

ACTIONS Board of Supervisors Meeting of June 21, 2023		
June 22, 2023		
AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
1. Call to Order. <ul style="list-style-type: none"> Meeting was called to order at 1:00 p.m., by the Chair, Ms. Price. All BOS members were present. Also present were Jeff Richardson, Steve Rosenburg, Claudette Borgersen, and Travis Morris. 		
4. Adoption of Final Agenda. <ul style="list-style-type: none"> The September 1 and October 13, 2021, minutes were pulled from the consent agenda. By a vote of 6:0, ADOPTED the final agenda as amended. 		
5. Brief Announcements by Board Members. <u>Ann Mallek:</u> <ul style="list-style-type: none"> Commented that on the Crozet trails crew website there is a link to a helmet cam e-bike video and encouraged community member to view it. Spoke towards the EPA WaterSense report and the water savings from using WaterSense products. Mentioned that Virginia is having a drought problem and remarked on ground water levels. She commented that DEQ is monitoring the situation. Announced the Fourth of July parades being held in the White Hall Magisterial District. <ul style="list-style-type: none"> Crozet – July 1 at 5 pm. Free Union – July 2 at 4:00 pm. Earlysville – July 4 at 10 am. Remarked that she had attended the AP Biology presentation at Albemarle High School, and that over the years some of the students' ideas have been used. <u>Diantha McKeel:</u> <ul style="list-style-type: none"> Thanked Bill Mawyer and Greg Harper for presenting to the Hydraulic Community Advisory Committee on water infrastructure and mapping in the urban ring. Commented that she attended the Greer Elementary School 5th Grade Promotional Ceremony and presented two awards, Good Citizenship and American History. <u>Jim Andrews:</u> <ul style="list-style-type: none"> Announced that the official grand opening of the southern convenience center would be held the following day. Expressed gratitude to the election workers and voters, and congratulated winners. <u>Donna Price:</u> <ul style="list-style-type: none"> Expressed appreciation for the work of RWSA to increase water capacity and for their water monitoring. Commented that she had the opportunity to see the completed Michie Tavern homestay. Reflected on a former shipmate's burial service at Arlington National Cemetery and commented on the sacrifices that he and others have made. Commented that prior to meeting she had met a former marine who was an incoming ACPD officer. 		Link to Video

	<ul style="list-style-type: none"> Announced that the Batteau festival would arrive in Scottsville that day. Mentioned that if the weather holds, the grand opening of the Southern convenience center would be held the following day. Announced that the Scottsville parade would be held on July 4. 	
6.	<p>Proclamations and Recognitions.</p> <ul style="list-style-type: none"> Proclamation Recognizing July 4th as the Beginning of American Independence. By a vote of 6:0, ADOPTED proclamation and presented to Gardiner Hallock, Interim President, Thomas Jefferson Foundation. Proclamation Honoring John Henry James Day. By a vote of 6:0, ADOPTED proclamation and presented to Jesse Brookins, Director, Albemarle County Office of Equity and Inclusion. Supervisor McKeel announced that on July 12, 2023, at 4:00 p.m., in the Albemarle County Circuit Court, a hearing on a motion filed by Albemarle County Commonwealth's Attorney, Jim Hingeley requesting the dismissal of a returned indictment against John Henry James on July 12, 1898. 	<p>(Attachment 1)</p> <p>(Attachment 2)</p>
7.	<p>From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.</p> <ul style="list-style-type: none"> <u>Faith Schweikert</u>, Piedmont Environmental Council, announced the publication of PEC's Buy Fresh, Buy Local guide. 	
8.2	<p>Albemarle County School Board Use of 133 Galaxie Farm Lane.</p> <ul style="list-style-type: none"> ADOPTED Resolution re-affirming the prior conveyance of the Parcel, approving its use as an elementary school, and authorizing the County Executive to execute any necessary documents. 	<u>Clerk</u> : Forward copy of signed resolution to Facilities and Environmental Services, County Attorney's office and School Board. (Attachment 3)
8.3	<p>Approval of Thomas Jefferson Soil and Water Conservation District Agreement.</p> <ul style="list-style-type: none"> ADOPTED Resolution to approve the agreement and AUTHORIZED the County Executive to execute the Agreement after the agreement is approved as to form and substance by the County Attorney. 	<u>Clerk</u> : Forward copy of signed resolution to Finance and Budget, and County Attorney's office. (Attachment 4) <u>County Attorney</u> : Provide Clerk with copy of fully executed agreement. (Attachment 5)
8.4	<p>Proposed 2023-2024 Holiday Schedule for Local Government Employees.</p> <ul style="list-style-type: none"> APPROVED the 2023-2024 Holiday Schedule for Local Government Employees. 	<p>(Attachment 6)</p>
8.5	<p>Revised Ordinance to Approve Old Ivy Residences (ZMA 2021-00008) to Correct Clerical Errors.</p> <ul style="list-style-type: none"> ADOPTED revised Ordinance to correct clerical errors. 	<u>Clerk</u> : Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 7)
8.6	<p>SE202300015 - 2305 Hunters Way (Critical Slopes) Special Exception.</p> <ul style="list-style-type: none"> ADOPTED Resolution to approve the special exception request, subject to the specified limit. 	<u>Clerk</u> : Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 8)
8.7	<p>SE202300016 - 2305 Hunters Way (Industrial Use in HC) Special Exception.</p>	<u>Clerk</u> : Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 9)

