

**ACTIONS**  
**Board of Supervisors Meeting of July 15, 2020**

July 16, 2020

AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
<p>1. Call to Order.</p> <ul style="list-style-type: none"> <li>Meeting was called to order at 1:00 p.m., by the Chair, Mr. Gallaway. All BOS members were present. Also present were Jeff Richardson, Greg Kamptner, Claudette Borgersen and Travis Morris.</li> </ul>		
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> the final agenda.</li> </ul>		
<p>5. Brief Announcements by Board Members.</p> <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> <li>Announced that a new Virginia state law requires dog owners to provide shelter for the animal during extreme weather and reminded the Board that it adopted an ordinance that is even more stringent.</li> </ul> <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> <li>Commented that she attended a virtual visit to The BridgeLine, a facility for individuals with traumatic brain injury, and learned the two of the biggest issues for many survivors is transit and affordable housing. She encouraged other Board members to attend.</li> </ul> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> <li>Announced COVID-19 testing in the White Hall District will occur on July 16, 2020 at the Crozet Fire Station from 8am to 10am, but due to high demand, no more appointments were available. She announced that more testing will be conducted on July 30 at the Earlysville Fire Station and appointments will be taken the Monday prior.</li> <li>Mentioned that she attended a meeting of EPA's Local Government Advisory Committee and received an update on certification for discharges into waterways.</li> <li>Commented that she is pleased that the discussion for the updated maintenance code will be coming to the Board in September.</li> <li>Encouraged citizens to check on their elderly neighbors during the current heatwave.</li> </ul> <p><u>Donna Price:</u></p> <ul style="list-style-type: none"> <li>Commented that at the previous meeting of the Albemarle Broadband Authority, CenturyLink reported that there will be expansion of fiberoptic in the southern part of the County. However, the expansion will not be final until next spring. She encouraged constituents to inform the county of where the problems are so the County can work on coverage. She noted that the constraints of fully functioning internet access have become evident during the pandemic.</li> </ul> <p><u>Bea LaPisto-Kirtley:</u></p> <ul style="list-style-type: none"> <li>Concurred with Ms. Price's comments regarding internet connectivity.</li> </ul>		<a href="#">Link to Video</a>
<p>6. Proclamations and Recognitions.</p> <p>a. Resolution of Appreciation for William M. Letteri.</p> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> the Resolution of Appreciation and presented to Bill (William) Letteri.</li> </ul>	<p>(Attachment 1)</p>	

7.	From the Public: Matters Not Listed for Public Hearing on the Agenda on Matters Previously Considered by the Board or Matters that are Pending Before the Board. <ul style="list-style-type: none"> <li>• <u>Peter Krebs</u>, PEC, spoke towards consent agenda item 8.3.</li> </ul>		
8.2	FY 2021 Appropriations. <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> Resolution to approve appropriations #2021006, #2021007, and #2021009 for local government and school division projects.</li> </ul>	<u>Clerk</u> : Forward copy of signed resolution to Office of Management and Budget and County Attorney's office. (Attachment 2)	
8.3	SDP2020-23 Presidio Apartments at Martha Jefferson Hospital – Special Exception – Building Stepback Waiver. <ul style="list-style-type: none"> <li>• <b>APPROVED</b> the Resolution to approve the special exception request to waive the 15' front stepback requirement on the northeast façade of building #3.</li> </ul>	<u>Clerk</u> : Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 3)	
9.	Albemarle Agency Budget Review Team (ABRT) FY 22 Application Process. <ul style="list-style-type: none"> <li>• <b>CONCENSUS</b> to support the recommended changes to the ABRT-related Human Services Goals, the purchase of a County application system.</li> </ul>	<u>Staff</u> : Proceed as authorized.	
10.	CARES Coronavirus Relief Fund (CRF) FY 21 Phase 1 Implementation Plan. <ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>ADOPTED</b> the Resolution to approve the appropriation and <b>AUTHORIZE</b> the County Executive to execute all required documents, duly approved by the County Attorney, to implement the Business grant program.</li> </ul>	<u>Clerk</u> : Forward copy of signed resolution to Economic Development and County Attorney's office. (Attachment 4)	
11.	Improving Stream Health in Development Areas. <ul style="list-style-type: none"> <li>• <b>CONSENSUS</b> to implement Phase 1 proposals #3, #6, #14, A2, A4, and A5.</li> <li>• <b>CONFIRMED</b> delaying implementation of Phase 2 proposals #2, #5, and A3.</li> </ul>		
	Recess. At 4:02 p.m., to Board recessed and reconvened at 4:13 p.m.		
12.	Legislative Update and Priorities. <ul style="list-style-type: none"> <li>• <b>HELD.</b></li> </ul>		
13.	Rivanna Water and Sewer Authority (RWSA) Quarterly Report. <ul style="list-style-type: none"> <li>• <b>RECEIVED.</b></li> </ul>		
14.	Albemarle County Service Authority (ACSA) Quarterly Report. <ul style="list-style-type: none"> <li>• <b>RECEIVED.</b></li> </ul>		
15.	Jaunt On-demand Initiatives. <ul style="list-style-type: none"> <li>• <b>HELD.</b></li> </ul>		
16.	Closed Meeting. <ul style="list-style-type: none"> <li>• At 5:38 p.m., the Board went into a Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:</li> <li>• Under Subsection (1), to discuss and consider appointments to the Jefferson-Madison Regional Library Board and the Public Defender's Office Citizen Advisory Committee; and</li> <li>• Under Subsection (8), to consult with and be briefed by legal counsel regarding specific legal matters requiring legal advice relating to the County's authority to prevent the spread of COVID-19 among persons in the County; and</li> </ul>		

