

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on October 5, 2022, at 1:00 p.m., Lane Auditorium, County Office Building, 401 McIntire Road, Charlottesville, Virginia.

BOARD MEMBERS PRESENT: Mr. Jim Andrews, Mr. Ned Gallaway, Ms. Beatrice (Bea) J.S. LaPisto-Kirtley, Ms. Ann H. Mallek, Ms. Diantha H. McKeel (arrived at 6:25 p.m.) and Ms. Donna P. Price.

ABSENT:

OFFICERS PRESENT: County Executive, Jeffrey B. Richardson; County Attorney, Steve Rosenberg; Clerk, Claudette K. Borgersen; and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. Call to Order. The meeting was called to order at 1:02 p.m. by the Chair, Ms. Donna Price.

Ms. Price noted that Ms. McKeel was traveling for County business and thus was not present at the meeting.

Ms. Price said the opportunities for the public to access and participate in the hybrid meeting are posted on the Albemarle County website, the Board of Supervisors homepage, and the Albemarle County Calendar. She said participation would include the opportunity to comment on those matters for which comments from the public will be received. She introduced County officers present.

Ms. Price said that Ms. LaPisto-Kirtley had requested to participate remotely in accordance with applicable Board Rules of Procedure, Rule 8(B)(1)(b), enacted pursuant due to the Freedom of Information Act and stated that she was unable to attend the meeting in person due a medical condition.

Ms. Mallek **moved** to allow Ms. LaPisto-Kirtley to participate remotely. Mr. Andrews **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. Mallek, and Ms. Price.

NAYS: None.

ABSENT: Ms. McKeel

ABSTENTIONS: Ms. LaPisto-Kirtley

Ms. Price introduced Sgt. Angela Jamerson, Officer Darrell Mikesh, and Major Terry Walls. She said when she saw another fatality had occurred in their area, she thought not only of the times that emergency responders put their lives in danger to protect others in violent situations, but also of the impact it had psychologically on those who responded to those types of incidents. She thanked all officers for the risks they took to protect others and for being present.

Agenda Item No. 2. Pledge of Allegiance.
Agenda Item No. 3. Moment of Silence.

Agenda Item No. 4. Adoption of Final Agenda.

Ms. Price stated that Mr. Gallaway had requested to pull Item 8.3 SE202200031 Rio Point Special Exception from the Consent Agenda to discuss. She said the floor was open to a motion.

Mr. Andrews **moved** to adopt the final agenda as amended. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, and Ms. Price.

NAYS: None.

ABSENT: Ms. McKeel

Agenda Item No. 5. Brief Announcements by Board Members.

Ms. Mallek said October 8 and 9 was the 42nd annual Crozet Arts and Crafts Festival with 120 artisans. She said there was also the Henley Fest on Whitehall Road on those same days, and on October 9 was the Crozet Fire Department barbecue and raffle.

Ms. Mallek said at last week's Metropolitan Planning Organization (MPO) meeting, there was a discussion of the long-range transportation plan. She encouraged people to listen for participation opportunities to provide input on that long-range plan. Ms. Mallek said the local projects yet-to-be funded with state funds had to be on that plan, and while it was a bureaucratic process, it was an important one.

Ms. Mallek said to be aware of highway workers in the roadways; at the MPO meeting, she learned that five times during the summer construction season, tractor-trailers had blown through the construction site at the intersection of routes 151 and 250 due to braking issues. She said it was important for people to be aware that trucks may experience braking issues, to be sure they did not put themselves in danger on the roads, and to drive safely and slowly for the safety of construction workers.

Ms. Mallek stated that the Comprehensive Plan process had four frameworks that deserved input from citizens in rural and urban areas of the County, so residents should look for that information online and at upcoming community meetings.

Ms. Mallek said at last Friday's 7th annual Rivanna River Basin Conference, two speakers spoke of various aspects of utility-sized solar projects. She said Chad Martin from the Department of Conservation and Recreation (DCR) was the first environmental justice agent to be hired by DCR to represent the central Virginia district. She said recordings of the presentations would be posted on rivannriverbasin.org website and she hoped people would listen in.

Ms. Mallek said the state workforce meeting happened last Wednesday and she wanted to bring attention to the success the local workforce board had, and Sarah Morton, the Executive Director, was invited to do a presentation at the beginning of the state meeting about the programs happening in the area. She said they had a discussion with her and the Secretary of Education about Ms. Morton's desire to work directly with the school departments to get workforce programs into the schools for younger ages and she was given direct information on how to apply for further lab school grants.

Ms. Mallek said last Sunday was the 30th anniversary of the Rivanna Trails Foundation, a celebration in which hundreds of people walked part or all of the 25-mile trail around the City over the weekend, and citizens and Rivanna Trail staff spoke to her repeatedly about their gratitude for working with County staff in forwarding trails projects. She said people were excited to do whatever volunteer work was needed on the beginning work of the Three Notched Trail.

Ms. Mallek said there were two cross-country meets at Panorama Farms during October, the first on October 15th at 10 a.m., an NCAA cross-country meet in advance of the finals in 2023, with runners from all over the country hoping to compete. She said on October 28 at 11 a.m. was the ACC championships with runners from all over the mid-Atlantic. She said these events would put Albemarle County on the map for cross-country events for the entire country.

Ms. LaPisto-Kirtley said that last Monday, she had taken a tour of the Little Keswick School, a private school that educated 4th grade through age 16 students who were diagnosed with autism. She said she was impressed with the great job they did with the positive interactions between students, who had difficulty relating to others and expressing themselves.

Mr. Gallaway said that VDOT was taking corrective measures for those trucks.

Ms. Mallek said they were called truck arrest places.

Mr. Gallaway said that was being added to the project. He said because those instances occurred, VDOT quickly got that approved to be a part of the construction. He said once the roundabout was in place, if the truckers had an equipment malfunction, they would have a way to stop the truck.

Ms. Mallek thanked Mr. Gallaway for discussing the issue.

Mr. Andrews said that next weekend was the Batesville Apple Butter Weekend on October 8 and 9. He said he encouraged everyone in the County to come. He said the Simpson Community Park event was postponed due to the storm and was rescheduled for October 22 from 5 p.m. to 7 p.m. He said he attended the climate discussion on Thursday and that he looked forward to discussing the vulnerability and risk assessment in furtherance of that. He said he finished walking the Rivanna Trail as well and enjoyed it very much.

Ms. Price stated that for the week of September 21, for the first time since March 2020, all communities within the Blue Ridge Health District were in the green area, and now they were back into yellow. She said they still must be careful and were moving into the winter season when they should worry about flu as well. She urged people to get immunizations and booster shots.

Ms. Price said she endeavored to take different routes through her magisterial district and was happy to see the continued progress on Avon Street with the drainage culverts and sidewalks that were being installed. She said the students at Mountain View School would be pleased with the outcome. She thanked Mr. Richardson, Mr. Walker, County staff, and VDOT for the work that was being done to improve safety in the community.

Agenda Item No. 6. Proclamations and Recognitions.

There were none.

Agenda Item No. 7. From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.

Ms. Barbara Cruikshank said she lived in Earlysville for more than 40 years and her grandchildren now attended the County schools. She said she was present to request an evaluation be completed to determine the levels of radio frequency radiation inside Albemarle High School and the surrounding campus. She said this evaluation could be done by a certified building biologist who could

perform a professional evaluation of the levels and interpret the results for the community and elected officials. She said she had taken measures on the campus of Albemarle High School and the levels of radiofrequency radiation were above what was considered safe for human exposure.

Ms. Cruikshank said children had unique vulnerability; they absorbed proportionally higher amounts of radiofrequency radiation than adults did, and in particular, they absorbed more in their eyes and different locations of the brain. She said she had multiple research papers that she had shared with the Board but would only discuss one. She said one was from a 2022 environmental research journal that reviewed all of the scientific research on the topic of radiofrequency radiation exposure in humans.

Ms. Cruikshank said they found in looking at all the literature that effects on humans were in three categories, the first was radiofrequency sickness, in which humans that lived near sources of radiofrequency radiation and spent time near those devices would have symptoms of radiofrequency sickness, including depression, anxiety, and many neuropsychiatric issues.

Ms. Cruikshank said the second effect found in the research was that cancer rates were elevated if people dwelled near high levels of radiofrequency radiation, and the third was changes in biochemical parameters such as heart rate, blood pressure, hormone levels, thyroid, and the immune system. She said all the effects they found were found in 70% of the research that had been completed. She said they needed a professional building biologist to measure the levels.

Ms. Price said to Ms. Cruikshank that if she was unable to complete her remarks that she could submit them in writing or email them to the Clerk to ensure they were included in the record.

Ms. Cruikshank said she appreciated that.

Mr. Keith Smith said he was speaking to the Board as Chairperson of the Piedmont Community Land Trust. He said he made a commitment to the Board when they received a \$625,000 grant that he would update them on the progress. He said they had provided 10 permanent affordable housing units within the calendar year of 2022 and two more would be closing in the beginning of 2023, hopefully by the end of January. He said in 12 months, they had provided 23 permanent affordable housing units. He thanked the Board and said he wanted to give the Board the information on how that money was being spent. He said they were hitting an average of about 65% AMI (area median income) out of the maximum of 80%.

Mr. Smith said he had helped write a contract yesterday for a young, single mother who was a teacher in Albemarle County to purchase a home in Avon Park because her rent was supposed to rise 12% next year. He said the money made a difference, and with the Piedmont Community Land Trust, the homes would continue to only be sold to those with 80% AMI and under. He said he would continue to give updates on this to the Board.

Mr. Smith said in reply to the previous speaker that he had been diagnosed with Havana Syndrome and it was real.

Agenda Item No. 8. Consent Agenda.

Ms. Price said that Mr. Gallaway had pulled Item No 8.3 SE202200031 Rio Point Special Exception

Mr. Gallaway said he had a few questions. He asked if the parking being reduced back was primarily because of the addition of townhomes that were not included in the original rezoning request.

Mr. Cameron Langille said the parking reduction request was due to the developer thinking they did not need to have as much parking as the zoning ordinance required. He said the townhouse units were a permitted use based on the rezoning. He said the application plan showed building envelopes and originally it looked like there would be entirely apartments on the site, but he confirmed with the zoning administrator that they could do townhouses. He said the multi-family parking was specifically what was being reduced.

Mr. Gallaway said the rationale about the townhomes getting two and then one inside was the claim.

Mr. Langille said that was correct.

Mr. Gallaway said in addition to that, the multi-family was what they did not need.

Mr. Langille said that was correct. He said none of the dwelling units would be subdivided off; all the parking would be in the parking lot for this site.

Mr. Gallaway said they were using a rationale that there would be less concrete there, which was good for the environment. He asked what they were going to do with that space.

Mr. Langille said it would be open space.

Mr. Gallaway asked if it would be turned into green space in this situation.

Mr. Langille said that was correct.

Mr. Gallaway asked if they were able to assess how those parking spaces were measured in acreage.

Mr. Langille said each parking space was required to be 9 feet by 18 feet, and while he did not have the exact calculation, it was quite a large area.

Mr. Gallaway said it would not be all in one place; they were going to be readding it to the other open spaces to give them extra space.

Mr. Langille said that was correct.

Mr. Gallaway stated that the community talked about how concerned they were about overflow parking when there were guests who needed to park in the area. He said he hoped that was still being addressed and that they were confident that the property management would have a functional site and not create something that would make it difficult to rent the apartments.

Mr. Langille said that was correct. He said when staff looked at the ITE figures for the use type, what was recommended for parking spaces for the dwelling units they proposed was about 380 parking spaces. He said even with the reduction to 483, there would be plenty of parking for visitors coming to visit residents at the site.

Mr. Gallaway said he would like to know how they kept overflow parking from the development from encroaching on the spaces dedicated to the trailhead that was being created there.

Mr. Langille said the rezoning proffered the commitment of 12 parking spaces within the trailhead park, which would be a separate parking lot from the parking used for dwelling units onsite. He said with the site plan that was currently under review, they were providing 14 spaces, but they were still working through the design of what would be within the park with the Parks and Recreation Department and the developer. He said they may have more spaces than that, but they had to provide a minimum of 12. He said in relation to protecting those spaces from any overflow parking from the dwelling units, there would likely be signage posted for the specific trailhead parking use only. He said there was a possibility there could be some sort of gate after hours to limit access if that became a problem.

Mr. Gallaway stated that that parking lot would be the County's responsibility, so he wanted to ensure that staff had confirmed there would be adequate parking and that it would be inconvenient to park there. He said when this rezoning came through, one of the impacts that was lessened was to the schools, because this type of development did not usually produce that many more students. He said in this application, for requesting the reduction in parking, they talked about how they were connecting the sidewalks but also talked about the access to schools, so now they were using schools to support a special exception request when it was downplayed during the first rezoning.

Mr. Gallaway said he brought this up because of the similarity to his comments about the proffer during the Southwood conversation about having things in the initial zoning that did not have good solutions to the impacts they were trying to solve. He said this particular applicant talked about having less vehicular traffic so that people could walk to Greenbrier Elementary School, which was actually in the City of Charlottesville, so the people at Rio Point would be going to Agnor-Hurt. He said seeing that in the application submitted made him uncomfortable. He said it was also suggested that they have access to private schools with the sidewalk connection going down Rio East, which was true to the small school to the right, but if they had kids of the age of the Catholic school, trying to diverge across Rio Road in that direction was probably not a good idea at this point.

Ms. Mallek said not without the crosswalk.

Mr. Gallaway said even with the crosswalk, he would be nervous about people walking down there, especially since there were no sidewalks on Rio Road to the school and no connection to the sidewalk that existed in front of the school. He said he appreciated they were doing what they were supposed to and made good reasons why the special exception should move forward, and he was not opposed to them, he would ask that the rationale be pertinent, because this in some way sounded like fluff. He said as these things came before the Board, whether they be proffers or smaller indications, he would be scrutinizing them, because he would like to see things going to actual impacts, not just what behooved them to say they were lessening vehicular traffic because they were creating walkways to schools that were not functional yet.

Mr. Gallaway said the other issue was about the transit path, which said they were providing a bus shelter, which would cut down on vehicular traffic, but they still did not have a functional transit line that was able to support Rio Road for workday traffic. He said sometimes because these items were added to the Consent Agenda, applicants became lazy in their reasoning for the special exception. He said he appreciated having the opportunity to ask Mr. Langille these questions.

Ms. Price asked if any Supervisors had comments or questions.

Ms. Mallek asked if the staff received information or maps that showed the existing parking and

where the new open space would be.

Mr. Langille said depending on the request, they would sometimes get those sorts of maps. He said this site was entirely undeveloped, so he did not have a map that showed all of the required parking and where it would be located.

Ms. Mallek asked if they would be starting with a new map once they got it to them.

Mr. Langille said yes.

Ms. LaPisto-Kirtley said Mr. Gallaway brought up some good points. She asked if staff could create a summary about when it did change and if there were extenuating circumstances that could make it problematic.

Mr. Andrews said he appreciated the concerns raised. He said he calculated it to be about a quarter of an acre.

Ms. Price said she appreciated Mr. Gallaway pulling this item for comment. She said she had frequently raised the concern about reduction of parking and having sufficient capacity for visitors. She said she recognized that once the development was completed, it then was largely outside of any County control, but she had often observed in these sorts of multi-family building developments, it was less likely when there were assigned parking spaces but more likely when people had to search for an open spot. She said very frequently, even if there were reserved spaces for visitors, permanent residents would park an extra vehicle in that space, creating insufficient parking for visitors. She said this required them to be diligent in requiring a sufficient number of parking spaces in developments.

Ms. Price asked Mr. Gallaway if he was prepared for the vote.

Mr. Gallaway said as long as they could vote on Item 8.3 in the Consent Agenda.

Ms. Price said yes. She said there were no amendments to the Consent Agenda, and they still had all the items in the Consent Agenda listed.

Ms. Mallek moved to adopt the Consent Agenda as presented. Mr. Andrews seconded the motion, which passed (5-0). Supervisor McKeel was absent from the vote.

Ms. Mallek **moved** to approve the consent agenda. Mr. Andrews **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, and Ms. Price.

NAYS: None.

ABSENT: Ms. McKeel

Item No. 8.1. FY22 Appropriations.

The Executive Summary forwarded to the Board states that Virginia Code §15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; provided, however, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc.

The total change to the Fiscal Year 2022 (FY22) budget due to the appropriations itemized in Attachment A is \$4,409. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

Staff recommends that the Board adopt the attached resolution (Attachment B) to approve the appropriations for local government projects and programs described in Attachment A.

By the above-recorded vote, the Board adopted the resolution (Attachment B) to approve for local government projects and programs described in Attachment A:

Appropriation # 2022057

Sources:	Other Local Revenue	\$4,409
	General Fund: Savings from Existing Police Department \$3,050 and Sheriff's Office Budget	
Uses:	Regional Firearms Training Center Operating Fund	\$7,459
Net Change to Appropriated Budget:		\$4,409

Description:

This request is to appropriate \$7,459 to the Regional Firearms Training Center Fund. Pursuant to the funding agreement, the County's share is \$3,050 and is recommended to be provided from savings in the General Fund Police Department and Sheriff's Office budgets, and the remaining \$4,409 will be provided by the City of Charlottesville and University of Virginia's cost-share, as well as additional interest revenue. This funding will provide for increased FY 22 maintenance costs that were incurred at the Regional Firearms Training Center due to unexpected HVAC repairs and inflation of material and outside labor costs.

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**RESOLUTION TO APPROVE
ADDITIONAL FY 2022 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriation #2022057 is approved;
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2022.

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APP#	Account String	Description	Amount
2022057	4-5805-31209-431000-331210-9999	Supplemental budget to cover operational overages	\$7,459.00
2022057	3-5805-31209-315000-150101-9999	Interest Revenue	\$682.14
2022057	3-5805-31209-319000-190207-9999	City of Charlottesville Share of overage	\$2,371.90
2022057	3-5805-31209-319000-190435-9999	UVA share of overage	\$1,355.37
2022057	3-5805-31209-351000-512004-9999	County share of overage	\$3,049.59

Item No. 8.2. Fiscal Year 2023 Appropriations.

The Executive Summary forwarded to the Board states that Virginia Code §15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; provided, however, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc.

The total change to the Fiscal Year 2023 (FY 23) budget due to the appropriations itemized in Attachment A is \$0. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

Staff recommends that the Board adopt the attached resolution (Attachment B) to approve the appropriations for local government projects and programs described in Attachment A.

By the above-recorded vote, the Board adopted the resolution as presented in Attachment B to approve the appropriations for local government projects and programs described in Attachment A:

Appropriation #2023018

Sources:	Housing Fund	\$300,000
Uses:	Economic Development Authority Fund	\$300,000
Net Change to Appropriated Budget:		\$0

Description:

This request is to transfer \$300,000 from the Housing Fund's Performance Agreement Reserve to the Economic Development Authority (EDA) pursuant to the performance agreement between the County, EDA, and Habitat for Humanity of Greater Charlottesville. The Housing Fund includes a reserve for this funding that is distributed as milestones in the agreement are met. Habitat for Humanity of Greater Charlottesville has met an additional milestone for cash contributions pursuant to the terms of the performance agreement.

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RESOLUTION TO APPROVE

ADDITIONAL FY 2023 APPROPRIATIONS

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriation #2023018 is approved;
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2023.

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APP#	Account String	Description	Amount
2023018	4-5801-89000-481000-560000-0057	Performance Agreement Drawdown	-\$300,000.00
2023018	4-5801-99000-493000-934001-9999	Transfer to EDA - Habitat Agreement	\$300,000.00
2023018	3-4700-91095-351000-512000-9999	Transfer from Housing Fund - Habitat Performance Agreement	\$300,000.00
2023018	4-4700-91095-491095-560000-0057	Habitat for Humanity - Performance Agreement	\$300,000.00

Item No. 8.3. SE202200031 Rio Point Special Exception.