<ul style="list-style-type: none"> • ADOPTED Resolution to approve the special exception request, subject to a modified limit of 43,600 square feet of warehouse space. 		
9. SE202300009 8690 Little York Heights Homestay. <i>(White Hall Magisterial District)</i> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED Resolution to approve the special exception. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 10)	
10. SE202300004 640 Rocky Hollow Road Homestay. <i>(Rivanna Magisterial District)</i> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED Resolution to approve the special exception. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 11)	
Recess. At 2:28 p.m., the Board recessed and reconvened at 2:39 p.m.		
11. Work Session: Review of 2023 Legislative Priorities and Initial Discussion of 2024 Legislative Priorities. <ul style="list-style-type: none"> • Held. 	<u>County Attorney:</u> Proceed as discussed.	
12. Work Session: Community Human Services Needs Assessment & Expanded Agency Budget Review Team Opportunity. <ul style="list-style-type: none"> • Held. 	<u>Social Services:</u> Proceed as discussed.	
13. Closed Meeting. <ul style="list-style-type: none"> • At 4:51 p.m., the Board went into closed meeting pursuant to section 2.2-3711(A) of the Code of Virginia: • under subsection (7), to consult with legal counsel and receive briefings by staff members pertaining to actual litigation concerning the Ragged Mountain Natural Area, in the case styled Board of Supervisors of the County of Albemarle, Virginia v. City Council of the City of Charlottesville, Virginia where consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the County and the Board; and • 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. 		
14. Certify Closed Meeting. <ul style="list-style-type: none"> • At 6:00 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
15. From the County Executive: Report on Matters Not Listed on the Agenda. <u>Jeff Richardson:</u> <ul style="list-style-type: none"> • Presented the County Executive's Monthly report. 		
16. From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board. <ul style="list-style-type: none"> • <u>Judy Schlussel</u>, Rio district resident, addressed the Board concerning the clear-cutting of trees. • <u>Kent Schlussel</u>, Rio district resident, addressed the Board on the removal of a truck restriction sign at Dunlora Drive and Loring Run. 		
17. Pb. Hrq.: Authorized Uses of Rivanna Station Futures Acquisition. <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED Resolution to Reaffirm the Use of the Rivanna Station Futures Property for the Development of Business and Industry. 	<u>Clerk:</u> Forward copy of signed resolution to Economic Development and County Attorney's office. (Attachment 12)	
18. From the Board: Committee Reports and Matters Not Listed on the Agenda.		

<p><u>Bea LaPisto-Kirtley:</u></p> <ul style="list-style-type: none"> Announced that the grand opening of a new Thai restaurant at Riverside Village will be the second week in July. 		
<p>19. Adjourn to June 22, 2023, 10:00 a.m. 6269 Esmont Road, Keene, VA 22946 on Esmont Road Approximately 0.3-mile Southwest of the Intersection of Scottsville Road and Plank Road.</p> <ul style="list-style-type: none"> The meeting was adjourned at 7:08 p.m. 		

ckb/tom

Attachment 1 – Proclamation Celebrating Independence Day – “The Fourth of July”

Attachment 2 – Proclamation Honoring John Henry James Day

Attachment 3 – Resolution to Re-affirm Conveyance of Real Property to the Albemarle County School Board

Attachment 4 – Resolution to Approve the Agreement between the County and the TJSW Conservation District

Attachment 5 – **DRAFT** Memorandum of Agreement between the County the TJSW Conservation District