<ul style="list-style-type: none"> <li>Under Subsection (19), to discuss plans related to the security of the County Office Buildings on McIntire Road and Fifth Street, and at Court Square, and the safety of persons using those facilities, for an upcoming virtual meeting and other events from now through September.</li> </ul>		
<p>17. Certify Closed Meeting. At 6:07 p.m., the Board reconvened into open meeting and certified the closed meeting.</p>		
<p>18. Boards and Commissions:</p> <p>a. Vacancies and Appointments.</p> <ul style="list-style-type: none"> <li><b>MOVED</b> to later in the meeting.</li> </ul>		
<p>19. From the Public: Matters Not Listed for Public Hearing on the Agenda on Matters Previously Considered by the Board or Matters that are Pending Before the Board.</p> <ul style="list-style-type: none"> <li>There were none.</li> </ul>		
<p><b>Non-Agenda:</b> COVID-19 Update from the Thomas Jefferson Health District.</p>		
<p>20. <b><u>Pb. Hrg.: Virginia Community Development Block Grant (CDBG).</u></b></p> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> the Resolution to approve the County's submission of a Letter of Interest for CDBG-COVID funding at the recommended amount and authorized the County Executive to execute the application package, as well as any supporting or related contracts or documents required to obtain or accept this grant, and to take any further action required for the application.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 5)</p>	
<p>Recess. At 7:02 p.m., to Board recessed and reconvened at 7:18 p.m.</p>		
<p>21. <b><u>Pb. Hrg.: ZTA 2020-01 Erosion Protection Design Standards.</u></b></p> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> the ordinance.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 6)</p>	
<p>22. <b><u>Pb. Hrg.: R. A. Yancey Lumber Corporation: Special Exception Request.</u></b></p> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> the Resolution to approve the special exception as amended.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 7)</p>	
<p>23. From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Donna Price:</u></p> <ul style="list-style-type: none"> <li>Expressed appreciation to County Staff for their action in moving forward with including funding in the consent agenda appropriation (Item #8.2) for the Rio Road Traffic Study.</li> </ul>		
<p>24. From the County Executive: Report on Matters Not Listed on the Agenda. <u>Jeff Richardson:</u></p> <ul style="list-style-type: none"> <li>Commented that the Incident Management Team (IMT) has been meeting daily to manage the response and reconstitution planning efforts in support of general service for public. The team is working closely with the Health District, the City of Charlottesville, the University of Virginia and the Emergency Communications Center and reporting to the Board daily.</li> <li>Announced that the COB will remain closed until further notice, but that staff is starting to return. He mentioned that Albemarle County remains open by telephone, website, e-mail,</li> </ul>		