The Executive Summary forwarded to the Board states that the applicant requests a special exception for a variation to modify the minimum number of required parking spaces for multifamily dwelling units within the Rio Point project, pursuant to County Code § 18-8.5.5.3 and § 18-4.12.6, from 552 spaces to 483 spaces.

Staff analysis of the request is provided as Attachment C.

Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve the special exception.

By the above-recorded vote, the Board adopted the resolution as presented in Attachment D to approve the special exception:

RESOLUTION TO APPROVE
SE 2022-00031 RIO POINT
VARIATION TO CODE OF DEVELOPMENT (ZMA201900008)

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE 2022-00031 Rio Point Variation to Code of Development 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 §§ 18-8.5.5.3, 18-4.12.6, 18-4.12.12, and 18-33.9, the Albemarle County Board of Supervisors hereby finds that the proposed special exception:

- (1) would be consistent with the goals and objectives of the Comprehensive Plan,
- (2) would not increase the approved development density or intensity of development,
- (3) would not adversely affect the timing and phasing of development of any other development in the zoning district,
- (4) would not require a special use permit, and
- (5) would be in general accord with the purpose and intent of the approved application.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves as a special exception Variation #1 to the Rio Point Code of Development, in general accord with the special exception application submitted by Timmons Group dated May 10, 2022.

Item No. 8.4 Delegation of Authority to Sign Certain Insurance Documents, **was received for information.**

Item No. 8.5 Amendment of the County's Purchasing Manual, **was received for information.**

Item No. 8.6. Tax Refund Approval Request, **was received for information.**

Agenda Item No. 9. **Action Item:** SE202200042 Tiffin Farm Cottage Homestay.

The Executive Summary forwarded to the Board states that the applicant is requesting a special exception for a homestay at 1800 Tiffin Farm Lane.

Use of Accessory Structure. Pursuant to County Code § 18-5.1.48(d), the applicant is requesting

to modify County Code 18-5.1.48(c)(2)(ii) to permit a homestay use within a new accessory structure.

Please see Attachment A for full details of staff's analysis and recommendations.

Staff recommends that the Board adopt the attached Resolution (Attachment F) to approve the special exception, subject to the condition attached thereto.

Mr. Francis McCall, Deputy Zoning Administrator, said that he was presenting in place of Ms. Brumfield, who had prepared the presentation and review of the special exceptions for this meeting. He stated that this property was located on Tiffin Farm Lane, off of Millington Road in Free Union. He said this was one of two requests for the day for accessory structures for homestay use. He said this particular application was for a structure that was yet to be built; if the special exception was obtained, it would be built so that they could utilize it for the homestay. He said it was on a large, rural area parcel. He said the image shown was a rendering of the building, which would have two bedrooms and bathrooms, but not a complete kitchen. He said there would be a coffee station and microwave for the guests. He said it could eventually become a dwelling; they had the development rights for that purpose, but it was not their intention at this time.

Mr. McCall said the property owners were Michael and Sarah Larson, who raised cattle on the property and were planning to begin a market garden on the parcel. He said the Board was familiar with the particular regulations that applied to special exceptions for homestays in the Rural Area, which included rental of up to five guest rooms. He said this particular one was for the use of an accessory structure built prior to 2019, which meant that it was not in existence prior to 2019, so they needed the special exception to build this structure to be utilized as a homestay. He continued that the primary setbacks had been met, and there were limited un-hosted stays. He said the staff report went over the particular considerations, which were outlined in the presentation as in the staff report.

Mr. McCall said this homestay would be located near the center of the 88.31 acres in Free Union. He said the property was surrounded on all sides by either agricultural properties or forested properties. He said the structure in this particular location was where a dilapidated farm structure was shown on the image. He said an adjacent property owner questioned where the property would be, and once they were informed, they understood it would not pose a problem for them or their plans to install a farm structure where the blue asterisk was shown. He said that was the only adjacent property concern that was received for this application.

Mr. McCall showed an aerial image of the site in relation to the overall Free Union area and indicated the locations of the house and homestay. He showed images of onsite photographs that were taken of the proposed location. He said the left photo showed the proposed location taken from the internal road, Tiffin Farm Lane, and the one on the right showed the view southwest toward the nearest abutting residential house. He indicated the house on the aerial map. He said as the property and its buildings were located extremely distant from the neighbors' homes and parking was not a problem on the parcel, staff recommended the approval of the special exception with the condition shown on the slide.

Ms. Mallek said an earlier project requested the use of a new building instead of an existing barn and wanted to decommission the existing barn and make use of a new one. She said that the previous project had been approved and she would like to know if there were similar criteria used to make one project acceptable and not another.

Mr. McCall stated that regarding the use of a new structure built after the date identified in the regulations, August 7, 2019, if someone wanted to build a new structure like the current one proposed, a special exception would be required. He said if it existed and was proposed to be converted as an accessory structure, it did not need the special exception because it existed prior to that particular date.

Ms. Mallek said the criteria for why this was approvable was because it met setbacks and other standard impact questions.

Mr. McCall said yes.

Ms. Mallek said that was good to hear and she was excited to see the farm have a new lease on life.

Mr. Gallaway stated that the special exception was because it was for use as a homestay. He said if it was for another use, such as a barn, it would not need the exception.

Mr. McCall said that was correct. He said it was a special exception to use the structure for the homestay.

Mr. Gallaway said he wanted to ensure there was nothing that limited that ability to use the structure in other ways.

Mr. McCall said he had noted that it theoretically could be a new dwelling if they desired.

Mr. Andrews said that was true if they used a development right for that new dwelling.

Mr. McCall said that was correct.

Mr. Andrews said he appreciated this was subject to the 2,000 square feet of a dwelling or existing structure. He said there had been a structure that had been torn down, and if they had wanted to use that structure, they would not need the special exception.

Mr. McCall said that was correct if it was an accessory structure that existed prior to the date. He said they had to have the single-family dwelling, which they had, and the accessory structure was built on or before 2019. He said if they were going to convert a structure that existed into something that would meet all the building code and fire safety requirements, they would permit that.

Mr. Andrews asked if that was true if it was a larger space to host more guests.

Mr. McCall said they were limited to five guest rooms for the single-family that existed. He said if they were to convert this structure to a dwelling, it was no longer an accessory structure, and they could use it for a by-right use for another homestay if they were to apply for a second homestay.

Mr. Andrews said he was glad for the context.

Mr. McCall said he understood some of the information was new.

Mr. Andrews said he appreciated the 2,000 square feet, and that the image that was shown was not actually part of the application but was a rendering that was not relevant to what was being approved, nor was the use of the farm for regenerative farming.

Ms. Price said the applicants were simply being proactive in making sure that the intended use of the structure would be acceptable and subject to approval before beginning the construction. She said she really appreciated that these applicants were doing things right and not just asking forgiveness after the fact.

Mr. Rosenberg said there was a slight difference in language between the motion for the resolution on the slide and the motion in the agenda materials. He said his suggestion would be to adopt the resolution in the form of Attachment F, which alone sufficed because the resolution already incorporated the conditions they saw on the screen. He said a motion that simply adopted the motion in the form of Attachment F would avoid confusion or ambiguity.

Ms. Price thanked Mr. Rosenberg for his attention to detail.

Ms. Mallek **moved** to adopt the resolution as presented in Attachment F to approve the special exception, with the conditions contained therein. Mr. Andrews **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, and Ms. Price.

NAYS: None.

ABSENT: Ms. McKeel

RESOLUTION TO APPROVE SE2022-00042 TIFFIN FARM COTTAGE HOMESTAY

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE202200042 Tiffin Farm Cottage Homestay 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 §§ 18-5.1.48 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 proposed 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 Tiffin Farm Cottage Homestay, the Albemarle County Board of Supervisors hereby approves the special exception to permit the use of an accessory structure for a homestay, subject to the condition attached hereto.

* * *

SE2022-00042 Tiffin Farm Cottage Homestay Special Exception Condition

1. Homestay use is limited to (i) a proposed accessory structure of less than 2,000 square feet in the general location depicted on the Proposed Homestay Location Exhibit (Attachment E) or (ii) an existing structure depicted on the Tiffin Cottage Lane Homestay Location Map (Attachment D) dated September 14, 2022 or a primary dwelling, either of which must meet all homestay setbacks.
-

Agenda Item No.10. **Action Item:** SE202200040 Loft at Saint George Homestay.

The Executive Summary forwarded to the Board states that the applicant is requesting a special exception for a homestay at 5600 Turkey Sag Road. This special exception was originally scheduled for August 3, 2022, but was postponed to September 7, 2022.

Pursuant to County Code § 18-5.1.48(d), the applicant is requesting to modify County Code 18-5.1.48(b)(2) to permit a resident manager to fulfill the residency requirements for a homestay use.

Please see Attachment A for full details of staff's analysis and recommendations.

Staff recommends that the Board adopt the attached Resolution (Attachment F) to approve the special exception as submitted.

Mr. Francis McCall, Deputy Zoning Administrator, said this was an application for a special exception for an accessory structure to be used for a homestay. He said they had not yet begun to operate the homestay and requested an exception for the setback for this structure. He said the structure had a garage on the first floor, and they proposed to use what was identified as a residential loft, about 336 square feet, on the second floor. He said it would not contain a kitchen, and with the size of the lot and the R4 zoning only permitting one dwelling, this structure could not be used as a dwelling. He said the property was owned by John and Jennifer Diggans, who lived on the dwelling on the property, in a home that was built in 2018 at the same time as the accessory structure.

Mr. McCall said this application and the homestay regulations applied because this was a residentially zoned property, and they were only allowed to rent up to two guest rooms but could potentially get more if that was accepted. He said this was only permitted in a single-family dwelling unless expected to be used as an accessory structure. He said the regulations that applied to all homestays were that it be owner-occupied, that the structure met primary structure setbacks, go through the process of obtaining a zoning clearance, and have parking onsite and not on the street. He said the neighbors' notice had been sent out, and nothing had been heard directly from them. He added that annual safety inspections were required.

Mr. McCall showed an aerial image of the property. He indicated the primary dwelling, driveway, and the homestay within the second floor of the accessory structure. He showed a satellite image of the downtown Crozet area and noted that this property was within the Crozet Tourism District that had been established.

Ms. Mallek stated that the street in Crozet was very old, with some houses being built in the 1800s. She said there had been new construction in recent years, which could be seen in the aerial images. She said there were some backyards that bordered the homestay structure. She asked if those kinds of geographic issues were taken into consideration with the setback reduction being requested.

Mr. McCall said a physical survey was performed in which the structure met the accessory structure setbacks at that time. He said it was 7.8 feet and 20 feet was the requirement for the rear and 10 for the side.

Ms. Mallek asked if that applied to its new use.

Mr. McCall said that was correct.

Ms. Mallek said the Crozet Tourism District was an important reason for a different homestay several years ago on the east side of Crozet Avenue.

Ms. LaPisto-Kirtley asked what the side yard setback was.

Mr. McCall said that it was 10 feet.

Ms. LaPisto-Kirtley asked if that was the current distance required.

Mr. McCall stated that structures such as this, when built as accessory structures and not for homestays, could be as near as six feet to a property line.

Mr. Gallaway said they could not put a dwelling in this structure, so if they wanted to put a long-term rental, it would not be allowed.

Mr. McCall said that was correct. He said one house was meeting the density for that lot.

Mr. Gallaway said they had other concerns where a homestay took housing stock out of the equation, but from a housing standpoint, this was the only use they could put up there, and it was not taking away from a dwelling unit because that would not be allowed otherwise.

Mr. McCall said if they wanted to do business in the structure, the Board would have to hear that as well.

Mr. Gallaway asked if that would be another special exception.

Mr. McCall said it would likely be for a special use permit for a Class B home occupation.

Mr. Gallaway said he was glad to see this was an instance where the homestay did not remove a unit that could otherwise be a dwelling unit.

Mr. Andrews stated that it was mentioned that a business would require a special exception as well. He asked if that was because of the setback or because it would be a business in this location.

Mr. McCall said if they were going to use the accessory structure as part of a home occupation in the development area, it would be considered a Class B home occupation, which required a special use permit.

Mr. Andrews asked if that was regardless of the setback in this particular case. He said he wanted to understand that.

Mr. McCall stated that without the supplemental regulations for Class B in his mind, it might be a consideration that it might not be appropriate with it being set back.

Mr. Andrews asked if they wanted to do their own workshop for their own purposes, whether they could do that at this location.

Mr. McCall said yes, so long as it was not part of a home business.

Ms. Price said that measures of 6 feet, 7.8 feet, and 10 feet had been mentioned for setbacks. She said for a garage-type structure, at the time it was constructed, the setback was 6 feet to the side and 6 feet to the back.

Mr. McCall said that was correct and that it complied with the regulations.

Ms. Price said that it was 7.8 feet from the closest point, so it clearly complied with the six feet. She asked what the 10-foot measurement referred to.

Mr. McCall said it was the side of the shared property line.

Ms. Price said she recalled it was about 7 feet.

Mr. McCall said the physical survey that was done showed that on that side, it was 7.8 feet from the property.

Ms. Price asked what the 10-foot measure was for.

Mr. McCall said that was for primary structures.

Ms. Price said that for an accessory structure, they were fully compliant.

Mr. McCall said that was correct.

Ms. Price asked if the structure had originally been built for homestay use, whether the 6 feet would still have to be there.

Mr. McCall said it would have to be 10. He said it had to meet primary structure setbacks, any structure used for a homestay. He said if it was built for that purpose, it would need to meet the 20-foot rear and 10-foot side, but they were looking for that to be reduced. He said they could have asked for the special exception before building it as well.

Ms. Price said the structure was built in 2018 and the ordinance began in 2019.

Mr. McCall said yes.

Ms. Price said that if they wanted to build it now, they would have to meet the ordinance.

Mr. McCall said that they could use accessory structures by right but must still meet accessory setbacks.

Ms. Price said that if the structure was from 2018 and the ordinance in 2019, as long as they complied with the ordinances at the time of construction, they should be allowed. She said this was a situation that was not potentially affecting the housing stock.

Mr. Gallaway asked if the idea was that the garage would be used for the homestay.

Mr. McCall said they had only specified that the second floor would be used.

Mr. Gallaway said he was referring to parking for whoever was above.

Mr. McCall said he did not know the answer.

Ms. Price said they stated that onsite parking was available.

Ms. Mallek said the owners may be disputing that. She asked if the Class B classification was for use of employees.

Mr. McCall said it also applied to the use of an accessory structure.

Ms. Mallek asked if a piano teacher with no employees would need a special permit to use the upstairs.

Mr. McCall said that was correct.

Mr. Andrews asked if they wanted to move the structure 2.5 feet to make it 10 feet away if that would require approvals.

Mr. McCall said the use of the accessory structure required a special exception and reduction. He said if they were meeting the primary, they would not need to go to that particular consideration for a reduction in the setbacks.

Mr. Andrews asked if they would still be before the Board for use of the accessory structure.

Mr. McCall said yes.

Ms. Mallek **moved** to adopt the resolution (Attachment F) to approve the special exception SE202200040 Loft at Saint George Homestay, with the conditions contained therein.

Mr. Gallaway **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, and Ms. Price.

NAYS: None.

ABSENT: Ms. McKeel

RESOLUTION TO APPROVE SE2022-00040 LOFT AT ST. GEORGE HOMESTAY

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE2022-00040 Loft at St. George Homestay application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-5.1.48 and 18-33.9, the Albemarle County Board of Supervisors hereby finds that modified regulations would satisfy the purposes of the Zoning Ordinance to at least an equivalent degree as the specified requirements and that the proposed special exceptions:

- (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 Loft at St. George Homestay, the Albemarle County Board of Supervisors hereby approves the special exceptions to permit both (a) the use of an accessory structure for a homestay and (b) a homestay use within a primary structure setback, both subject to the condition attached hereto.

* * *

SE2022-00040 Loft at St. George Homestay Special Exception Condition

1. Homestay use is limited to (i) the existing accessory structure as currently configured and depicted on the Parking and Structures Location Exhibit dated September 15, 2022 or (ii) a primary dwelling meeting all homestay setbacks.

Agenda Item No. 11. **Action Item:** Reconnecting Communities Grant Application.

The Executive Summary forwarded to the Board states that In the July 2022 Quarterly Report, staff noted several grant opportunities, including the US Department of Transportation's Reconnecting Communities Pilot. This discretionary grant program is dedicated to reconnecting communities that have experienced negative safety, mobility, accessibility, and/or economic impacts due to transportation infrastructure. Program funding supports planning grants and capital construction grants to restore community connectivity through the removal, retrofitting, mitigation, or replacement of eligible transportation infrastructure facilities.

Staff has prepared a Reconnecting Communities planning grant application for approximately \$300,000. This funding would support a corridor study for US 29 (and the surrounding neighborhoods) from Hydraulic Road to the Rivanna River. The corridor study would feature a strong public engagement

component.

The purpose of the corridor study would be to identify solutions to any negative impacts of US 29 on the safety, mobility, and overall well-being of Albemarle County residents, especially vulnerable road users and those who live in the neighborhoods adjacent to this section of US 29. This purpose is consistent with the goals identified in the Places 29 Master Plan.

Future funding would be needed to design and construct any solutions identified in the corridor study.

Reconnecting Communities planning grants must identify non-federal funds for 20% cost sharing. In-kind donations may be used as part or all of the non-federal share. Staff will clarify during the presentation how much of the 20% cost-share would be in-kind, including staff support in Community

Development, Communications & Public Engagement, and administrative staff time. The remaining cost-share would come from the Transportation Leveraging Fund in the Capital Improvement Plan.

Staff recommends that the Board endorse the Reconnecting Communities grant application by adopting the attached Albemarle County Reconnecting Communities Grant Resolution (Attachment A).

Ms. Jessica Hersh-Ballering, Principal Transportation Planner, said she was present to receive the Board's feedback and hopefully their support for the Reconnecting Communities Grant application, which would fund a corridor study of U.S. Route 29. She said she would give background on the new program and what its funding could be used for, describe the project proposal, the tasks planned for accomplishment, and the expected outcomes. She said she would then explain the four reasons for the project application for Route 29, then cover the financial impacts of a successful grant application that required local cost-sharing. She said she would finally present staff's recommendation on how to proceed and give the Board the opportunity to give action if desired.

Ms. Hersh-Ballering said the Reconnecting Communities Grant Program was a discretionary grant program created by the Bipartisan Infrastructure Law and would award \$1 billion over the next five years. She said it was intended to improve the mobility, safety, and economic well-being of communities that were negatively impacted by transportation infrastructure. She said by negative impact, she was referring to high traffic volume, high speeds, and other design factors that made it difficult or unsafe for residents to travel by any mode, but especially by walking, biking, and transit use.

Ms. Hersh-Ballering stated that this loss of mobility had effects on residents' economic well-being when they could not access school or a better-paying job, on their health when they could not safely access a clinic, or on their emotional well-being when they could not find a bus to take them to a family member's house. She said that funding for this program would help plan and/or construct disruptive transportation infrastructure. She said to clarify, the application would request funds for planning only, however, the planning work done would allow them to request capital funds from this and other grant programs in the future.

Ms. Hersh-Ballering said the project for which they were seeking funding was proposed in the grant application to be a corridor study of US-29 from Hydraulic Road to the Rivanna River. She said the road nearest to the Rivanna that they were looking at was Hilton Heights Road. She said the focus of the study was going to be on the mobility and safety of vulnerable road users, which were people walking, biking, and using transit, and improving connectivity in the corridor. She said the study area on the map was shown in orange, with Route 29 going up the middle, Hydraulic Road, and the river to the north. She said on the west side, the study area was bounded by the Hydraulic-Rio Road loop and Berkmar further north.