Attachment 6 – 2023-2024 Holiday Schedule for Local Government Employees

Attachment 7 – Revised Ordinance No. 23-A(2) ZMA 2021-00008

Attachment 8 – Resolution to Approve SE 2023-15 2305 Hunters Way – Critical Slopes Special Exception

Attachment 9 – Resolution to Approve SE 2023-00016 2305 Hunters Way

Attachment 10 – Resolution to Approve SE2023-00009 8688 Little York Heights Homestay

Attachment 11 – Resolution to Approve SE2023-00004 638 Rocky Hollow Road Homestay

Attachment 12 – Resolution to Reaffirm the Use of the Rivanna Station Futures Property for the Development of Business and Industry

Proclamation Celebrating Independence Day – “The Fourth of July”

WHEREAS, June 2023 marks the 247th anniversary of the motion to declare independence for 13 American colonies from the British Empire, proposed by Virginia Statesman, Richard Henry Lee; and

WHEREAS, July 4th, 2023 marks the 247th anniversary by which the Declaration of Independence was officially adopted, making America a free nation; and

WHEREAS, the Declaration of Independence, notably authored by Thomas Jefferson, professes core values that our Nation and its citizens are created equal and possess unalienable rights to life, liberty, and the pursuit of happiness; and

WHEREAS, July 4th, 2023 marks the 171st anniversary of American Abolitionist, Frederick Douglass' speech, “What to the Slave is the Fourth of July,” a call to action for total inclusion in the values of freedom and Independence for all law-abiding citizens; and

WHEREAS, through naturalization, new citizens are afforded the opportunity to embark upon the freedom and independence that our Nation advocates and preserves.

NOW, THEREFORE, BE IT RESOLVED, that we, the Albemarle County Board of Supervisors do hereby recognize and celebrate the Fourth of July as Independence Day and reaffirm our commitment to create a more inclusive and equitable future for all.

Signed this 21st day of June 2023

Proclamation Honoring John Henry James Day

WHEREAS, Albemarle County Board of Supervisors, as part of their Community Remembrance Project, have committed to sharing an inclusive history of our County – including the stories that have been traditionally left out of the dominant narrative; and

WHEREAS, following Reconstruction, the crime of lynching succeeded slavery in the United States as an expression of racism and an upholder of white supremacy until the middle of the 20th century; and

WHEREAS, the lynching of Mr. John Henry James on July 12, 1898 was determined to have taken place in the County of Albemarle; his body shot dozens of times and his corpse hanging for hours; and

WHEREAS, 99 percent of all perpetrators, including those who murdered Mr. James, escaped punishment by State or local officials; and

WHEREAS, the Board of Supervisors recognizes that a history of racial injustice must be acknowledged, recognized, and most especially, remembered before a community may heal, and that July 12, 2023, marks the 125th anniversary of the lynching of Mr. John Henry James.

NOW, THEREFORE, BE IT RESOLVED, that we, the Albemarle County Board of Supervisors do hereby recognize this tragic anniversary and declare July 12, 2023, as John Henry James Day in remembrance of our shared community history and as a demonstration of our commitment that this tragedy will be neither forgotten nor repeated.

Signed this 21st day of June 2023.

**RESOLUTION TO RE-AFFIRM CONVEYANCE OF REAL PROPERTY
TO THE ALBEMARLE COUNTY SCHOOL BOARD**

WHEREAS, by Resolution dated December 18, 2019, the Board of Supervisors approved the conveyance of Tax Parcel 09100-00-00-01100, located at 133 Galaxie Farm Lane and composed of approximately 15.80 acres (the "Property"), to the Albemarle County School Board (the "School Board") for the purpose of Albemarle County Public Schools constructing a high school center on the Property;

WHEREAS, the County conveyed the Property to the School Board by Deed dated December 19, 2019, and recorded on December 20, 2019; and

WHEREAS, the School Board has subsequently determined that the best use of the Property is as a new elementary school rather than as a high school center, as previously planned; and

WHEREAS, the School Board, by Resolution dated April 27, 2023, is seeking the support of the Board of Supervisors for the construction of an elementary school on the Property.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Albemarle, Virginia, hereby re-affirms the prior conveyance of the Property, approves its use as an elementary school, and authorizes the County Executive to execute on behalf of the County any documents necessary to effect this Resolution after they are approved as to substance and form by the County Attorney.

