

<p style="text-align: center;">ACTIONS Board of Supervisors Meeting of August 17, 2022</p>		
		August 18, 2022
<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>VIDEO</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 2:35 p.m., by the Chair, Ms. Price. All BOS members were present with the exception of Ms. LaPisto-Kirtley who participated remotely. Also present were Jeff Richardson, Steve Rosenberg, Claudette Borgersen and Travis Morris. 		Link to Video
<ul style="list-style-type: none"> By a vote of 5:0, APPROVED request to allow Supervisor LaPisto-Kirtley to participate remotely in accordance with applicable Board Rules of Procedure enacted pursuant to the Freedom of Information Act, given that she is unable to attend the meeting in person due to a medical reason. 		
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> Announced that SE2022-365600 Turkey Sag Road Homestay would be held on the September 7, 2022, agenda. Ms. Price added to item #18, From the Board, a discussion for approval to send a letter on behalf of the Board to Eli Sullivan for winning the 2022 World Horseshoe Pitching Cadet Champion. By a vote of 6:0, ADOPTED 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 on September 24, from 9 a.m. to 12 p.m., there would be an accessibility day at the Blue Ridge Tunnel with golf cart tours for community members who have difficulty walking the trail. <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> Commented that seven western states are facing a water crisis and suggested that the Board talk about planning, including gray water usage, through the Climate Action Plan. Remarked on an article in the Washington Post by Bonnie Berkowitz on the previous Sunday about how extreme heat could wreck cities' infrastructure. <p><u>Bea LaPisto-Kirtley:</u></p> <ul style="list-style-type: none"> Expounded on Ms. McKeel's comments on gray water and mentioned that painting playgrounds with solar reflective paint had a cooling affect. Announced that the Police Foundation would sponsor the Albemarle County Police Putt-Putt Night that evening. <p><u>Jim Andrews:</u></p>		

<ul style="list-style-type: none"> Announced that electronic waste (e-waste) collection would be held on September 17 at the Ivy Waste MUC and community members would need to sign up online in advance at https://www.rivanna.org/ewaste/. <p><u>Donna Price:</u></p> <ul style="list-style-type: none"> Mentioned her and the County Executives participation at the Albemarle County Public Schools convocation. Explained that through her participation in the Sorensen Institute Political Leader Program, she met with dairy farmers in Harrisonburg where it was mentioned that “Solar Farm” was not a correct term and they should be referred to as Industrial Installations. Commented that UVA students would be moving in over the upcoming weekend. Echoed Supervisor McKeel’s comments regarding water planning and agreed that conservation and gray water is a good idea. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Remarked that the next day at the VACo summit in Roanoke there were two programs on industrial solar and on September 29 the Rivanna River Basin Conference would feature DEQ and several other state agencies discussing solar programs. 		
<p>6. Proclamations and Recognitions.</p> <p>a. Proclamation Celebrating the Kiwanis Club of Charlottesville 100th Year of “Serving the Children of the World.”</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED proclamation and presented to 	(Attachment 1)	
<p>7. 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>Peter Krebs</u>, Piedmont Environmental Council, congratulated the County, staff, the Board, and residents on the RAISE Grant which will be used to design a key segment of the shared-use Three Notched Trail. <u>Laurel Davis</u>, spoke in opposition to the placement of the convenience center waste collection site on Esmont Road. 		
<p>8.2 Set Public Hearing for Central Virginia Health Services WellAWARE Program Lease.</p> <ul style="list-style-type: none"> AUTHORIZED advertising a public hearing to consider a proposed lease of Yancey Community Center space to Central Virginia Health Services. 	<p><u>Clerk:</u> Advertise in the Daily Progress and Schedule on agenda when ready.</p>	
<p>8.3 Transit Shelter Agreement - Northside Library.</p> <ul style="list-style-type: none"> ADOPTED resolution authorizing the County Executive to sign a proposed License Agreement and any related 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney’s office. (Attachment 2)</p>	

	documents on behalf of the County, once approved as to substance and form by the County Attorney.	<u>County Attorney:</u> Provide Clerk with copy of fully executed agreement. (Attachment 3)	
8.4	SE202200024 Division Road, Inc. Major Home Occupation. <ul style="list-style-type: none"> • ADOPTED resolution to approve the special exception with the conditions contained therein. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 4)	
8.5	Amend Rule 8 of the Board's Rules of Procedure. <ul style="list-style-type: none"> • ADOPTED Amended Rules of Procedure. 	<u>Clerk:</u> (Attachment 5)	
9.	Business Process Improvements – Economic Opportunities Fund. <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED resolution supporting a more streamlined approach to the appropriation process for the Economic Opportunities Fund and DIRECTED staff to prepare the appropriation request of FY23 funding to the Economic Development Authority Fund for the Board's consideration on September 7, 2022. 	<u>Clerk:</u> Forward copy of signed resolution to Economic Development, Finance and Budget and County Attorney's office. (Attachment 6) <u>Finance and Budget:</u> Proceed as directed.	
10.	Work Session: COVID-19 Reconstitution Update. <ul style="list-style-type: none"> • HELD. 		
11.	Closed Meeting. <ul style="list-style-type: none"> • At 4:29 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 the Fire Prevention Code Appeals Board/Local Board of Building Code Appeals; • under subsection (8) to consult with legal counsel regarding specific legal matters requiring legal advice related to land use applications and a decision of the Board of Zoning Appeals; • pertaining to drainage infrastructure in the Northfields subdivision, under subsection (3), to discuss and consider the acquisition of real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County, and under subsection (8), to consult with legal counsel regarding specific legal matters requiring legal advice related to the negotiation of right of entry agreements and easements; and • under subsection (7), to consult with legal counsel and receive a briefing by staff members pertaining to (1) actual litigation concerning the Ragged Mountain Natural Area, and (2) probable litigation concerning alleged violations of the Virginia Freedom of Information Act and State and Local Government Conflict of Interests Act, where consultation or briefing in open meeting would adversely affect the 		

	negotiating or litigating posture of the County and the Board.		
12.	<p>Certify Closed Meeting.</p> <ul style="list-style-type: none"> At 6:00 p.m., the Board reconvened into open meeting and certified by a recorded vote of 6:0, that in the closed meeting the subject of probable litigation concerning alleged violations of the Virginia Freedom of Information Act and State and Local Government Conflict of Interests Act was not heard, discussed or considered and otherwise, to the best of each Supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. 		
13.	<p>Boards and Commissions:</p> <p>a. Vacancies and Appointments.</p> <ul style="list-style-type: none"> APPOINTED, Mr. Walter N. Perkins to the Fire Prevention Board of Appeals and Local Board of Building Code Appeals with said terms to expire November 21, 2026. APPOINTED, Mr. Raymond E. Gaines to the Fire Prevention Board of Appeals and Local Board of Building Code Appeals as an alternate member to fulfill partial terms ending November 21, 2023. 	Clerk: Prepare appointment/ reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.	
	<p>Non-agenda.</p> <ul style="list-style-type: none"> Motion to authorize the County Executive, in connection with emergency drainage repairs in the Northfields subdivision (1) to enter into right of entry letter agreements with property owners, substantially in the form presented to the Board in the closed meeting, and other agreements necessary to such repairs, once the agreements are approved as to form and substance by the County Attorney, and (2) to proceed with and complete such repairs as detailed in the letter agreements passed by a vote of 6:0. 	<p><u>County Executive: Proceed as authorized.</u></p> <p><u>County Attorney: Provide Clerk with copy of fully executed agreement.</u></p>	
14.	<p>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"> Presented the County Executives Monthly report along with Kristy Shifflett, Director, Office of Performance and Strategic Planning. 		
15.	<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"> There were none. 		
16.	<p><u>Pb. Hrg.: ZMA202000005 Old Dominion Village.</u></p>	Clerk: Forward signed copy of ordinance and resolution to Community Development and	

<ul style="list-style-type: none"> By a vote of 6:0, ADOPTED ordinance to approve ZMA202000005 Old Dominion Village. By a vote of 6:0, ADOPTED resolution to Approve SE202000010 Old Dominion Village. 	<p>County Attorney's office. (Attachments 7-10)</p>	
<p>17. <u>Pb. Hrg.: ACSA202200004 Jurisdictional Area Amendment Request, Old Dominion Village (Crozet).</u></p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution to Approve ACSA202200004 Old Dominion Village (Crozet) for Parcels 05600-00-00-067B0 & 05600-00-00-074A0. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 11)</p>	
<p>18. From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <p>a. Letter of Recognition for Eli Sullivan - World Cadet Horseshoe Pitching Champion.</p> <ul style="list-style-type: none"> By a vote of 6:0, AUTHORIZED the Chair to sign a letter of recognition recognizing Eli Sullivan as the World Horseshoe Pitching Cadet Champion. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Requested the Board consider redesignating the appointment of Lonnie Murray, representing the Soil and Water Conservation District, to the Rivanna River Basin Commission. Noted it was not recommended to change the soil disturbance threshold, reducing it from 10,000 square feet to 2,500 square feet and asked the Board to identify items in the CIP that would be affected and what the cost would be to take advantage of the proffer law. <p><u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> Mentioned that at the past TJPDC meeting, there was an update on the watershed improvement plan and the regional plan and recommended that information on modeling that showed how the stormwater management and stream health initiatives connected to the reduction in water treatment costs be provided during a stormwater management or stream health discussion. Requested confirmation about the "Safe Streets for All" federal program which required a 20% local match, cash or in-kind and mentioned he was interested in learning if the County had projects that would fit the program. <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> Announced an algae bloom advisory had been expanded at Lake Anna and noted the County was experiencing its own algae blooms, She remarked that the County 	<p><u>Clerk:</u> Prepare letter for signature.</p>	

