

<p style="text-align: center;">ACTIONS Board of Supervisors Meeting of August 19, 2020</p>		
		August 20, 2020
AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 2:00 p.m., by the Chair, Mr. Gallaway. All BOS members were present. Also present were Jeff Richardson, Greg Kamptner, Claudette Borgersen and Travis Morris. 		Link to Video
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> Pulled consent agenda item #8.6 from the agenda. 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 the Spotted Lanternfly is moving south in Virginia and that on August 27, 2020, there will be a Zoom meeting sponsored by the Virginia Coop Extension. Announced that WARS has purchased two lots in Crozet and will be designing a building suitable for their workers and for faster access to the southern area of the growth area. Announced that on August 3-5 the Lewis & Clark Exploratory Center successfully held its 2020 Lewis & Clark National Heritage Annual Meeting, virtually. <p><u>Bea LaPisto-Kirtley:</u></p> <ul style="list-style-type: none"> Announced that there is a bi-partisan bill that is currently going through Congress that would help support the independent restaurants called the Restaurants Act, and information can be found at www.saverestaurants.com. <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> Announced that Ivy MUC Recycling is open and fully functional. 		
<p>6. Proclamations and Recognitions.</p> <p>a. Introduction of Emergency Manager.</p> <ul style="list-style-type: none"> Dan Eggleston, Chief Fire/Rescue, introduced Nicole Matthews the County's new Emergency Management Coordinator. 		
<p>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.</p> <ul style="list-style-type: none"> <u>The following residents of the Jack Jouett district addressed the Board and expressed their concerns on the possible approval of Agenda Item #9.</u> <ul style="list-style-type: none"> <u>Josie Taylor</u> <u>Judy Lane</u> <u>Marta Keane</u>, JABA Executive Director provided an update on JABA's programs for seniors during COVID-19 and thanked the Board for their support. <u>Lee Kondor</u>, spoke toward agenda item #10 and offered to make himself available to answer any questions on a previously submitted email. 		

8.1	<p>FY 21 Appropriations.</p> <ul style="list-style-type: none"> ADOPTED Resolution to approve appropriations #2021019; #2021020; #2021021; #2021022; #2021023 and #2021024; for local government projects and programs. 	<p><u>Clerk:</u> Forward copy of signed resolution to OMB and County Attorney's office. (Attachment 1)</p>	
8.2	<p>CARES Coronavirus Relief Fund (CRF) Agreement between the County of Albemarle and the Town of Scottsville.</p> <ul style="list-style-type: none"> ADOPTED resolution approving the Agreement with the Town of Scottsville, authorizing the County Executive to execute the agreement once it has been approved as to substance and form by the County Attorney, and authorizing the Chief Financial Officer/ Director of Finance to execute an additional, future, Agreement with Scottsville, on the same terms. 	<p><u>Clerk:</u> Forward copy of signed resolution to Finance and County Attorney's office. (Attachment 2)</p> <p><u>County Attorney:</u> Provide Clerk with copy of fully executed agreement.</p>	
8.3	<p>Donation of Police Vehicle to the Town of Scottsville Police Department.</p> <ul style="list-style-type: none"> APPROVED the County's donation of 2014 Ford Police Utility vehicle to the Town of Scottsville Police Department for its use in patrolling the town as well as serving the community of southern Albemarle County. 		
8.4	<p>Donation of Police Vehicle to Piedmont Virginia Community College.</p> <ul style="list-style-type: none"> APPROVED the County's donation of 2014 Ford Police Utility vehicle to PVCC for its use in patrolling their campus and assisting students. 		
8.5	<p>R. A. Yancey Lumber Corporation: Special Exception Request.</p> <ul style="list-style-type: none"> ADOPTED Resolution to restate and reaffirm the 14 special exceptions approved on July 15, 2020, to approve the three special exceptions related to the sorter/stacker (items 4,6, and 7), all subject to conditions contained therein. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development (CDD), and County Attorney's office. (Attachment 3)</p>	
8.6	<p>Amendment to the Board's Rules of Procedure.</p> <ul style="list-style-type: none"> Pulled from the agenda. 		
9.	<p>SE202000001 Homestay Special Exceptions for 888 Woodlands Road (Owner/Applicant: Crane/Bobbs).</p> <ul style="list-style-type: none"> By a vote of 5:0:1 (Mallek recused), ADOPTED resolution to deny the two special exception requests. 	<p><u>Clerk:</u> Forward copy of signed resolution to CDD and County Attorney's office. (Attachment 4)</p>	
10.	<p>Albemarle County 2020 Smart Scale Application: Rio Road Corridor.</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution in support of the Rio Rd/John Warner Parkway improvements Smart Scale application in Albemarle County and supported the inclusion of the \$2MM recommended local funding contribution as outlined in the Smart Scale application. 	<p><u>Clerk:</u> Forward copy of signed resolution to CDD and County Attorney's office. (Attachment 5)</p>	
11.	<p>Presentation: COVID-19 Community Response.</p> <ul style="list-style-type: none"> RECEIVED. 		
12.	<p>Closed Meeting.</p> <ul style="list-style-type: none"> At 4:14 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 two County advisory committees; and 		

<ul style="list-style-type: none"> Under Subsection (8), to consult with and be briefed by legal counsel regarding specific legal matters requiring legal advice about an event to which Supervisors have been invited; and The following, all pertaining to the pending removal of certain memorials in the County-owned portion of Court Square Park in September: <ol style="list-style-type: none"> Under Subsection (8), to consult with and be briefed by legal counsel regarding specific legal matters requiring legal advice regarding the removal of the memorials; and Under Subsection (19), to discuss plans related to the security of the County-owned portion of Court Square Park, and the safety of persons using that facility; and Under Subsection (29), to discuss the terms and scope of a possible public contract for services pertaining to the removal of the memorials involving the expenditure of public funds where discussion in an open meeting would adversely affect the bargaining position of the Board. 		
<p>13. Certify Closed Meeting.</p> <ul style="list-style-type: none"> At 6:01 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
<p>14. Vacancies and Appointments.</p> <ul style="list-style-type: none"> REAPPOINTED Ms. Michelle Busby to the Places 29 (Hydraulic) Community Advisory Committee with said term to expire August 5, 2022. APPOINTED Ms. Janelle Cockrell and Mr. James Dean to the Places 29 (North) Community Advisory Committee with said terms to expire August 5, 2022. 	<p><u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>	
<p>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.</p> <ul style="list-style-type: none"> There were none. 		
<p>16. <u>Pb. Hrg.: FY 2020 Budget Amendment and Appropriations.</u></p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution to approve the appropriations for local government and school projects and programs. 	<p><u>Clerk:</u> Forward copy of signed resolution to OMB and County Attorney's office. (Attachment 6)</p>	
<p>17. <u>Pb. Hrg.: SP202000006 Scott's Ivy Exxon.</u></p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution to approve SP202000006. 	<p><u>Clerk:</u> Forward copy of signed resolution to CDD and County Attorney's office. (Attachment 7)</p>	
<p>18. <u>Pb. Hrg.: ZMA201900016 Bamboo Grove.</u></p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED ordinance to approve ZMA201900016 Bamboo Grove. 	<p><u>Clerk:</u> Forward copy of signed ordinance to CDD and County Attorney's office. (Attachment 8-10)</p>	
<p>19. From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Commented on emails that were sent out by VACo., concerning legislation being considered by the General Assembly and asked Board members to review and draft a letter to the County's delegation. 		