<p>and case-by-case serving citizens in person.</p> <ul style="list-style-type: none"> <li>• Provided an overview of the status of county services. He emphasized that public meetings conducted by Albemarle County will continue to be virtual until future notice and that staff continue to telework. He remarked that some staff will return to work on July 20, 2020 and will be required to wear cloth face coverings in public setting.</li> <li>• Stated that no reopening date has been set and the IMT is monitoring conditions with the health department. He remarked that the transition will continue of the next two weeks.</li> <li>• Disclosed that front line hourly non-exempt staff that worked from March 15 to May 15, in the building or a front-line capacity, may receive a modest reward.</li> </ul>		
<p><b>Non-Agenda:</b> Closed Meeting.</p> <ul style="list-style-type: none"> <li>• At 11:00 p.m., the Board went into a Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:</li> <li>• Under Subsection (1), to discuss and consider appointments to the Jefferson-Madison Regional Library Board and the Public Defender's Office Citizen Advisory Committee.</li> </ul>		
<p><b>Non-Agenda:</b> Certify Closed Meeting. At 11:12 p.m., the Board reconvened into open meeting and certified the closed meeting.</p>		
<p>18. Boards and Commissions: b. Vacancies and Appointments.</p> <ul style="list-style-type: none"> <li>• <b>APPOINTED</b> Mr. Michael Powers to the Jefferson Madison Regional Library Board with said term to expire on June 30, 2024.</li> </ul>	<p>Clerk: Prepare appointment/reappointment letter, update Boards and Commissions book, webpage, and notify appropriate persons.</p>	
<p>25. Adjourn to August 5, 2020, 1:00 p.m., Electronic Meeting pursuant to Ordinance No. 20-A(8).</p> <ul style="list-style-type: none"> <li>• The meeting was adjourned at 11:14 p.m.</li> </ul>		

ckb/tom

Attachment 1 – Resolution of Appreciation for William M. Letteri

Attachment 2 – Resolution to Approve Additional FY 2021 Appropriations

Attachment 3 – Resolution to Approve Special Exception for SDP202000023 Presidio Apartments at Martha Jefferson Hospital

Attachment 4 – Resolution to Approve Additional FY 2021 Appropriation

Attachment 5 – Resolution Approving the County's Submission of a Letter of Interest For CDBG-COVID Funding

Attachment 6 – Ordinance No. 20-18(1)

Attachment 7 – Resolution to Approve Certain Special Exceptions for R. A. Yancey Lumber Corporation: Special Exception Request



### Resolution of Appreciation for William M. Letteri

- WHEREAS,** William M. “Bill” Letteri has faithfully served the County of Albemarle for over 13 years beginning in 2007 as the Director of the Office of Facilities Development, then as Assistant County Executive beginning in 2011, as Deputy County Executive beginning 2014, before his final appointment as the County’s first Chief Financial Officer in 2018; and
- WHEREAS,** Bill shared generously with the County his significant combination of knowledge, skill, talent and experience in providing overall leadership to several operating departments, including Finance, Information Technology, Facilities and Environmental Services, Office of Management and Budget, Human Resources, Parks and Recreation and Social Services and is credited with many meaningful achievements during his Albemarle County career, including capital projects such as Meadowcreek Parkway, the Northside Library, Seminole Trail Volunteer Fire Station and County courts facilities; productive coordination with Albemarle County Public Schools, Constitutional Officers and other partner agencies; implementation of an organizational risk management program; initiation of the Broadband Task Force; completion of Access Albemarle enterprise financial information system; oversight of the County’s healthcare program and reserve fund among many other successes; and
- WHEREAS,** Bill will always be regarded as an unwavering advocate for the financial stewardship role of county government, helping the County secure and maintain a Triple A bond rating from each of the three recognized rating agencies – a leading indicator of financial stability and the highest distinction among counties throughout the country; and
- WHEREAS,** Bill has been a valued public servant and a trusted colleague who appreciated the best attributes of everyone around him, utilizing those professional relationships as key ingredients for effective problem-solving and effecting positive change for the organization and the community; and
- WHEREAS,** perhaps more than anything else, Bill will be forever known as a really good person whose genuine compassion for and kindness to others was demonstrated consistently in all that he said and did.
- NOW THEREFORE BE IT RESOLVED,** by the Albemarle County Board of Supervisors that Bill Letteri is hereby honored and commended for his many years of exceptional service to the County of Albemarle, Albemarle County residents, the broader community in which we live, and the entire Commonwealth of Virginia, with knowledge that Albemarle County is strengthened and distinguished by Bill’s dedication, commitment, professionalism, and compassion in meeting community needs.
- BE IT FURTHER RESOLVED,** that a copy of this Resolution be spread upon the minutes of this meeting of the Albemarle County Board of Supervisors as a lasting, visible testament to the esteem in which Bill is held by this Board and previous Boards for his lasting legacy of community service and the tangible results from his work to make Albemarle County better for future generations.