<p>needed to figure out what was causing the blooms.</p> <ul style="list-style-type: none"> • Noted how some communities used art installations to act as traffic mitigation measures and that Old Town Alexandria used attenuators and concrete cylinders to protect pedestrian travel ways. She suggested the County consider similar methods to protect cyclists and pedestrians. <p><u>Jim Andrews:</u></p> <ul style="list-style-type: none"> • Mentioned that at the last SWAAC meeting Andrea Johnson from van der Linde Recycling gave a presentation and stated that 76% of material was diverted from landfill. <p><u>Donna Price:</u></p> <ul style="list-style-type: none"> • Noted the deficiencies with proffers and recommended including in the County's ordinances an accumulation limit over a period of time. • Remarked that she was concerned about the long-term engineering and infrastructure impacts of piping a stream. • Commented that there were several cases of flesh-eating bacteria from the Rivanna River. • Noted traffic calming measures of roundabouts. • Encouraged other Board members to tour the van der Linde Recycling facility. • Noted that during a dairy farm visit as part of the Sorensen Institute Political Leader Program, she was shown the technology required for effective commercial farming and mentioned that a presentation was given by a senior executive from JMU on improving community relations and recruitment efforts in middle and high schools. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> • Commented on filtering of sediment from water at the South Fork Rivanna Water Treatment Plant. • Pointed out that there previously had been a painted medallion on St. George Avenue that had been anecdotally effective at slowing traffic. • Reminded the Board of the importance of keeping streams above ground. <p><u>Jeff Richardson:</u></p> <ul style="list-style-type: none"> • Commented on a report that was published the previous fall by the Free Enterprise Forum that raised questions about the Acquisition of the Conservation Easement Program (ACE) and distributed copies of the County Attorney's office review memo finding all purchases under the program were lawful. 		
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19.	Adjourn to August 24, 9:00 a.m., 994 Research Park Blvd., Room B, Charlottesville, VA. (North Fork UVA Discovery Park)		
	<ul style="list-style-type: none"> The meeting was adjourned at 8:49 p.m. 		

ckb/tom

Attachment 1 – Proclamation Celebrating the Kiwanis Club of Charlottesville 100th Year of “Serving the Children of the World”

Attachment 2 – Resolution to Approve A Transit Shelter Agreement on the Northside Library Property

Attachment 3 – Draft Transit Stop License Agreement

Attachment 4 – Resolution to Approve SE2022-00024 – 3618 Rolling Road (Division Lane Inc.) Home Occupation

Attachment 5 – Board of Supervisors Rules of Procedure Adopted August 17 effective September 1, 2022

Attachment 6 – Resolution Approving an Economic Development Office Business Process Improvement for the Economic Opportunities Fund

Attachment 7 – Ordinance No. 22-A(9) ZMA 2020-00005 Old Dominion Village

Attachment 8 – ZMA202000005 Old Dominion Village Application Plan Last Revised April 21, 2022

Attachment 9 – ZMA202000005 Old Dominion Village Signed Proffers Last Revised April 21, 2022

Attachment 10 – Resolution to Approve SE202000010 Old Dominion Village

Attachment 11 – Resolution to Approve ACSA202200004 Old Dominion Village (Crozet) for Parcels 05600-00-00-067B0 & 05600-00-00-074A0

Proclamation Celebrating the Kiwanis Club of Charlottesville 100th Year of “Serving the Children of the World”

- WHEREAS,** the Kiwanis Club of Charlottesville was founded in April, 1922 and is celebrating its 100th year of service as a pioneer in empowering community volunteers dedicated to tackling local and international community issues, especially those that affect young children and youth; and
- WHEREAS,** Kiwanis is perhaps best known for its service leadership programs, currently with Key Clubs at four local high schools, the Circle K International Club at the University of Virginia, and an Aktion Club at Innisfree Village where more than three hundred youth are members of these clubs; and
- WHEREAS,** the Kiwanis Club of Charlottesville is truly committed to serving the children and youth of the community through volunteer projects, civic engagement, fund-raising, and leadership development and Kiwanians and Kiwanis family leaders have been giants of service and leadership in this community for more than a third of the span of this community's history; and
- WHEREAS,** Kiwanis International was founded in Detroit, Michigan in 1915 and there are now over 200,000 adult Kiwanians and more than 325,000 Kiwanis Family members in 80 countries and geographic areas around the world serving on projects in conjunction with UNICEF working to eliminate Maternal and Neonatal Tetanus from the face of the earth and ridding the world of Iodine Deficiency Disorders, the leading preventable cause of intellectual disabilities worldwide.
- NOW, THEREFORE, BE IT PROCLAIMED,** that we, the Albemarle County Board of Supervisors, celebrate the Kiwanis Club of Charlottesville 100th year of “Serving the Children of the World”.

Signed this 17th day of August 2022.

RESOLUTION TO APPROVE A TRANSIT SHELTER AGREEMENT ON THE NORTHSIDE LIBRARY PROPERTY

WHEREAS, shelters and benches are a desired and at times necessary amenity for transit users of all ages and abilities; and

WHEREAS, no transit shelter or bench currently serves the transit stop near the Northside Library; and

WHEREAS, leadership of the Jefferson Madison Regional Library (JMRL), which leases Northside Library from the County, has expressed support for a transit shelter at the Library; and

WHEREAS, the Board finds it is in the best interest of the County to enter into an agreement authorizing Charlottesville Area Transit to construct and maintain a transit shelter on the County-owned Northside Library property.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Albemarle, Virginia, hereby authorizes the County Executive to execute an agreement and any related document(s) authorizing Charlottesville Area Transit to construct and maintain a transit shelter on County-owned Northside Library property, once such documents are approved as to substance and form by the County Attorney.

TRANSIT STOP LICENSE AGREEMENT

This TRANSIT STOP LICENSE AGREEMENT ("Agreement") is made and entered into as of this _____ day of _____, 2022, by and between the City of Charlottesville, a Virginia Municipal Corporation (hereinafter referred to as the "City"), and the County of Albemarle, a political subdivision of the Commonwealth of Virginia (hereinafter referred to as the "County").

WITNESSETH:

WHEREAS the County owns the Real Property located at 705 Rio Road West, Charlottesville, Virginia; and

WHEREAS the County is willing to grant the City permission to establish a transit stop within that portion of the Real Property shown on Exhibit A (the "Licensed Premises") in order to provide transit services for the purpose of origin-to-destination transit for the residents of Charlottesville and Albemarle County providing public transportation access through a fixed bus service route; and

NOW, THEREFORE, for and in consideration of the sum of _____ DOLLARS (\$) and other good and valuable considerations and the mutual covenants and agreements contained herein, the receipt and sufficiency of which are hereby acknowledged, the County does hereby grant unto the City a License to use and occupy the Licensed Premises subject to the provisions set forth herein:

1. The County hereby allows and conveys to the City on a non-exclusive basis the use of its Licensed Premises for the sole purpose of operating a transit stop and transit services at a location more specifically located on Exhibit A, incorporated herein by reference.
2. The initial term of the agreement will be one (1) year but may be renewed at the option of the City for additional periods of two (2) years upon written extension between the County and the City.
3. Except in emergencies, the City will give one (1) days advance notice of any maintenance or construction work being performed within the Licensed Premises to the County at the address of record specified herein in paragraph 16.
4. Based on appropriated funding, the City will provide and install a bus shelter with bench, bus stop signage, and bus stop amenities as warranted, on a concrete shelter pad sized to accommodate the bus shelter and amenities. The City will also provide and install a concrete pad (3ft x 4ft) (with the 4ft dimension parallel and next to the width of the shelter pad) to serve as a base for an artwork installation.

5. Artwork will be stationed on the 3ft x 4ft concrete base pad in a manner that does not hinder or block accessways, route of travel, and otherwise limit handicap accessibility. Artwork will not be attached to the bus shelter. The City will not own the artwork nor be responsible for installation. The City will be responsible for maintenance and upkeep exclusively of the transit stop. The City will not be responsible for repair and/or removal of artwork due to vandalism, graffiti, or other damage.
6. The City is responsible for all advertisement on bus shelters. The City is not an insurer of customers' safety after they exit the bus on the Licensed Premises, subject, however, to paragraph 12 herein.
7. The City is not responsible for clearing the parking lot after inclement weather, subject, however, to paragraph 12 herein.
8. Either party may cancel this Agreement upon thirty (30) days written notice to the other party.
9. Nothing in this Agreement obligates the City to expend any funds in excess of funds already appropriated for installation and maintenance of the proposed stop, provided such funds are adequate for such installation and maintenance.
10. The City will at all times comply with the rules and posted speed limits throughout the Licensed Premises. The City also will provide proof of vehicle liability insurance for all vehicles entering the Licensed Premises as well as all other insurance required pursuant to Exhibit B attached hereto and incorporated herein by reference.
11. The County must be named as an additional insured on a primary and non-contributory basis on the general liability policy and umbrella policy. A copy of said insurance certificate will be made available upon request. A waiver of subrogation will also be required.
12. To the extent permitted by the laws of the Commonwealth of Virginia and without waiver to any claims the City may have to sovereign immunity, the City will indemnify and hold harmless the County, its employees and designated representatives, from any and all claims, suits, actions, liabilities and costs of any kind, caused by the City's negligence as it relates specifically to this Agreement, including any accidents, personal injuries and/or death resulting from the City's customers getting on and off of the City's vehicles at the Licensed Premises.
13. The City will at all times conduct its activities on, and with respect to, the Licensed Premises in such manner as not to conflict or interfere with the County's use of the Licensed Premises or any other property of the County or other interest by the County, its successors, assigns or licensees.

14. The City may not assign, grant by license, permit, or otherwise convey to any other party any rights, privileges, or encroachments of any nature in, on, or with respect to the Licensed Premises without the prior written consent of the County. The obligations, requirements and rights described to which the City is subject under this Agreement will be binding upon and inure to the benefit of the successors and assigns of the City. No assignment will be effective until the assignee notifies the County in writing of its acceptance of the obligations and requirements of the City under this License Agreement. The obligations and requirements to which the City is subject under this License Agreement will be binding upon the successors and assigns of the City.