<ul style="list-style-type: none"> • Mentioned that she has been speaking with a Dominion Energy representative regarding a previous discussion on right-of-way maintenance. • Mentioned the discussion on the MPO and DEQ concerning standards on regulation and suggested that the County adopt the Ag/Forest chapters of the Chesapeake Bay Act as a way to get the ability to regulate things that they cannot regulate now. <p><u>Donna Price:</u></p> <ul style="list-style-type: none"> • Encouraged voters to research the candidates that are on the ballot for the November election and to vote regardless of party affiliation. • Reiterated that the pandemic isn't over and reminded everyone to protect themselves. <p><u>Bea LaPisto-Kirtley:</u></p> <ul style="list-style-type: none"> • Reminded Supervisors that she will be sending out information on the Restaurants Act. <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> • Requested possible options for making the County's Water Protection Ordinance stricter than the state's standards that are currently in place. <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> • Mentioned her previous proposal to add the repeal of Virginia Code § 15.2-2209.1, to the County's legislative program, and asked for suggestions on expressing the County's concerns since legislation was recently introduced that would further extend its life. <p><u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> • Mentioned a constituent email concerning tall weeds growing out of the concrete in the medians in areas of the County and requested follow-up information on the maintenance. 		
<p>20. From the County Executive: Report on Matters Not Listed on the Agenda.</p> <p><u>Jeff Richardson:</u></p> <ul style="list-style-type: none"> • Reported on the CARES Act Funding and requested that the Board ratify the Chair's signature on the CARES Act Funding certification (CARES Act Funding "2") that had to be signed and submitted before the Board could meet. • Motion to ratify the Chair's signature on the CARES Act Funding "2" certification, passed by a vote of 6:0. • Wished Clerk, Claudette Borgersen a Happy Birthday. 		
<p>21. Adjourn to September 2, 2020, 1:00 p.m., electronic meeting pursuant to Ordinance No. 20-A(8).</p> <ul style="list-style-type: none"> • The meeting was adjourned at 8:08 p.m. 		

ckb/tom

Attachment 1 – Resolution to Approve Additional FY 2021 Appropriations

Attachment 2 – Resolution to Approve an Agreement Between the County and the Town of Scottsville

Attachment 3 – Resolution to Approve Certain Special Exceptions for R.A. Yancey Lumber Corporation

Attachment 4 – Resolution to Deny Requested Special Exceptions for SE2020-00001 888 Woodlands Road

Attachment 5 – Resolution in Support of a Smart Scale Project Application in Albemarle County

Attachment 6 – Resolution to Approve Additional FY 2020

Attachment 7 – Resolution to Approve SP 202000006 Scott's Ivy Exxon

Attachment 8 – Ordinance No. 20-A(10) – ZMA 2019-00016

Attachment 9 – Bamboo Grove – Concept Plan dated July 4, 2020
Attachment 10 – Bamboo Grove – Proffers dated July 28, 2020

**RESOLUTION TO APPROVE
ADDITIONAL FY 2021 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2021019; #2021020; #2021021; #2021022; #2021023 and #2021024 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 AN AGREEMENT BETWEEN
THE COUNTY AND THE TOWN OF SCOTTSVILLE**

WHEREAS, the County received \$9,538.621 on June 1, 2020, and will receive an additional \$9,538.621 in late August, 2020, from the Commonwealth in Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 Coronavirus Relief Fund (CRF) funding, which provides assistance to state, local, territorial, and tribal governments to address impacts of the COVID-19 pandemic; and

WHEREAS, the funds must be expended in accordance with Federal compliance requirements; and

WHEREAS, the funding was based on the County's population, including the population of the Town of Scottsville; and

WHEREAS, the County is permitted to provide a share of the CRF funds it receives to the Town of Scottsville; and

WHEREAS, the Board finds it is in the best interest of the County to enter an Agreement with the Town of Scottsville to assure that the Town of Scottsville expends the CRF funds in accordance with the Federal compliance requirements.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Albemarle, Virginia, hereby authorizes the County Executive to enter the Agreement with the Town of Scottsville, substantially similar to the attached draft Agreement, once it has been approved as to substance and form by the County Attorney, and authorizes the County's Chief Financial Officer/Director of Finance to execute an additional, future Agreement with Scottsville, on the same terms.

* * * * *

THIS AGREEMENT is entered into on _____, _____, 2020, between the County of Albemarle, Virginia, a political subdivision of the Commonwealth of Virginia, and the Town of Scottsville, a political subdivision of the Commonwealth of Virginia.

Terms

1. The County is responsible for the disbursement of funds from the Coronavirus Relief Fund ("CRF") pursuant to section 601(b) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L.No. 116-236, div. A, Title V ("CARES Act").
2. Scottsville hereby represents to the County that it will comply with all provisions of this Agreement. Scottsville understands that this representation is material to the County agreeing to disburse CRF funds directly to Scottsville.
3. The County will disburse \$50,000 to Scottsville for Scottsville's use, out of the CRF funds that the Commonwealth disbursed to the County. This amount reflects Scottsville's population, relative to the County's total population.
4. Scottsville will only use these funds in a manner that complies with the CARES Act and guidance on use of CRF funds issued by the U.S. Department of the Treasury.
5. Any funds that are not expended on or before December 20, 2020, must be returned to the County no later than December 20, 2020. This is 10 days earlier than the deadline under the CARES Act, to allow the County time to return unused funds to the Commonwealth by December 30, 2020.
6. Funds will be disbursed under this Agreement once. This is not a commitment of any further funding.
7. Scottsville will keep CRF funds in a separate account ("CRF Account") from all other funds until it has identified an eligible use. It may then move the funds for the identified use into another account for actual expenditure.
8. Scottsville will provide the County's Chief Financial Officer/Director of Finance notice of any funds it moves out of the CRF Account within one week of moving those funds. This notice will include the amount moved and a brief description of the use.
9. Scottsville shall retain documentation relating to every use of funds removed from the CRF Account, including payroll records, invoices, and sales receipts. The County may require Scottsville to provide any documentation that it deems fit to confirm that a use is eligible under the CARES Act.
10. If the County's Chief Financial Officer/Director of Finance determines that Scottsville removed funds from the CRF Account for an ineligible use, Scottsville shall replenish that portion of the CRF Account within 30 days. Failure to do so will create a debt from Scottsville to the County for the amount not replenished, 30 days after the Director of Finance's determination. This debt is self-executing, requiring no further administrative or legal action to perfect. The County may enforce the provisions of this paragraph by withholding any funds, from any source, otherwise due from the County to Scottsville.
11. Notwithstanding Section 10 above, Scottsville remains responsible for complying with the CARES Act and guidance on use of CRF funds issued by the U.S. Department of the Treasury.
12. This Agreement is effective as of the date above, and continues for in effect until December 30, 2025, to align with the U.S. Department of the Treasury Office of the Inspector General's authority to audit CRF records for 5 years.