*Signed this 15 day of July, 2020*

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*Ned L. Galloway, Chair  
Albemarle Board of County Supervisors*

**RESOLUTION TO APPROVE  
ADDITIONAL FY 2021 APPROPRIATIONS**

**BE IT RESOLVED** by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2021006, #2021007, and #2021009 are approved; and
- 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, 2021.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION FOR  
SDP202000023 PRESIDIO APARTMENTS AT MARTHA JEFFERSON HOSPITAL**

**BE IT RESOLVED** that, upon consideration of the Memorandum prepared in conjunction with the application and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-25A.6, 18-21.4, 18-4.20, 18-8.2(b), 18-8.5.5.2(d), and 18-33.49, the Albemarle County Board of Supervisors hereby approves the special exception for SDP 202000023 Presidio Apartments at Martha Jefferson Hospital to waive the 15' front setback requirement on the northeast facade of building #3 as identified on the applicant's building elevation exhibits.

**RESOLUTION TO APPROVE  
ADDITIONAL FY 2021 APPROPRIATION**

**BE IT RESOLVED** by the Albemarle County Board of Supervisors:

- 3) That Appropriation #2021008 is approved; and
- 4) That the appropriation referenced in Paragraph #1, above, is subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2021.



**RESOLUTION**

**WHEREAS**, the County of Albemarle is committed to providing high quality service that achieves community priorities; and

**WHEREAS**, the closures of local businesses and the resulting job losses in response to the COVID-19 pandemic have left many of the County's low- and moderate-income families struggling financially; and

**WHEREAS**, upcoming changes to Albemarle School's operations, including the potential for a delayed start date and virtual instruction, impacts the ability of our community's essential workers to provide a safe space for their children throughout the school day; and

**WHEREAS**, Albemarle County is able to apply to the Virginia Department of Housing and Community (DHCD) for \$1,179,994 in Virginia Community Development Block Grant (VCDBG) funding to address COVID-19 related issues experienced by low- and moderate-income households; and

**WHEREAS**, Albemarle County has received funding requests from five local nonprofit organizations to support programs offering assistance with housing costs, connecting residents to supportive services, providing expanded programming for young people, and placing homeless persons in non-congregate hotel shelters;

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County of Board of Supervisors hereby approves the County's submission of a Letter of Interest for CDBG-COVID funding, and authorizing the County Executive to execute the application package, as well as any supporting or related contracts or documents required to obtain or accept this grant, and to take any further action required for this application.

## ORDINANCE NO. 20-18(1)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE II, BASIC REGULATIONS, AND ARTICLE III, DISTRICT REGULATIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article II, Basic Regulations, and Article III, District Regulations, are hereby amended and reordained as follows:

**By Adding:**

Sec. 4.3.3 Grading standards

**By Amending:**

Sec. 30.7.5 Design standards

## CHAPTER 18. ZONING

## ARTICLE II. BASIC REGULATIONS

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**4.3.3 Grading Standards**

The following design standards apply to any land disturbing activity requiring a Virginia Erosion and Sediment Control Program (VESCP) application plan, or a Virginia Stormwater Management Program (VSMP) application plan, or both.