15. All notices, requests, demands and other communications required or permitted to be given hereunder will be deemed to have been duly given if in writing and delivered personally, or mailed first class, postage prepaid, registered, or certified mail, as follows:

If to the City:
City of Charlottesville Transit Department
Attn: Juwhan Lee
1545 Avon Street Extended
Charlottesville, VA 22902

If to the County:
Albemarle County Executive
401 McIntire Road
Charlottesville, Virginia 22902

16. In the case of any change of such mailing address, the party so changing a mailing address will give notice thereof to the other party in the manner hereinabove provided. In the absence of any such notice, notice mailed in accordance with the foregoing section will be deemed sufficiently given and served for all purposes.

17. This License Agreement constitutes the entire agreement between the parties hereto with respect to the subject matter hereof and supersedes all prior and contemporaneous negotiations, covenants, representations, agreements, and understandings of the parties hereto relating to the subject matter hereof.

18. This License Agreement may be amended, modified, superseded, or canceled, and any of the terms, covenants, representations, or conditions hereof may be waived, only by a written instrument executed by the parties, or, in the case of a waiver, by or on behalf of the party waiving compliance. The failure of any party at any time or times to require performance of any provisions hereof will in no manner affect the right at a later time to enforce the same. No waiver by any party of any condition, or of any breach of any term, covenant or representation contained in this License Agreement, in any one or more instances, will be deemed to be, or construed as, a further or continuing waiver of any such condition or breach or a

waiver of any other condition or of breach of any other term, covenant, or representation.

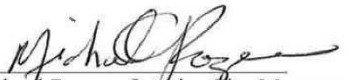
19. If any one or more of the terms, provisions, covenants, or conditions of this License Agreement be held to be void, invalid, illegal, or unenforceable in any respect, the same will not affect any other term, provision, covenant, or condition contained herein.

20. In exercising the rights granted by, and undertaking activity pursuant to this License Agreement, the City will act in accordance with the laws of the Commonwealth of Virginia and will be subject to the jurisdiction of the Courts located within the City of Charlottesville.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers.

CITY OF CHARLOTTESVILLE

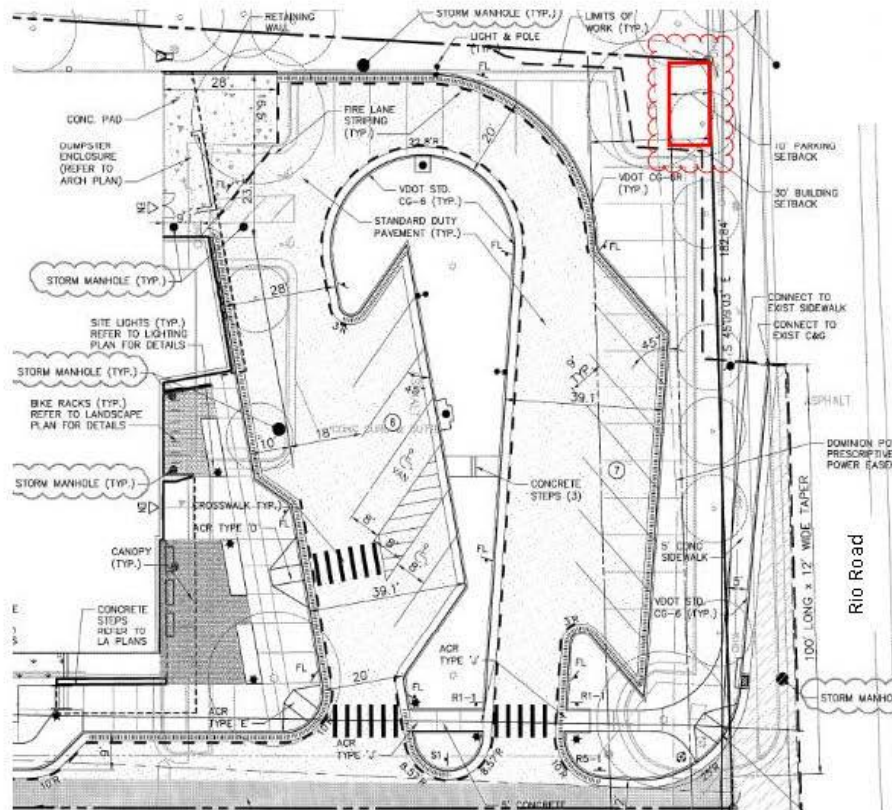
Date: 5/12/22

By 
Michael Rogers, Interim City Manager

COUNTY OF ALBEMARLE

Date: _____

By _____
Jeffrey B. Richardson, County Executive

Exhibit A

**RESOLUTION TO APPROVE SE2022-00024 –
3618 ROLLING ROAD (DIVISION ROAD INC.) HOME OCCUPATION**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE2022-00024 - 3618 Rolling Road (Division Road Inc.) Home Occupation application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-5.2A and 18-33.9, the Albemarle County Board of Supervisors hereby finds that a modified regulation would satisfy the purposes of the Zoning Ordinance to at least an equivalent degree as Albemarle County Code § 18-5.2A(b)(1), and:

- (i) that the nature of the home occupation would require storage or additional space within the dwelling unit to conduct the home occupation;
- (ii) that the primary use of the dwelling unit as a residence would be maintained; and
- (iii) that the special exception would not change the character of the neighboring agricultural area or the residential neighborhood.

NOW, THEREFORE, BE IT RESOLVED, that in association with the 3618 Rolling Road (Division Road Inc.) Home Occupation, the Albemarle County Board of Supervisors hereby approves the special exception to modify maximum allowable area for the home occupation from 1500 square feet to 3370 square feet for a Home Occupation in the Rural Areas zoning district, subject to the conditions attached hereto.

* * * * *

SE2022-00024 - 3618 Rolling Road (Division Road Inc.) Home Occupation Special Exception Conditions

1. The maximum area allowed for this home occupation is 2100 square feet.
2. The home occupation must be located in the existing barn (3618 Rolling Road) as indicated on the property layout (Attachment D) dated June 27, 2022.

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Albemarle County Board of Supervisors

Rules of Procedure Effective September 1, 2022

Rules of Procedure of the Albemarle County Board of Supervisors

1. Introduction

- A. **Purpose.** The purpose of these Rules of Procedure (the “Rules”) is to facilitate the timely, efficient, and orderly conduct of public meetings and decision-making, and they are designed and adopted for the benefit and convenience of the Albemarle County Board of Supervisors (the “Board”).
- B. **Rules Do Not Create Substantive Rights in Others.** The Rules do not create substantive rights in third parties or participants in matters before the Board.
- C. **Compliance with These Rules.** The Rules that are parliamentary in nature are procedural, and not jurisdictional, and the failure of the Board to strictly comply with them does not invalidate any action of the Board. The Rules that implement the requirements of State law are jurisdictional only to the extent that Virginia law makes them so.
- D. **Applicability.** These Rules apply to all meetings of the Board, as those meetings are defined in these Rules.
- E. **Definitions.** The following definitions apply to the administration of these Rules:
 - 1. **Present.** A person is “present” at a meeting when physically attending on the date, and at the time and place identified for the meeting, or is connected to the meeting by electronic communication means.
 - 2. **Remote Participation.** “Remote participation” means participation by an individual member of the Board by electronic communication means in a public meeting where a quorum of the Board is otherwise physically assembled.

2. Supervisors

- A. **Equal Status.** Except for the additional responsibilities of the Chair provided in Rule 3(A), all Supervisors have equal rights, responsibilities, and authority.
- B. **Decorum.** Each Supervisor will act in a collegial manner and will cooperate and assist in preserving the decorum and order of the meetings.

3. Officers and Their Terms of Office

- A. **Chair.** When present, the Chair presides at all Board meetings during the year for which elected. The Chair has a vote but no veto. (Virginia Code §§ 15.2-1422 and 15.2-1423) The Chair also is the head official for all of the Board’s official functions and for ceremonial purposes.
- B. **Vice-Chair.** If the Chair is absent from a Board meeting, the Vice-Chair, if present, presides at the meeting. The Vice-Chair also discharges the duties of the Chair during the Chair’s absence or disability. (Virginia Code § 15.2-1422)
- C. **Acting Chair in Absence of Chair and Vice-Chair.** If the Chair and Vice Chair are absent from any meeting, a present Supervisor must be chosen to act as Chair.
- D. **Term of Office.** The Chair and Vice-Chair shall be elected for one-year terms, but either or both may be re-elected for one or more additional terms. (Virginia Code § 15.2-1422)
- E. **References to the Chair.** All references in these Rules to the *Chair* include the Vice-Chair or any other Supervisor when the Vice-Chair or the other Supervisors is acting as the Chair.