Signatures

On behalf of the County of Albemarle and the Town of Scottsville, we enter this Agreement.

COUNTY OF ALBEMARLE, VIRGINIA

By: _____
Jeffrey B. Richardson
County Executive

ATTESTED TO:
_____(Clerk)

TOWN OF SCOTTSVILLE, VIRGINIA

By: _____
Matthew R. Lawless
Town Administrator

ATTESTED TO:
_____(Clerk)

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

WHEREAS, by Resolution dated July 15, 2020, the Albemarle County Board of Supervisors approved certain special exceptions requested by the R. A. Yancey Lumber Corporation (listed therein as Special Exceptions 1-3, 5, and 8-17), and deferred certain other requests (listed therein as requests 4, 6, and 7) for further consideration; and

WHEREAS, the Board now wishes to restate and reaffirm the special exceptions previously approved, as well as to act on the requests previously deferred.

NOW, THEREFORE, 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 restates and reaffirms the following Special Exceptions 1-3, 5, and 8-17, and approves the following Special Exceptions 4, 6, and 7, 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.
4. A 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.
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.
6. A 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 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.
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 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 attached hereto as Exhibit A, and the Sorter and Stacker shall be permitted as shown on sheet 2 of the plans entitled "R.A. Yancey Lumber Corporation Sorter / Stacker Equipment," prepared by FPW Architects, dated March 12, 2020, revised March 26, 2020, attached hereto as Exhibit B.
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.
3. The owner shall construct a metal building around the Stacker equipment within 45 days following issuance of a building permit for such building, which building permit has been submitted and is under review by the Community Development Department and is identified as BP 2018-2196NC. The building shall include the installation of sound attenuation materials on the interior wall or walls as needed for the Stacker to comply with Section 4.18.04 of the County Zoning Ordinance.
4. Upon completion of the requirements in condition 3 herein, the owner shall have a sound test of the Stacker equipment conducted by a qualified professional to demonstrate that the Stacker equipment complies with Section 4.18.04 of the County Zoning Ordinance. The owner shall not resume construction of the Sorter equipment until the Agent has confirmed the results of the sound test. If the Agent has not issued a written response within seven calendar days of receipt of the sound test, it shall be deemed confirmed and approved, and the owner may resume construction of the Sorter equipment.
5. Prior to the earlier of (a) 150 days following the Board of Supervisors' approval of the special exceptions applicable to the Sorter and Stacker equipment, or (b) the issuance of a Certificate of Occupancy for the Sorter equipment building, the owner shall construct a wooden fence at least 10 feet tall and approximately 250-270 feet long along Yancey Mill Lane in the approximate area shown in red on Exhibit D, attached hereto. The fence location may be modified to minimize impact to existing vegetation or interference with utilities. The smooth or finished side of the fence shall face Yancey Mill Lane. The owner shall be responsible for maintaining the fence.
6. The owner shall construct a wooden fence at least 10 feet in height along the length of the southern property line of tax map parcel 55-111A adjacent to the Sorter and Stacker equipment, except for a 30-foot span between the southwest corner of such property line to a point 30-feet to the east of such corner, which 30-foot span may remain unfenced. The fence will be approximately 457 feet in length. The owner shall also construct a wooden fence at least 10 feet in height along the length of the western property line of tax map parcel 55-111A, beginning at the southwest corner of such property line to a point approximately 189 feet to the north. The smooth or finished side of the fences shall face the adjacent property. The owner shall be responsible for maintaining the fences. The fence along the southern property line shall be completed within 90 days following the Board of Supervisors' approval of the special exceptions applicable to the Sorter and Stacker equipment, and the fence along the western property line shall be completed within 120 days following the Board of Supervisors' approval of the special exceptions applicable to the Sorter and Stacker equipment.
7. Following satisfaction of condition 4 herein, and following construction of the Sorter equipment, the owner shall construct a metal building around the Sorter equipment. The building shall include the installation of sound attenuation materials on the interior wall or walls as needed for the Sorter to comply with Section 4.18.04 of the County Zoning Ordinance.
8. Upon completion of the requirements in condition 7 herein, the owner shall have a sound test of the Sorter equipment conducted by a qualified professional to demonstrate that the Sorter equipment complies with Section 4.18.04 of the County Zoning Ordinance to the satisfaction of the Agent.
9. If the Sorter and Stacker are contained in separate buildings, the owner shall construct a wall across the span between the two buildings in general accord with the image shown on Exhibit C, attached hereto.
10. Following the initial sound study required in Conditions 4 and 8, and within 60 days of a request by the Zoning Administrator, the owner must submit a sound study prepared by a qualified professional demonstrating that the property is in compliance with County noise regulations, including County Code § 18-4.18. The Zoning Administrator may request a sound study up to once every 365 days and may not request a sound study after January 1, 2024.

Exhibit A: Timmons Group Survey – See Attachment C to the August 19, 2020 transmittal memorandum to the Board of Supervisors, which is the Timmons Survey dated August 2, 2017, and is incorporated herein by this reference.

STATION OFFICE
28 Imperial Drive | Staunton, VA 24401
TEL 540.885.0920 FAX 540.885.0786 www.wilmons.com

LINE TABLE		
LINE	BEARING	LENGTH
L1	S74°31'34"W	9.96'
L2	S82°10'44"E	53.93'
L3	N22°08'11"W	43.36'
L4	N72°18'31"E	25.97'