Ms. Hersh-Ballering said the east side was bounded by smaller roads but was about 1/3 of a mile away from Route 29. She said it included Fashion Square Mall and Seminole Square Shopping Center. She said the southeast portion of the study area included the City of Charlottesville. She said because the study was focused on connections along and across Route 29, it made sense to reach out to the City of Charlottesville so that the needs of Albemarle County residents at the southern end were addressed. She said the City of Charlottesville had agreed to be a supporting partner in this project, so the County would be the lead applicant and retain all decision-making power if the grant was funded, but the City would be active stakeholders in the process, and the time that their staff spent on the project would contribute to the local cost-share.

Ms. Hersh-Ballering said the corridor study would be divided into two phases. She said that phase one was expected to take about six months, to gather information that qualitatively and quantitatively understood the challenges that US-29 posed to the community. She said the existing conditions review was a foundational component of any corridor study and would be completed by a consulting team. She said that team would gather and analyze specific corridor data such as crash data, origin and destination data, transit ridership, and other items. She said they would conduct technical assessments of the roadway to identify constraints and opportunities, then review transportation and land use plans. She said the second component was a community consultation, which would be led by Albemarle County CAPE (Office of Communication and Public Engagement) staff, and the efforts would go beyond typical community engagement practices.

Ms. Hersh-Ballering said this component would treat residents and business owners in the adjacent areas as local experts in the transportation challenges the communities faced. She said in this task, they better aimed to understand the challenges the residents faced and the future they wanted for the corridor. She said the qualitative data gathered in consultation with the community would be paired with the quantitative data gathered by the consultants in the existing conditions review to fully form their understanding of the challenges posed by Route 29. She said the other two components, staff/elected-leader engagement and information sharing, would occur throughout phase one. She stated that staff and elected-leader engagement would be accomplished through a stakeholder group, and information sharing would be accomplished through a project website and presentations on an as-needed basis.

Ms. Hersh-Ballering stated that phase two would take about one year to complete, which would bring the corridor's complete timeline to 18 months. She said the purpose of phase two was to identify feasible and equitable solutions to the challenges identified in phase one. She said on the top of the slide were three major tasks that would occur sequentially over the year. She said the first was project identification, where technical consultants would identify a comprehensive set of projects, strategies, and policies to address challenges and opportunities. She said the solutions identified in this phase would focus on improving the safety and mobility of vulnerable road users. She said next was project prioritization, which was based on feasibility and impact, followed by project development, during which the technical consultants would create conceptual designs for up to five priority proposed infrastructure projects.

Ms. Hersh-Ballering stated that there were four other tasks that would be ongoing throughout the phase and concurrent with the previously discussed three tasks. She said that equity assessment would include continuously assessing task outcomes to ensure that communities currently negatively impacted by US-29 would benefit from the solutions. She said that community engagement would be performed throughout phase two so that they could hear from the community to ensure that identified projects met needs and expectations and make changes to designs if needed. She said like in phase one, staff and elected-leader engagement and information sharing would continue.

Ms. Hersh-Ballering said the first reason for the specific focus on this area of US-29 was because it was designed in a way that divided the communities on the east and west sides of the roadway. She said it had very high traffic volumes, and on average, 52,000 vehicles were along this segment of 29 every day. She said there were very wide crossing distances—some where people had to cross 12 lanes of traffic. She said there was limited infrastructure for pedestrians, cyclists, and transit users. She said there was one intersection within the 3.2-mile-long study area with infrastructure for pedestrians crossing US-29, located at Rio Road. She said there were only three out of 14 roads that intersected with 29 that had pedestrian crosswalk striping for travel parallel to Route 29.

Ms. Hersh-Ballering said the second reason was that there were safety concerns that threatened users of all transportation modes on the corridor. She said in a 5-year period, there were 656 motor vehicle crashes involving injuries and four fatal motor vehicle crashes within the study area. She said there were 25 pedestrian crashes involving injuries and three fatal pedestrian crashes occurred within the study area during the same 5-year period. She said the third reason was that there were climate concerns. She said according to their own greenhouse gas emission inventory report, the transportation sector accounted for a much larger proportion of Albemarle County's greenhouse gas emissions than the proportion nationally. She said that was in part due to places like this segment of Route 29, where the design and safety concerns encouraged people to drive and actively discouraged walking, cycling, and transit use.

Ms. Hersh-Ballering said on average, vehicles along these three miles of Route 29 were responsible for about 69.5 tons of CO2 emissions daily. She said finally, there were equity concerns. She said the neighborhoods immediately adjacent to this segment of the route tended to be historically underserved, with higher rates of People of Color, higher rates of inaccessibility to vehicles than the rest of Albemarle County, higher rates of people ages 65 and older, and lower household incomes compared to national averages. She said they felt these four reasons made it clear why they focused on this area and made a compelling case for funding the Reconnecting Communities Grant application.

Ms. Hersh-Ballering said for this program, the federal share was not to exceed 80% of the total project cost, meaning that the County would be responsible for 20% of the total project cost. She said a feature of this grant was that the local share could be in-kind contributions, so part or all of the local shares could be off-set with staff time spent on the project. She said they were still working out the final details of the budget and expected the overall cost for this corridor study to be approximately \$350,000. She added that the federal share of this grant would be about \$280,000, which would be the number requested from the Department of Transportation (DOT).

Ms. Hersh-Ballering said therefore, the County would be responsible for about \$70,000. She stated that given they had several County departments who would be working on the study as well as staff from the City of Charlottesville actively participating and tracking time as part of the in-kind contribution, they believed they could fully cover the local share with in-kind contributions. She noted that if they found out in the next few days that they could not cover it, they had discussed with the Office of Finance and Budget that there was money available in the transportation leveraging fund to cover any shortfall.

Ms. Mallek commented that the pedestrian conditions in this area were dire. She said in the finances, Ms. Hersh-Ballering had said that a consultant would be hired for an amount, and that would hopefully be covered by the federal contribution.

Ms. Hersh-Ballering said they had met with consultants who provided a cost estimate of \$250,000 for the work that the technical consultants would be doing.

Ms. Mallek said that the majority of the grant money would be used for that.

Ms. Borgersen asked Ms. LaPisto-Kirtley to repeat her question.

Ms. LaPisto-Kirtley asked to see Slide 7 again.

Ms. Hersh-Ballering said yes.

Ms. Borgersen said she would display the presentation again.

Ms. LaPisto-Kirtley said along that segment of Route 29, vehicles were responsible for 69.5 tons of CO2 emissions. She asked if anyone had discussed the age of the vehicles and how older vehicles could emit more gases.

Ms. Hersh-Ballering said no.

Ms. LaPisto-Kirtley said that perhaps this information could be considered. She said they could do some sort of trade-in program for people to get newer vehicles and greatly reduce emissions.

Ms. Hersh-Ballering said the 69.5 tons of CO2 emissions were not based on vehicle age. She said she took the average amount of tailpipe CO2 emissions per sedan-style vehicle and multiplied it by the 52,000 vehicles.

Ms. LaPisto-Kirtley said she understood the emissions contributed greatly to them, but she was suggesting that as part of the study, they could also look at the age of the vehicles. She said reducing the age of the vehicles would reduce the rate of emissions. She said this was something that could be discussed with the consultants as it was part of the goal.

Ms. Hersh-Ballering said that was correct that environmental concerns were part of their goal. She said Supervisor LaPisto-Kirtley's suggestion could be identified as a policy for solutions.

Ms. LaPisto-Kirtley said she could provide more information on the subject in the future.

Mr. Gallaway said it was important to keep it a functional thoroughway for traffic without sacrificing the safety of crossing pedestrians and cyclists. He said the 5 p.m. to 7 p.m. timeframe was more problematic in the darker hours of winter than in the longer hours of summer. He said he appreciated that this study was focused on reconnecting the communities that were divided by the highway and not just the ease of retail or employment. He said he looked forward to hearing the solutions to that issue. He said if they were applying for this grant and they knew they had funds from the micro-transit study, if there was any overlay in these two different initiatives, they could be jointly promoted.

Mr. Andrews stated that he was excited about the possibility. He said they were responsible for creating the situation on Route 29, and he hoped when they looked at future planning, they should not want to have this sort of plan to deal with the effects of building something so disconnected. He said that he applauded the effort to reconnect the area.

Ms. Price said that the major roadways of the area definitively caused complications with community connectivity. She said that while it was exciting, they could do their 20% contribution in-kind, the cost for that was in terms of staff time and labor.

Ms. Mallek said the step-by-step funding processes could lead to tremendous success, because Nelson County got their funding for the Blue Ridge Tunnel in the same way. She stated that reading the LUPEC (Land Use Planning Environmental Committee) report and all the details in the RAISE (Rebuilding American Infrastructure with Sustainability and Equity) grant she had never seen before was very enjoyable.

Ms. LaPisto-Kirtley asked if the purpose of this study was to get pedestrians from one side of 29 to the other or to reduce CO2 emissions or a combination of both.

Ms. Hersh-Ballering stated that the study was focused on the impact of the transportation infrastructure on people. She said there were many ways in which people were impacted, including safety and mobility, which were the main reasons, but also climate change in the long-term and pollution in the short-term.

Mr. Gallaway **moved** that the Board endorse the Reconnecting Communities grant application by adopting the attached Albemarle County Reconnecting Communities Grant Resolution (Attachment A). Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, and Ms. Price.

NAYS: None.

ABSENT: Ms. McKeel

**RESOLUTION OF SUPPORT FOR THE
ALBEMARLE COUNTY RECONNECTING COMMUNITIES GRANT APPLICATION**

WHEREAS, Objective Six of the Albemarle County Comprehensive Plan Transportation prioritizes continuing “to provide safe, effective, and improved urban roads in the Development Areas while recognizing that multimodal opportunities help to improve road functions;”

WHEREAS, the Albemarle County Places 29 Master Plan identifies US 29 as a “strong spine” connecting the Northern Development Areas of Albemarle County, but clarifies that “this spine” also acts as a major impediment to connectivity for any travel mode other than the auto, which needs to be overcome in the long range planning for the area;

WHEREAS, the County of Albemarle desires to submit an application for a planning grant from the Reconnecting Communities Pilot discretionary grant program to fund the completion of a corridor study for US 29 (and the adjacent neighborhoods) from Hydraulic Road to the Rivanna River;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby supports the submittal of the Reconnecting Communities Pilot discretionary grant program application on behalf of Albemarle County for funding for the above-described study.

Non-Agenda Item. **Recess.** The Board recessed its meeting at 2:35 p.m. and reconvened at 2:51 p.m.

Agenda Item No. 12. **Presentation:** Transportation Planning Quarterly Report.

Ms. Jessica Hersh-Ballering, Principal Transportation Planner, stated that she would present the Transportation Planning Quarterly Report for the months of July, August, and September. She said that the organization of the written quarterly report was different than previous versions; no information was lost in the transition and many of the sections, administrative activities, transit, development projects, and reported transportation issues would look exactly the same. She said what was different was how they organized the transportation projects; they previously were organized by mode, with road projects in one section and bike and ped-focused projects in a separate section. She said that this distinction became less meaningful as projects were better planned for all road users, combining infrastructure elements intended to improve motor vehicle operations and infrastructure for pedestrians and bicyclists in the same project.

Ms. Hersh-Ballering said they had now organized projects along a timeline, so the Board and the public could better understand where a project was in the multi-year process from project conception to project completion. She said in the section titled “Transportation Planning Efforts,” all projects that were in the planning phase and early in the process could be found. She said in the section titled “Transportation Project Construction,” they could find all projects in the engineering, right-of-way, and construction phases, much later in the multi-year process.

Ms. Hersh-Ballering stated that the Smart Scale grant program was the primary method for funding large-scale transportation projects in Virginia. She said on August 1, 12 projects were submitted by the County, Thomas Jefferson Planning District Commission (TJPD), and Charlottesville-Albemarle Metropolitan Planning Organization (MPO). She said all projects would be constructed at least partially within Albemarle County and descriptions of those projects were included in the written report. She said that even though applications were submitted, they continued to work closely with VDOT to finalize project details. She said initial funding decisions would be announced in January 2023, but those decisions would not be finalized until June 2023.

Ms. Hersh-Ballering said another transportation planning effort was the Three Notched Trail Shared-Use Path. She said in August, they learned that Albemarle County was awarded over \$2 million in RAISE grant funds to complete a shared-use path master plan. She said when constructed, the Three Notched Trail Shared-Use Path would cross western Albemarle County, extending from the City of Charlottesville through the Crozet area to the Blue Ridge Tunnel in Nelson County. She said the RAISE funds could not be used for construction and were for planning only. She said the funds would specifically be used to cover a portion of Community Development staff time spent on the project and to hire a consulting team to assist with the master plan.

Ms. Hersh-Ballering said the next steps were to sign a detailed grant agreement with the U.S. Department of Transportation, which they expected to do late in the fiscal year. She said next fiscal year, they expected to put out a Request for Proposal (RFP) and hire a consulting team. She said once that team was onboarded, they expected it to take about two years to finalize the master plan. She said also among the transportation planning efforts were the conceptual design of Free Bridge Lane, Solomon & Inglewood Pedestrian improvements, and the Route 20 shared-use path.

Ms. Hersh-Ballering said using local funds to complete early design work like this was relatively new for the County, but they were confident these efforts were laying the groundwork for future success. She said they learned that successful grant applications and successful projects benefited from this early planning work by allowing them to hear from the community early on, identify constraints early on, and get accurate cost estimates.

Ms. Hersh-Ballering said Free Bridge Lane was a low-volume, unstriped roadway that extended from Darden Towe Park to the north to US-250. She said on the west side of the roadway, there was an existing shared-use path, however that path was poorly defined in parts. She said on the east side of the roadway near the swathe of trees shown on the slide was the site of a future County park. She said they had recently contracted LPDA to develop a conceptual design for bike and ped infrastructure along Free Bridge Lane, with vehicular traffic limited to southbound traffic only or removed from the roadway entirely. She said the next step was to hold a kick-off meeting for the project, with participating staff from Community Development, Parks, and Facilities and Environmental Service.

Ms. Hersh-Ballering said the next project would plan for pedestrian facilities along Solomon Road and Inglewood Drive and Hydraulic Road to Georgetown Road. She said they did not know yet if the pedestrian infrastructure would be a sidewalk or experimental design, and that would be determined by the conceptual design process. She said they expected to hire an on-call consultant in the current quarter.

Ms. Hersh-Ballering said the third conceptual design project was to plan a shared-use path, most likely for the east side of Route 20 from the City-County line near Quarry Road, shown at the top of the slide, and as far south as Dairy Barn Road. She said it would provide a vital connection to recreational amenities and the Piedmont Virginia Community College (PVCC), but it was a challenging connection to make. She said they expected to hire an on-call consultant for this project early in the 2023 calendar year.

Ms. Hersh-Ballering said the other planning projects covered in the written report included Old Ivy Road improvements, which were pedestrian improvements under the railroad bridge under the east end of the corridor, as well as improvements for vehicular operations at the intersection of Route 250 with Garth and Canterbury roads. She said VDOT was currently working on a design for that. She said Ivy Creek Natural Area entrance improvements were planned in response to safety concerns at the entrance of the Ivy Creek Natural Area on Earlysville Road. She said as a first response, directional signage that warned of the upcoming entrance was placed for northbound vehicles, but despite that, crashes continued to occur, so staff was evaluating potential solutions and determining next steps.

Ms. Hersh-Ballering stated that regarding the Secondary Six Year Plan, staff continued to receive inquiries from residents who would like their rural roads paved, and County staff had been accompanying VDOT onsite visits to evaluate roadways for suitability for paving. She said that Albemarle County created transportation priorities in 2019 when transportation planning staff created a scoring system to prioritize proposed transportation projects. She said these were the numbers next to the projects listed in the quarterly report. She said since then, they had completed or received funding to complete many projects, and new projects had been identified, so they were in the process of updating that prioritization system in collaboration with other departments, including the Office of Equity and Inclusion. She said the Multimodal Transportation Plan was part of the Comprehensive Plan update; they continued to work with Community Development staff on those efforts and would update them as more happened.

Ms. Hersh-Ballering stated that in the section of the report titled "Transportation Project Construction," there were projects where the preliminary planning had been completed, they had largely identified the funding required to meet the project, and Planning staff from Community Development had handed off the project to colleagues at VDOT or County colleagues in Facilities and Environmental Services. She said they would complete the project engineering and usher it through construction. She said in the report, they divided the projects into projects being administered by VDOT and those being administered by the County, and those two sections were further divided by projects that were in design and projects that were under construction.

Ms. Hersh-Ballering said "in design" meant that construction-level details were being added to existing plans. She said "under construction" meant that work was actually happening onsite. She said the slide shown included an example of the projects in each of those categories, but in the written report, there were a total of 24 projects in design/under construction. She said they included a brief description of each and dates for each item's public hearing schedule, construction start date, and completion date. She said they were working toward presenting this information in a more visual way on a timeline so they would be able to more easily see which of these many projects were wrapping up this fall and which projects would begin construction next spring. She said that information would be in the next quarterly report.

Ms. Hersh-Ballering stated that transportation planning staff continued to attend Regional Transit Partnership (RTP) meetings. She said the partnership met in August and September and were wrapping up their work on the Regional Transit Vision Plan, and in preparation for their next project, the Regional Transit Governance Study, their meetings had included presentations from the Central Virginia and Northern Virginia Transportation Authorities. She said as described in the last quarterly report, some sudden staff changes at Charlottesville Area Transit (CAT) resulted in delays in getting transit shelters installed at Stonefield and Northside Library, however, CAT would have a timeline for transit shelter construction later that week.

Ms. Hersh-Ballering said lastly, they were looking forward to beginning the microtransit service in the northern 29 and Pantops service areas and were taking all the necessary steps to collaborate with CAT to launch that service as soon as possible, however, due to supply chain issues and the ongoing bus driver shortage, the anticipated start date of January 23 was likely delayed until summer of 2023. She said she would give updates as they learned more.

Ms. Hersh-Ballering showed a slide that highlighted the larger development projects that Transportation staff reviewed in the last quarter. She said the projects listed were not necessarily done with the development review process; the process involved significant back-and-forth between the developer and staff, and by listing it on the slide it was meant to note that Transportation staff time had been dedicated to this review in the previous quarter. She showed a slide that highlighted some of the reported transportation issues they addressed in the previous quarter. She said there had been a lot of speeding and safety concerns, and as always, they addressed these concerns in collaboration with VDOT and Albemarle County Police.

Ms. Mallek said the list of issues they were working on was helpful to have. She said she would like an update soon about the Eastern Avenue restructuring and crosswalks and Jonna Street area.

Ms. LaPisto-Kirtley said on Slide 9, Ms. Hersh-Ballering mentioned the Old Ivy Road improvements concerning the railroad. She asked if that was the location of the bridge that only allowed one car to go through at a time.

Ms. Hersh-Ballering confirmed that was correct.

Ms. LaPisto-Kirtley asked what the improvement would be there. She said the same issue was present at Proffitt Road with another railroad under-crossing that only allowed single cars to go through. She asked what the solution to that problem was.

Ms. Hersh-Ballering said she did not have a quick answer as to what designs were currently being explored, but the solution would be something that improved the situation for both motor vehicles and pedestrians. She said that many UVA students used that way to access the school so pedestrian access was necessary.

Ms. LaPisto-Kirtley asked if there was a way to enlarge the tunnel.

Ms. Hersh-Ballering said she was unsure of the solutions being explored.

Mr. Gallaway asked if they had a timeline for the Woodbrook Safe Routes to School grant.

Ms. Hersh-Ballering said the Woodbrook Safe Routes to School Grant was not submitted with this particular round, but they had been working with school staff to have the materials ready for the next round. She said she would have to follow up with Mr. Gallaway as to when the next round was.

Mr. Gallaway said it was disappointing to hear about the microtransit. He asked if it was because of supply or drivers. He said he knew they were using smaller and different types of vehicles for microtransit, so he wondered if one was more pressing than the other.