**RESOLUTION TO APPROVE THE AGREEMENT
BETWEEN THE COUNTY OF ALBEMARLE AND
THE THOMAS JEFFERSON SOIL AND WATER CONSERVATION DISTRICT**

WHEREAS, the Board of Supervisors finds it is in the best interest of the County to enter into Agreement with the Thomas Jefferson Soil and Water Conservation District for the contractual services to meet the goals established by the U.S. Environmental Protection Agency and the Virginia Department of Environmental Quality (DEQ) for the Chesapeake Bay Total Maximum Daily Load (TMDL) and TMDLs for local streams as established by DEQ.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to Virginia Code § 32.1-31, the Board of Supervisors of Albemarle County, Virginia hereby approves the Agreement between the County of Albemarle and the Thomas Jefferson Soil and Water Conservation District and authorizes the County Executive to execute the agreement on behalf of the County after it is approved as to form and substance by the County Attorney.

Memorandum of Agreement
Between
The County of Albemarle, Virginia Board of Supervisors, and
The Thomas Jefferson Soil & Water Conservation District

This Memorandum of Agreement (the "Agreement") is made and entered into on the _____ day of June, 2023, by and between the County of Albemarle, Virginia Board of Supervisors, a political subdivision of the Commonwealth of Virginia, hereinafter referred to as the "County", and the Thomas Jefferson Soil & Water Conservation District, a political subdivision of the Commonwealth of Virginia organized under Code of Virginia § 10.1-506 et seq., hereinafter referred to as the "TJSWCD" (collectively, the "Parties").

WHEREAS, the County and TJSWCD share the same basic mission to meet the goals established by the U.S. Environmental Protection Agency and the Virginia Department of Environmental Quality (DEQ) for the Chesapeake Bay Total Maximum Daily Load (TMDL) and TMDLs for local streams as established by DEQ to provide financial and technical assistance to local farmers and residential landowners, stormwater outreach, education, and other activities to fulfill requirements in Municipal Separate Storm Sewer System MS4 permits; and

WHEREAS, since FY 1999 the County has employed and funded a full-time position with benefits including VRS retirement to support the County's mission stated above (the "Position"); and

WHEREAS, the County-employed Position has been located at, supervised by, and received supplemental salary from the TJSWCD; and

WHEREAS, the County and the TJSWCD both agree to the mutual benefit of, and resolve to establish, an alternative funding arrangement for the Position.

NOW, THEREFORE, in consideration of the covenants and agreements in this Agreement, the sufficiency of which is acknowledged, the Parties agree as follows.

Effective July 1, 2023, TJSWCD shall employ the Position with benefits including health, dental and VRS exempt from a probationary period to continue to support the shared mission, and the County will no longer employ the position. TJSWCD will provide starting balances for annual leave and sick leave equivalent to the balance available on the last date of employment by the County, and the County will not pay out any remaining leave. This Agreement shall not be deemed to limit TJSWCD's authority to terminate an employee from the Position. If the Position becomes vacant for any reason, TJSWCD shall seek to fill the Position in accordance with its standard hiring practices.

Notwithstanding any other provision herein to the contrary, the County shall discontinue the employment of the Position and will not have any further obligation or liability to the Position under this Agreement; provided, however, that for FY 24, the County will issue TJSWCD quarterly payments in the amount of \$21,665.75 for current budgeted Position salary and benefits totaling \$86,663.

Beginning with the development of the FY 25 budget, TJSWCD will submit a funding request annually during the annual budget process to the County for a contribution to continue support for the Position. The County shall contribute any amount duly appropriated for the Position.

The Parties' obligations pursuant to this Agreement shall be subject to appropriations.

The County or TJSWCD may terminate this Agreement upon thirty (30) days' notice. Such notice by the County shall be delivered to the TJSWCD's Executive Director, and such notice by TJSWCD shall be

delivered to the County's County Executive. Upon termination, the Parties shall fulfill any obligations accrued through the termination effective date. By way of example, any employee in the Position at termination shall be compensated for salary and other benefits owed up to the termination date.