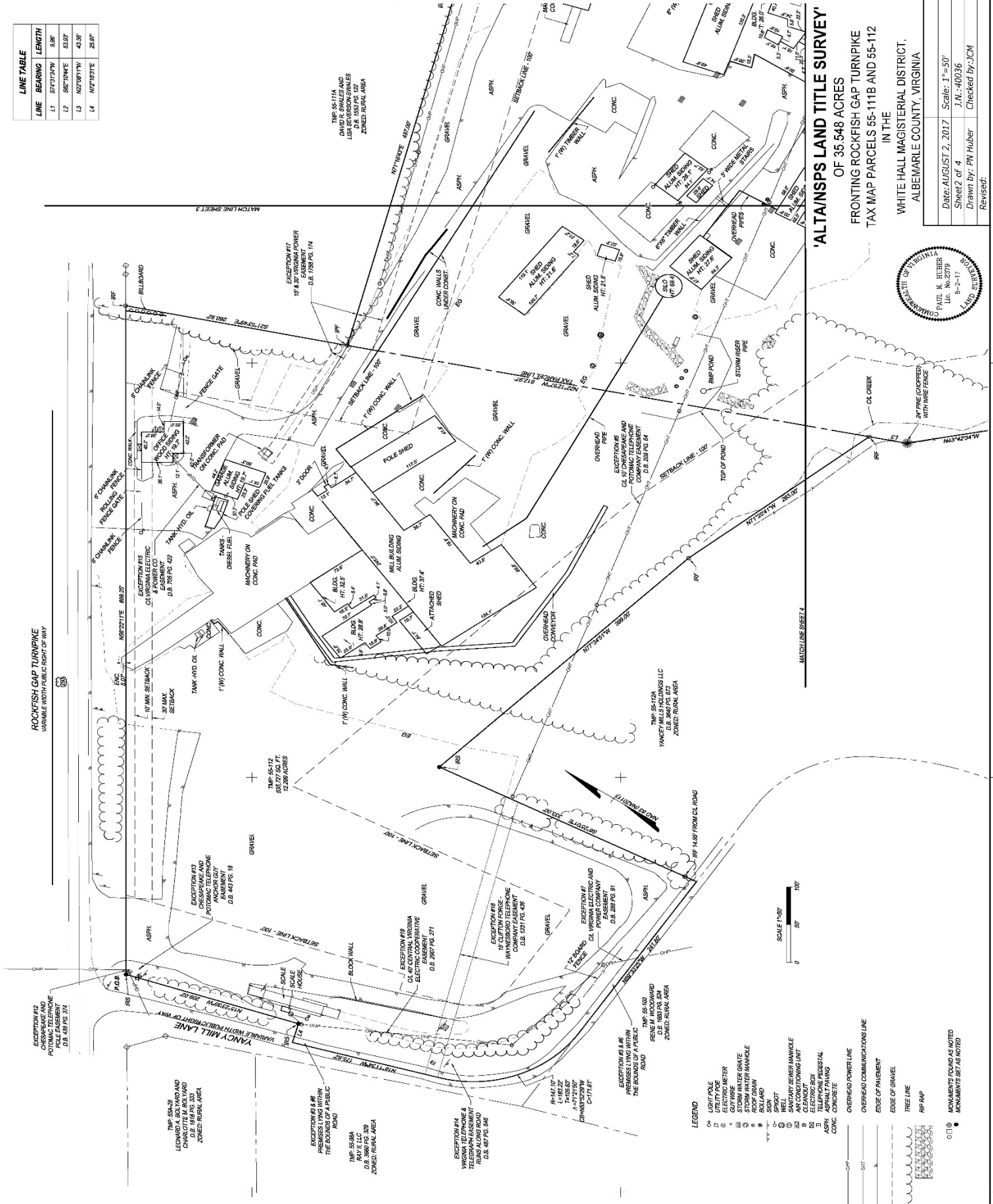
'ALTA/NSPS LAND TITLE SURVEY'

OF 35.548 ACRES

FRONTING ROCKFISH GAP TURNPIKE
TAX MAP PARCELS 55-111B AND 55-112

IN THE
WHITE HALL MAGISTERIAL DISTRICT,
ALBEMARLE COUNTY, VIRGINIA

Date: AUGUST 2, 2017	Scale: 1"=50'
Sheet 2 of 4	J.N.: 40036
Drawn by: PN Huber	Checked by: JN
Revised:	



LINE TABLE		
LINE	BEARING	LENGTH
L1	S79°31'34"W	9.8'
L2	S50°10'44"E	53.9'
L3	N27°05'11"W	43.9'
L4	N72°18'31"E	26.9'

THIS DRAWING PREPARED AT THE
STATIONING OFFICE
28 Imperial Drive | Staunton, VA 24401
TEL: 540.885.0920 FAX: 540.885.0796 WWW.TIMMONSGROUP.COM

YOUR VISION ACHIEVED THROUGH OURS.



TIMMONS GROUP

ROCKFISH GAP TURNPIKE
VARIABLE WIDTH PUBLIC RIGHT OF WAY

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100



'ALTAINSPS LAND TITLE SURVEY' OF 35.548 ACRES FRONTING ROCKFISH GAP TURNPIKE TAX MAP PARCELS 55-111B AND 55-112 IN THE WHITE HALL MAGISTERIAL DISTRICT, ALBEMARLE COUNTY, VIRGINIA

Date: AUGUST 2, 2017 Scale: 1"=50'
Sheet 4 of 4 J.N.-40036
Drawn by: PN Huber Checked by: JCM
Revised:

LINE	BEARING	LENGTH
L1	S74°51'30"W	8.80'
L2	S82°04'41"E	63.82'
L3	N2°09'11"W	43.36'
L4	N72°09'11"E	25.93'