Ms. Hersh-Ballering said both issues were a significant impediment to starting the service early. She said the smaller vehicles being used still required drivers to have a commercial driver's license, so the driver shortage remained a problem. She said the vehicles had been ordered but were not near being shipped.

Mr. Gallaway asked Ms. Hersh-Ballering to repeat the information about the commercial driver's license.

Ms. Hersh-Ballering said they were required.

Mr. Gallaway said if the project began in the summer of 2023, he hoped that the education for the public about the service happened a quarter ahead of time. He said if they began advertising now, they would be ready for the start of the year. He said the success of that pilot study would mean that they needed people to use it, and they should tell people about it before it was ready.

Mr. Gallaway said he did not see on the list the intersection of Brentwood and Idlewood in the Woodbrook community. He said Idlewood had stop signs and Brentwood did not. He said it was not necessarily something for a speed study, but the issue was that going through that intersection, some concerns arose that a four-way stop may be needed. He said whatever needed to happen to determine that, he would like to make a formal request for it.

Mr. Gallaway said he appreciated the Carrsbrook speeding concerns were on the list, especially around the Marlboro Court area in particular. He said the Hillsdale Drive area, where they had studies that concluded they did not need traffic lights, continued to have issues of people using the center turn lane as a passing lane to get around people driving the 25 miles per hour speed limit. He said it was getting closer to where the pedestrian island was, near the childcare center and the bus stop, and this particular roadway persisted as an issue with speeding, so anything the County could do to look at that part of the corridor, he would like to request they perform.

Mr. Andrews said he was glad to see all the projects listed in one place. He said he shared concerns about the microtransit. He said he knew it was a one-year pilot, and he did not know if there was a timing issue when it came to that.

Ms. Hersh-Ballering said the grant was awarded to Charlottesville Area Transportation, so the County was talking with them and working with them on this project, but they were the owners of the grant

funding. She said written into the grant was six months dedicated to preparing the communications and giving out those communications to encourage people to use the service, so Supervisor Gallaway's comments about wanting to let people know that the service was upcoming were already written into the grant and would definitely occur. She asked Mr. Andrews to clarify his questions.

Mr. Andrews said he was concerned about the timing and whether being behind put them in any jeopardy.

Ms. Hersh-Ballering said the grant allowed for 12 months of service whenever those 12 months began. She said there was a deadline that the funds must be spent by, but she did not think they were in any danger of not meeting that deadline.

Mr. Andrews said one project that he noticed was the use of Fontaine Avenue as a turnaround. He said he did not understand how that would work.

Ms. Hersh-Ballering said Ms. Shephard from VDOT could better answer that question.

Ms. Price said the report encompassed all of the different projects being done in the County. She said much was being done to improve all the transportation in the area.

Agenda Item No. 13. **Presentation:** Virginia Department of Transportation (VDOT) Quarterly Report.

Ms. Carrie Shephard, VDOT Resident Engineer for the Charlottesville Residency, greeted the Board. She said she would be presenting the quarterly report for the last quarter of the year. She said there were a few changes to the preliminary engineering projects from the last time the Board viewed them. She said the first was the Route 240/250 roundabout, for which the schedule had been pushed; the last milestone was field inspection, and the next milestone was right-of-way with an ad date for fall of 2023. She said it had been pushed out roughly one year due to funding issues that were being worked through. She said if it went to ad next fall, it should go to construction the following spring, which would be 2024.

Ms. Shephard said the two 250 projects that had an ad date of June 2025 would hopefully have a public hearing in the spring. She said more information would be shared as the date got closer, and the appropriate public notices would come out as well. She said there were a few updates to the bridge projects. She said Route 708, Red Hill, they were trying to advertise by next year, and Catterton Road had been accelerated and they were trying to get to it advertised this coming November so that they could start on that next year as well.

Ms. Shephard stated that for the Route 29 projects, the Hydraulic bundle package was still moving forward but they had not yet identified the design-builder. She said the existing design-build project that was under construction continued to proceed and they expected completion for the two outstanding, which were the diverging-diamond interchange (DDI) at Exit 124 and the 151/250 roundabout to be completed in February 2023. She said as far as the DDI at Exit 124, they expected a substantial traffic shift to occur in late October or early November, which would also have public notice in advance to let everyone know. She said the rest of the project remained unchanged.

Ms. Shephard said a lot of progress had been made on rural rustic roads this year. She said they had completed Burnt Mill, Hammocks Gap, Harris Creek, and Red Hill. She said signs were installed and traffic and engineering reviews were complete for the first two, and for Harris Creek and Red Hill, signs needed to be installed and were almost finished. She said Harris Creek would be posted at 25mph and Red Hill would be partially 25 mph and partially 35 mph. She said the part that would be 25 mph would be the part past the school. She said they had recently begun scoping environmental clearances for Cove Garden Road.

Ms. Shephard said for construction activities, they continued to have incidental concrete repairs in various communities as those came in. She said for bridge projects, they finished the concrete overlays and deck repairs on I-64 eastbound and westbound. She said the westbound had a couple of punch list items left to be completed, and if those were not already done, they would be done in the next few weeks. She said 614 Garth Road over Mechums River was completed, and they recently closed 627 Carters Road for two double lines of corrugated metal pipe replacement, which was expected to be completed in mid-November. She said there was a detour in place for that project.

Ms. Shephard said for traffic engineering, the scenic byway signs had finally been installed. She said the Burnley Road speed study had been completed and they would be posting the road at 35 mph and installing curve advisory signs. She said Mountainwood Road was an addition from the last report, which met the requirements for pavement markings, so they would be installing those as well. She said currently under review in Scottsville was the site distance at some of the intersections with on-street parking, and recommendations would be provided to the town to eliminate site distance issues.

Ms. Mallek asked if the northbound Route 29 flashing beacons and rumble strips were south of I-64 exit 118 to slow people coming north.

Ms. Shephard said yes. She said they were planning to install the rumble strips before that light, and they had already adjusted the light to stay red for longer to stop people longer.

Ms. Mallek said she would like to see information about the northbound to westbound tractor-trailers that congested north 29 to get to 64 west.

Ms. LaPisto-Kirtley asked if the Route 20 and Route 250 improvement was scheduled to be improved in the year 2025.

Ms. Shepherd said that was correct. She said there were two projects, one at the intersection of Route 250 and Route 20, and the access management project, which would be through the corridor through Pantops on 250 from Hansons Road to the intersection of Route 250 and Route 20. She said it was correct the ad date would be in 2025.

Ms. LaPisto-Kirtley asked if they would both be in 2025.

Ms. Shepherd said yes.

Ms. LaPisto-Kirtley asked if they would be done together.

Ms. Shepherd said yes. She said they were trying to minimize impacts as much as possible.

Ms. LaPisto-Kirtley asked if they could have a red-light camera at 250 and 20, which she believed they had the authorization for.

Ms. Shepherd said she could ask the question.

Ms. LaPisto-Kirtley said she thought they had been working on it.

Mr. Gallaway said he had commented at the MPO meeting the previous week on the management of the diverging-diamond interchange and that he felt the project had been very well-managed, with the construction he saw every day going as well as it could in keeping traffic moving during the work. He reiterated that issues were remaining on Hillsdale Drive, where the study completed said there did not need to be a traffic signal at that intersection, but they now had people speeding and going through the center turn lanes to pass people who were doing 25 mph and issues around bus stops with pedestrian walkways. He said if there was anything VDOT could do in that corridor, the activity in the well-used corridor was concerning and he would appreciate the assistance.

Mr. Gallaway said in the summer, there was some gravel road maintenance along Bleak House Road. He asked if they could get the schedule for gravel road maintenance. He said they had been working on a Memorandum of Agreement (MOA) and solutions for some of the issues about median maintenance, but one particular one was trees growing out of storm drains. He said with weeds or debris, he imagined some maintenance happened to storm drains. He asked what VDOT's role in maintaining those drains was.

Ms. Shepherd stated that trees growing in storm drains should definitely be VDOT's responsibility.

Mr. Gallaway asked if the County or citizens should report them. He asked how VDOT approached this issue.

Ms. Shepherd responded that if it were that widespread, she would contact the area headquarters and ask them to review that. She said they did not have a yearly inspection for that, but the expectation was that they should ride the roads and see it to take care of that. She said if someone would like to put in a maintenance request, they certainly could do that, but she would definitely share the information and review it.

Mr. Gallaway said it was along Rio Road and the John Warner Parkway. He said the one that VDOT did take care of was a sight issue and began to hit cars, and he was beginning to see others that would likely become issues in the future. He said he would encourage citizens to deal with the issue in multiple ways.

Mr. Andrews said the traffic turning westbound onto I-64 from US-29 coming north, they had to get over and wait. He said there was a discussion about Fontaine being used as a turnaround, and it was described as a partially displaced left-turn intersection. He said he still did not understand how it worked.

Ms. Shepherd said she could share the concept with Mr. Andrews and discuss it.

Mr. Andrews said the Keene Southern Convenience Center was going in and there were concerns about traffic, but there was discussion of possibly putting a signalized light to warn people coming off of Plank or Coles Rolling Road.

Ms. Shepherd responded that it was currently under review and was part of a funding source called the Highway Safety Improvement Program, which was going in front of the Commonwealth Transportation Board (CTB) for prioritization, and they hoped it would be funded. She said she would keep the Board updated.

Mr. Andrews thanked Ms. Shepherd for the help on that project.

Ms. LaPisto-Kirtley stated that she had a large concern about oversized trucks on rural roads that were not permitted. She said she would like to continue to work with VDOT to stop 65-foot and over trucks from driving on the rural roads where they were not allowed. She said they had had accidents, fatalities, and incidents with large trucks turning over because the roads were not built for trucks of that size. Particularly on Route 20. She asked what could be done about the problem and if VDOT had a say or any control with Google Maps. She said that police officers had stopped truckers going down rural roads that had posted signage that restricted truckers, and the truckers said they had seen the signs but were following the directions on Google Maps down the restricted roads instead of the posted truck routes.

Ms. Shepherd said she believed they had tried to do that in the past with limited success. She said there was a way to report something wrong with Google Maps with their interactive concern button, but from an agency standpoint, they had tried to do that with little success.

Ms. LaPisto-Kirtley if it was possible to get additional signs on I-64 sooner than the ones placed off of exits.

Ms. Shepherd said they were currently reviewing that because the sign was on the exit ramp and could be late. She said it was a matter of funding because the signs were so large and had two large foundations. She said they were currently reviewing the cost and placement of those signs.

Ms. Price said she appreciated the scheduled projects as well as the unscheduled responses that VDOT performed.

Mr. Richardson said that Mr. Gallaway's commented on the work of the DDI at the I-64 and Route 250 interchange. He said it was a very complicated project, and it was incredible how hard they worked to keep the road in working order given the complexity of the change in design and the heavy usage of those roads by many localities.

Ms. Price said it was likely the busiest intersection in the County.

Ms. Mallek asked if VDOT was also looking at federal funding for safety improvements such as the foundations for the warning signs that would take years to fund locally.

Agenda Item No. 14. **Presentation:** Economic Outlook Report.

Ms. Price said this report was the product of many people working, including Mr. Sumner, Ms. Birch, and Dr. Bailey. She said Ms. Suzanne Holland also was present to help present this report.

Mr. Jacob Sumner, Assistant CFO for Policy and Partnerships in the Department of Finance and Budget, stated that this Economic Outlook Report fit into the County's overall financial and budget framework that had been discussed for the past few months. He said Ms. Nelsie Birch and Mr. Andy Bowman presented an update to their financial policies. He said effective financial policies provided a framework for sound financial decisions that insulated the County from financial crises, promoted long-term financial stability, strengthened the County's financial position, and linked long-range financial planning with current operations. He said the Board took action in that meeting to strengthen the County's financial position by increasing the budget stabilization reserve, which would provide greater flexibility as they faced uncertain economic conditions. He said as part of the FY2024 budget process, they would have future work sessions in the fall to walk through the long-range financial planning. He said having an understanding of their current economic environment and the outlook was critical in this planning effort.

Mr. Sumner introduced Dr. Sheryl Bailey to present the results and said the full report was attached in the Board's packet for review. He said Dr. Bailey was a visiting professor of practice at Virginia Tech's School of Public and International Affairs and had received her bachelor's degree from Norfolk State University and her Master's and Doctorate Degrees in economics from Harvard University. He said she had nearly 30 years of experience in academia and administration finance at the local and state levels, including Virginia gubernatorial cabinet appointments and Director of the Virginia Resources Authority; her local government experience extended from the cities of Norfolk and Hampton to Deputy County Administrator at Chesterfield County. He said they were thankful for Dr. Bailey's leadership and support from her team, including Ms. Holland, on this project.

Dr. Sheryl Bailey said it was a distinction that they got to work with the County on this report. She said Ms. Holland had already been acknowledged, but she wanted to state that she served as a graduate assistant on this project as well as a state employee on her second consecutive tour in the governor's office. She stated that Ms. Holland had been recruited to this project because of what she demonstrated in the course to be a graduate assistant on this project. She said she also wanted to acknowledge Ms. Nelsie Birch, Mr. Jacob Sumner, their team, and the leadership and support from the Department of Finance and Budget. She said someone who could not be there that day was Leisha Lariviere, the program director, the School of Public and International Affairs associate director in Richmond, and program director for the Financial Management graduate certificate and its research track.

Dr. Bailey said she was contacted in November of 2021, when they were growing at 5.7% nationally. She said the methodical review and planning was very much a part of Albemarle County's culture, and she knew because they began those conversations a year ago about expanding the

economic outlook approach and analysis. She said she also wanted to acknowledge that she had several colleagues in addition to Ms. Birch and Mr. Sumner in the Virginia Government Finance Officers Association and colleagues from the Virginia Local Government Managers Association, which included Doug Walker, Steve Rosenberg, and Jeff Richardson. She said she recruited Mr. Richardson's team to make a presentation on the effort the County had made in their culture and teamwork and team development, which they presented at the Virginia Local Government Managers Association last summer. She said they had many working relationships in the room.

Dr. Bailey said she would first give the bottom line for the U.S. and Albemarle County's economic outlooks, then the global context to the U.S. economy, the U.S. economic trends and outlook, the Albemarle County and Virginia economic trends and outlook, and finally closing recommendations. She said the bottom line was that they had a cooling U.S. economy with headwinds and uncertainty ahead. She said it was an evolving situation with a forecast being revised constantly and very rapidly. She said that was related to the headwinds and uncertainty ahead. She said Albemarle County's solid economic base provided scope to plan and act defensively, and it provided more scope than other communities that had chronic, long-term economic issues.

Dr. Bailey said the global context for the U.S. economy had been something they had been experiencing strongly for the past 2.5 years. She said for context, there was a protocol in all graphs shown in which blue represented the U.S., red represented Virginia, and green represented Albemarle County. She said on the graph shown, the blue bars were the U.S., and the orange were world GDP growth. She said the world GDP (gross domestic product) growth led the U.S. for the last 20 years, including in the years of downturn, the orange bar was smaller than the blue bar. She said the U.S. was the largest economy in the world and played a dominant role, but they were also dependent on this growth in terms of products they wanted for consumers such as goods and services, as well as for their businesses that wanted to sell internationally.

Dr. Bailey stated that the global trends that impacted the U.S. economy were important for them to be aware of, especially now with so much dynamism and changing circumstances globally, because it affected them daily. She said products were being manufactured and shipped globally all the time, and those products were used and being sold globally, creating a dynamic flow. She said the pandemic was global and affected the U.S. and all world economies. She said consumer demand shifted between goods and services, and consumers made the shift before it showed up in any statistics or government action. She said that was known because economics had high-frequency data that had capacity built up since the pandemic, and she had recently participated in a webinar with the Commissioner of the Bureau of Labor Statistics, and they were looking to incorporate that into the federal statistics.

Dr. Bailey said they were watching smartphones and credit cards, and while the data was anonymized, it showed whether consumers were staying at home, buying from home, or how far away they were from their residence of record on the phone and credit card. She said the high-frequency data showed that consumers made decisions based on case count and hospitalizations before any government action or lockdown. She said the takeaway was to get close to the economic activity and those relationships, because it happened much faster than the data collected. She said if they wanted to know when things were going to turn in the community, anyone close to the activity, such as assessors, business leaders, consumers, and refuse collectors. She said she would really like to know what refuse collectors saw around Thanksgiving and Christmas, because they could call downturns before the economists could.

Dr. Bailey said they should get close to the economic activity because it showed up much sooner than in any of the statistics. She stated that what they could see was that consumers were changing their minds and moving toward different kinds of goods, in-person service was no longer preferred, and it remained that way. She said people were buying more in-home food, so groceries were challenged with filling that supply. She said then appliances, furniture, and renovations began to be in higher demand because people were at home, which indicated a shift away from services. She said that was ahead of when the retailers, manufacturers, and producers could respond, so that put pressure on inflation. She said service providers also had pressure to switch to automation for online ordering and pickup to keep customers. She said all of this caused a lot of supply and demand imbalances that led to inflationary pressure and labor market pressures.

Dr. Bailey said along with that were supply disruptions that were widespread and remained significant, manufacturing got disrupted, partially because of China's zero-COVID policy that created a lot of shutdowns of manufacturing plants. She said she now understood that workers were locked down and required to stay in the factories when there was an outbreak, which was causing consternation among workers. She said they were still working through the effects of the pandemic at the end of last year and the beginning of this year, but then Russia invaded Ukraine, which threw a big curveball globally. She said energy, food, and raw material supplies were significantly disrupted and they had significant price shocks.

Dr. Bailey said prior to that, there was a thinking that the supply and demand imbalances would work out as they worked through the effects of the pandemic, but it was now going a completely different way, and the Organization for Economic Cooperation and Development just gave an interim update of their own outlook and titled it "The Price of War." She said it was having a definite impact on global economies, and inflation worsened everywhere. She said what was happening more so than in the past was that central banks, not only the Federal Reserve, but global central banks, were raising their interest rates to try to heal the global inflation. She said this was because global inflation would threaten growth, meaning that they were close to a global recession.

Dr. Bailey said that was not projected at this time, but the broad base global inflation was now being fought by all central banks, and with that, cooling consumer and business demand was expected globally, with continued geopolitical risk with the war. She said there was an energy crisis in Europe right now. She said Russia provided about 40% of its gas before the war, and it was down to 9% about a month ago, and there was deliberate disruption of the pipelines about a week ago. She said Europe had built up stocks, but they were only about a quarter of their projected need for the winter. She said there were some manufacturing plants that were furloughing workers and shifts because they could not afford the energy bills.

Dr. Bailey said how the governments of Europe were going to address that would make a difference in terms of the demand. She said they were trying to curb demand, but if demand stayed high and they subsidized households and businesses, it would maintain the international pressure on the price. She said they wished them well as they dealt with that supply-demand imbalance. She said her students asked her if they could just import more, which they could, but they did not have the infrastructure of the pipeline. She said the U.S. was the number one provider of liquid natural gas, but they needed a pipeline to receive it from the ocean, where the pipeline was going to another way across the Black Sea.

Dr. Bailey said it took time for them to build infrastructure and for those trade imbalances and flows to resettle. She said they had shifting trade flows that impacted where they got goods and whether they got them on time or at all. She said they had gone from off-shoring to friend-shoring, because business wanted to know they would receive delivery, so that was another issue. She said this was the context in which they had the U.S. economy.

Dr. Bailey said she would next discuss U.S. economic trends that set the context for the state and County. She said the GDP declined for two consecutive quarters in the first and second quarters in 2022. She said that was shown on the far right of the chart displayed on the slide. She said they were not yet in a recession; the rule used to be that two consecutive quarters was a recession, and while it corresponded to many recessions, that was not always true. She said the National Bureau for Economic Research's Business Cycle Dating Committee was the official arbiter of when recessions started and ended. She said they had three primary criteria. She said they looked at the aggregate federal statistics and market information, and it required depth, diffusion, and duration. She said they were not in recession as of the second quarter of 2022, and the advanced estimate of the third quarter would be released at the end of this month.

