

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

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

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

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the Memorandum prepared in conjunction with the special exceptions application of the R. A. Yancey Lumber Corporation and the attachments thereto, including staff's supporting analysis, the recommendations of the Planning Commission at its June 23, 2020 meeting, and all of the factors relevant to special exceptions in Albemarle County Code §§ 18-4.18, 18-4.20, 18-5.1(a), 18-5.1.15, 18-33.43, and 18-33.49, the Albemarle County Board of Supervisors hereby restates and reaffirms the following Special Exceptions 1-3, 5, and 8-17, and approves the following Special Exceptions 4,6, and 7, all subject to the conditions attached hereto, for and on County Parcel ID Numbers 05500-00-00-111B0 and 05500-00-00-11200:

1. A special exception from the provisions of County Code § 18-4.20b to reduce the 100-foot setback for the Mill Building (building 7b) and Pole Shed (building 8).

2. A special exception from the provisions of County Code § 18-4.20b to reduce the 10-foot setback for the Stem Loader.

3. A special exception from the provisions of County Code § 18-4.20b to reduce the 30-foot setback for parking adjacent to Rural Areas property.

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

5. A special exception from the provisions of County Code § 18-5.1.15a to reduce setback for the storage of lumber, logs, chips or timber to zero (0) feet.

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

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

8. A special exception from the provisions of County Code § 18-5.1.15b to allow the location of the Pole Shed (building 8) approximately 540 feet from the dwelling located to the north on Tax Map 55, Parcel 111A.

9. A special exception from the provisions of County Code § 18-5.1.15b to allow the location of the Silo (building 10) approximately 570 feet from the dwelling located to the north on Tax Map 55, Parcel 111A.

10. A special exception from the provisions of County Code § 18-5.1.15b to allow the location of the Boiler (building 11) approximately 570 feet from the dwelling located to the north on Tax Map 55, Parcel 111A.

11. A special exception from the provisions of County Code § 18-5.1.15b to allow the location of the Kiln (building 12A) approximately 515 feet from the dwelling located to the north on Tax Map 55, Parcel 111A.

12. A special exception from the provisions of County Code § 18-5.1.15b to allow the location of the Planer (buildings 18, 22 and 23) approximately 550 feet from the dwelling located to the north on Tax Map 55, Parcel 111A.

13. A special exception from the provisions of County Code § 18-5.1.15b to allow the location of the Mill Building (building 7a and 7b) approximately 520 feet from the dwelling located to the south on Tax Map 55, Parcel 100.

14. A special exception from the provisions of County Code § 18-5.1.15b to allow the location of the Stem Loader (adjacent to Rockfish Gap Turnpike) approximately 500 feet from the dwelling located to the west on Tax Map 55A, Parcel 28.

15. A special exception from the provisions of County Code § 18-5.1.15c to permit the warming up of equipment and preparing the equipment area to process wood between 6:00 am and 7:00 am.

16. A special exception from the provisions of County Code § 18-5.1.15c that the loading or unloading of wood products be permitted from 6:00 am to 11:00 pm.

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

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

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

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

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of \_\_\_\_\_ to \_\_\_\_\_, as recorded below, at a regular meeting held on \_\_\_\_\_.

\_\_\_\_\_  
Clerk, Board of County Supervisors

Aye Nay

Mr. Gallaway	_____	_____
Ms. LaPisto-Kirtley	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Ms. Price	_____	_____

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

1. Structures and Machinery will be permitted as shown on a survey titled "Alta/NSPS Land Title Survey" prepared by Timmons Group and dated August 2, 2017 attached hereto as Exhibit A, and the Sorter and Stacker shall be permitted as shown on sheet 2 of the plans entitled "R.A. Yancey Lumber Corporation Sorter / Stacker Equipment," prepared by FPW Architects, dated March 12, 2020, revised March 26, 2020, attached hereto as Exhibit B.
2. The owner must obtain a Certificate of Occupancy for all existing structures by February 1, 2021. For any structure that is not issued a Certificate of Occupancy by February 1, 2021 the owner must cease use of the structure until such time as a Certificate of Occupancy is obtained.
3. The owner shall construct a metal building around the Stacker equipment within 45 days following issuance of a building permit for such building, which building permit has been submitted and is under review by the Community Development Department and is identified as BP 2018-2196NC. The building shall include the installation of sound attenuation materials on the interior wall or walls as needed for the Stacker to comply with Section 4.18.04 of the County Zoning Ordinance.
4. Upon completion of the requirements in condition 3 herein, the owner shall have a sound test of the Stacker equipment conducted by a qualified professional to demonstrate that the Stacker equipment complies with Section 4.18.04 of the County Zoning Ordinance. The owner shall not resume construction of the Sorter equipment until the Agent has confirmed the results of the sound test. If the Agent has not issued a written response within seven calendar days of receipt of the sound test, it shall be deemed confirmed and approved, and the owner may resume construction of the Sorter equipment.
5. Prior to the earlier of (a) 150 days following the Board of Supervisors' approval of the special exceptions applicable to the Sorter and Stacker equipment, or (b) the issuance of a Certificate of Occupancy for the Sorter equipment building, the owner shall construct a wooden fence at least 10 feet tall and approximately 250-270 feet long along Yancey Mill Lane in the approximate area shown in red on Exhibit D, attached hereto. The fence location may be modified to minimize impact to existing vegetation or interference with utilities. The smooth or finished side of the fence shall face Yancey Mill Lane. The owner shall be responsible for maintaining the fence.
6. The owner shall construct a wooden fence at least 10 feet in height along the length of the southern property line of tax map parcel 55-111A adjacent to the Sorter and Stacker equipment, except for a 30-foot span between the southwest corner of such property line to a point 30-feet to the east of such corner, which 30-foot span may remain unfenced. The fence will be approximately 457 feet in length. The owner shall also construct a wooden fence at least 10 feet in height along the length of the western property line of tax map parcel 55-111A, beginning at the southwest corner of such property line to a point approximately 189 feet to the north. The smooth or finished side of the fences shall face the adjacent property. The owner shall be responsible for maintaining the fences. The fence along the southern property line shall be completed within 90 days following the Board of Supervisors' approval of the special exceptions applicable to the Sorter and Stacker equipment, and the fence along the western property line shall be completed within 120 days following the Board of Supervisors' approval of the special exceptions applicable to the Sorter and Stacker equipment.
7. Following satisfaction of condition 4 herein, and following construction of the Sorter equipment, the owner shall construct a metal building around the Sorter equipment. The building shall include the installation of sound attenuation materials on the interior wall or walls as needed for the Sorter to comply with Section 4.18.04 of the County Zoning Ordinance.
8. Upon completion of the requirements in condition 7 herein, the owner shall have a sound test of the Sorter equipment conducted by a qualified professional to demonstrate that the Sorter equipment complies with Section 4.18.04 of the County Zoning Ordinance to the satisfaction of the Agent.