- A. *Retaining walls.* Retaining walls shall meet or exceed the following minimum standards:
1. *Height.* The maximum height for a single retaining wall, measured from grade to grade, shall be ten feet, except as provided in subsection (A)(3). When the overall retained height would exceed ten feet, the retaining wall shall be broken into multiple stepped walls.
  2. *Multiple stepped walls; separation.* A minimum horizontal distance of three feet shall be maintained between each individual wall in a stepped wall system, and shall be landscaped with screening shrubs planted on ten foot centers.
  3. *Incorporation of wall into design of a building.* Retaining walls may be incorporated into the design of a building so that they become part of the building. Retaining walls incorporated into the design of a building shall not be subject to height limitations of subsection (A)(1).
- B. *Cuts and fills.* Any cut or fill shall meet or exceed the following minimum standards:
1. *Rounding off.* Any cut or fill shall be rounded off to eliminate sharp angles at the top, bottom and side of regraded slopes.
  2. *Location of toe of the fill slope.* The toe of any fill slope shall not be located within ten feet horizontally of the top of an existing or proposed cut slope.
  3. *Tops and bottoms.* Tops and bottoms of cut and fill slopes shall be located either: (i) a distance from existing and proposed property lines at least equal to the lesser of three feet plus one-fifth (1/5) of the height of the cut or fill, or ten feet; (ii) any lesser distance than provided in subsection (B)(3)(i) the zoning administrator determines would not adversely impact the abutting parcel based on information provided by the owner of the abutting parcel; or (iii) on the abutting parcel if the owner obtains an easement authorizing the slope on the abutting owner's parcel.
  4. *Steepness.* Cut and fill slopes shall not be steeper than a 2:1 (50 percent) slope. If the slope is to be mowed, the slope shall be no steeper than a 3:1 (33 percent) slope.
- C. *Reverse slope benches or a surface water diversion.* Reverse slope benches or a surface water diversion or both shall meet or exceed the following minimum standards:

1. *When required.* Reverse slope benches or a surface water diversion or both shall be provided whenever: (i) the vertical interval (height) of any 2:1 (50 percent) slope exceeds 20 feet; (ii) the vertical interval (height) of any 3:1 (33 percent) slope exceeds 30 feet; or (iii) the vertical interval (height) of any 4:1 (25 percent) slope exceeds 40 feet.
2. *Width and location of benches.* Reverse slope benches shall be at least six feet wide and located to divide the slope face as equally as possible and shall convey the water to a stable outlet. Benches shall be designed with a reverse slope of 6:1 (approximately 17 percent) or flatter to the toe of the upper slope and have a minimum of one foot. The bench gradient to the outlet shall be between two percent and three percent, unless accompanied by appropriate design and computations.
3. *Flow length within a bench.* The flow length within a reverse slope bench shall not exceed 800 feet unless accompanied by appropriate design and computations demonstrating that the flow length is designed to be adequate to ensure the stability of the slope and prevent or minimize erosion.
4. *Surface water diversions.* Surface water shall be diverted from the face of all cut or fill slopes or both, using diversions, ditches, and swales, or conveyed downslope by using a designed structure. The face of the slope shall not be subject to any concentrated flows of surface water such as from natural drainage ways, graded swales, downspouts, or similar conveyances.

(§ 30.7.5; Ord. 14-18(2), 3-5-14; § 4.3.3; Ord. 20-18(1), 7-15-20)

State law reference – Va. Code §§ 15.2-2280(1), (2), 15.2-2286(A)(4).

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### ARTICLE III. DISTRICT REGULATIONS

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#### **Sec. 30.7.5 - Design standards.**

The following design standards apply to land disturbing activity to establish a use permitted by right or by special use permit in the steep slopes overlay district.