Dr. Bailey said in August of 2022, the U.S. economy added total jobs equivalent to and exceeding the non-farm payroll jobs in 2020. She said they lost the job growth they would have had those previous 2.5 years, but they broke even in terms of that job growth. She said the job growth was strong through the summer, and the average between July and August of 2022, the economy added 400,000 jobs per month. She said in terms of unemployment, many workers were not included in official statistics, so she always included more information about this. She said the Bureau of Labor Statistics published six measures of unemployment or labor underutilization each month, but U3 was the official measure.

Dr. Bailey said in the graph shown, the blue was the U.S.'s official unemployment rate, the orange line was U6, a broader measure of unemployment that included those who were unemployed, those who were marginally attached, and those who were part-time for economic reasons. She said she included this because the official unemployment statistic metric was only for a four-week measure, which was also true of the measure of the civilian workforce. She said to be included in the unemployment statistic, they must be laid off, awaiting recall, or unemployed and had actively looked for work in the last four weeks.

Dr. Bailey said as an example, if someone looked for work around Labor Day, that was outside of the current four-week window and was thus not included in the labor force statistic or the unemployment statistic. She said there were a lot of what were called "hidden workers" by Harvard Business School, which were workers who were not in the official data for the unemployment rate's four-week lookback. She said looking at U6 showed the other measures of what was going on and those who had not actively looked for work for the past four weeks. She said U6 included marginally attached workers and those who had actively looked for work in the past 12 months were included, but only had a twelve-month lookback.

Dr. Bailey said U6 also included part-time workers who wanted to find a full-time job and were able to perform in one but were forced to settle in a part-time schedule, which was referred to as "labor underutilization" by the Bureau of Labor Statistics. She said the latest official unemployment statistic was 3.7%, and the U6 measure was about 7.8%. She said the Federal Reserve had another measure, shown in purple on the slide, which was the non-employment index.

Dr. Bailey said the Fed put that out monthly using the microdata from the Bureau of Labor Statistics household survey and performed additional calculations of those outside of the labor force due to disability, school, retirement, or lack thereof, and weighted it based on the history of them returning to the labor force. She said the non-employment index was a little over 8% in August. She said all these numbers were in the range of late 2019, which were longer-term lows. She said this told them that unemployment was low, but there was persistent labor underutilization and underemployment.

Dr. Bailey said looking at real personal income and consumer spending was important because consumer spending was over 68% of their GDP in the U.S. She said in the graph shown, the blue line was the real personal monthly income growth, the orange line was the real consumer spending, and both

were inflation-adjusted numbers. She stated that personal income had been declining, the growth that was negative was below the line, and consumer spending had been slowing. She said that consumers were still spending with negative real personal income growth by using their savings, and it could be seen that the saving level in August 2022 was below 2019 levels. She said that however, throughout the summer there was still a lot of heavy spending on services, and after opening services in the spring and a lot of leisure and travel services spending occurred. She said some families were spending their savings to eat, so there was a wide variation, but all drew down on consumer savings.

Dr. Bailey said retail sales went through August of 2022. She said the chart showed that at the beginning of 2020, retail sales had flattened and then were bumpy. She said it was essentially flat in August after an actual decline in July, which related to the income and savings charts shown before. She said there had been persistent inflation, and as she mentioned, much of that was due to supply and demand imbalances, supply chain disruptions, and supply and price shocks of the Russia-Ukraine war. She said they were at record levels of inflation of 40 years. She said with the Fed beginning rate increases in March, the month after the invasion, the price shocks, and the reductions in gas prices, core inflation with food and energy had ticked back up.

Dr. Bailey said on the slide, the color blue indicated the headline CPI (Consumer Price Index), which was well over 8% but had recently eased in July and August. She said that the core CPI, the orange line, had ticked back up, which was without measuring food and energy. She said the purple line indicated the Fed Personal Consumption Expenditure price index, or PCE inflation. She said this differed from CPI because it took into account the substitutions they made when they encountered high prices, such as switching products or brands. She said the Fed looked at core PCE inflation without food and energy, and it could be seen that both core CPI and core PCE inflation went up recently, even though the headline came down with gas prices coming down. She commented that this was an area of concern, and when core CPI came out in mid-September, everyone knew that the Fed was going to really go after the inflation again in the September meeting, which they did.

Dr. Bailey said the Fed had implemented five rate increases this year. She said on the slide, the blue line was the federal funds rate, and the orange line was the Fed's total assets. She said they had two tools for monetary policy and were tightening both of them. She said in January, the federal funds rate was taken down to 0.25%, and as of the September 21 meeting, it was now 3%-3.25%. She said .75% rate increases were done in a row in order to tame inflation to avoid a recession and extreme unemployment. She said the economy had tepid growth with inflation, and once inflation was tamed, the economy had several years of robust growth.

Dr. Bailey stated that the balance sheet or total security assets were seen on the slide as rising extremely high, which included federal agency securities, treasuries, and also the agency mortgage-backed securities from Fannie Mae and Freddie Mac. She said that was putting liquidity into the financial markets to avoid any financial instability, which was called dislocation among economists. She said they were supporting the economy during the pandemic to avoid economic collapse, but they were now in a policy normalization process, so every month, as the securities matured, they would not reinvest some of them, which happened slowly so as to not cause disruption.

Dr. Bailey said the question that remained was if the Fed could tame inflation and avoid recession. She said after the Fed took the action in September, the markets went wild because there was a strong sense that they were running out of room to avoid a recession. She said the Fed signaled very strongly in the projections of September 21 that they were going to continue to raise interest rates this year and next, and they reduced the projections for U.S. growth down to 0.2% for 2022, cut from 1.5%. She said they also pulled back on the projections for 2023 and 2024. She said they were willing to tolerate slowdowns in the economy and projected higher unemployment rates from 3.7% to 4.4%. She said they were all hoping for inflation to be tamed sooner rather than later, but those core numbers were causing concern.

Dr. Bailey stated that looking at the U.S. leading indicators, the Organization for Economic Cooperation and Development was a data powerhouse, similar to the Conference Board in terms of the leading indicator in their metrics. She said they were using aggregate federal statistics in their market data for the U.S., and the indicator's index showed that growth was slowing into negative territory beginning in February for seven months of negative growth. She said that showed there was a slowing on the horizon that had taken root in some areas, and they must prepare for that slowing economy going forward.

Dr. Bailey said the economic outlook for the U.S. was a slowing economy with a risk of recession in late 2022 or early 2023, but it was a toss-up when it would hit. She said there was hope that the recession would be shallow and short duration. She said in terms of GDP growth, she was no longer using the June forecast because they obsolete, and the predictions were only based on the August and September forecasts from the Fed, Moody's, S&P, the Conference Board, KPMG Economics, Wells Fargo Economics, and the University of Michigan.

Dr. Bailey said the growth projections for 2022 ranged between 0.2% to 1.9%. She said the growth projections for 2023 ranged between -0.2% to 1.4%. She said natural growth in the U.S. was considered to be 2%, and growth the prior year was 5.7%.

Dr. Bailey said the expectations were for additional forecasts to be updated. She noted that there were lots of bands of uncertainty. She mentioned interest, inflation rates, and the impacts on the housing market. She commented that there was cooling consumer and business demand. She said the

government infrastructure spending and government spending was being monitored.

Dr. Bailey emphasized that there would be continuing supply challenges. She said there was a continued geopolitical risk that continued to unfold, and close monitoring was recommended because of the rapidly changing environment to be able to adapt and adjust accordingly.

Dr. Bailey said they did a lot of research comparing the County to the State and the U.S. She said they evaluated all the available metrics for the local and regional level, and they selected companion data and metrics for the state and country to provide comparisons.

Dr. Bailey stated that the Bureau of Economic Analysis released figures related to the GDP of Albemarle County and the City of Charlottesville combined. She explained that each of the charts she displayed was custom tailored for the analysis. She noted the GDP for the County and the City outpaced the U.S. and the State for most years from 2000 to 2020. She noted there was data through 2020 for the local area and data through 2021 for the state and U.S.

Dr. Bailey commented that in terms of annual employment growth, Albemarle County and Charlottesville's growth was equal to or greater than the state and U.S. from 2000 to 2020. She said the data was based on employed persons identified from household surveys. She added that there was a strong job market in the County.

Dr. Bailey noted that the unemployment rate had been consistently below the State and U.S. averages for the past 20 years, and the County followed the same state and national trends but at a different magnitude.

Dr. Bailey said that since 2014 or 2015, the hourly wages in the County had increased along a general upward trend. She said they used monthly data to provide figures through August and provide a higher resolution than quarterly data.

Dr. Bailey said the Metropolitan Statistical Area (MSA) hourly wages for Charlottesville were above the state and national averages prior to 2013 but had been below the nation and state since then although they had been increasing.

Dr. Bailey said they took a closer evaluation of Charlottesville vis-a-vis the surrounding regional neighbors. She said when compared regionally, the Charlottesville MSA hourly wages were higher than most of the regional neighbors, except for Richmond, since 2018.

Dr. Bailey said in terms of the labor force participation rate in Albemarle County, it was above the national and state averages since 2011 except during a period from 2017 to 2018. She said she had reviewed the annual reports for the Virginia Employment Commission (VEC), and the 2017/2018 trend persisted in all the reports. She said something happened in 2017 and 2018, but the labor force participation rate rebounded in 2019 and onwards. She noted that since 2019, the labor force participation rate in the County had been higher than the nation or the state.

Dr. Bailey said in terms of real per-capita personal income, the Charlottesville MSA was significantly higher than the state or nation. She said housing was an area sensitive to interest rates. She noted that interest rates had increased, so mortgage rates had increased as a result of the Fed increasing the federal funds rate.

Dr. Bailey said the existing home sales data for the County came from the Virginia Association of Realtors and the Charlottesville Area Association of Realtors. She stated that there was a downward trend in the sales growth in the County since mid-year or spring of 2021. She said home prices continued to increase despite the downward trend in sales growth.

Dr. Bailey said the data for home prices extended through Q2:2022, and the data was published by the Federal Housing Finance Agency. She said the data for the Charlottesville MSA and the national and state MSAs was displayed. She noted that there was a steep increase in single-family home prices through the middle of 2022. She said they awaited the release of the Q3:2022 data later in the month.

Dr. Bailey said the price could still increase, and it was dependent on supply and demand. She noted that there may not be as many bids, but the prices could still increase. She said demographically, millennials were approaching 40 years old, and they were at a key home-buying age driving additional demand.

Dr. Bailey explained that because aging millennials were unable to buy houses, it increased rental costs which in turn increased inflation.

Dr. Bailey said they evaluated the Charlottesville MSA compared to the Staunton MSA, the Harrisonburg MSA, and the Richmond MSA. She said all of the MSAs followed a similar pattern, and the Charlottesville MSA was slightly higher than the others in Q2:2022.

Dr. Bailey said in terms of the median listing price per square foot, the data was sourced from Realtor.com. She said the median listing price for the County through August was above the state and nation. She said regionally, the County's median listing price was higher than the Charlottesville MSA and the other regional MSAs in August 2022.

Dr. Bailey said they evaluated the industries through the County Business Patterns publication of the Census Bureau, and the information was the latest from 2020. She said they identified the top industries for jobs and annual payroll within the County. She said the top five industries for jobs were health care and social assistance (21%); retail trade (15%); accommodation and food service (12%); professional, scientific, and technical services (11%); and manufacturing (6%). She said the jobs were held by County residents and regional residents.

Dr. Bailey said in terms of annual payroll, the top industries were, in descending order, health care and social assistance; professional, scientific, and technical services; finance and insurance; retail trade; manufacturing; and construction. She explained manufacturing and construction were nearly identical in terms of annual payroll.

Dr. Bailey said they evaluated about 12 to 13 different metrics for the gross receipts in the County. She explained the trend was mostly upward. She noted that calendar year 2019 and 2020 had slight downturns. She said the 2022 data was year-to-date as of August, and the August 2022 data was entirely above the August 2021 data.

Dr. Bailey said the top four categories, which accounted for the bulk of the gross receipts, were retail (35%), contractors (21%), repair, personal and business services (19%), and finance, real estate, and professional services (11%). She explained that repair, personal, and business services included leisure and hospitality services.

Dr. Bailey said overall, the County had a strong economy. She noted that a history of mostly solid economic and job growth. She said the County had a high real per-capita personal income and a low unemployment rate. She noted that there were strong hourly wages regionally and significant employment in relatively higher-income industries. She said there was also strong local business activity.

Dr. Bailey said the U.S. and Virginia economic outlooks framed the County's, and similar to the nation and the state, it was prudent to expect an economic slowdown in late 2022 or early 2023. She said the prediction was based on increased interest rates, continued inflation, and higher unemployment. She said there was a hope that given the tight labor market, the employment rate may remain stable.

Dr. Bailey said the Conference Board had coined a new term, "a job-full recession," because of the tight job market. She said the number of people in the labor force, the labor force participation rate, was significantly lower than before the pandemic. She noted that many people had not returned to the labor force; higher unemployment was expected, but high unemployment was not.

Dr. Bailey said slower growth in real personal income was expected to continue. She said continued softness in the housing market was expected. She said they would monitor housing prices and valuations. She said slower business activity was expected due to the higher interest rates and slower consumer spending.

Dr. Bailey said the timing of the impacts would vary. She explained business sectors dependent on consumer activity and sensitive to interest rates would likely be impacted sooner. She said it was important to monitor the changing circumstances to be able to respond flexibly.

Dr. Bailey stated that she provided an economic update statewide. She said she provided recommendations to facilitate continued financial resiliency and agility, and the County met each of the recommendations. She said they evaluated the financial foundation, the strengths, the weaknesses, and the vulnerabilities of the County. She said clearly defined and refined strategic goals guided the County through changing circumstances.

Dr. Bailey said long-term financial planning allowed bottlenecks to be identified. She said robust scenario planning provided a list of potential response options. She said early warning systems would allow the County to evaluate the changing circumstances, and an engaged staff was important for early warning, scenario planning, and response.

Dr. Bailey stated that the County had to use adaptable decision-making processes. She said they had to make decisions based on data and come up with a plan of action that included follow-up steps. She said agility in action was an important aspect. She said the County's solid economic base and proactive management made a difference for the community. She said it granted the County greater scope to plan and act defensively.

Dr. Bailey said the County's history of prudent financial management was evident as it was one of the few AAA/AAA/aaa (triple triple A) counties in the country. She said the financial foundation and the community's capacity for strategic initiatives had been developed. She said the history of strategic and methodical analysis, review, and policymaking was commendable and would continue to advance the County toward its strategic objectives.

Ms. Mallek asked if there was consideration about stepping outside the global market for some of the critical resources. She mentioned domestic fuel production and how it was sold to international markets.

Dr. Bailey said the U.S. was a top producer and produced more oil and gasoline than it consumed. She said Ms. Mallek's question was related to producing more critical resources in the County.

Ms. Mallek said she also wanted to know about keeping the resources in the County.

Dr. Bailey said those types of market and price controls led to distortions and spill-over effects that they did not expect, and they were hard to measure. She said businesses would likely not support that type of system because there was a global marketplace. She said there was some push for domestic production because there was federal support for domestic industries, such as the semiconductor industry. She said the country was vulnerable because the majority of semiconductor production was in Taiwan which was a geopolitical vulnerability, and the raw materials were sourced from Russia and Ukraine.

Dr. Bailey said there was an updating of industrial policy. She said traditionally, the practice had been to take the most efficient outcomes for the maximum global production. She said now, they were fringe-shoring. She said there was a greater sense of security, especially the security of delivery. She said from an economist's standpoint, there were additional costs that had not been previously considered. She said geopolitical factors imposed higher costs and impacted calculations within the business model.

Ms. LaPisto-Kirtley asked if Dr. Bailey believed domestic production was an answer to geopolitical instability or if the situation would stabilize. She said it could be harmful to rely on cheap products if those products may not exist in the future.

Dr. Bailey said the cost structure had changed, and the geopolitical risks had changed the structure and calculations for global trade. She said the previous business model was based on free trade and not the existing geopolitical conflict among nations. She noted that major global supply lines were trapped, blockaded, or stopped. She said S&P called it "the reshuffling" of global trade or "world redefined."

Dr. Bailey said they were repositioning and re-globalizing, and the Conference Board called it "de-globalizing." She said she did not believe they were de-globalizing, but were rather re-globalizing, recalculating costs, and shuffling tradelines. She said the redefinition was causing friction which resulted in demand and supply imbalances along with price fluctuation.

Dr. Bailey said before the pandemic, manufacturing output was increasing in the U.S. while manufacturing employment was slowing. She said manufacturing facilities did not need the same staffing levels as before. She said the U.S. had been shifting to advance and automated manufacturing, so it did not employ as many people.

Mr. Gallaway stated that the County had high rent, high housing costs, and high-income levels. He mentioned how the County fell behind on hourly wages. He said it meant that people who were living at the bottom of the income structure were having a particularly hard time in the County because of the high costs of living and inflation.

Mr. Gallaway said they were likely people included in the under-utilized labor section, so they were not receiving benefits. He said those people at the bottom would still struggle to live in the area even if the dollar they earned per hour was above the nation and the state. He mentioned the County's wages did not keep up with other positive aspects of its economic outlook. He said the County struggled with housing issues and social services needs.

Mr. Gallaway said the wage disparity was a big factor. He said he would like to understand more information in a work session.

Dr. Bailey mentioned the Staunton MSA had a similar trend in hourly wages.

Mr. Gallaway mentioned one of the recommendations suggested scenario planning. He said he had a discussion with Mr. Richardson regarding the team's takeaways. He said he had to understand his takeaways, such as his share-the-wage question, to be able to understand potential checkpoints and illuminate a shopping list of responses.

Mr. Gallaway said he was curious about what the other supervisor and staff takeaways were. He said the County should be good at illuminating potential chokepoints and figuring out solutions because of its favorable position in other economic aspects. He said he assumed that was happening day to day, such as in the CFO's and County Executive's world. He said the Board should be involved.

Ms. Nelsie Birch, Chief Financial Officer, said one of the purposes of the presentation was to inform the Board of where the County was. She said they would use the information to reconcile as a staff. She said as part of the five-year financial planning, they would bring policy considerations to the Board that staff believed the Board should undertake to address the information they received.

Ms. Birch said among the recommendations, staff knew they were softening, and that was part of the reason they brought the financial policy changes to the Board the prior month. She said they were performing some of the work, but the underlying economics was part of the reason they wanted to hire Dr. Bailey. She said Mr. Gallaway was correct about the pressures on affordable housing and social services networks.

Mr. Gallaway said if there were other ways for the Board to engage more academically, it could be illuminating for the Board as they considered policy choices and made decisions. He said one of the

lessons from the Great Recession was government spending and infrastructure spending. He said the County stopped those types of spending during the Great Recession.

Mr. Gallaway said the decision to stop government and infrastructure spending was a foolish approach, and the County should have employed people and taken advantage of low-labor costs and goods. He mentioned there were school capacity issues as a result of scaling back previous projects.

Dr. Bailey said she worked for Chesterfield County at the time, and they had a similar approach.

Mr. Gallaway said they could impact the local economy by continuing to invest in CIP projects and providing employment during economic downturns. He asked Dr. Bailey's thoughts on a recession occurring, adding that the supply chain created unique issues.

Dr. Bailey responded that every economic slowdown or downturn was unique, so it made it harder to predict what would happen. She said she did not use the phrase "Great Recession" and instead used "Great Financial Crisis" because the economy in 2020 was falling faster and deeper than it did in 2007 and 2008.