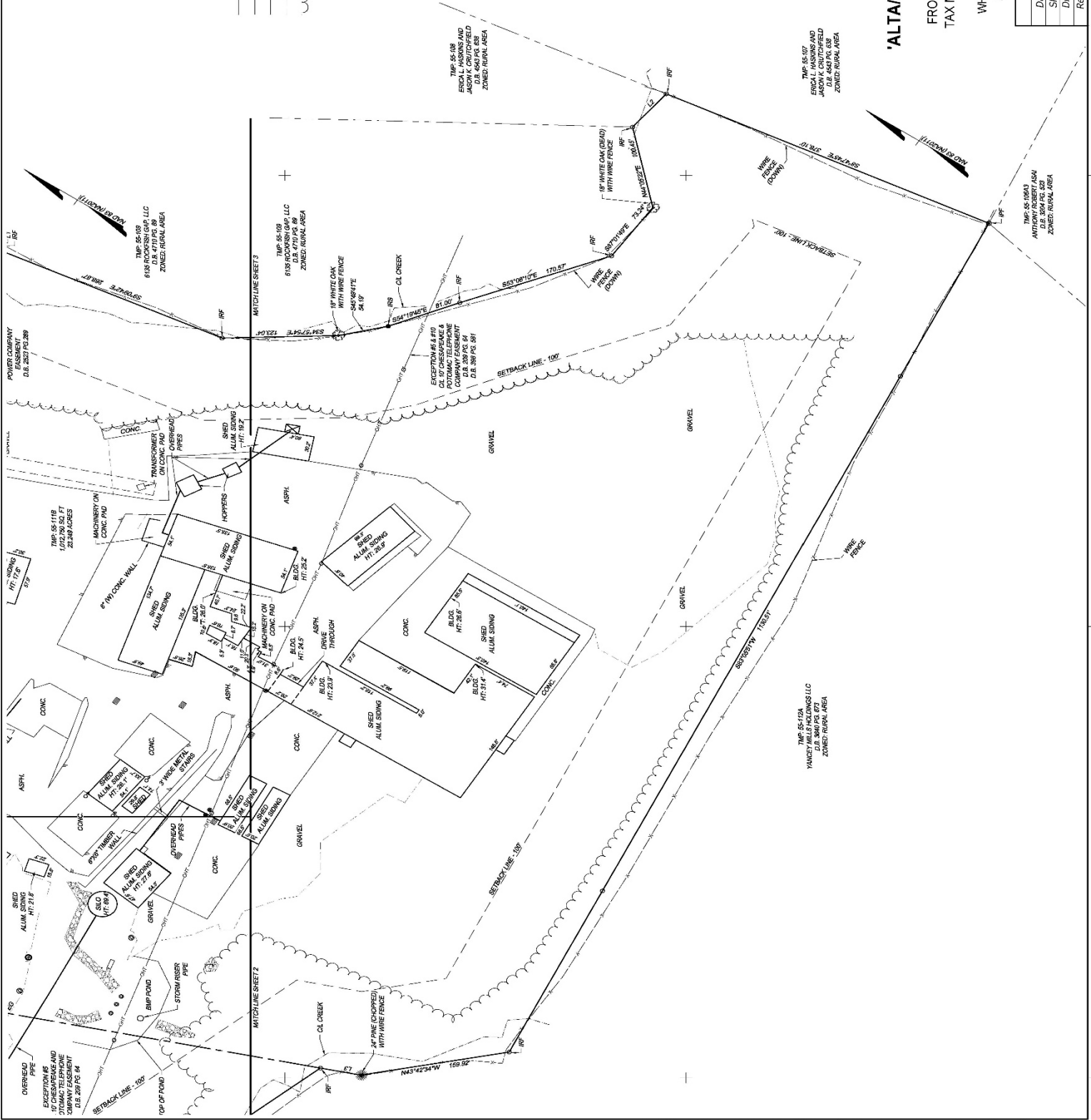
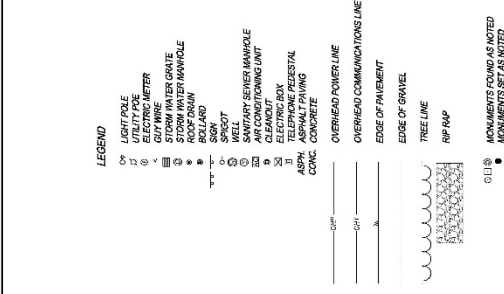
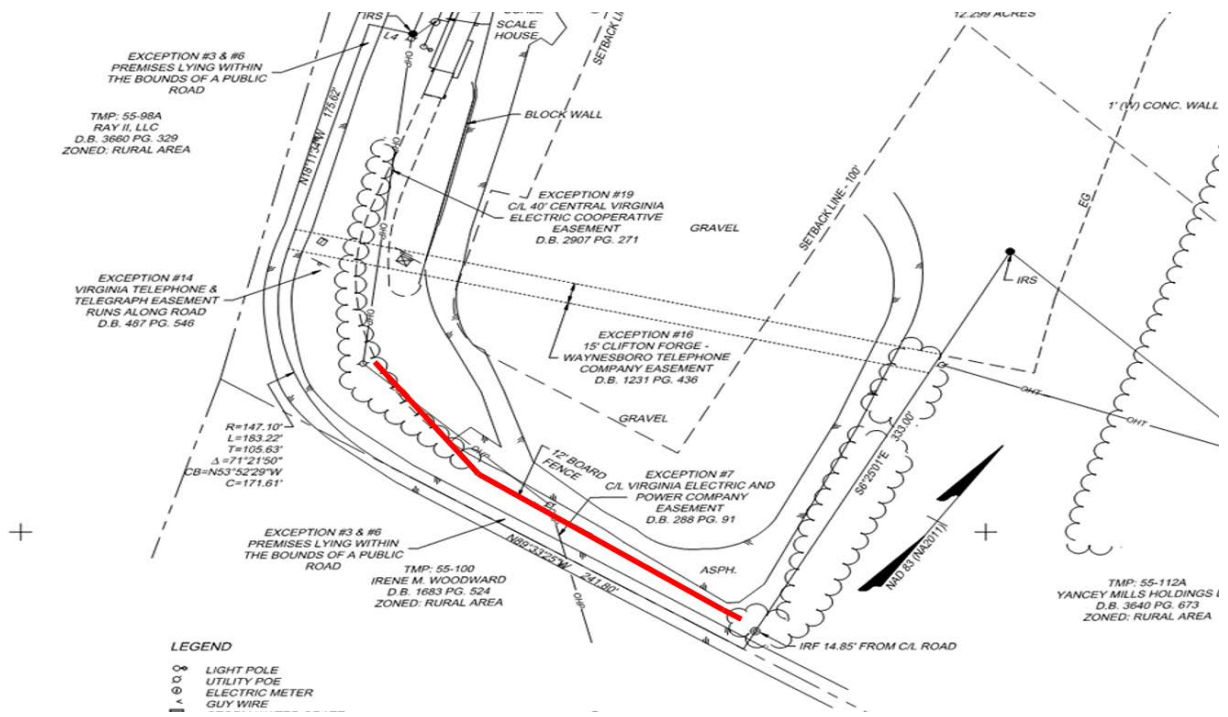




Exhibit C: Exhibit Showing Wall between Sorter and Stacker



Exhibit D: Exhibit Showing Approximate Location of Fence Yancey Mill Lane



**RESOLUTION TO DENY REQUESTED SPECIAL EXCEPTIONS
FOR SE2020-00001 888 WOODLANDS ROAD**

BE IT RESOLVED that, upon consideration of the Memorandum prepared in conjunction with the application and the attachments thereto, including staff's supporting analysis, any written and verbal comments received, and all of the factors relevant to special exceptions in Albemarle County Code §§ 18-5.1.48 and 18-33.49, the Albemarle County Board of Supervisors hereby denies the requested special exceptions (a) to modify the minimum 125 foot western side yard and southern front yard required for a homestay in the Rural Areas zoning district, and (b) to waive the owner occupancy requirement to allow occupancy by a resident manager for SE2020-00001 888 Woodlands Road.

**RESOLUTION IN SUPPORT OF A SMART SCALE PROJECT
APPLICATION IN ALBEMARLE COUNTY**

WHEREAS, the County of Albemarle desires to submit an application for the Rio Road/John Warner Parkway Intersection Improvements project to be funded through the Smart Scale Program in the Fiscal Year 22-27 Six-Year Improvement Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby supports the submittal of the Smart Scale application for funding the Rio Road/John Warner Parkway Intersection Improvements project on behalf of Albemarle County.

**RESOLUTION TO APPROVE
ADDITIONAL FY 2020 APPROPRIATION**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That the FY 20 Budget is amended to increase it by \$5,880,505.21;
- 2) That Appropriation #2020074 is approved; and
- 3) That the appropriation referenced in Paragraph #2, 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, 2020.