- A. *Retaining walls.* Retaining walls shall meet or exceed the following minimum standards:
  1. *Wall height.* The maximum height for a single retaining wall, measured from grade to grade, shall be six feet, except as provided in subsection (A)(3). When the overall retained height would exceed six feet, the retaining wall shall be broken into multiple stepped walls.
  2. *Multiple stepped walls; separation.* A minimum horizontal distance of three feet shall be maintained between each individual wall in a stepped wall system, and shall be landscaped with screening shrubs planted on ten foot centers.
  3. *Incorporation of wall into design of a building.* Retaining walls may be incorporated into the design of a building so that they become part of the building. Retaining walls incorporated into the design of a building shall not be subject to height limitations of subsection (A)(1).
- B. *Cuts and fills.* Any cut or fill shall meet or exceed the following minimum standards:
  1. *Rounding off.* Any cut or fill shall be rounded off to eliminate sharp angles at the top, bottom and side of regraded slopes.
  2. *Location of toe of the fill slope.* The toe of any fill slope shall not be located within ten feet horizontally of the top of an existing or proposed cut slope.
  3. *Tops and bottoms.* Tops and bottoms of cut and fill slopes shall be located either: (i) a distance from existing and proposed property lines at least equal to the lesser of three feet plus one-fifth of the height of the cut or fill, or ten feet; (ii) any lesser distance than provided in subsection (b)(3)(i) the zoning administrator determines would not adversely

impact the abutting parcel based on information provided by the owner of the abutting parcel; or (iii) on the abutting parcel if the owner obtains an easement authorizing the slope on the abutting owner's parcel.

4. *Steepness.* Cut and fill slopes shall not be steeper than a 2:1 (50 percent) slope. If the slope is to be mowed, the slope shall be no steeper than a 3:1 (33 percent) slope.
- C. *Reverse slope benches or a surface water diversion.* Reverse slope benches or a surface water diversion or both shall meet or exceed the following minimum standards:
1. *When required.* Reverse slope benches or a surface water diversion or both shall be provided whenever: (i) the vertical interval (height) of any 2:1 (50 percent) slope exceeds 20 feet; (ii) the vertical interval (height) of any 3:1 (33 percent) slope exceeds 30 feet; or (iii) the vertical interval (height) of any 4:1 (25 percent) slope exceeds 40 feet.
  2. *Width and location of benches.* Reverse slope benches shall be at least six feet wide and located to divide the slope face as equally as possible and shall convey the water to a stable outlet. Benches shall be designed with a reverse slope of 6:1 (approximately 17 percent) or flatter to the toe of the upper slope and have a minimum of one foot. The bench gradient to the outlet shall be between two percent and three percent, unless accompanied by appropriate design and computations.
  3. *Flow length within a bench.* The flow length within a reverse slope bench shall not exceed 800 feet unless accompanied by appropriate design and computations demonstrating that the flow length is designed to be adequate to ensure the stability of the slope and prevent or minimize erosion.
  4. *Surface water diversions.* Surface water shall be diverted from the face of all cut or fill slopes or both, using diversions, ditches, and swales, or conveyed downslope by using a designed structure. The face of the slope shall not be subject to any concentrated flows of surface water such as from natural drainage ways, graded swales, downspouts, or similar conveyances.

(§ 30.7.5; Ord. 14-18(2), 3-5-14; Ord. 20-18(1), 7-15-20)

State Law reference— Va. Code §§ 15.2-2280 (1), (2), 15.2-2286 (A)(4).

**RESOLUTION TO APPROVE CERTAIN SPECIAL EXCEPTIONS FOR  
R. A. YANCEY LUMBER CORPORATION: SPECIAL EXCEPTION REQUEST**

**BE IT RESOLVED** that, upon consideration of the Memorandum prepared in conjunction with the special exceptions application of the R. A. Yancey Lumber Corporation and the attachments thereto, including staff's supporting analysis, the recommendations of the Planning Commission at its June 23, 2020 meeting, and all of the factors relevant to special exceptions in Albemarle County Code §§ 18-4.18, 18-4.20, 18-5.1(a), 18-5.1.15, 18-33.43, and 18-33.49, the Albemarle County Board of Supervisors hereby approves the following special exceptions, all subject to the conditions attached hereto, for and on County Parcel ID Numbers 05500-00-00-111B0 and 05500-00-00-11200:

1. A special exception from the provisions of County Code § 18-4.20b to reduce the 100-foot setback for the Mill Building (building 7b) and Pole Shed (building 8).
2. A special exception from the provisions of County Code § 18-4.20b to reduce the 10-foot setback for the Stem Loader.
3. A special exception from the provisions of County Code § 18-4.20b to reduce the 30-foot setback for parking adjacent to Rural Areas property.
5. A special exception from the provisions of County Code § 18-5.1.15a to reduce setback for the storage of lumber, logs, chips or timber to zero (0) feet.
8. A special exception from the provisions of County Code § 18-5.1.15b to allow the location of the Pole Shed (building 8) approximately 540 feet from the dwelling located to the north on Tax Map 55, Parcel 111A.
9. A special exception from the provisions of County Code § 18-5.1.15b to allow the location of the Silo (building 10) approximately 570 feet from the dwelling located to the north on Tax Map 55, Parcel 111A.
10. A special exception from the provisions of County Code § 18-5.1.15b to allow the location of the Boiler (building 11) approximately 570 feet from the dwelling located to the north on Tax Map 55, Parcel 111A.
11. A special exception from the provisions of County Code § 18-5.1.15b to allow the location of the Kiln (building 12A) approximately 515 feet from the dwelling located to the north on Tax Map 55, Parcel 111A.
12. A special exception from the provisions of County Code § 18-5.1.15b to allow the location of the Planer (buildings 18, 22 and 23) approximately 550 feet from the dwelling located to the north on Tax Map 55, Parcel 111A.
13. A special exception from the provisions of County Code § 18-5.1.15b to allow the location of the Mill Building (building 7a and 7b) approximately 520 feet from the dwelling located to the south on Tax Map 55, Parcel 100.
14. A special exception from the provisions of County Code § 18-5.1.15b to allow the location of the Stem Loader (adjacent to Rockfish Gap Turnpike) approximately 500 feet from the dwelling located to the west on Tax Map 55A, Parcel 28.
15. A special exception from the provisions of County Code § 18-5.1.15c to permit the warming up of equipment and preparing the equipment area to process wood between 6:00 am and 7:00 am.
16. A special exception from the provisions of County Code § 18-5.1.15c that the loading or unloading of wood products be permitted from 6:00 am to 11:00 pm.

17. A requested special exception from the provisions of County Code § 18-5.1.15c that the loading and unloading associated with the kiln be permitted 24 hours a day.

**BE IT FURTHER RESOLVED** that, also upon consideration of all the foregoing factors, the Board of Supervisors hereby defers acting on the following special exception requests until August 5, 2020:

4. A requested special exception from the provisions of County Code § 18-4.20b to reduce the 100-foot setback for the proposed Sorter/Stacker (building 27) to 35 feet.

6. A requested special exception from the provisions of County Code § 18-5.1.15a to reduce the 100-foot setback for the proposed Sorter/Stacker (building 27) to 35 feet.

7. A requested special exception from the provisions of County Code § 18-5.1.15b to allow the location of the proposed Sorter/Stacker (building 27) approximately 350 feet from the dwelling located to the north on Tax Map 55, Parcel 111A.

**BE IT FURTHER RESOLVED** that upon the applicant's withdrawal of the following special exception requests, no action was taken on them:

18. A requested special exception from the provisions of County Code § 18-4.18.04 to increase daytime noise limits.

19. A requested special exception from the provisions of County Code § 18-4.18.04 to increase nighttime noise levels limits.

\* \* \*

#### **R. A. Yancey Lumber Corporation: Special Exception Request Conditions**

1. Structures and Machinery will be permitted as shown on a survey titled "Alta/NSPS Land Title Survey" prepared by Timmons Group and dated August 2, 2017, except for the Sorter/Stacker, which shall not be permitted.
2. The owner must obtain a Certificate of Occupancy for all existing structures by February 1, 2021. For any structure that is not issued a Certificate of Occupancy by February 1, 2021 the owner must cease use of the structure until such time as a Certificate of Occupancy is obtained.