Dr. Bailey explained during the Great Financial Crisis, there were low interest rates and there was not the same level of inflation as currently taking place. She said now, there were high interest rates, inflation, and supply chain issues.

Dr. Bailey noted that she directed the Virginia Resources Authority, the municipal bond bank for the state, and they advised her not to play the market. She said the strategic goals were the County's guideposts. She said that based on what the Federal Reserve was projecting in terms of inflation and interest rates, it would be 2024 before there was relief.

Dr. Bailey said the Fed projected some improvement in the PCE inflation in 2023, but they did not project it would be back to the 2% longer-term goal by 2024. She said it was currently at 4%. She said they did not project interest rates to ease up until 2024, either. She said those were the Fed's predictions as of September. She said the County's strategic goals would influence a custom-tailored response to current circumstances.

Dr. Bailey stated that supply chain issues were impacting many projects. She mentioned the war between Ukraine and Russia and other geopolitical risks were impacting the supply chain. She said it was a new reality. She said affordability was a deciding factor. She said they learned from the Great Financial Crisis, but they applied those lessons to a different set of circumstances.

Mr. Gallaway mentioned that he had comments regarding wages and workforce stabilization efforts. He said he was curious how staff would explain how the County would be agile. He said governments were not agile. He said Dr. Bailey stressed at the end of the recommendations that agility in action was important. He said he wanted to know how the County would be agile in action.

Dr. Bailey responded that the brand was not to be agile, but Virginia local governments did a fantastic job during the pandemic. She said she served as a judge on the annual VACO Achievement Awards, and they were overwhelmed with the number of nominations over the previous two years. She said the awards were based on innovation and replicability.

Mr. Gallaway said staff had proven the County knew how to be adaptive. He noted that staff was agile in producing a budget in about three weeks at the onset of the pandemic.

Mr. Andrews commented that there was a near-immediate response in terms of budget planning as a response to the pandemic. He said federal stimulus aided in the economic recovery, and he was not sure there would be a similar federal response. He said that some items were fundamentally changing and mentioned retail flattening, noting that this affected land use planning, with impacts that would feed into further discussions.

Dr. Bailey said consumers had changed. She mentioned much of the retail space had become warehouses for deliveries. She said it was uncertain how consumer preferences would sort out.

Mr. Andrews said they often discussed affordable housing, and he mentioned the report provided figures on page 80 comparing the County, state, and nation in terms of the cost of housing as a function of income. He said the County was not much different from other areas, but its incomes and costs were higher. He said the higher costs left out segments of the population. He mentioned the impact of commuting.

Dr. Bailey responded that commuting patterns were another layer to consider. She said they had considered adding a discussion to the report, but it was cut because of length considerations. She said it would be the next item to discuss.

Dr. Bailey said there was significant monetary and fiscal support, with the monetary support beginning in February as the Fed pushed liquidity into the financial market, but a supportive fiscal and monetary policy was needed. She said that retail sales were negative before the stimulus payments, and they were currently operating under fiscal restraint and monetary tightening.

Ms. Price requested Dr. Bailey to leave a copy of her presentation with County staff.

Dr. Bailey responded that staff already had a copy.

Ms. Price commented on all the different circumstances surrounding the economic outlook. She noted that it was a different economic situation than in 2008. She mentioned how housing prices plummeted in 2008 while they skyrocketed after 2020.

Ms. Price noted that the County's hourly wages were below the state and country while other indicators were above the state and national averages. She questioned how it could be that the County's hourly wages were below the state and national average—yet other indications were higher. She said it was partly because there was an extraordinarily high number of extremely wealthy people who lived in the County, and their income distorted the averages. She said it caused distortions for those at the lower end of the economic scale.

Ms. Price said the County had a significantly lower percentage of the population in the low-income level than the state or national average because they were looking at percentages that included very high-income individuals.

Ms. Price said the community needed to understand that as a percentage, the number of low-income people may seem small, but the numbers of people struggling were significant. She said they were pushing to increase affordable housing because there was a substantial number of low-income people living in the County.

Ms. Price said the greatest diversity in the County was economic. She said there were both wealthy estate holders and poor people. She noted that the County had a lot of work to do.

Agenda Item No. 15. **Closed Meeting.**

At 5:09 p.m., Mr. Andrews **moved** that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (1), to discuss and consider appointments to boards and commissions, including, without limitation, two Community Advisory Committees, the Jefferson Area Board for Aging, the JAUNT Board, the Solid Waste Alternative Advisory Committee and the Rivanna River Basin Commission.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, and Ms. Price.

NAYS: None.

ABSENT: Ms. McKeel

Agenda Item No. 16. **Certify Closed Meeting.**

At 6:00 p.m., Mr. Andrews **moved** that the Board of Supervisors certify by a recorded vote that, 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.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, and Ms. Price.

NAYS: None.

ABSENT: Ms. McKeel

Agenda Item No. 17. Boards and Commissions.

Item No. 17.a. Vacancies and Appointments.

Ms. LaPisto-Kirtley **moved** that the Board accept the following for their Boards and Commissions vacancies and reappointment list:

- **Reappoint** Ms. Martha F. Davis to the Places 29 (Rio) Community Advisory Committee with said term to expire on October 1, 2024.
- **Appoint** Mr. Reid H. Forbes to the 5th and Avon Community Advisory Committee, with said term to expire September 30, 2024.
- **Reappoint** Mr. Cameron D. Mowat to the Jefferson Area Board for Aging, with said term to expire on October 5, 2024.
- **Appoint** Mr. Mike Murphy to the JAUNT Board, with said term to expire on October 5, 2024.
- **Appoint** Ms. Anne K. White to the Solid Waste Alternatives Advisory Committee (SWAAC), with said term to expire on May 31, 2026.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, and Ms. Price.

NAYS: None.

ABSENT: Ms. McKeel

Ms. LaPisto-Kirtley stated that a vote was taken on August 3, 2022 to appoint Mr. Adam Gendell to a vacancy on the Solid Waste Alternative Advisory Committee (SWAAC), when a vacancy did not exist. She **moved** that the Board appoint Mr. Gendell at this time to fill a vacancy effective immediately, with a term expiring May 31, 2026.

Mr. Andrews **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Gallaway, Ms. Mallek, Ms. LaPisto-Kirtley, Mr. Andrews, and Ms. Price.

NAYS: None.

ABSENT: Ms. McKeel

Agenda Item No. 18. From the County Executive: Report on Matters Not Listed on the Agenda.

There was no report from the County Executive.

Agenda Item No. 19. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Mallek suggested staff and the Board start the process to consider ranked choice voting. She said staff could bring more information when they collected it.

Ms. Price responded she and the Clerk, Ms. Borgersen, had been working on the topic. She said Delegate Hudson was available to speak to the Board on November 4 before or after the legislative forum, but the time was still to be clarified. She said Lauren Eddy, Electoral Office, would be available to present to the Board on November 16.

Mr. Gallaway reported that at the last Metropolitan Planning Organization (MPO) meeting, they had begun work on the long-term transportation plan, and they were beginning to transition to the public engagement portion. He said the CACs would be a good place for public engagement. He said he encouraged TJPDC staff to get feedback from the County's CACs for the long-range transportation plan. He said the public engagement began at the start of the calendar year.

Mr. Gallaway noted that the TJPDC staff was limited, so they were considering holding joint meetings with some of the CACs to reduce the number of presentations.

Mr. Andrews said the Albemarle Broadband Authority (ABBA) met. He said they were aware of ongoing issues with VATI (Virginia Telecommunications Initiative), such as VATI 2021 projects. He said they were working on an extension with Shentel for March 31. He said there were other requirements to address deficiencies.

Ms. Price explained Shentel Beam sent out notification about its intent to terminate the service effective November 30. She said the Broadband Accessibility and Affordability Office (BAAO) had worked to help people who had difficulty with connectivity.

Agenda Item No. 20. 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.

There were no speakers signed up from the public.

Non-Agenda Item. **Recess.**

Ms. Price said they would take a brief recess. She announced Ms. McKeel had returned to the County and was en route to the meeting. She said they would wait for Ms. McKeel's arrival because she had expressed interest in being present for the public hearing.

The Board recessed its meeting at 6:10 p.m. and reconvened at 6:25 p.m.

Ms. McKeel joined the meeting at 6:25 p.m.

Agenda Item No. 21. **Public Hearing: SP202200011 and SE202200030 VERIZON - SCRUBY PROPERTY TIER III PWSF.**

PROJECT: SP202200011 and SE202200030 VERIZON - SCRUBY PROPERTY TIER III PWSF
MAGISTERIAL DISTRICT: White Hall
TAX MAP/PARCEL(S): 05500-00-00-01400
LOCATION: The proposed facility is located adjacent to I-64 approximately 750 feet east of where Route 690 (Greenwood Station Road) crosses I-64.
PROPOSAL: The applicant proposes to construct a 142 foot tall monopole tower to be used as a Personal Wireless Facility. The facility will include a lease area with ground equipment. The applicant has also requested a special exception to allow the antenna to be mounted 18 inches from the face of the tower instead of 12 inches.
PETITION: Tier III Personal Wireless Service facilities are permitted by special use permit in the RA, Rural Areas district in accord with Chapter 18, Section 10.2.2(48) of the Code of Albemarle. A special exception request may be made in accord with Chapter 18, Section 5.1 of the Code of Albemarle.
ZONING: RA, Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
OVERLAY DISTRICT(S): EC- Entrance Corridor - – Overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access
PROFFERS: No
COMPREHENSIVE PLAN: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/residential density 0.5 unit/acre in development lots. Rural Areas 3 Comp Plan Area. .

The Executive Summary forwarded to the Board states that at its meeting on August 23, 2022, the Planning Commission voted 5:1 (Carrazana dissenting) to recommend approval of SP202200011 Verizon – Scruby Property Tier III PWSF.

The Planning Commission voted to recommend approval of the special use permit. Those supporting the application noted the need for coverage in the area and the existence of screening trees to minimize impacts. The commission also discussed changes to the design or alternative locations that would minimize impacts. The applicant requested a tower height of 142 feet. The commission recommended that the application be approved with a height limit of 122 feet, which would allow the construction of a 142-foot tower due to the FCC rule allowing tower heights to be increased.

The Planning Commission did not provide any comments on the special exception.

The Planning Commission recommended approval of the special use permit. Staff recommends denial of the special use permit. If the special use permit is approved, staff recommends approval of the special exception.

Mr. Bill Fritz, Development Process Manager, said the staff report provided all of the details, and his presentation would briefly cover the report. He said the application was for a personal wireless service facility (PWSF), commonly known as a “tower.”

Mr. Fritz said the proposed tower was 142 feet tall, and the applicant had submitted a special exception request to allow the antenna to be mounted 18 inches from the tower face instead of 12 inches. He explained the ordinance allowed for downward tilt, where a portion of the antenna was 12 inches from the face of the tower and another portion was 18 inches. He said the applicant wanted to make the antenna parallel to the tower face.

Mr. Fritz said it was the opinion of staff that the proposed standoff would constitute a concealment element limiting the applicant’s ability to use federal provisions to mount antennae with greater standoff.

Mr. Fritz said many comments were included in the packet in addition to the email comments the Board had received from the public. He said he would provide a review of how the applications were reviewed and what the federal and state limits were on the review. He said the packet provided more detailed information

Mr. Fritz explained they did not review applications based on service and they did not discriminate between providers. He said no decisions were based on the business decisions of the applicant, and the County could not require information such as coverage maps. He noted that such information had not been requested. He said the review was based on the criteria for all special use permits as contained in the ordinance and in section 5 of the Comprehensive Plan.

Mr. Fritz noted that while the PWSF plan was a component of the Comprehensive Plan and there was discussion of amending it, no changes had been made, and staff reviewed the request against the adopted plan.

Mr. Fritz said the application was located west of Yancey Mills on the south side of I-64 approximately 100 feet from the eastbound travel lane and 750 feet from Greenwood Station Road. He said there were no significant resources impacted by the tower. He said the tower was located on a parcel divided by I-64.

Mr. Fritz noted that the majority of the trees were located on an adjacent southern property, not on property owned by the applicant. He said there were three clumps of trees on the subject property,

and there was a grouping of trees located to the west on property owned by the applicant, but the special use application did not apply to that property.

Mr. Fritz provided a map showing the proposed facility and the historic resources in the area. He noted that the application was located in the Greenwood-Afton historic district.

Mr. Fritz said they performed a balloon test to capture photographs. He said for the test, they flew a balloon at the proposed height of the tower and took photographs that were provided to the applicant. He said the applicant took the photographs and provided renderings of what the tower would look like from various vantage points.

Mr. Fritz said part of the review of a special use permit was evaluating whether the use would change the character of the area, and as part of that review, staff considered the character of the I-64 corridor in the western part of the County. He provided a map showing the proposed facility and all the other approved facilities along the corridor. He said staff had identified 15 facilities in seven separate locations between Nelson County and the Ivy Interchange that already existed. He noted that all of the existing facilities were treetop towers with limited visibility.

Mr. Fritz explained the proposed tower was not a treetop tower and would be clearly visible from I-64 and surround areas. He explained the other facilities on I-64 had limited visibility. He said it was staff's recommendation that the construction of the proposed facility would change the character of the area. He said based on the observed impacts of the multiple facilities in the western part of the County, it was staff's opinion that a treetop tower would not have the negative impacts of the proposed tower.

Mr. Fritz said staff recommended that the special use permit be denied. He said if the special use permit were approved, staff supported the special exception for increased standoff. He explained the recommendations were contained in the staff report because of a requirement in state law which stated if the County could identify actions to be taken that would reasonably allow the approval of the facility, then they needed to be identified, so staff identified three factors.

Mr. Fritz said on August 23, the Planning Commission held a public hearing on the application and recommended approval of the special use permit by a vote of 5 to 1. He said the Commission had noted the need for coverage in the area and the existence of screening trees to minimize the impacts.

Mr. Fritz said the Commission stated that even though the trees providing the screening of the tower were located on the winery property, it was unlikely the trees would be removed. He said the Commission recommended the approved height of the tower be limited to 122 feet which would permit the applicant to construct the 142-foot-tall proposed tower due to federal provisions that allowed an increase in tower height.

Mr. Fritz said the Commission did not provide any comments on the special exception for increased antenna standoff. He said he was available for questions from the Board.

Ms. Mallek asked Mr. Fritz to explain the differences in the recommendations from staff and the Commission. She asked for clarification regarding the height of the tower.

Mr. Fritz explained there was a federal provision that allowed for exempt co-locations. He said the provision stated a tower can be increased in height by up to 20 feet if it did not result in a substantial change. He explained the provision further defined "substantial change." He said the provision also allowed for antennae to be placed on the tower that would standoff up to 20 feet.

Mr. Fritz said that staff viewed the special exception to allow an 18-inch standoff as a concealment element. He said it was an important consideration because the provision related to substantial change stated the change could not defeat a concealment element which prevented the applicant from constructing antenna with a 20-foot standoff. He said the height limitation was not a concealment element.

Mr. Fritz explained that because of the federal provision, towers could be constructed 20 feet taller than approved. He explained that if the tower were approved at 122 feet, then the applicant could construct it to 142 feet.

Mr. Fritz explained the provision did not apply to treetop towers. He explained the height of a treetop tower in relation to the trees was considered a concealment element and they could not do the height extension. He said the ordinance was detailed on the topic.

Ms. Mallek said it was important to consider that approving a tower 142 feet tall meant allowing construction of a 162-foot-tall tower.

Mr. Fritz clarified the Commission recommended approval of a resolution that would approve the application at 122 feet, and that was the resolution before the Board for consideration.

Ms. Mallek asked if they knew how much of the pole was fully exposed. She said it seemed like more than half the pole was visible.

Mr. Fritz said he would review the information to respond later.

Ms. LaPisto-Kirtley clarified Mr. Fritz displayed a map that showed the location of other cellphone towers.

Mr. Fritz responded that this was correct.

Ms. LaPisto-Kirtley asked why the tower was not a treetop tower like the other towers constructed in the area and why it was proposed to be 142 feet tall.

Mr. Fritz said the applicant could better answer the question. He explained that generally, if the tower height were reduced, then the service area was decreased, and more than one tower was often required to provide the same coverage.

Ms. LaPisto-Kirtley noted that the subject property was large. She asked if two smaller towers could be placed on the same property.

Mr. Fritz explained the two towers would not be placed on the same property because the service areas of the towers would intersect. He said the towers would be located on separate properties in different portions of the County. He said the wireless policy encouraged the use of multiple treetop towers with limited visual impact.

Ms. LaPisto-Kirtley said she was concerned because there were areas where a tower would have a greater visual impact. She said she was also concerned about cellular coverage.

Mr. Fritz said staff's recommendation acknowledged coverage could be obtained throughout the County by using shorter towers with reduced visual impacts. He said the policy stated that if the towers were not visible, then they did not impose visual impacts. He said many of the towers were difficult to identify.

Mr. Andrews noted that the wireless policy was from a prior Board. He said he was not aware of the discourse around the policy's deficiencies and the kind of updates necessary.

Mr. Fritz explained the wireless policy was 22 years old and was adopted in 2000. He said the policy had never been updated, but the ordinance had been. He said the first ordinance in response to the policy was adopted in 2004, and there had been various updates over time to reflect changes in federal and state law and policies of the Board. He said the prior month, the Board agreed to hire a consultant to study potential changes to the ordinance.

Mr. Fritz said staff would evaluate changes to the ordinance and return to the Board with recommendations in November for a resolution of intent. He said the resolution would outline the scope of work and timeframe.

Mr. Andrews asked if the ordinance or the applicant discussed the decommissioning of a tower.

Mr. Fritz said the ordinance had a provision that the tower be removed if it was no longer used for personal wireless services.

Ms. Price asked for clarification about the term "Tier III PWSF".

Mr. Fritz explained PWSF meant personal wireless service facility, and it was a term from the Federal Telecommunications Act.

Ms. Price asked for clarification about what Tier III meant.

Mr. Fritz explained there were various tiers. He said Tier I towers were attachments to existing structures; Tier II were treetop towers, not more than 10 feet taller than the tallest tree within 25 feet; and Tier III towers were everything else. He said if a treetop tower (Tier II) was located in an avoidance area, then it required a special use permit. He said the Board had considered changing the definition of avoidance area, and the most common was rural and historic districts.

Ms. Price clarified that treetop towers referred to Tier II towers.

Mr. Fritz confirmed that this was the general practice. He said most of the time, treetop towers were Tier II, but some were Tier III because they were in avoidance areas. He said it was about the process.

Ms. Price opened the public hearing and asked Ms. LaPisto-Kirtley to read the rules for the applicant and speakers from the public.

Ms. Lori Schweller, Williams Mullen, said she represented the applicant, Verizon Wireless. She said the site had a long history since the first application from the spring of 2020. She said the applicant had tried to minimize visibility from neighboring historic properties. She said it was located near I-64, but it was not intended to only serve the interstate. She said it was intended to service the larger Greenwood area.

Ms. Schweller said the challenge was that historic districts were avoidance areas for wireless

services. She said Verizon had many sites in the avoidance areas, and they typically constructed a treetop tower in those areas. She explained many of the surrounding properties contributed to the historic district.

Ms. Schweller said it was not possible to move out of the historic district and service the areas that needed to be served by the tower. She said the nearest location outside of the historic area was over 3,000 feet away.

Ms. Schweller said the objective of the proposed tower was to connect existing sites—a building rooftop in Crozet, a tower on the I-64 East corridor, and one of the towers on the side of the mountain on I-64 West.

Ms. Schweller said conservation easements were a challenge. She said they were surrounded by parcels subject to conservation easements, and often, properties subject to such easements were unable to have towers on the property. She explained that under the wireless ordinance, if a facility would be adjacent to a property encumbered by an easement, interpreted by the County as within one mile of an eased property, then the facility had to be sited so it was not visible from resources specifically identified for protection in the deed of easement that established the conservation easement.