4. Meetings

- A. **Annual Meeting.** The *Annual Meeting* is the first meeting in January held after the newly elected

Supervisors qualify for the office by taking the oath and meeting any other requirements of State law, and the first meeting held in January of each succeeding year. At the Annual Meeting, the Board:

1. **Elect Officers.** Elects a Chair and a Vice-Chair.
 2. **Designate Clerks.** Designates a Clerk of the Board ("Clerk") and one or more Deputy Clerks who serve at the pleasure of the Board, and who have the duties stated in Virginia Code § 15.2-1539 and any additional duties set forth in resolutions of the Board as adopted from time to time. (Virginia Code § 15.2-1416)
 3. **Establish Schedule for Regular Meetings.** Establishes the days, time, and place of regular meetings (Virginia Code § 15.2-1416).
 4. **Adopt Rules and Policies.** Adopts Rules of Procedure and Policies that will apply in the calendar year, subject to amendment under Rule 12.
- B. Regular Meetings.** *Regular Meetings* are those meetings established at the *Annual Meeting* to occur on specified days and at specified times and places, with instructions for how the public may connect to the meeting by electronic communication means.
1. **Regular Meeting Falling on a Holiday.** If any day established as a Regular Meeting day falls on a legal holiday, the meeting scheduled for that day will be held on the next regular business day without action of any kind by the Board. (Virginia Code § 15.2-1416)
 2. **Adjourning a Regular Meeting.** Without further public notice, the Board may adjourn a Regular Meeting from day to day, from time to time, or from place to place, but not beyond the time fixed for the next Regular Meeting, until the business of the Board is complete. (Virginia Code § 15.2-1416) If a quorum was not established or was lost during the meeting, the Supervisors present may only adjourn the meeting (See also Rules 7(B), (C), and (D)).
 3. **Continuing a Regular Meeting When Weather or Other Conditions Create a Hazard.** If the Chair finds and declares that weather or other conditions are hazardous for Supervisors to physically attend a Regular Meeting, prevent one or more Supervisors from being present at a meeting, or prevent a reasonably significant portion of the public from being present at a meeting considering, among other things, the items on the agenda, the meeting must be continued to the next Regular Meeting date. The Chair's finding, and the continuation of the meeting, must be communicated by the Chair or the Clerk to the other Supervisors and to the general news media as promptly as possible. All hearings and other matters previously advertised will be conducted at the continued meeting and no further advertisement is required. (Virginia Code § 15.2-1416)
 4. **Establishing a Different Day, Time, Place, and Instructions.** After the Annual Meeting, the Board may establish for Regular Meetings different days, times, places, and instructions for how the public may connect to the meeting by electronic communication means by adopting a resolution to that effect. (Virginia Code § 15.2-1416)
- C. Special Meetings.** A *Special Meeting* is a meeting that is not a Regular Meeting. The Board may hold Special Meetings as it deems necessary at times and places that it deems convenient. (Virginia Code § 15.2-1417) The then-current continuity of government ordinance adopted by the Board pursuant to Virginia Code § 15.2-1413 governs how the public may connect to the meeting by electronic communication means.
1. **Calling and Requesting a Special Meeting.** A Special Meeting may be called by the Chair or requested by two or more Supervisors. The call or request must be made to the Clerk and shall specify the matters to be considered at the meeting. (Virginia Code § 15.2-1418)
 2. **Duty of Clerk to Provide Notice; When Notice May Be Waived.** Upon receipt of a call or request, the Clerk, after consultation with the Chair, must immediately notify each Supervisor, the County Executive, and the County Attorney about the Special Meeting. The notice must be in writing and be delivered to each Supervisor, the County Executive, and the County Attorney at their place of residence or business. Notice will be provided by email to each Supervisor's County email address. The notice may be waived if all Supervisors are present at the Special Meeting or if all Supervisors sign a waiver for the notice. (Virginia

Code § 15.2-1418) An email from the Supervisor to the Clerk waiving notice satisfies this requirement. The Clerk must also notify the general news media about the Special Meeting.

3. **Contents of the Notice Provided by the Clerk.** The notice provided by the Clerk must state the date, time, place (if applicable) of the meeting, provide instructions for how the public may connect to the meeting by electronic communication means, and specify the matters to be considered.
4. **Matters That May Be Considered.** Only those matters specified in the notice may be considered at a Special Meeting unless all Supervisors are present. (Virginia Code § 15.2-1418)
5. **Adjourning a Special Meeting.** A Special Meeting may be adjourned from time to time as the Board finds necessary and convenient to complete the business of those matters identified in the notice of the Special Meeting. (Virginia Code § 15.2-1417) If a quorum was not established or was lost during the meeting, the Supervisors present may only adjourn the meeting (See also Rules 7(B), (C), and (D)).

6. Order of Business for Regular Meetings

- A. **Establishing the Agenda.** The Clerk must establish the agenda for all Regular Meetings in consultation with the County Executive and the Chair. The County Executive and the Clerk will then review the agenda with the Chair and the Vice Chair before the meeting. The Clerk sets the order of business as provided in Rule 5(B), provided that the Clerk may modify the order of business to facilitate the business of the Board. The draft agenda must be provided to the Board at least six days before the Regular Meeting date.

1. **Resolutions Proposed by Supervisors.** Resolutions may be proposed by a Supervisor requesting the Board to take a position on an issue of importance to the Board, to make a proclamation, or to recognize a person.
 - a. **Initial Notice by Supervisor.** A Supervisor requesting the Board to adopt a resolution should give notice of the intent to request action on the resolution on a specified meeting date and submit a draft of the proposed resolution.
 - b. **When Request Must be Made.** The request must be made at least seven days before the meeting at which the resolution may be considered.
 - c. **Distributing the Draft Resolution to Supervisors for Comments.** The Clerk will distribute the draft resolution with background information, if available, to all Supervisors. Any Supervisor may submit proposed changes to the proposed resolution to the Clerk in a redline format. The Clerk must forward all comments received from any Supervisor to the Board.
 - d. **Preparing the Resolution.** The Supervisor requesting the resolution will then coordinate with the Clerk to prepare a resolution for consideration by the Board.
 - e. **Adding the Resolution to the Agenda.** The Clerk then polls the Supervisors to determine if a majority of the Supervisors supports adding the resolution to the agenda for consideration. If a majority of the Supervisors indicates support for considering the resolution, the resolution will be added to the proposed final agenda. If all Supervisors indicate support for the resolution, the resolution may be placed on the proposed consent agenda unless any Supervisor requests otherwise.
2. **Items Other Than Resolutions Proposed To Be Added to the Clerk's Draft Agenda.**
 - a. **By Supervisors.** Any Supervisor may propose to add items, other than resolutions subject to Rule 5(A)(1), to the Clerk's draft agenda for action if notice of that item has been given in writing or by email to all Supervisors, the Clerk, and the County Executive by 5:00 p.m. two days before the date of the meeting or upon the unanimous consent of all Supervisors present at the meeting. Any item that has been timely proposed and properly noticed will be added to the end of the agenda for discussion or action unless a majority of the Supervisors present agrees to consider the item earlier on the agenda.
 - b. **By the County Executive.** The County Executive may add items to the Clerk's draft

agenda for action by 5:00 p.m. two days before the date of the meeting if the item requires consideration and action by the Board at its next meeting. In an emergency, the County Executive may add an item at any time with the consent of the Chair and the Vice Chair. In order to add an item to the agenda, the County Executive must provide information about the item to all Supervisors as soon as practicable and prior to the meeting.

3. **Proclamations and Recognitions Proposed by Residents.** A request by a resident to place a proclamation or recognition on the agenda must be made as follows:
 - a. **When Request Must be Made.** The request must be made at least four weeks in advance of the Board meeting date.
 - b. **Request Made to the Clerk.** The resident must submit the request to advance a proclamation or recognition to the Clerk. If the request is made to a Supervisor, the person making the request will be directed to make the request to the Clerk. The Clerk will advise the person making the request of the process and submittal requirements.
 - c. **Review of the Request for Completeness and Distribution.** Upon submittal of the request, the Clerk will review the submittal for completeness and forward it to the Supervisors for review.
 - d. **Adding the Proclamation or Recognition to the Agenda; Informing the Requester.** The Clerk shall poll Supervisors to determine whether a majority of the Supervisors supports adding the proclamation or recognition to the agenda. The Clerk will advise the person requesting the proclamation or recognition whether the proclamation or recognition will be considered by the Board.
4. **Public Hearings for Zoning Map Amendments; Prerequisites.** Public hearings for zoning map amendments are subject to the following rules in order for the item to be placed on the agenda and heard by the Board:
 - a. **Public Hearing Should Not Be Advertised Until Final Documents Are Received.** The Board's preference is that a public hearing for a zoning map amendment should not be advertised until all of the final documents for a zoning application have been received by the County and are available for public review. To satisfy this preference, applicants should provide final plans, final codes of development, final proffers, and any other documents deemed necessary by the Director of Community Development, to the County so that they are received no later than two business days before the County's deadline for submitting the public hearing advertisement to the newspaper. Staff will advise applicants of this date by including it in annual schedules for applications and by providing each applicant a minimum of two weeks' advance notice of the deadline.
 - b. **Effect of Failure to Timely Receive Final Documents.** If the County does not timely receive the required final documents, the public hearing must not be advertised and the matter shall not be placed on the agenda. If the matter is not advertised, a new public hearing date will be scheduled.
 - c. **Receipt of Final Signed Proffers.** Final signed proffers must be received by the County no later than nine calendar days before the date of the advertised public hearing. This Rule is not intended to prevent changes from being made to proffers resulting from comments received from the public or from Supervisors at the public hearing.
5. **Public Hearings; Zoning Map Amendments; Deferral at Applicant's Request.** Zoning map amendments advertised for public hearing must be on the agenda for public hearing on the advertised date, provided that an applicant may request a deferral as provided in County Code § 18-33.52 *et seq.*

- B. Order of Business at Regular Meetings.** At Regular Meetings of the Board, the order of business will be generally as follows:

1. Call to Order.
2. Pledge of Allegiance.
3. Moment of Silence.
4. Adoption of the Final Agenda.

5. Brief Announcements by Supervisors.
6. Proclamations and Recognitions.
7. From the Public: Matters Not Listed for Public Hearing on the Agenda, Matters Previously Considered by the Board, or Matters Pending Before the Board.
8. Consent Agenda.
9. General Business.
10. Closed Meeting.
11. Certify Closed Meeting.
12. Actions Resulting from Closed Meeting.
13. From the County Executive: Report on Matters Not Listed on the Agenda.
14. From the Public: Matters Not Listed for Public Hearing on the Agenda, Matters Previously Considered by the Board, or Matters Pending Before the Board.
15. General Business, Including Public Hearings.
16. From the Board: Committee Reports and Matters Not Listed on the Agenda.
17. Adjourn.