County of Albemarle

Thomas Jefferson Soil & Water
Conservation District

By: _____
Signature

By: _____
Signature

Printed/Typed Name

Printed/Typed Name

Title

Title

Date

Date

**HOLIDAY SCHEDULE
2023-2024****Local Government Employees**

Tuesday, July 4, 2023	Independence Day
Monday, September 4, 2023	Labor Day
Friday, November 10, 2023	Veterans' Day (observed)
Wednesday, November 22, 2023 (Half Day) Thursday, November 23, 2023 Friday, November 24, 2023	Thanksgiving
Friday, December 22, 2023	Christmas Eve (observed)
Monday, December 25, 2023	Christmas Day
Monday, January 1, 2024	New Year's Day
Monday, January 15, 2024	Martin Luther King Jr. Day
Monday, May 27, 2024	Memorial Day
Wednesday, June 19, 2024	Juneteenth Day
<i>Must be taken between: Saturday, July 1, 2023 and Sunday, June 30, 2024</i>	Floating Holiday

REVISED ORDINANCE NO. 23-A(2)
ZMA 2021-00008

**AN ORDINANCE TO AMEND THE ZONING MAP FOR PARCELS 06000-00-00-05100,
06000-00-00-024C0, 06000-00-00-024C1, 06000-00-00-024C3, AND 06000-00-00-024C4**

WHEREAS, an application was submitted to rezone 5.52 acres on Parcel 06000-00-00-05100 from R-1 Residential to R-15 Residential zoning, and approximately 1.8 acres on Parcel 06000-00-00-024C1 from R-10 Residential to R-15 Residential zoning, to amend the proffers of ZMA 198500021 as they apply to Parcels 06000-00-00-024C0, 06000-00-00-024C1, 06000-00-00-024C3, and 06000-00-00-024C4, and to amend the concept plan and proffers of ZMA199600020 as they apply to Parcel 06000-00-00-024C1, to be rezoned with the amended plan and proffers;

WHEREAS, following a public hearing on March 1, 2023, the Board duly approved the proposed rezoning by adopting Ordinance No. 23-A(2);

WHEREAS, following the adoption of Ordinance No. 23-A(2), it was discovered that the title and recitals of said Ordinance inadvertently omitted Parcel 06000-00-00-024C0 and misidentified Parcel 06000-00-00-05100 and certain aspects of the original proffers being amended; and

WHEREAS, although ZMA 2021-00008 was effectively approved with the adoption of Ordinance No. 23-A(2), as these clerical errors were limited to the title and the recitals of the Ordinance and not in the operative provisions of such Ordinance, the Board now wishes to correct these clerical errors by the adoption of this revised Ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2021-00008 and their attachments, including the Concept Plan last revised August 15, 2022 and the Proffers revised February 17, 2023, the information presented at the public hearings, any written comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code § 18-18.1, and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board, with reference to the corrected recitals of this revised ordinance and retroactively to March 1, 2023, hereby reaffirms its approval of ZMA 2021-00008 with the revised Concept Plan entitled "ZMA 2021-00008 Rezoning Concept Plan for Old Ivy Residences" prepared by Timmons Group, dated July 19, 2021, last revised on August 15, 2022, and the Proffers revised February 17, 2023.

**RESOLUTION TO APPROVE
SE 2023-15 2305 HUNTERS WAY – CRITICAL SLOPES SPECIAL EXCEPTION**

WHEREAS, upon consideration of the staff report prepared for SE 2023-15 2305 Hunters Way - Critical Slopes Special Exception, the information presented at the public hearing, any comments received, and all of the relevant factors in Albemarle County Code § 18-4.2.5(a)(3), the Albemarle County Board of Supervisors hereby finds that the proposed special exception would not be detrimental to the public health, safety or welfare, to the orderly development of the area, or to adjacent properties; would not be contrary to sound engineering practices; and that:

1. Strict application of the requirements of Albemarle County Code § 18-4.2 would not forward the purposes of this chapter or otherwise serve the public health, safety or welfare;
2. Alternatives proposed by the developer or subdivider would satisfy the intent and purposes of Albemarle County Code § 18-4.2 to at least an equivalent degree; and
3. Granting the special exception would serve a public purpose of greater import than would be served by strict application of the regulations sought to be modified or waived.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SE202300015 2305 Hunters Way - Critical Slopes Special Exception to waive Albemarle County Code § 18-4.2.3(b), provided that the area of land disturbance on critical slopes not exceed the disturbed slopes shown on Page 3 of “SDP202300004 2305 Hunters Way Special Exception Request Per Sec. 4.25 – Critical Slopes Disturbance,” prepared by Shimp Engineering, P.C. and last revised on March 27, 2023.