Ms. Schweller said the staff report stated the facility would be substantially screened from the closest properties under conservation easements; Seven Oaks, the septenary winery property, and Mirador Farm.

Ms. Schweller explained the Mirador Farm property had a specific resource identified for protection—the historic manor house. She said the proposed facility was not visible from the historic manor house. She said other structures on the Mirador Farm property were not protected in the easement.

Ms. Schweller noted that conservation easements were intended to protect, for the public, open space views, forests, watershed, and wildlife habitats. She said they were easements for the benefit of the public and not the benefit of the owner who had contributed the easement in exchange for federal income tax deductions and state tax credits.

Ms. Schweller said much of the screening for the site was located on the Seven Oaks property. She said there were trees along the boundary line of the subject property and Seven Oaks. She said they were required to maintain all trees within 100 feet of the lease area, and staff could require the applicant to identify trees on the site plan for protection within 200 feet.

Ms. Schweller explained the Seven Oaks conservation easement included a provision that was a tree protection provision, and it had exceptions for personal use of the property owner, installation of a pond, or a farm structure. She said it was not a standard paragraph in a Virginia Outdoors Foundation easement, and its intent was to preserve the trees.

Ms. Schweller mentioned the Commission discussed not controlling the neighbor's property. She explained no other special use permit applicants were required to control neighbor's properties to protect those neighbors from their own tree clearing. She said a justification for denial was not supported by the zoning ordinance or the wireless policy. She said they sometimes needed to acquire easements on neighboring properties only for the fall zone. She said for a 142-foot-tall PWSF, they needed to be 140 feet from the boundary. She explained if they were not 142 feet from the boundary, they may need an easement on the neighboring property.

Ms. Schweller noted that the neighboring property owner was concerned about minimizing visibility of the tower, so she did not view the tree ownership as a negative. She said the Seven Oaks property owners did not have an incentive to clear the trees that were screening the tower from view. She explained the Mirador Farm property owners had a lot of screening from trees on neighboring properties. She said those property owners were free to enter into agreements to preserve those trees.

Ms. Schweller said the distance to the tower from Mirador Farm Road was over 3,000 feet. She explained the monopole could not be entirely obscured in the trees because the antennae needed to be above the trees to operate. She said the tower was visible just above the tree line from Greenwood Station Road.

Ms. Schweller pointed out that from the interstate, the pole was more visible over the treetops than was typically proposed. She said it was consistent, however, with the types of views visible on the interstate. She suggested higher visibility along the I-64 corridor leaving the County was in line with the character of the area.

Ms. Schweller said the applicant believed there was no substantial detriment to parcels with the facility and the character of nearby areas was unchanged. She said the proposal met the intent of the ordinance and the policy, and it provided needed wireless service to the target area of western Albemarle.

Ms. McKeel mentioned the map indicating the location of the other approved cellular towers. She said the other towers indicated on the map were shorter, so they were not able to get the same coverage as they would from a taller tower.

Ms. Schweller said it was true that shorter towers provided a smaller area of coverage. She said

the project initially began with a proposed treetop tower, and they had maintained the tower at the same height above mean sea level. She said it was necessary to provide service to the area. She said as the site was moved from the smaller Scruby parcel to the current field parcel, moved east 740 feet, and the drop in elevation was over 35 feet.

Ms. Schweller said the pole itself was roughly 46 feet taller than the original proposed pole, but the height above mean sea level was about one foot shorter for the new pole location compared to the original. She said they were trying to provide similar coverage with a different facility. She explained the pole had to be taller because the site had to be moved east in order to minimize visibility from Seven Oaks and Mirador Farm.

Ms. Mallek said the scenic views were for the public benefit of the community. She said the height differences were well explained. She said there were multiple buildings from the 18th century on the Mirador Farm property that were protected.

Ms. LaPisto-Kirtley asked how tall the electrical powerlines were that spanned I-64.

Ms. Schweller said she did not know how tall they were. She said they were considered as a co-location opportunity.

Ms. LaPisto-Kirtley said she had seen the powerline towers, and they were tall. She said she wanted to know how tall they were in relation to the proposed monopole.

Mr. Nathan Holland, Project Manager, said the electrical powerline towers were usually 80 to 90 feet tall.

Ms. LaPisto-Kirtley noted that the monopole would be about 50 feet taller than the electrical powerline towers.

Ms. Schweller clarified the monopole would be 140 feet tall with a 2-foot lightning rod.

Ms. LaPisto-Kirtley asked if the proposed PWSF was nearby to any electrical powerlines owned by Dominion.

Ms. Schweller said the monopole was not near enough to any powerlines. She said whenever possible, Verizon wanted to co-locate towers; install antennae on existing facilities. She explained the existing electrical powerline towers were too far east to use on the south side of I-64, and they were too far north to use on the north side. She explained Dominion did not like to install antennae on those types of structures.

Ms. LaPisto-Kirtley said the pictures of the poles from I-64 displayed by the applicant did not look as daunting as those showed by staff. She questioned whether the approval of the special use permit on a case-by-case basis would set a precedent for a flood of 140-foot monopoles to be constructed along the freeway. She said it would be a blight.

Ms. Schweller said the picture displayed by Mr. Fritz was taken from Greenwood Station Road as it crossed the entrance corridor, not from the entrance corridor. She said the situation was unique because of the nature of the area (most of the properties had historic designations) and it was difficult to find a location. She explained reducing visibility of the pole from the south meant it had to be located closer to I-64. She explained taller poles had been constructed that were better obscured because of tree cover or topography. She explained they tried to adhere to Tier II regulations at all of the sites along the entrance corridor or in avoidance areas.

Ms. LaPisto-Kirtley said she did not want approval of the case-by-case basis special use permit to set a precedent for larger poles to be constructed. She said she was a proponent of cellular service because it was a health and safety issue. She said wished the applicant had proposed two smaller poles.

Mr. Gallaway explained the applications came before the Board because they were one-off applications, and there was no precedent set by the applications because they were to be considered individually. He explained the applications could be approved or denied without consideration of what had been previously approved or denied. He said the precedent discussion became a red herring.

Mr. Gallaway said the point of showing the electrical powerline towers was to show that along interstates, there was often infrastructure that was visible while traveling on it. He clarified that the applicant was not trying to compare the height of the different types of infrastructure.

Ms. Schweller responded that was exactly the applicant's intent. She said she wanted to display that on an interstate, there would be very large surrounding infrastructure. She said the site seemed to be an appropriate place for the PWSF because of the existing tower infrastructure in the area.

Mr. Gallaway stated that discussions of PWSFs in the past had indicated that if they were to install treetop towers, then more would have to be installed. He asked if they knew how many fewer towers the County would have constructed if they had allowed taller towers similar to the proposed tower. He asked if there was an equivalency between the number of towers and the height.

Ms. Schweller said it was likely there would be fewer towers if they were taller, but it was a hard

question that a radio frequency (RF) engineer would have to answer. She said cellular towers were specific to the site. She noted that because the County was hilly and mountainous, there were lots of areas where smaller towers were required. She said it depended on the topography.

Mr. Gallaway said asked if the applicant had always intended to use the proposed tower to connect to other towers in proximity. He asked if moving the tower from the original proposed location changed the strategy.

Ms. Schweller said it was the intent to link the other towers. She said moving the tower from its original proposed site did not change the plan. She said there was a ring where the site had to be located within in order to properly link the towers. She said moving the tower site required the height to be increased in order to maintain the service connections.

Mr. Andrews commented that the site was called a "handoff site." He asked for clarification regarding how handoff sites worked and how they were different from other sites.

Ms. Schweller said she used the term handoff site to refer to the other sites that needed to be linked. She said the Verizon Wireless network was composed of number of towers that needed to be within line of site of each other so that coverage was not dropped as people moved within range of the different towers. She explained currently, there was a gap in coverage between towers for residents in Greenwood and travelers on I-64.

Mr. Andrews noted that a site was originally proposed 740 feet to the east. He requested a summary of the Architectural Review Board (ARB) response to the original site and the current site. He asked if the agricultural forestal district was involved. He said he wanted to know if the recommendations had changed as the site was changed from its original location.

Ms. Schweller said the initial site was proffered in 2020. She said it underwent a balloon test, and during that time, they discovered the tree measurement was wrong for a Tier II site, so they resubmitted the application. She explained there was a third balloon test followed by a community meeting. She said the Historic Preservation Committee reviewed the proposal for informational purposes.

Ms. Schweller said there was an ARB meeting held for the proposal. She said the ARB voted 4-0 in favor of the initial site; they determined whether the pole was sufficiently minimized from the entrance corridor. She said the Agricultural Forestal Committee (AFC) voted 7-1 against the site because their opinion was that the location of the pole near the entrance of septenary winery was a detriment to the development of the agricultural forestal district.

Ms. Schweller said private balloon tests were conducted to evaluate relocating the parcel further east, and several locations were considered. She said in regard to the new site, the ARB voted 3-0 against the location, but the AFC voted 6-0 in favor of the location.

Mr. Andrews said the criteria for each site was different, and the ARB would be looking at impacts within the entrance corridor and the AFC would review impacts in the agricultural forestal district.

Ms. Price opened the hearing for public comment.

Ms. Alice Scruby said she lived in the White Hall district. She mentioned the landlord for the subject property was her brother-in-law, Brian Scruby. She explained she and her husband owned the property across from Brian Scruby's farm. She said she had submitted letters to the Commission and to the Board detailing her support of the proposed tower.

Ms. Scruby said on August 23, the Commission conducted a rigorous debate to sort out the conflicting interests of aesthetics versus need. She said the Commission's recommendation for approval recognized improved cellular service had broad, positive, material benefits to the majority of the Greenwood community. She said the Commission's approval conveyed that providing the cellular service outweighed the visual impacts.

Ms. Scruby encouraged the Supervisors to visit Greenwood to see the existing infrastructure. She said they were not installing a monopole in a pristine area, and it was absurd to believe one additional piece of infrastructure would substantially change the viewshed or character of the community. She said the Board had the authority to uphold the Commission's conclusions and vote to approve the PWSF.

Mr. Brian Scruby said he lived in the White Hall district, and he was the landowner of the site for the subject proposal. He said many people in the outlying areas had poor to no cellular service. He said the tower would potentially extend service to people who were underserved. He said the tower would improve reliability of service for areas where there was a decline in access due to increased demand placed on existing towers.

Mr. B. Scruby said the interests of the traveling public had to be considered, and it was in their interest to have reliable cellular service. He said traffic on Afton Mountain on I-64 and Route 250 was common, and travelers experiencing long delays had to be able to communicate their situation.

Mr. B. Scruby said during the pandemic, some children were able to keep up with at-home

schoolwork using computers that received wireless signal from cellular towers. He said cellular towers made it possible for people to work from home rather than commute which would aid in reducing greenhouse gas emissions from vehicles.

Mr. B. Scruby said page 8 of the staff report contained a section addressing public health, safety, and welfare. He said it stated, "the County's participation in the VATI 2022 program with the TJPDC would bring universal broadband fiber to this area within five years." He added that fiber broadband was not the same service provided by cellular towers.

Mr. B. Scruby said if he was alone and injured on his farm and needed to call for help using a cellphone, fiber broadband would not be useful, but a cellular tower would. He said the staff report stated the proposed facility was not in harmony with the public health, safety, and general welfare, and he disagreed with that point. He submitted the rest of his comments to the Clerk.

Mr. Tim Scruby said he lived in the White Hall district. He said he had lived in the County for his whole life, and he had witnessed many changes take place. He said the demand on the cellular networks had increased, so the tower was necessary. He noted how I-64 bisected his family's farm in the 1960s, properties had changed ownership, wineries had been constructed across the County, and there was a much larger population. He said all those aspects led to a greater community need.

Mr. T. Scruby said he had sent the Board information about the cellular tower and need. He said he was concerned about the cellular tower being taken out of context. He provided an image from Route 690 with the Greenwood post office in view. He provided an image of Mirador Farm from Route 691, and he noted the many powerlines that were visible. He provided an image of Mirador Stables from Route 250, and he noted that there was infrastructure everywhere.

Mr. T. Scruby noted the powerlines that were visible entering I-64 westbound. He said the cellular tower was another small piece of infrastructure in addition to the many existing structures. He requested the Board consider that the increased population from housing, increased demand from farms and wineries, and increased demand from traffic on the interstate had overtaxed the existing infrastructure. He said he lived in the area and knew the conditions, and the only internet access he had was through cellular service.

Mr. David Tomlin said he lived in the White Hall district. He said he drove from I-64 exit 99 to exit 107 with a cellphone, and he had coverage the entire duration without losing service. He commented that the powerlines were numerous, but they did not exceed the treeline. He said a 142-foot tower would be an eyesore and stick out. He said there was no language that would limit the construction of a second tower or third tower. He noted there were some sites with three or four towers.

Mr. Tomlin noted there was infrastructure at Mirador Farm that was protected at the state level or federal level as historic. He noted there were barns and tavern structures with historic designations. He said he had not seen a historical resources impact analysis report.

Ms. Nancy Schlichting said she was present on behalf of Hope Burghardt, owner of Mirador Farm. She said there were additional structures other than the manor house that were protected under state and federal protections: A dairy barn, smokehouse, Sam Black's Tavern, and other structures were protected as historical resources.

Ms. Schlichting said the proposal from the applicant was a tower that was taller, had more equipment, was surrounded by fewer trees, and was visible to more people than any previous submittal. She said the tower would be too visible and would change the character of the Greenwood-Afton historic district. She said it was inconsistent with the County's Comprehensive Plan and violated the zoning ordinance. She said there was no demonstrated need that would outweigh the negative impacts of the tower on the district.

Ms. Schlichting said the historic district included many early 19th-century villages, early 20th-century African American communities, and large farmsteads, and preservation of the historical district was a goal of the Comprehensive Plan. She said the current application had not ameliorated visibility concerns or addressed the impact recognized in the previous application, and the tower had increased in height from previous proposals by approximately 30 feet.

Ms. Schlichting said the proposed tower was taller and more visible than other approved facilities close to I-64. She said the tower could have visibility impacts after it was constructed. She noted that trees could die, and the Scruby property was not under a conservation easement so none of the tree buffer was protected. She said the tower would be a substantial detriment to adjacent parcels, would change the character of the nearby area, would be inharmonious with the purpose and intent of the ordinance, and would be inconsistent with the County's Comprehensive Plan.

Mr. Jon Kirchner, speaking remotely, said his background was in renewable energy engineering, and he had experience in wind energy siting and solar development. He said the County had a unique and pristine environment, and they wanted to maintain that. He suggested they look at outside-the-box solutions, such as using distributed connectivity. He noted that monopoles were less expensive and had

greater profit margins.

Mr. Kirchner said if the primary users of the proposed tower were those people driving on the interstate, then they would only use the tower's service for a few seconds. He stated that the tower could provide increased bandwidth and 5G service. He said the tower was not worth it to give up his land for more wireless connectivity.

Ms. Leigh Kirchner said she lived in the White Hall district, and Mr. Brian Scruby was their neighbor. She said if the tower were a treetop tower, they would not have the same reaction. She said the enormity of the project provoked their response. She said she and her husband lived less than half a mile from the proposed project site, and they were within the viewshed. She said the tower's location would have a negative impact on their property.

Ms. Kirchner said when they moved to the Greenwood-Afton historic district 8 years ago in 2014, they moved for the setting which included woodlands, orchards, mountains, pastures, and panoramic vistas. She said the tower would weaken the rural landscape and the historic integrity they were looking to preserve. She said they did not have internet service when they moved to the area, and they did not have service until 2018. She said they wanted to live in the historic district because they valued the history and wanted it to be conserved.

Ms. Kirchner said they had been Verizon Wireless customers for nearly a decade. She said they had never experienced service issues. She said they also had internet service through Comcast when it installed internet service infrastructure on the street. She said the wireless tower would not benefit people in the community, and it would benefit the people driving on the interstate. She said she would have to deal with seeing the tower.

Ms. Kirchner said the area was not worth sacrificing for more infrastructure along the interstate. She said she was concerned about precedent because wireless providers may want to build more towers to expand service and coverage. She said they did not want that in Greenwood. She said there were compounding issues, and she asked the Board to deny the permit.

Ms. Price provided the applicant with five minutes for rebuttal.

Ms. Schweller reiterated the cellular service was different from the broadband service provided by CEVC to portions of the Whitehall district and which would further be developed through the RISE project in three years. She said the project was for cellular service.

Ms. Schweller said she would address the concept of multiple sites. She explained the original site they considered was shorter but would have still served the area. She said the problem with the multi-tower suggestion was that sites were limited due to the several constraints on properties in the area. She said the original site had 35 supporters in the Greenwood area who wrote in to describe their need for the service.

Ms. Schweller explained there were about 85 to 100 wine club members who were worried about potential visibility issues as they visited the winery. She mentioned that there was enormous opposition from Mirador Farm and Seven Oaks, and as a response, they attempted to minimize visibility from those historic resources. She explained that the Virginia Department of Historic Resources (DHR) reviewed every cellular tower and examined its physical and visual impact.

Ms. Schweller said there were protections from the zoning ordinance and federal review. She said the applicant had to comply with the review. She said if DHR determined the applicant had unmet requirements, they would have to comply.

Ms. Schweller said it was her opinion and the opinion of the staff report that the site was completely consistent with the Comprehensive Plan and with the zoning ordinance in all respects except for the visibility from the entrance corridor. She noted that it was more visible than other proposals, but that was for reasons which had already been addressed. She said the visibility from neighboring properties was consistent with the goals of the wireless policy, and the application was compliant with the zoning ordinance.

Ms. Mallek asked for clarification regarding the Section 106 Review.

Mr. Fritz responded that the Section 106 Review, also called the NEPA (National Environmental Policy Act) report, was a federal requirement the applicant had to complete before they could receive a license from the FCC. He said the report was typically completed after the special use permit review process.

Ms. Mallek clarified it was different from the Department of Historic Resources review.

Mr. Fritz responded that the NEPA report requested comment from the state, and they contact the locality as well. He said staff would provide a response that included the decisions and comments made by the Board.

Ms. Mallek confirmed that DHR had not yet made a determination or review.

Mr. Fritz agreed that this was correct.

Ms. Mallek emphasized that the tree issue was important because the applicant did not have trees on the property to provide the necessary screening. She said it was an issue because it was a deficiency of the lot.

Mr. Fritz said wireless facilities were unusual because they considered the use of the adjacent properties because the facilities were unique in their own characteristics. He said they usually required screening on the property where the activity was occurring. He said in the applicant's case, the screening resulted from tree growth on an adjacent property, and to minimize the impact, they relied on the other property owner to not clear the tree cover. He said they considered whether the screening trees were under the control of the applicant. He said they did not require adjacent property owners to provide screening.

Ms. Mallek noted that part of the recommendation for denial was that there were not sufficient trees on the property to provide the screening.

Mr. Fritz said that was correct. He said if the applicant were able to obtain an easement, then it would correct the deficiency, and the tower was 59 feet above the tallest tree within 25 feet of the tower.

Ms. Mallek asked if there was a reference tree nearby to the tower.

Mr. Fritz said it was not technically a reference tree, but it was referred to as such in the report.

Ms. LaPisto-Kirtley stated that one of the residents mentioned being able to construct multiple poles on one piece of land. She asked if that was possible.

Mr. Fritz said each application was reviewed based on the individual impacts, so they would have to analyze it as it came before the Board. He explained that just because the Board approved one pole did not mean more could automatically be constructed.

Ms. LaPisto-Kirtley clarified that it would still be possible.

Mr. Fritz said it was possible, and there were sites with multiple towers.

Ms. LaPisto-Kirtley asked what the purpose was for multiple towers on the same site.

Mr. Fritz responded it was typically for different service providers.