9. If the Sorter and Stacker are contained in separate buildings, the owner shall construct a wall across the span between the two buildings in general accord with the image shown on Exhibit C, attached hereto.

10. Following the initial sound study required in Conditions 4 and 8, and within 60 days of a request by the Zoning Administrator, the owner must submit a sound study prepared by a qualified professional demonstrating that the property is in compliance with County noise regulations, including County Code § 18-4.18. The Zoning Administrator may request a sound study up to once every 365 days and may not request a sound study after January 1, 2024.

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

Exhibit B: FPW Architects Plans, sheet 2

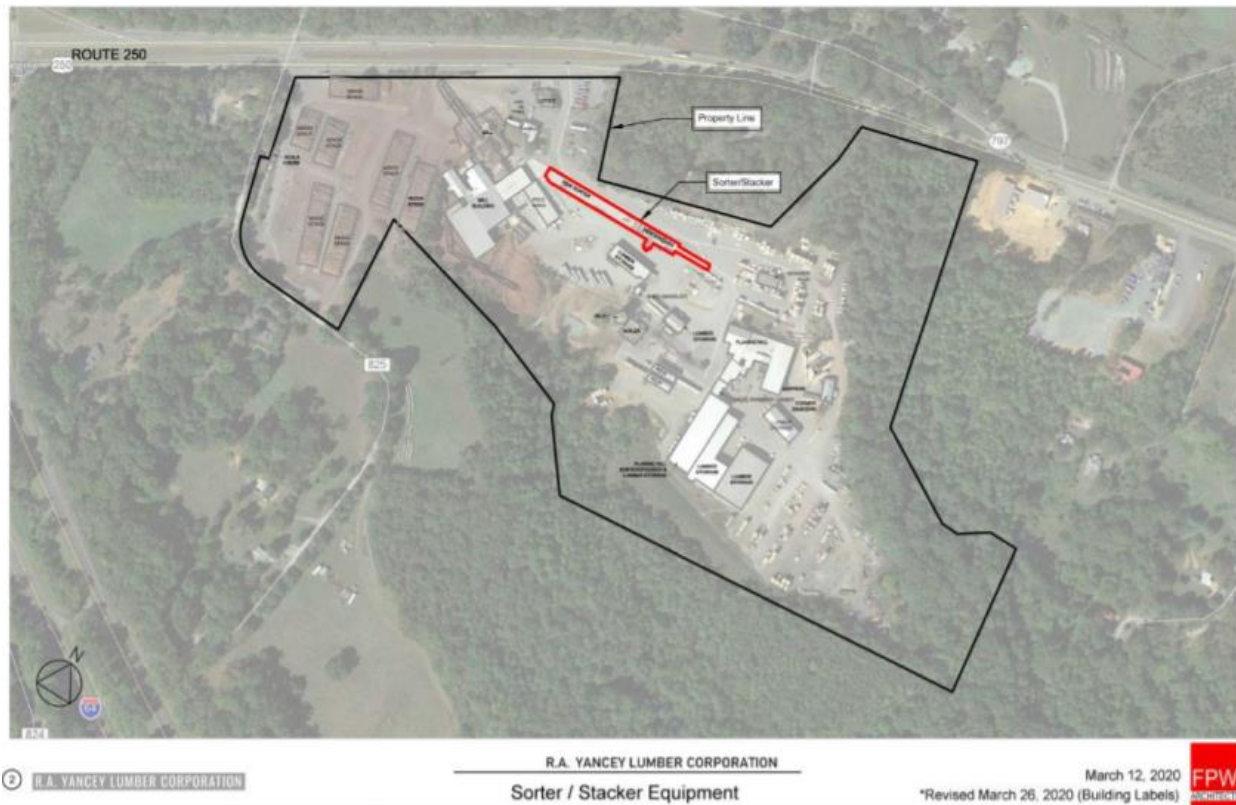


Exhibit C: Exhibit Showing Wall between Sorter and Stacker



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