C. Closed Meetings. A *Closed Meeting* is a meeting of the Supervisors that is not open to the public when authorized by the Virginia Freedom of Information Act (Virginia Code § 2.2-3700 *et seq.*). A Closed Meeting may be held at any point on the agenda, as necessary. Generally, a Closed Meeting will be scheduled either at the midpoint of the agenda or at the end of the agenda prior to adjournment. The Clerk must promptly post and make available for public inspection the motion to convene a Closed Meeting after it is distributed by the County Attorney; provided that: (i) the contents of the motion may be subject to change without further posting or availability; and (ii) the failure of the Clerk to comply with this subsection does not affect the legality of the Closed Meeting.

6. Rules Applicable to the Items of Business on the Agenda

- A. Adoption of the Final Agenda.** *Adoption of the Final Agenda* is the first order of business for a Regular Meeting of the Board. The Board may modify the order of business as part of its adoption of the Final Agenda. Any changes to the Consent Agenda, including removing an item from the Consent Agenda for discussion and separate action, should be made when the Final Agenda is adopted. The Final Agenda must be adopted by a majority vote of the Supervisors present and voting. No item for action not included on the Final Agenda may be considered at that meeting.
- B. Brief Announcements by Supervisors.** *Brief Announcements by Supervisors* are announcements of special events or other items of interest that are not considered committee reports and are not otherwise on the meeting agenda.
- C. Proclamations and Recognitions.** *Proclamations* are ceremonial documents or recognitions adopted by the Board to draw public awareness to a day, week, or month to recognize events, arts and cultural celebrations, or special occasions. *Recognitions* are ceremonial acknowledgements by the Board of a person for service or achievement.
- D. From the Public: Matters Not Listed for Public Hearing on the Agenda, Matters Previously Considered by the Board, or Matters Pending Before the Board.** *From the Public: Matters Not Listed for Public Hearing on the Agenda, Matters Previously Considered by the Board, or Matters Pending Before the Board* ("Matters from the Public") allows any member of the public to speak on any topic of public interest that is not on the Final Agenda for a public hearing at that meeting, any matter that was previously considered by the Board, and any matter pending before the Board that is not on that day's Board agenda. The following rules apply:
1. **Number of Speakers.** Up to 10 persons, whether appearing in-person or remotely (online), may speak during each Matters from the Public session. The 10 speakers are determined on a first-come, first-served basis, with those persons signing up to speak before the meeting having priority. Only those persons signed up to speak before the Chair or presiding officer opens the Matters from the Public item shall be heard.
 2. **Time.** Each speaker may speak for up to three minutes.
 3. **Place.** Each speaker may speak using electronic communication means or, if the speaker physically attends the meeting, must speak from the podium or other location provided for the meeting.

4. **Manner.** In order to allow the Board to efficiently and effectively conduct its business, each speaker may speak at only one Matters from the Public session at each meeting, must address only the Board, and must not engage in speech or other behavior that actually disrupts the meeting. The speaker may include a visual or audio presentation, provided that the presentation is received by the Clerk at least 48 hours before the Matters from the Public session at which the speaker plans to speak.
- E. **Consent Agenda.** The *Consent Agenda* is for items for action that do not require discussion or comment and are anticipated to have the unanimous approval of the Board, and for items provided for the Board's information.
1. **Questions to Staff.** Supervisors should ask the County Executive or the staff member identified in the executive summary any questions regarding a Consent Agenda item before the Board meeting.
 2. **Discussion and Comment.** There should be either no discussion or comment or only a brief discussion or comment on Consent Agenda items at the meeting except as provided in Rule 6(E)(3).
 3. **Removing an Item from the Consent Agenda.** Any Supervisor may remove an item from the Consent Agenda at the time the Final Agenda is being considered for adoption. Any item removed from the Consent Agenda should be moved to a specific time or to the end of the meeting agenda for further discussion or action. However, an item removed from the Consent Agenda requiring only brief comment or discussion may be considered immediately after the approval of the Consent Agenda.
 4. **Effect of Approval of the Consent Agenda.** A successful motion to approve the Consent Agenda approves those Consent Agenda items identified for action and accepts Consent Agenda items identified for information.
- F. **General Business.** *General Business* includes public hearings, work sessions, appointments, and other actions, discussions, and presentations.
1. **Public Hearings.** The Board may not decide any item before the Board requiring a public hearing until the public hearing has been held. The Board may, however, at its discretion, defer or continue the public hearing or consideration of the item. The procedures for receiving a presentation from the applicant and comments from members of the public are at the discretion of the Board provided that they satisfy all minimum legal requirements. However, unless otherwise decided by a majority of the Supervisors present during a particular public hearing, the following rules apply:
 - a. **Time.** The applicant is permitted up to 10 minutes to present its application. Following the applicant's presentation, any member of the public is permitted to speak once for up to three minutes on the item. Following comments by members of the public, the applicant is permitted up to five minutes for a rebuttal presentation.
 - b. **Place.** The applicant and each member of the public presenting and speaking may speak using electronic communication means and, if the speaker physically attends the meeting, must speak from the podium or other location provided for the meeting.
 - c. **Manner.** In order to allow the Board to efficiently and effectively conduct its business, each speaker must address only the Board, speak to issues that are relevant to the item for which the public hearing is being held, and not engage in speech or other behavior that actually disrupts the meeting. The applicant and its representatives may include a visual or audio presentation. Any other speaker may also include a visual or audio presentation, provided that the presentation is received by the Clerk at least 48 hours before the time scheduled for the public hearing.
 2. **Public Hearings; Zoning Map Amendments; Applicant's Documents Not Available During Advertisement Period.** If the public hearing is held without the applicant's final documents being available for review throughout the advertisement period due to the late submittal of documents, or because substantial revisions or amendments are made to the submitted documents after the public hearing has been advertised, it is the policy of the Board to either defer action and schedule a second public hearing that provides this opportunity to the public or to deny the application. In deciding whether to defer action or to

deny the application, the Board must consider whether deferral or denial would be in the public interest or would forward the purposes of this policy.

3. **Action Items on Deferred Matters Not Listed on the Agenda for Public Hearing When Public Hearing Previously Held.** On any matter before the Board for action that is not listed on the agenda for public hearing and was previously deferred after the close of a public hearing, the following rules apply:

a. **Time.** The applicant is permitted up to seven minutes to present its application and any member of the public is permitted to speak once for up to two minutes on the item. Following comments by members of the public, the applicant is permitted up to five minutes for a rebuttal presentation.

b. **Place and Manner.** The place and manner rules in Rule 6(F)(1)(b) and (c) apply.

- G. **Report from the County Executive.** The *Report from the County Executive* is a report on matters that the County Executive deems should be brought to the Board's attention and provide updates, if necessary, to the monthly County Executive's Report.

- H. **From the Board: Committee Reports and Matters Not Listed on the Agenda.** *From the Board: Committee Reports and Matters Not Listed on the Agenda* is limited to matters that are not substantial enough to be considered as agenda items to be added to the Final Agenda. Reports include routine committee reports and information updates by Supervisors. Any matters discussed during this part of the agenda may not be acted upon by the Board at that meeting.

7. **Quorum**

- A. **Establishing a Quorum.** A quorum for any meeting of the Board is a majority of the members of the Board present, except as provided in Rule 7(B)(2). (Virginia Code § 15.2-1415; Continuity of Government Ordinance)

- B. **Quorum Required to Act; Exceptions.** The Board may take valid actions only if a quorum is present. (Virginia Code § 15.2-1415; Continuity of Government Ordinance) There are two exceptions:

1. **Quorum Not Established; Adjournment.** If a quorum is not established, the only action the Supervisors present may take is to adjourn the meeting.

2. **Quorum Not Established or Lost Because of a Conflict of Interests; Special Rule.** If a quorum cannot be established or is lost because one or more Supervisors are disqualified from participating in an item because of a conflict of interests under the State and Local Government Conflict of Interests Act (Virginia Code § 2.2-3100 *et seq.*), the remaining Supervisors are a quorum and they may conduct the business of the Board.

- C. **Loss of Quorum During Meeting.** If a quorum was established but during a meeting the quorum is lost, the only action the Supervisors present may take is to adjourn the meeting. If prior to adjournment the quorum is again established, the meeting shall continue. (Virginia Code § 15.2-1415; Continuity of Government Ordinance)

- D. **Quorum Required to Adjourn Meeting to Future Day and Time.** A majority of the Supervisors present at the time and place established for any regular or special meeting is a quorum for the purpose of adjourning the meeting from day to day or from time to time, but not beyond the time fixed for the next regular meeting.

8. **Remote Electronic Participation**

- A. **Applicability of Policy.**

1. **Purposes.** Pursuant to *Virginia Code* § 2.2-3708.3, the following policy (a) describes the circumstances under which remote participation will be allowed and the process the Board will use for making requests to use remote participation, approving or denying such requests, and creating a record of such requests; and (b) fixes the number of times remote participation for personal matters can be used per calendar year, not to exceed the limitations set forth in *Virginia Code* § 2.2-3708.3(B)(4).