**RESOLUTION TO APPROVE
SP 202000006 SCOTT'S IVY EXXON**

BE IT RESOLVED that, upon consideration of the staff reports prepared for SP 202000006 and all of their attachments, the information presented at the public hearings, any written comments received, and the factors relevant to special use permits in Albemarle County Code §§ 18-22.2.2(16)(a) and 18-33.40, the Albemarle County Board of Supervisors hereby approves SP 202000006, subject to the conditions attached hereto.

* * * * *

SP2020-06 Scott's Ivy Exxon Special Use Permit Conditions

1. Development of the use must be in general accord, as determined by the Director of Planning and the Zoning Administrator, with the Conceptual Plan titled "Scott's Ivy Exxon – Special Use Permit – Conceptual Layout Plan", prepared by Collins Engineering, with the latest revision date of June 2, 2020. To be in general accord with the Conceptual Plan, development must reflect the following major elements within the development essential to the design of the development and as described in the narrative and concept plan:
 - a. Location and building footprint of the proposed expansion.
 - b. The number of auto service bays.
 - c. Mitigating landscaping within the stream buffer, to the satisfaction of the County Engineer.
 - d. Location and type of proposed landscaping buffer. The landscaping buffer must be a mixture of deciduous and evergreen plantings, to the satisfaction of the Planning Director.
 - e. Location of the parking areas.
2. The following restrictions to any new outdoor lighting apply:
 - a. all fixtures must be full cutoff;
 - b. lighting is limited to 20 foot-candles at the ground;
 - c. new outdoor lighting must be on a timer or motion sensor between the hours of 10 PM and 6 AM.
3. All mechanical equipment must be fully screened from the view of adjacent properties and adjacent public streets.
4. Hours of operation of the service station are limited to within 7 AM - 9 PM, Monday through Saturday. Fuel sales are permitted 24 hours per day.

**ORDINANCE NO. 20-A(10)
ZMA 2019-00016**

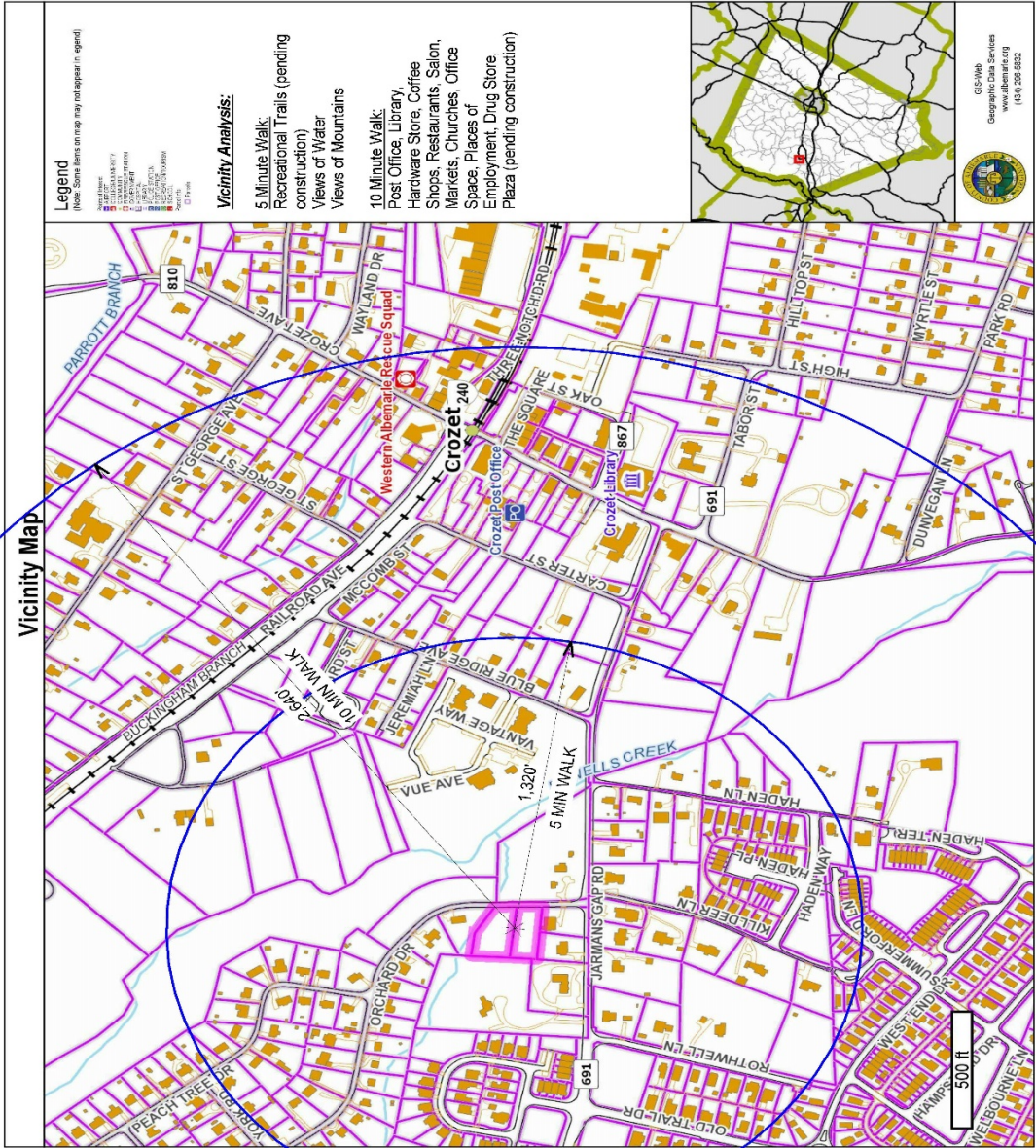
**AN ORDINANCE TO AMEND THE ZONING MAP
FOR TAX PARCELS 05500-00-00-068C0 AND 05500-00-00068D0**

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2019-00016 and their attachments, including the concept plan dated July 4, 2020 and the proffers dated July 28, 2020, the information presented at the public hearing, any written comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code §§ 18-15.1 and 18-33.27, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2019-00016 with the concept plan dated July 4, 2020 and the proffers dated July 28, 2020.

