHEREAS, the amendment application is identified as SP202300012 Kenridge Landscape Amendment (“SP 2023-12”); and

WHEREAS, on December 12, 2023, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of an amended SP 2023-12; and

WHEREAS, upon consideration of the staff reports prepared for SP2023-12 and all of their attachments, including staff’s supporting analysis, the information presented at the public hearings, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-23.2.2(9) and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the amended 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 Commercial Office (CO) zoning 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 SP 202300012 Kenridge Landscape Amendment, subject to conditions 1-5 and 7-17 of existing SP201200013, and the amended condition 6 attached hereto.

* * *

**SP202300012 Kenridge Landscape Amendment Special Use Permit
Amended Condition 6**

6. Screening adjacent to the railroad right-of-way and along the west and east sides of the project must be provided and maintained in general accord with the concept plan titled “Kenridge Amendment Application Plan,” dated August 21, 2023, prepared by Collins Engineering. To be in general accord with the Conceptual Plan, development shall reflect the following major elements within the development essential to the design of the development.

- a. Location and width of required screening buffers
- b. Continuous buffer of evergreen trees installed in a staggered row along the western property boundary,
- c. Either a single row or staggered row of evergreen trees along the eastern and northern property boundary.
- d. Spacing of the perimeter buffer may be adjusted along the eastern and western boundary lines to accommodate existing conditions and proper landscape spacing from the existing perimeter landscaping on the adjacent properties.

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance, improve safety, or landscape design or health of trees, subject to approval by the Director of Planning.