2. **Application.** This policy will be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the Supervisor(s) requesting remote participation or the matters that will be considered or voted on at the meeting.
 3. **Adoption on Behalf of Other County Entities.** This policy is also adopted on behalf of any committee, subcommittee, or other entity (however designated) of the Board empowered to perform delegated functions of the Board or to advise the Board, and applies to remote participation by members of any such committee, subcommittee, or other entity.
- B. Non-Emergency Individual Participation.** Except as provided in Rule 8(C) below, Supervisors may use remote participation instead of attending a public meeting in person only pursuant to and in compliance with the following rules:
1. **Grounds for Remote Participation; Advance Notice of the Chair.** Individual Supervisors may use remote participation instead of attending a public meeting in person if, in advance of the public meeting, the Supervisor notifies the Chair that:
 - a. **Personal Medical Condition.** The Supervisor has a temporary or permanent disability or other medical condition that prevents the Supervisor's physical attendance;
 - b. **Family Member's Medical Condition.** A medical condition of a member of the Supervisor's family requires the Supervisor to provide care that prevents the Supervisor's physical attendance;
 - c. **Distant Meeting Location.** The Supervisor's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
 - d. **Identified Personal Matter; Limitation on Use.** The Supervisor is unable to attend the meeting due to a personal matter (such as a family event or business commitment) and identifies with specificity the nature of the personal matter. However, the Supervisor may not use remote participation due to personal matters more than two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.
 2. **Minutes.** If participation by a Supervisor through electronic communication means is approved pursuant to this Rule, the Board shall record in its minutes the remote location from which the Supervisor participated; however, the remote location need not be open to the public and may be identified in the minutes by a general description.
 - a. **Medical Condition.** If participation is approved pursuant to Rule 8(B)(1)(a) or 8(B)(1)(b), the Board shall also include in its minutes the fact that the Supervisor participated through electronic communication means due to a (i) temporary or permanent disability or other medical condition that prevented the Supervisor's physical attendance or (ii) family member's medical condition that required the Supervisor to provide care for such family member, thereby preventing the Supervisor's physical attendance.
 - b. **Distant Meeting Location.** If participation is approved pursuant to Rule 8(B)(1)(c), the Board shall also include in its minutes the fact that the Supervisor participated through electronic communication means due to the distance between the Supervisor's principal residence and the meeting location.
 - c. **Identified Personal Matter.** If participation is approved pursuant to Rule 8(B)(1)(d), the Board shall also include in its minutes the specific nature of the personal matter cited by the Supervisor.
 - d. **Disapproval.** If a Supervisor's participation from a remote location pursuant to Rule 8(B) is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.
 3. **When Chair Requests to Participate Electronically.** In the event the Chair seeks to participate through electronic communication means from a remote location, the Chair must notify the Vice-Chair or other presiding officer and should notify the Clerk on or before the day of the meeting.
 4. **Audibility of Absent Supervisor.** The Clerk shall arrange for the voice of the absent

Supervisor to be heard by all persons in attendance at the meeting location. If, for any reason, the voice of the absent Supervisor cannot reasonably be heard, the meeting may continue without the participation of the absent Supervisor.

C. During a Declared Emergency or When a Continuity of Government Ordinance is in Effect.

The Board may meet by electronic communication means without a quorum of the Board physically assembled at one location when a state of emergency is declared pursuant to Virginia Code § 44-146.17 or a local emergency is declared pursuant to Virginia Code § 44-246.21, subject to the provisions and requirements of Virginia Code § 2.2-3708.2. The Board also may meet by electronic communication means when an ordinance adopted pursuant to Virginia Code § 15.2-1413 to ensure the continuity of County government is in effect. (Virginia Code § 2.2-3708.2 and § 2.2-3708.3)

9. Conducting the Business of the Board

A. Enable Efficient and Effective Conduct of Business. Meetings will be conducted in a manner that allows the Board to efficiently and effectively conduct its business, without actual disruptions.

B. Minimizing Disruptions. To minimize actual disruptions at meetings:

1. **Speakers.** Members of the public who are speaking to the Board must comply with Rules 6(D) and 6(F)(1), as applicable. Members of the public invited to speak to the Board during any agenda item other than Matters from the Public or during a public hearing must comply with Rule 6(D).
2. **Persons Physically Attending the Meeting.** Any person physically attending a meeting must comply with the following:
 - a. **Sounds.** Persons may not clap or make sounds in support of or in opposition to any matter during the meeting, except to applaud during the Proclamations and Recognitions portion of the meeting. Instead of making sounds, persons who are not speaking at the podium or other location provided for the meeting are encouraged to raise their hands to indicate their support or opposition to any item during the meeting. Cell phones and other electronic devices shall be muted.
 - b. **Other Behavior.** Persons may not act, make sounds, or both, that actually disrupt the Board meeting.
 - c. **Signs.** Signs are permitted in the meeting room so long as they are not attached to any stick or pole and do not obstruct the view of persons physically attending the meeting.

C. Guidelines Stated on the Final Agenda. The Guidelines stated on the Final Agenda apply during each Board meeting. The Board may amend the Guidelines from time to time without amending these Rules provided that the Guidelines are consistent with these Rules.

D. Chair May Maintain Order. The Chair is to maintain order of the meeting, including the following:

1. **Controlling Disruptive Behavior of Persons Physically Attending the Meeting.** The Chair may ask any person physically attending a meeting whose behavior is so disruptive as to prevent the orderly conduct of the meeting to cease the conduct. If the conduct continues, the Chair may order the removal of that person from the meeting.
2. **Controlling Disruptive Behavior of Persons Participating Through Electronic Communication Means.** The Chair may ask any person participating in a meeting through electronic communication means whose behavior is so disruptive as to prevent the orderly conduct of the meeting to cease the conduct. If the conduct continues, the Chair may ask the Clerk to silence the audio and video of that person.

10. Motion and Voting Procedures

A. Action by Motion Followed by a Vote. Except as provided in Rules 10(B)(2) and 11(D), any action by the Board must be initiated by a motion properly made by a Supervisor and followed by a vote, as provided below:

1. **Motion Must Be Seconded; Exception.** Each action by the Board must be initiated by a motion that is seconded; provided that a second is not required if debate immediately follows the motion. Any motion that is neither seconded nor immediately followed by debate may not be further considered.
 2. **Voting and Recording the Vote.** The vote on any motion must be by a voice vote. The Clerk must record the name of each Supervisor voting and how each Supervisor voted on the motion.
 3. **Required Vote, Generally Required Vote for Specific Items.** Each action by the Board must be made by the affirmative vote of *a majority of the Supervisors present and voting* on the motion; provided that an affirmative vote of a *majority of all elected Supervisors* of the Board shall be required to approve an ordinance or resolution:
 - a. **Appropriations.** Appropriating money exceeding the sum of \$500.
 - b. **Taxes.** Imposing taxes.
 - c. **Borrowing.** Authorizing money to be borrowed. (Article VII, § 7, Virginia Constitution; Virginia Code §§ 15.2-1420, 15.2-1427, 15.2-1428)
 4. **Tie Vote.** A tie vote defeats the motion voted upon. A tie vote on a motion to approve is deemed a denial of the item being proposed for approval. A tie vote on a motion to deny is not deemed an approval of the item being proposed for denial, and another motion may be made.
 5. **Abstention.** Any Supervisor who will abstain from voting on any motion must declare the abstention before the vote is taken and state the grounds for abstaining. The abstention must be recorded by the Clerk.
- B. Motion and Vote Required to Act; Exception.** The Board acts on matters as follows:
1. **Motion and Vote Required.** Any action by the Board to adopt an ordinance or a resolution, and any other action when a motion is required by law or by these Rules, must be made by a motion followed by a vote.
 2. **Motion and Vote Not Required; Unanimous Consent.** On any item in which the Board is not adopting an ordinance or a resolution, or for which a motion and a recorded vote is not otherwise required by law, the Board may make a decision by unanimous consent. This procedure is appropriate, for example, to provide direction to County staff on an item.
- C. Other Motions.**
1. **Motion to Amend.** A *motion to amend* a motion properly pending before the Board may be made by any Supervisor. Upon a proper second, the motion to amend must be discussed and voted on by the Board before any vote is taken on the original motion unless the motion to amend is accepted by both Supervisors making and seconding the original motion. If the motion to amend is approved, the amended motion is then before the Board for its consideration. If the motion to amend is not approved, the original motion is again before the Board for its consideration.
 2. **Motion to Call the Question.** The discussion of any motion may be terminated by any Supervisor making a *motion to call the question*. Upon a proper second, the Chair must call for a vote on the motion to call the question without debate on the motion itself, and the motion takes precedence over any other item. If the motion is approved, the Chair must immediately call for a vote on the original motion under consideration.
 3. **Motion to Reconsider.** Any decision made by the Board may be reconsidered if a *motion to reconsider* is made at the same meeting or an adjourned meeting held on the same day at which the item was decided. The motion to reconsider may be made by any Supervisor. Upon a proper second, the motion may be discussed and voted. The effect of the motion to reconsider, if approved, is to place the item for discussion in the exact position it occupied before it was voted upon.
 4. **Motion to Rescind.** Any decision made by the Board, except for decisions on zoning map amendments, special use permits, special exceptions, and ordinances, may be rescinded by

a majority vote of all elected Supervisors. The *motion to rescind* may be made by any Supervisor. Upon a proper second, the motion may be discussed and voted on. The effect of the motion to rescind, if approved, is to nullify the previous decision of the Board. Decisions on zoning map amendments, special use permits, special exceptions, and ordinances may be rescinded or repealed only upon meeting all of the legal requirements necessary for taking action on the items as if it was a new item before the Board for consideration; otherwise, decisions on zoning map amendments, special use permits, special exceptions, and ordinances are eligible for reconsideration as provided in Rule 10(C)(3).

11. Other Rules: Robert's Rules of Order Procedure in Small Boards

Procedural rules that are not addressed by these Rules are governed by *Robert's Rules of Order Procedure in Small Boards*, which provide:

- A. **Not Required to Obtain the Floor.** Supervisors are not required to obtain the floor before making motions or speaking, which they can do while seated.
- B. **No Limitation on the Number of Times a Supervisor May Speak.** There is no limitation on the number of times a Supervisor may speak to a question, and motions to call the question or to limit debate generally should not be entertained.
- C. **Informal Discussion.** Informal discussion of a subject is permitted while no motion is pending.
- D. **Chair; Putting the Question to a Vote.** The Chair need not rise while putting questions to vote.
- E. **Chair; Speaking During Discussion.** The Chair may speak in discussion without rising or leaving the chair, and, subject to rule or custom of the Board (which should be uniformly followed regardless of how many Supervisors are present), the Chair usually may make motions and usually votes on all questions.