* * * * *

BAMBOO GROVE

TAX MAP 55, PARCEL 68C & 68D
WHITE HALL DISTRICT
ALBEMARLE COUNTY, VIRGINIA



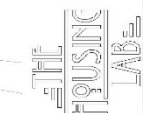
Map is for Display Purposes Only - Aerial Imagery from the Commonwealth of Virginia and Other Sources

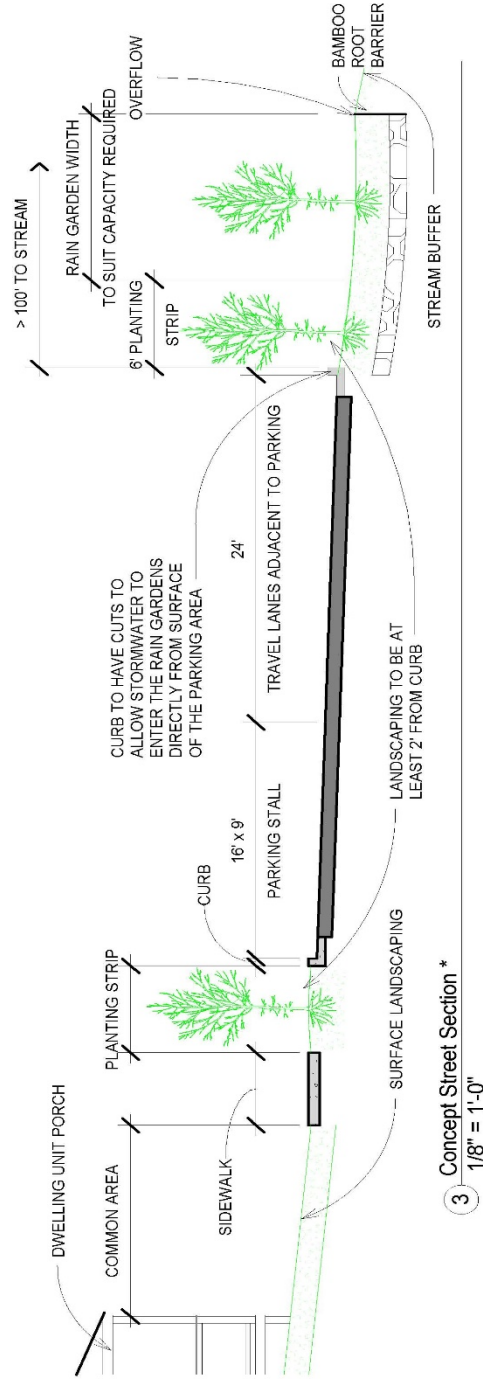
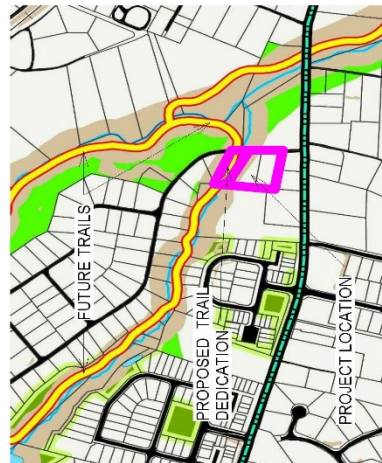
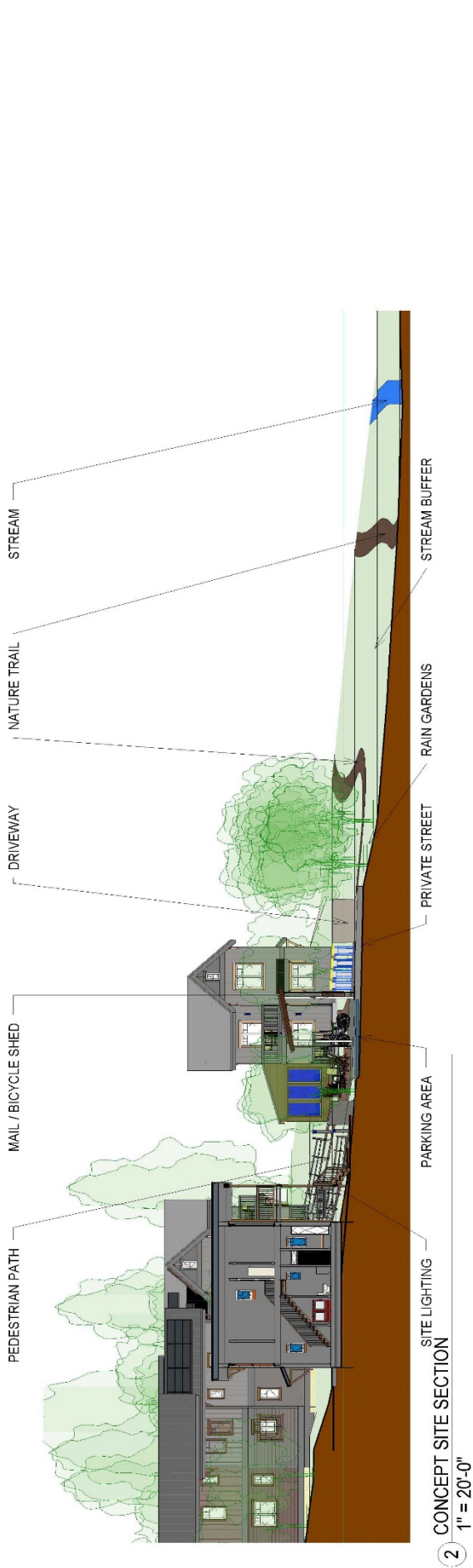
April 6, 2019

ZONING MAP AMMENDMENT ATTACHMENT - CONCEPT PLAN

SCALE: 1" = 6000'

THE HOUSING LAB
BAMBOO GROVE





* STREET SECTION SHALL COMPLY WITH COUNTY STANDARDS AS APPLICABLE

PROFFER STATEMENT**BAMBOO GROVE**

Date: July 28, 2020
ZMA#: 2019-00016 Bamboo Grove Rezoning
Tax Map Parcel #: 05500-00-00-068C0 and 05500-00-00-068D0

1.24 acres to be rezoned from Residential R-2 ("R-2") to Residential R-4 ("R-4")

The Housing Lab, LLC, a Virginia limited liability company, is the fee simple owner of tax map parcels 05500-00-00-068C0 and 05500-00-00-068D0 (together, the "Property"). The Housing Lab, LLC shall hereinafter be referred to as the "Owner." The Property is the subject of the zoning map amendment application #ZMA-2019-00016 known as "Bamboo Grove." The Applicant for Bamboo Grove is the Owner. The Bamboo Grove development is herein referred to as the "Project."

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the Owner hereby voluntarily proffers the conditions listed in this Proffer Statement, which shall be applied to the Property if the rezoning is approved by Albemarle County. These conditions are proffered as part of the rezoning and it is agreed that the conditions are reasonable.

1. Concept Plan.

If the Project consists of more than two (2) residential dwelling units, then such development shall be constructed in general accord with the Concept Plan dated July 4th, 2020, prepared by The House Lab LLC (the "Concept Plan"), including such major elements as maximum and minimum number of residential dwelling units permitted, lot layout, internal street layout, pedestrian improvements, and open space.

2. Affordable Housing.

The Owner shall provide Affordable Dwelling Units (as defined herein) equal to fifteen percent (15%) of the total units within the Project (the "Affordable Housing Requirement"). However, if the Project is developed at a density above the recommended Comprehensive Plan density of four (4) residential dwelling units, the Affordable Housing Requirement shall increase to thirty-three (33%) of the total units within the Project. The Owner or its successors in interest reserve the right to meet the Affordable Housing Requirement through a variety of housing types, including but not limited to, for-sale units or rental units.