**RESOLUTION TO APPROVE
SE 2023-00016 2305 HUNTERS WAY**

WHEREAS, upon consideration of the staff reports prepared for SE 2023-00016 2305 Hunters Way and the attachments thereto, including staff's supporting analysis, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-24.2.1(49) and 18-33.9, the Albemarle County Board of Supervisors hereby finds that the proposed special exception:

- (i) would not be a substantial detriment to adjacent parcels;
- (ii) would not change the character of the adjacent parcels and the nearby area;
- (iii) would be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the district, and with the public health, safety, and general welfare (including equity); and
- (iv) would be consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves a special exception to modify the gross floor area size limit on Storage / Warehousing /Distribution / Transportation uses on Parcel ID 07900-00-00-004P0 from 4,000 square feet (which limit would otherwise apply under County Code § 18-24.2.1(49)) to 43,600 square feet.

**RESOLUTION TO APPROVE
SE2023-00009 8688 LITTLE YORK HEIGHTS HOMESTAY**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE2023-00009 8688 Little York Heights Homestay application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-5.1.48 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 specified requirement, and that the requested special exception :

- (i) would not cause adverse impacts to the surrounding neighborhood;
- (ii) would not cause adverse impacts to the public health, safety, or welfare;
- (iii) would be consistent with the Comprehensive Plan and any applicable master or small-area plan(s); and
- (iv) would be consistent in size and scale with the surrounding neighborhood

NOW, THEREFORE, BE IT RESOLVED, that in association with the 8688 Little York Heights Homestay, the Albemarle County Board of Supervisors hereby approves the special exception to permit the use of an accessory structure for a homestay, provided that the homestay use is limited to (i) the existing accessory structure as depicted on the Homestay Location Exhibit dated June 5, 2023 or (ii) a primary dwelling or existing structure meeting all homestay setbacks.

**RESOLUTION TO APPROVE
SE2023-00004 638 ROCKY HOLLOW ROAD HOMESTAY**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE2023-00004 638 Rocky Hollow Road Homestay application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-5.1.48 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 specified requirement, and that the requested special exception:

- (i) would not cause adverse impacts to the surrounding neighborhood;
- (ii) would not cause adverse impacts to the public health, safety, or welfare;
- (iii) would be consistent with the Comprehensive Plan and any applicable master or small-area plan(s); and
- (iv) would be consistent in size and scale with the surrounding neighborhood.

NOW, THEREFORE, BE IT RESOLVED, that in association with the 638 Rocky Hollow Road Homestay, the Albemarle County Board of Supervisors hereby approves the special exception to permit a resident manager to fulfill the residency requirements for a homestay use.

**RESOLUTION TO REAFFIRM THE USE OF THE RIVANNA STATION FUTURES PROPERTY FOR
THE DEVELOPMENT OF BUSINESS AND INDUSTRY**

WHEREAS, Next Generation, L.L.C. and Rivanna Station Futures, LLC entered into a certain Purchase and Sale Agreement dated May 18, 2023 (the "Agreement") concerning the conveyance of certain real property and related assets more particularly described in the Agreement, including Parcel ID Numbers 21-14C, 33-1, 33-2, 33-10, 32-5C, 33-1B, 33-1D, 33-14, 33-15, a portion of 33-13, and a portion of 33-16 within Albemarle County, Virginia (collectively, the "Property"); and

WHEREAS, on May 24, 2023, the Board of Supervisors of Albemarle County, Virginia adopted a Resolution authorizing the County's acquisition of the Property, (a) for any public use, including, without limitation, public facilities such as educational facilities and military installations (pursuant to Virginia Code § 15.2-1800), (b) for facility site(s) (pursuant to Virginia Code § 15.2-4917), and (c) for development of business and industry (pursuant to Virginia Code § 15.2-1802), conditioned upon the conduct of a public hearing as required therein; and

WHEREAS, having now conducted a public hearing in accordance with Virginia Code § 15.2-1802, the Board now desires to reaffirm the possible uses of the Property, once acquired by the County, including, without limitation, the development on such land of business and industry (pursuant to Virginia Code § 15.2-1802).

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF
ALBEMARLE COUNTY, VIRGINIA:**

1. The Property or portions thereof, once acquired by the County, may be used (a) for public use for purposes of Virginia Code § 15.2-1800, (b) as a facility site for purposes of Virginia Code § 15.2-4917, and/or (c) for the development of business and industry for purposes of Virginia Code § 15.2-1802.

2. In all other respects, the Board's Resolution of May 24, 2023, is reaffirmed and remains in effect.