12. Amending the Rules of Procedure

These Rules may be amended only as follows:

- A. **Rules Eligible for Amendment.** Any Rule may be amended.
- B. **Procedure to Amend.** The Board may amend any Rule by any of the following procedures:
 - 1. **Notice Followed by Action at Next Regular Meeting.** A Supervisor provides notice of an intention to amend the Rules to the other Supervisors present at a Regular Meeting, followed by a majority vote of the Supervisors present and voting to amend the Rules at the next Regular Meeting.
 - 2. **Notice Followed by Action at Later Regular Meeting.** A Supervisor provides notice of an intention to amend the Rules to the other Supervisors present at a Regular Meeting and requests that the proposed amendment be considered at a meeting other than the next Regular Meeting; at the same meeting, a majority of the Supervisors present and voting establish the later Regular Meeting date at which the proposed amendment will be considered; followed by a majority vote of the Supervisors present and voting to amend the Rules at the Regular Meeting.
 - 3. **By Supermajority Vote.** A proposed motion to amend is added to the Final Agenda at any Regular Meeting; at the same meeting, five or more Supervisors vote to amend the Rules. This procedure should be used only to make minor technical amendments deemed to be necessary to allow the Board to efficiently and effectively conduct its business.
- C. **Motion.** The motion to amend a Rule may be made by any Supervisor. Upon a proper second, the motion must be discussed and voted on. In deciding whether and how to amend a Rule, the Board shall consider that Rules 3, 4, 6(D), 6(F)(1)(a) through (c), 7, 8, 9(B), 10(A)(3), and 10(B)(1) address statutory or constitutional requirements.
- D. **Limitation on the Effect of an Amendment.** The Board's approval of a motion to amend one or more Rules does not permit the Board to act in violation of a requirement mandated by the Code of Virginia, the Constitution of Virginia, or any other applicable law.

13. **Suspending the Rules of Procedure**

These Rules may be suspended only as follows:

- A. **Rules Eligible to be Suspended.** Rules 1, 2, 5, 6, 9(A), 10 (except for Rules 10(A)(3) and 10(B)(1)), 11, and 12 may be suspended.
- B. **Procedure to Suspend, Generally.** Any Rule eligible for suspension may be suspended by a majority plus one vote of the Supervisors present and voting. The motion to suspend a Rule may be made by any Supervisor. Upon a proper second, the motion may be discussed and voted on. The effect of the motion to suspend a Rule, if approved, is to make that Rule inapplicable to the item before the Board.
- C. **Suspending Rules Pertaining to Motions When There is Uncertainty as to Status or Effect.** If one or more motions have been made on an item, and there is uncertainty as to the status or effect of any pending motions or how the Board is to proceed at that point, the Board may, by a majority vote of the Supervisors present and voting, suspend the Rules in Rule 10 for the sole purpose of canceling any pending motions and to permit a new motion to be made. The motion to suspend a Rule pertaining to any pending motions may be made by any Supervisor. Upon a proper second, the motion may be discussed and voted on.
- D. **Limitation on Effect of Suspended Rules.** The Board's approval of a motion to suspend one or more Rules shall not permit the Board to act in violation of a requirement mandated by the Code of Virginia, the Constitution of Virginia, or any other applicable law.

* * * * *

(Adopted 2-15-73; Amended and/or Readopted 9-5-74, 9-18-75; 2-19-76; 1-3-77; 1-4-78; 1-3-79; 1-2-80; 1-7-81; 1-6-82; 1-5-83; 1-3-84; 1-2-85; 1-3-86; 1-7-87; 1-6-88; 1-4-89; 1-2-90; 1-2-91; 1-2-92; 1-6-93; 1-5-94; 1-4-95; 1-3-96; 1-2-97; 1-7-98; 1-6-99; 1-5-2000; 1-3-2001; 1-9-2002; 1-8-2003; 1-7-2004; 1-5-2005; 1-4-2006; 1-3-2007; 1-9-2008; 1-7-2009; 1-6-2010; 1-5-2011; 1-4-2012; 1-09-2013; 1-8-2014; 7-9-2014; 1-7-2015; 1-6-2016; 1-4-2017; 2-8-2017; 1-3-2018; 3-20-2019; 01-08-2020; 9-2-2020; 12-2-2020; 1-6-21; 1-5-22; 4-6-22; 4-20-22; 8-3-22).

**RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT OFFICE
BUSINESS PROCESS IMPROVEMENT FOR THE ECONOMIC OPPORTUNITIES FUND**

WHEREAS, the Economic Opportunities Fund was established by the Board of Supervisors in 2006, which allows fund matching of state and federal economic development grant programs;

WHEREAS, in FY22 \$110,700 of the EOF was awarded to six local entities which will ultimately receive a total of \$595,800 in grants due to the fund matching of each respective performance agreement;

WHEREAS, the Economic Development Office has seen a significant increase in requests for matching funds to state and federal grant opportunities;

WHEREAS, staff from the Economic Development Office and the Department of Finance and Budget recommends a more streamlined approach where the Board appropriates a set dollar amount from the Economic Opportunities Fund at the beginning of the fiscal year and authorizes the Economic Development Authority to award funding to approval entities within the appropriation authority;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby supports Staff's approach to streamline the appropriation process for the Economic Opportunities Fund and directs Staff to prepare the appropriation request of FY23 funding to the Economic Development Authority Fund for the Board's consideration on September 7, 2022.

**ORDINANCE NO. 22-A(9)
ZMA 2020-00005 OLD DOMINION VILLAGE**

**AN ORDINANCE TO AMEND THE ZONING MAP
FOR PARCELS 05600-00-00-0067B0 & 05600-00-00-074A0**

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 2020-00005 and their attachments, including the proffers and application plan, each last revised on April 21, 2022, the information presented at the public hearing, any comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code §§ 18-19 and 18-33.6, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2020-00005 with the proffers and application plan, each last revised on April 21, 2022.

* * * *

Block	Use	Area (Acres)
1	Commercial	0.90
2	Com. - Office	0.40
3	Com. - Office	0.40
4	Com. - Office	0.40
5	Com. - Office	0.40
6	Com. - Office	0.40
7	Com. - Office	0.40
8	Com. - Office	0.40
9	Com. - Office	0.40
10	Com. - Office	0.40
11	Com. - Office	0.40
12	Com. - Office	0.40

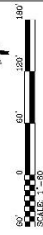
Notes:

- There will be a lot of landscaping and a large area of trees.
- There will be a lot of landscaping and a large area of trees.

	PROPOSED CIVIL WORK
	PROPOSED OPEN SPACE
	PROPOSED AMENITY
	SCREENING TREE BUFFER AREA

LEGEND

	CRITICAL SUPPLIERS PER GIS
	TRANSFERRED SUPPLIERS PER GIS
	MANAGED SUPPLIERS PER GIS
	PROMOTED SING. FAMILY DTS
	PROMOTED SING. FAMILY ATTS