A. For-Sale Affordable Dwelling Units. The Owner may meet the Affordable Housing Requirement by constructing Affordable Dwelling Units. For purposes of this Proffer 1(A), "Affordable Dwelling Unit" shall mean any unit affordable to households with incomes less than eighty percent (80%) of the area median income (as determined from time to time by the Albemarle County Office of Housing) such that housing costs

consisting of principal, interest, real estate taxes and homeowners insurance (PITT) do not exceed thirty percent (30%) of the gross household income; provided, however; that in no event shall the selling price for such affordable units be more than sixty-five percent (65%) of the applicable Virginia Housing Development Authority (VHDA) maximum sales price/loan limit for first-time homebuyer programs at the beginning of the 180-day period referenced in Proffer 1(A)(1) hereof (the "VHDA Limit"). The Owner shall impose by contract the responsibility herein of constructing and selling the Affordable Dwelling Units to any subsequent owner or developer of the Property (or any portion thereof). Such subsequent owner(s) and/or developer(s) shall succeed to the obligations of the Owner under this Proffer 1; and the term "Owner" shall refer to such subsequent owner(s) and/or developer(s), as applicable.

- (1) Role of County Community Development Department. All purchasers of the for-sale Affordable Dwelling Units shall be approved by the Albemarle County Community Development Department or its designee (the "Community Development Department"). At the proposed time of construction of any Affordable Dwelling Unit, the Owner shall provide the Community Development Department a period of one hundred eighty (180) days to identify and approve an eligible purchaser for such affordable unit. The 180-day qualification period shall commence upon written notice from the Owner to the Community Development Department of the approximate date the Unit is expected to receive a certificate of occupancy from the County (the "Notice"). Such Notice shall be given no more than ninety (90) days prior to the expected issuance of the certificate of occupancy, and the 180-day approval period shall extend no less than ninety (90) days after the issuance of the certificate of occupancy. Nothing in this Proffer 1 shall prohibit the Community Development Department from providing the Owner with information on income eligibility sufficient for the Owner to identify eligible purchasers of Affordable Dwelling Units for approval by the Community Development Department. If, during the 180-day qualification period, (i) the Community Development Department fails to approve a qualified purchaser, or (ii) a qualified purchaser fails to execute a purchase contract for an Affordable Dwelling Unit, then, in either case, the Owner shall have the right to sell the Unit without any restriction on sales price or income of the purchaser(s), and such unit shall be counted toward the satisfaction of this Proffer 1. This Proffer 1 shall apply only to the first sale of each of the for-sale Affordable Dwelling Units. For the purposes of this Proffer 1, such Affordable Dwelling Units shall be deemed to have been provided when the subsequent Owner/builder provides written notice to the Albemarle County Office of Housing or its designee that the unit(s) will be available for sale.
- (2) Tracking. Each subdivision plat and site plan for land within the Property shall: i) designate the lots or units, as applicable, that will constitute Affordable Dwelling Units within the Project and ii) contain a running tally of the Affordable Dwelling Units either constructed or contributed for under this Proffer 1. The designated lots or units shown on the applicable subdivision plat or site plan may not be shown as being constructed in a future phase.

B. For-Rent Affordable Dwelling Units.

- (1) Rental Rates. The initial net rent for each rental housing unit for which Owner seeks qualification for the purposes of this Proffer 1 ("For-Rent Affordable Dwelling Unit") shall not exceed the then-current and applicable maximum net rent rate approved by the Community Development Department. In each subsequent calendar year, the monthly net rent for each For-Rent Affordable Dwelling Unit may be increased up to three percent (3%). For purposes of this Proffer 1B, the term "net rent" means that the rent does not include tenant-paid utilities. The requirement that the rents for such For-Rent Affordable Dwelling Units may not exceed the maximum rents established in this paragraph 1B shall apply for a period of ten (10) years following the date the certificate of occupancy is issued by the County for each For-Rent Affordable Dwelling Unit, or until the units are sold as low or moderate cost units qualifying as such under either the Virginia Housing Development Authority, Farmers Home Administration, or Housing and Urban Development, Section 8, whichever comes first (the "Affordable Term").
- (2) Conveyance of Interest. All deeds conveying any interest in the For-Rent Affordable Dwelling Units during the Affordable Term shall contain language reciting that such unit is subject to the terms of paragraph 1B. In addition, all contracts pertaining to a conveyance of any For-Rent Affordable Dwelling Unit, or any part thereof, during the Affordable Term shall contain a complete and full disclosure of the restrictions and controls established by this paragraph 1B. At least thirty (30) days prior to the conveyance of any interest in any For-Rent Affordable Dwelling Unit during the Affordable Term, the then-current Owner shall notify the County in writing of the conveyance and provide the name, address and telephone number of the potential grantee, and state that the requirements of this paragraph 1B have been satisfied.
- (3) Reporting Rental Rates. During the Affordable Term, within thirty (30) days of each rental or lease term for each For-Rent Affordable Dwelling Unit, the then-current Owner shall provide to the Community Development Department a copy of the rental or lease agreement for each such unit rented that shows the rental rate for such unit and the term of the rental or lease agreement. In addition, during the Affordable Term, the then-current Owner shall provide to the County, if requested, any reports, copies of rental or lease agreements, or other data pertaining to rental rates as the County may reasonably require.

3. Open Space and Trail Dedication.

A. Open Space. The Owner shall restrict from development all open space areas which are shown as "Open Space" on the Concept Plan; provided, however, that the Owner may modify such areas so long as a minimum of twenty-five percent (25%) of the Project is restricted. These areas shall be used for the use and enjoyment of the residents of the Property, subject to the restrictions that may be imposed by any declaration recorded as

part of a conveyance of these areas to a homeowner's association. The Open Space dedication shall occur prior to the Certificate of Occupancy of the third (3rd) residential dwelling unit.

B. Trail Dedication. The Owner shall dedicate and convey to the County, upon demand by the County, approximately 0.22 acres labeled as "Trail Dedication" on the Concept Plan (the "Trail Dedication Area"). The precise location of the Trail Dedication Area shall be mutually agreed upon by the Owner and the County, and such agreement shall not be unreasonably withheld or conditioned. The Trail Dedication Area will be conveyed in the form of a general warranty deed and the Owner shall bear the cost of a survey and preparing the deed. The trail construction and dedication shall occur prior to the Certificate of Occupancy of the third (3rd) residential dwelling unit.

4. Miscellaneous.

A. Stream Buffer. All residential dwelling units and private residential lots shall be located outside the 100' stream buffer.

This Proffer Statement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same instrument.

WITNESS the following duly authorized signature:

Owner:

THE HOUSING LAB, LLC,
a Virginia limited liability company

By: 

Christopher Fuller, Manager