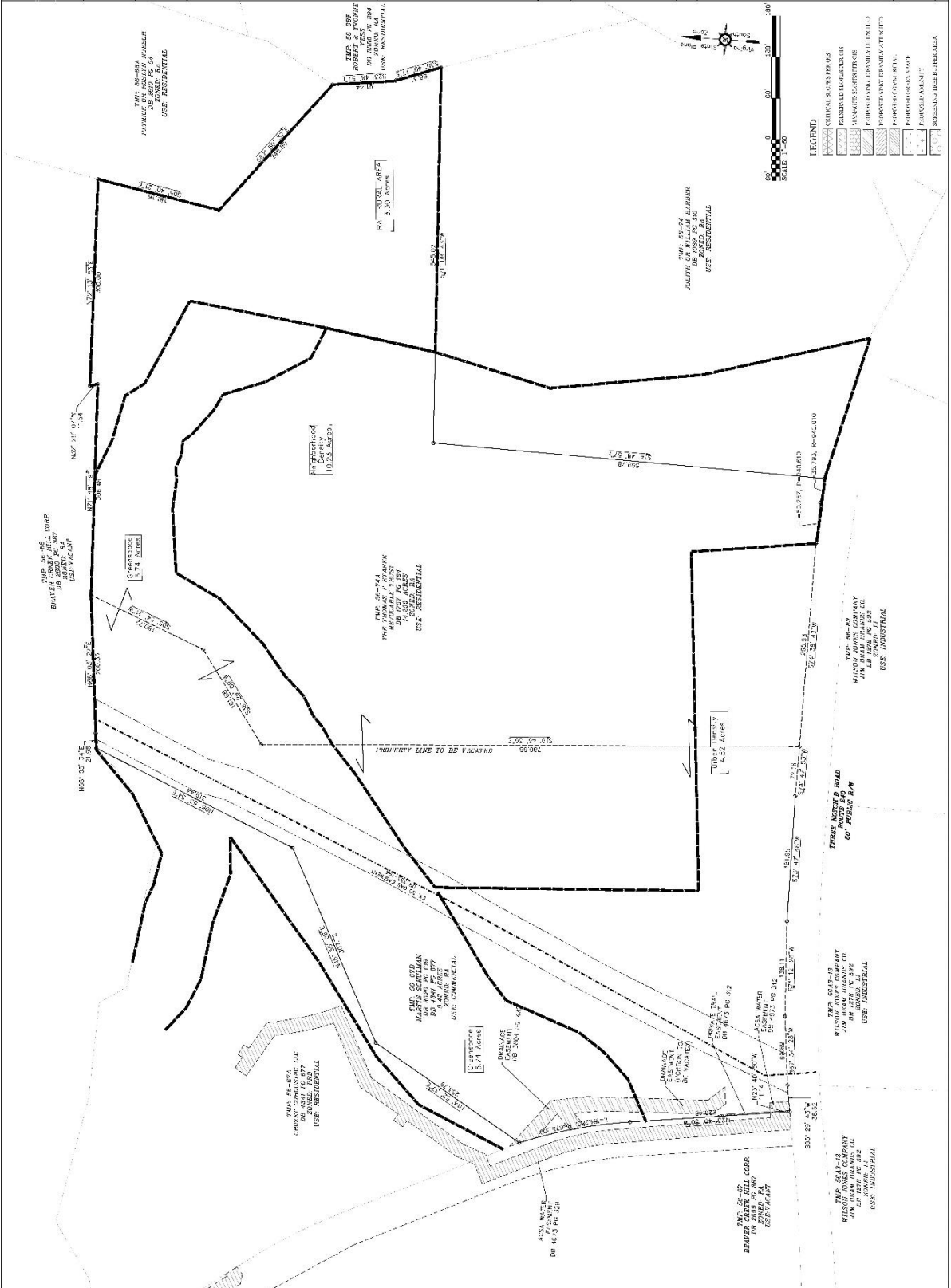


EDWILLIAMS VILLAGE
&
EDWILLIAMS VILLAGE

P.O.	DESCRIPTION	DATE
1	ADDED TWP 96-74A	03/15/20
2	COUNTY COMMENTS	11/29/20
3	COUNTY COMMENTS	01/29/21
4	COUNTY COMMENTS	03/29/21
5	COUNTY COMMENTS	09/09/21
6	COUNTY COMMENTS	11/19/21
7	COUNTY COMMENTS	04/29/22

MERIDIAN
PLANNING GROUP, LLC
GINSBERG, SUBVEYING, PLANNING
440 PINEHURST DRIVE, SUITE 200
CHESAPEOTE, VA 22059
PHONE 703-682-0121
WWW.MERIDIANVA.COM

FORM 401	DATE: 3/16/2020	SCALE: AS SHOWN	DRAWN BY: CUB	DESIGNED BY: TMM	CHECKED BY:
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PROFFER STATEMENT
OLD DOMINION VILLAGE
THREE NOTCH ROAD
CROZET

Date: November 9, 2020

Revised: March 29, 2021

Revised: August 9, 2021

Revised: November 19, 2021

Revised: April 21, 2022

ZMA#: 2020-00005 Old Dominion Village Rezoning

Tax Map Parcel #: 05600-00-00-067B0 & 05600-00-00-074A0

23.68 acres to be rezoned from RA - Residential to NMD - Neighborhood Model

Martin Schulman is the fee simple owner of TMP 05600-00-00-067B0. The Thomas F Starke Revocable Trust and the Betty G Starke Revocable Trust is the fee simple Owner of TMP 05600-00-00-074A0 (the "Property"). Emerald Land Co., LLC is the Contract Purchaser and shall hereinafter be referred to as the "Owner." The Property is the subject of the zoning map amendment application ZMA-2020-00005 known as "Old Dominion Village". The Old Dominion Village 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. Affordable Housing.

The Owner shall provide a total of twenty (22) Affordable Dwelling Units (as defined herein) within the Project (the "Affordable Housing Requirement"). 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) in no event shall the selling price for such affordable units be more than sixty-five (65%) of the applicable federal HOME Investment Partnership Program (HOME) Homeownership Value Limits 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.

B. Role of County Office of Housing.

All purchasers of the for sale Affordable Dwelling Units shall be approved by the Albemarle County Office of Housing or its designee (the "Office of Housing"). At the proposed time of construction of any Affordable Dwelling Unit, the Owner shall provide the Office of Housing 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 Office of Housing 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 Office of Housing 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 Office of Housing. If, during the 180-day qualification period, (i) the Office of Housing fails to approve a qualified purchaser, (ii) a qualified purchaser fails to execute a purchase contract for an Affordable Dwelling Unit or (iii) a local non-profit affordable housing provider does not purchase the unit, then, in any 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.

C. For-Rent Affordable Dwelling Units.

- i. **Rental Rates.** The net rent for each rental housing unit which shall qualify as an Affordable Dwelling Unit ("For-Rent Affordable Dwelling Unit") shall not exceed HUD's affordability standard of thirty percent (30%) of the income of a household making less than or equal to sixty percent (60%) of the area median income (as determined by HUD from time to time). In each subsequent calendar year, the monthly net rent for each For-Rent Affordable Dwelling Unit may be increased up to three percent (3%). The term "net rent" means that the rent does not include Homeowners Association fees but does include an allowance for tenant-paid utilities. The requirement that the rents for such For-Rent Affordable Dwelling Units may not

exceed the maximum rents established in this Section 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 VHDA, Farmers Home Administration, or Housing and Urban Development, Section 8, whichever comes first (the "Affordable Term").

ii. **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 this Section. 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 Section. At least thirty (30) days prior to the conveyance of any interest in any ForRent 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 Section have been satisfied.

iii. **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 Applicant or its successor shall provide to the Housing Office 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 Applicant or its successor 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.

D. 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.

2) Amenity Dedication to HOA.

A. Amenity Areas.

Amenity 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 amenity areas must be substantially completed prior to the issuance of approval of the thirty-fifth (35) CO within the project. The owner shall pay the cost of subdividing and conveying the Parks and Civic Spaces to the homeowner's association.

3) Greenway Area Dedicated to the County.

A. Greenway and Stream Buffer.

Green Space 1 and Green Space 2 are designated as Conservation Area on the concept plan with a total area of 7.80 Acres.

B. Dedication of Greenway Area.

Upon the request of the County, but not prior to the issuance of the tenth (10TH) CO within the project, the Owner shall convey fee simple ownership of Green Space 1 and Green Space 2 to the County for public use. The Owner may record easements within the Green Space necessary for rights of access, utilities, and maintenance. If the County requests dedication of the Greenway Area, then, at Owner's expense, a subdivision plat shall be generated and recorded to dedicated fee simple ownership of the Greenway Area to the County within six (6) months of such request.

C. Construction of Greenway Pedestrian Path.

The Owner will construct a Class B – Type 2 “high-maintenance pedestrian path” per the Trail Standards in the Albemarle County Design Standards Manual. The conceptual alignment of the pedestrian path is shown on the Application Plan. The actual alignment of the pedestrian path will be determined prior to construction as agreed to by the Owner, Director of Parks, and County Engineer (or their designees). The pedestrian path shall be constructed, inspected, and accepted prior to Owner's dedication of Greenway Area as described above. If any portion of the Pedestrian Path is constructed outside of the Greenway Area, then a 20' Public Access Easement centered on the constructed Pedestrian Path shall be recorded and dedicated to the county.

4) Financial Contributions.

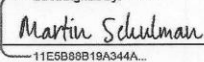
- A.** Cash Proffers for Capital Improvements. The owner shall contribute cash for each new residential unit that is not classified as an Affordable Housing Unit. The cash contribution shall be for the purposes of addressing the fiscal impacts of development on the schools and transportation serving the Community of Crozet. The cash contribution shall be \$3,000 cash for each new single- family detached dwelling unit. The cash contribution shall \$2,500 cash for each single family attached or townhouse dwelling unit. The cash contribution shall be paid at the time of the issuance of the certificate of occupancy for each new unit in order to be consistent with current state law.

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 TMP 05600-00-00-067B0:

Martin Schulman


11E5B98B19A344A...

By: Martin Schulman

Owner TMP 05600-00-00-074A0:

The Thomas F Starke Revocable Trust, the Betty G. Starke Revocable Trust

Ashley L. Starke (Trustee) *Thomas Starke*

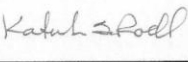
By: Trustees

Ashley Starke
Trustee, Fee Simple Owner

Thomas Starke
Trustee, Fee Simple Owner

Contract Purchaser:

Emerald Land Co., LLC



By: Katurah Roell

**RESOLUTION TO APPROVE
SE202000010 OLD DOMINION VILLAGE**

BE IT RESOLVED that, upon consideration of the staff reports prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, all of the comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-5.1.11 and 18-33.9, the Albemarle County Board of Supervisors hereby finds that a modified regulation would satisfy the purposes of the Zoning Ordinance to at least an equivalent degree as the applicable requirement.

WHEREUPON, the Albemarle County Board of Supervisors hereby approves SE202000010 Old Dominion Village and grants a modification of Albemarle County Code § 18-5.1.11 to allow a soundproofed animal confinement to be located closer than 200 feet, but no closer than 50 feet, from an agricultural or residential lot line.

**RESOLUTION TO APPROVE
ACSA202200004 OLD DOMINION VILLAGE (CROZET)
FOR PARCELS 05600-00-00-067B0 & 05600-00-00-074A0**

WHEREAS, as part of application ACSA202200004 (ACSA 2022-04), the owner of Parcels 05600-00-00-067B0 (TMP 56-67B) & 05600-00-00-074A0 (TMP 56-74A) has requested an amendment to the Albemarle County Service Authority (ACSA) Jurisdictional Area to include TMP 56-67B and TMP 56-74A for limited sewer service; and

WHEREAS, on August 17, 2022, the Albemarle County Board of Supervisors held a duly noticed public hearing on ACSA 2022-04.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for ACSA 2022-04 and all of its attachments, the information presented at the public hearing, any comments received, the factors relevant to the ACSA Jurisdictional Area in Chapter 12.1, Community Facilities, Strategy 9a, of the Albemarle County Comprehensive Plan, and the Comprehensive Plan's Growth Management Policy and Land Use Plan, the Albemarle County Board of Supervisors hereby approves ACSA 2022-04, as authorized by Virginia Code §§ 15.2-2111 and 15.2-5111, subject to the condition that the portion of TMP 56-74A designated for water and sewer service is limited to the Development Area, depicted as the "Crozet Comp Plan Area" on the GIS map dated July 13, 2022, attached hereto and incorporated herein.

* * * *