Ms. LaPisto-Kirtley noted that smaller poles would not provide the same service levels, and she acknowledged service was important for residents. She said she was not convinced the decision would not set a precedent.

Mr. Fritz clarified the treetop tower discussed by the applicant had never received a Commission or Board review, and a staff report was never prepared for that particular tower. He said the applicant chose to withdraw the application and pursue a different one because of the comments they received during the review process for the original application.

Ms. LaPisto-Kirtley clarified that the prior application was from the same applicant.

Mr. Fritz confirmed that was correct.

Ms. LaPisto-Kirtley asked if the original application included two towers.

Mr. Fritz said it was only one tower to the west of the proposed site.

Ms. LaPisto-Kirtley clarified whether there would be two towers if the original application had been processed.

Mr. Fritz explained the applicant applied for a treetop tower to the west of the site under review. He said the application went part of the way through the review process, was supported by the ARB, and was not supported by the AFC. He said the applicant received letters of support and opposition, so they chose not to pursue the treetop tower and instead submitted the application currently before the Board. He said the treetop tower application never went before the Commission or the Board.

Ms. LaPisto-Kirtley asked if it was due to the opposition and support from the AFC and ARB.

Mr. Fritz explained the applicant chose not to pursue the site and to pursue the site before the Board at the meeting.

Mr. Gallaway explained legally, the Board's approval of an application did not entail the approval or denial of other applications. He explained there was no legal precedent no matter what the Board decided. He said it was important for people to understand that each application was reviewed on a case-by-case basis, and decisions were not based on prior decisions.

Mr. Gallaway said the 20-year-old wireless policy was based on visibility. He said staff denial was predicated on the determination that the project would change the character of the area. He asked what other character aside from the visible character was changed.

Mr. Fritz said the visible character was the primary impact. He said the application inserted a wireless facility into an area that did not have visual wireless facilities.

Mr. Gallaway said the term "character" caused confusion. He said with rezonings, changes in character were more than visual. He said the application before the Board was discussing one element of the character of the neighborhood.

Mr. Gallaway said the factors favorable and unfavorable section stated the existing vegetation would substantially screen the facility from individually listed historic resources. He said the second point in that section stated the facility would be visible from multiple locations within the Greenwood-Afton historic district. He noted that the first finding considered the sites required for review, and the second point went beyond the required sites.

Mr. Fritz responded that under the favorable factors, they reviewed the specific, identified resources and determined there was substantial screening. He stated that the facility was still visible from sites within the larger district.

Mr. Gallaway asked if it was reasonable for the applicant to be responsible for attributes on another property.

Mr. Fritz said for all uses, if an applicant produced an impact, then they should control all mitigation of the impact. He said the present situation before the Board was one where the applicant did not control the mitigation of the impact which imposed a burden on the adjoining property.

Mr. Gallaway clarified it was suggested an easement be granted so that if trees were disturbed on the neighboring property, the applicant would be able to go onto the property to rectify the situation.

Mr. Fritz said it was also suggested an easement be provided to prevent the cutting or removal of the trees and to maintain the healthy condition of the trees.

Mr. Gallaway said that would take away the property rights of the owner.

Mr. Fritz said the adjoining property owner would be the one agreeing to the easement, either due to a monetary contribution or good faith.

Mr. Andrews clarified that an applicant was required to maintain the screening and the health of the trees. He mentioned that there could be sudden tree deaths and that construction could make it difficult for tree growth. He clarified the proposal did not require construction near tree roots because the trees were not located at the proposed site.

Mr. Fritz said there were some trees in the access easement to the site, but those trees did not necessarily provide screening. He said the trees on the septenary property would be unimpacted because the applicant did not have the right to go onto the property.

Mr. Andrews asked what an applicant would do if they were required to maintain a tree and it died.

Mr. Fritz said that situation had not arisen, and he did not want to speculate what would happen in an enforcement case because they would have to review the facts and the impacts. He said each situation was unique.

Ms. Price closed the public hearing.

Ms. McKeel said she was supportive of the application. She said she had heard about the need for a cellular tower in the area for many years, and the tower would make the area safer for residents and people traveling on I-64. She said residents in the community also used I-64. She said even if the people who used I-64 were not from the community, the County had a responsibility to ensure they were safe.

Ms. McKeel noted that there was a comment about not putting the tower near the vineyard due to economic development concerns. She said she had spent three days in Greenville, South Carolina, with a group from the County and Chamber of Commerce to discuss economic development. She said the County could not have economic development without cellular access.

Ms. McKeel said the community needed cellular access and broadband service. She said it did not mean a cellular tower would be constructed in every backyard, but there were critical locations where cellular towers were necessary.

Ms. McKeel said the height of the cellular tower had been determined based on the topography. She said the cellular tower provided a public safety service. She said someone died in the Scottsville area because someone was in a vehicle accident and did not have cellular coverage. She commented that there were times when the Board had to take care of people. She said the proposal offered a compromise, and the area had a desperate need for cellular coverage.

Ms. Mallek said there were sections of the Greenwood community where service did not exist. She said the basis of her decision related to the adopted ordinance they were considering. She noted that the ordinance had been modified to be compliant with state and federal regulations. She said she appreciated staff's recommendations.

Ms. Mallek said this was the first application where the applicant did not provide its own tree screening. She said she did not know about solutions, and the application did not meet the screening criteria. She said there would be impacts on adjacent properties. She said visibility was the criteria that the Court permitted the County to use in siting poles, and it was the only criteria they were allowed to use.

Ms. Mallek said the visibility rules had provided a scenery basis that provided benefits to residents and travelers. She said the visibility rules made the County an attractive tourism site. She noted that the Greenwood-Afton historic district included over 100 holdings and 16,000 acres. She said people volunteered to be part of the conservation effort, and it had been approved in 2010 as a historic district. She said she would rather follow the process.

Ms. LaPisto-Kirtley said she was torn on the issue. She said she was not confident Verizon would plant more trees in the area. She said cellular connectivity was important as a health and safety issue.

Mr. Gallaway said the policy debate would happen when the wireless policy came back before the Board; it had been in place for 22 years and visibility was a critical factor. He noted that the minutes from the debates around the policy stated that cellphones would be a passing fad. He said it was a reality that circumstances had changed, and the service was different than how it was considered previously.

Mr. Gallaway stated that the images displaying the electrical infrastructure and how at one point, it did not exist. He said there were probably people who argued the electrical infrastructure was not needed because electricity was a passing fad. He noted that guardrails were not aesthetically pleasing, but they were there for a purpose, and they needed to be there, but they were outside the norm of a natural or rural environment.

Mr. Gallaway said cellular service was in the same need category as guardrails or electrical infrastructure. He said he thought about visibility on the interstate differently from other entrance corridors, as the visual impact for drivers on the interstate was less in terms of time, and he felt that those impacts on the interstate were a reasonable compromise.

Mr. Gallaway said it was unreasonable to expect an applicant to go onto another property when the screening was in support of the property owner. He said the other owner knew what would happen if they were to remove the screening. He said in terms of the development area, impacts spread onto other properties, but they did not require screening on adjacent properties. He noted that it was not an undue burden for the adjacent property owner to maintain the tree screening. He said he was supportive of the application.

Mr. Andrews said the situation had been thoroughly discussed. He said he agreed that the service was an important service to provide. He said he did not want to risk the service access because he did not know if there was a better alternative. He said he would support the application because it provided an important service despite the visual impacts.

Ms. Price said she grew up in Georgia when Ted Turner papered the interstates with billboards, which provided a single message—while cellular towers provided communication to many people. She said the visibility concerns were different, and she did not believe the approval of any individual special exception would result in a mass influx of comparable applications.

Ms. Price mentioned that powerlines and guardrails were horizontal infrastructure that followed the contours of the landscape, but she noted the cut-throughs made for powerline infrastructure that were visible in many places. She said there were different types of visual impacts between the powerlines and the cellular towers. She said she frequently drove along I-64, and she noted that there were large cellular towers with substantially larger radii that were an eyesore on the interstate.

Ms. Price said the staff report was consistent with County policies. She said the Board, which approved the policy, had the authority to make exceptions to the policy. She said there should be policies and processes in effect that were followed, and decisions should be made in an ordered fashion.

Ms. Price said she lived in a rural area, and she had good cellular service because of the towers on Carter Mountain. She noted that those towers were an eyesore. She said she would soon lose her reliable broadband coverage. She commented that there was a difference between broadband access at a house and cellular coverage on a property. She said her property had multiple valleys, and she often lost coverage on parts of her property.

Ms. Price said they had to recognize that the travelers on I-64 would not be the only ones to be impacted by the tower. She said the loss of coverage was significant for people who relied on cellphones to navigate the rural areas. She said in the best possible circumstances they would be able to plan the best locations for each of the cellular towers.

Ms. Price said a troubling aspect of the application was related to the initial treetop application. She said it was withdrawn because of negativity to the application, and as a response, the Board was left

to decide on a tower that was substantially taller. She said she was disappointed that the initial application was not pursued to a conclusion, because they were now faced with a worse application.

Ms. Price noted that each application was considered individually. She said it required a balancing between the County's policy of protecting the character of the area and the necessity for adequate coverage. She said she did not want to vote for approval when a treetop application could have been possible.

Mr. Andrews said he did not have clarity as to how the policy would have made the decision easier. He noted that they had to consider the need for coverage and service, and they were limited in the information they were able to get in terms of visual impacts.

Ms. McKeel said she was looking forward to reviewing the wireless policy. She said the County had indicated it would not entertain cellular towers that looked like trees, and she would like that to be reconsidered as part of the discussion. She noted that there was a tower at the forestry department that looked like a tree. She said there appeared to be a part of the policy that discouraged applicants from submitting those types of applications. She said such applications could provide better screening.

Ms. Price noted that there were other locations with towers that were camouflaged to look like a tree, and those towers were less noticeable.

Mr. Gallaway stated that 22 years ago, cellular service was not considered a public good. He commented that maybe 1 in 20 people had a cellphone, so at the time, there was no policy debate; the visual characteristics were everybody's priority. He said Board had to determine if visibility or service was of higher concern. He said the Board needed to provide better guidance to the debate for applications moving forward.

Ms. Price said no matter the result of the discussion, there would not be a cookie cutter that would apply to every situation.

Ms. McKeel stated that the cellular tower was important for the students enrolled at the Miller School for their safety.

Ms. McKeel **moved** that the Board adopt the resolution to approve the Scruby Property Tier III PWSF, as presented in Attachment E.

Mr. Gallaway **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. McKeel, and Mr. Andrews.
NAYS: Ms. Mallek, Ms. Price.

**RESOLUTION TO APPROVE
SP202200011 VERIZON – SCRUBY PROPERTY TIER III PWSF**

WHEREAS, upon consideration of the staff report prepared for SP202200011 Verizon – Scruby Property Tier III PWSF, the recommendation of the Planning Commission and the information presented at the public hearing, any comments received, and all of the factors relevant to the special use permit in Albemarle County Code §§ 18-5.1.40 and 18-10.1, the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Rural Areas district, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP202200011 Verizon – Scruby Property Tier III PWSF, subject to the conditions attached hereto.

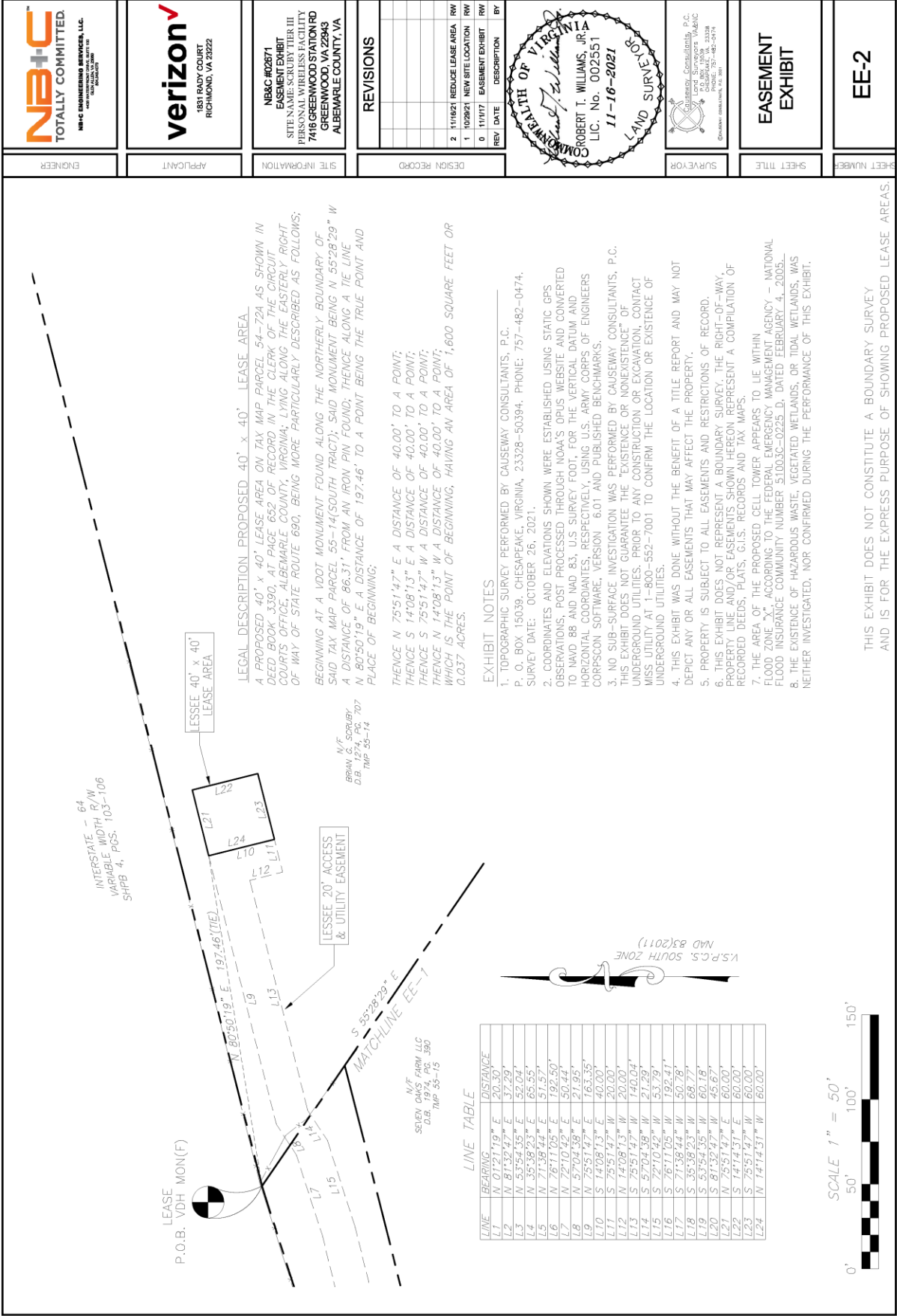
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SP202200011 Verizon – Scruby Property Tier III PWSF - Conditions

1. The maximum height of the tower is 122 feet above ground level.
2. The facility must be located and designed in accord with the plans titled "Scruby Tier III Personal Wireless Facility," prepared by John A. Daughtry III and last revised 7/28/22.


* * * * *

[illegible]





TOTALLY COMMITTED.
NMC ENGINEERING SERVICES, LLC
1000 N. GREENWOOD AVENUE
SUITE 200
GREENWOOD, VA 22040





1881 RADY COURT
RICHMOND, VA 23222

NB&C #02871
EASEMENT EXHIBIT
SITE NAME: SCRUBY TIER III
PERSONAL WIRELESS FACILITY
7416 GREENWOOD STATION RD
GREENWOOD, VA 22943
ALBEMARLE COUNTY, VA

REVISIONS

NO.	DATE	DESCRIPTION	BY
2	11/16/21	REDUCE LEASE AREA	RW
1	10/26/21	NEW SITE LOCATION	RW
0	11/17/17	EASEMENT EXHIBIT	RW



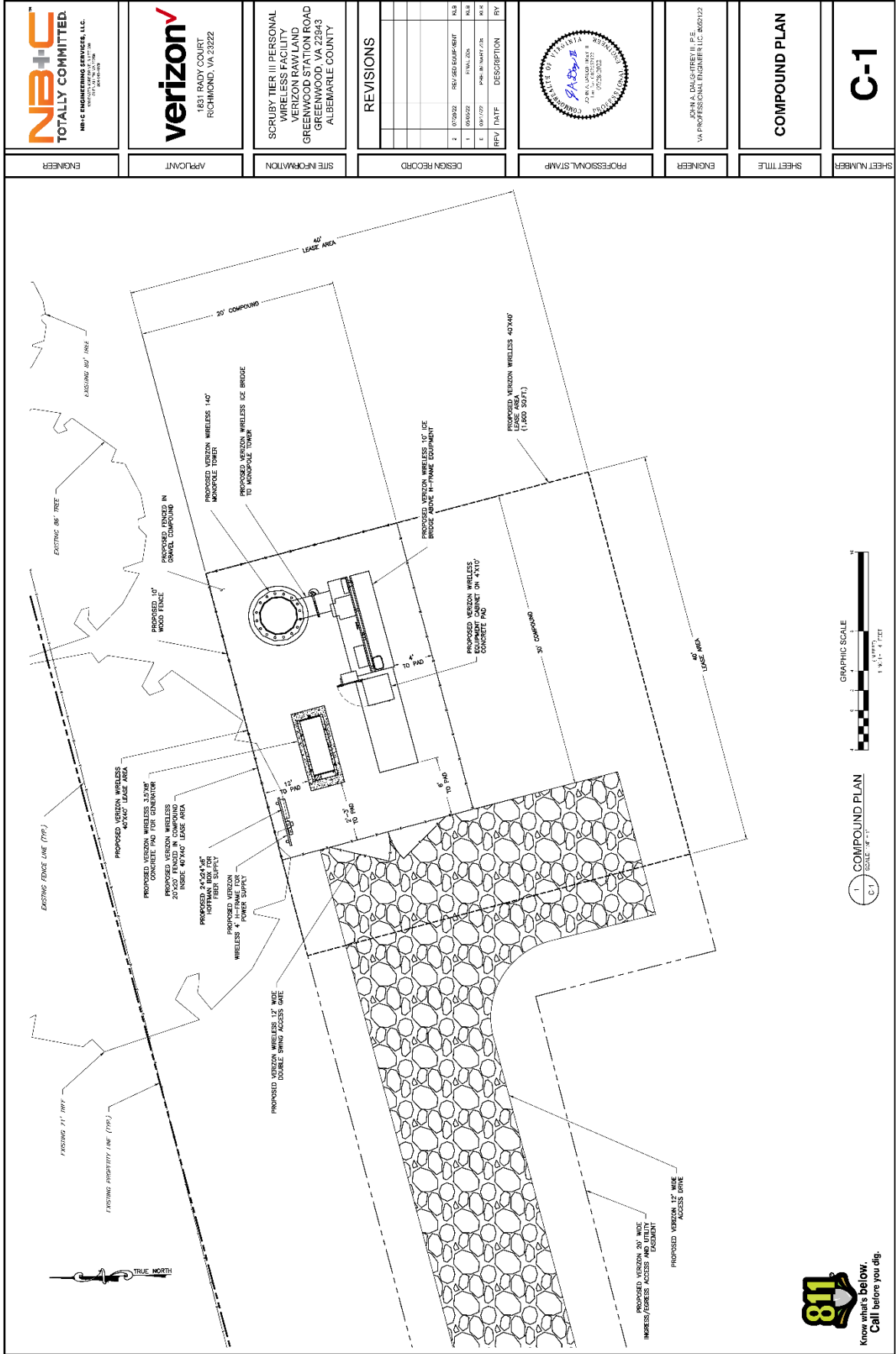


Causeway Consultants, P.C.
Land Surveyors (VA&NC)
23328 CHESAPEAKE PIKE, SUITE 200
CHESAPEAKE, VA 23328
(757) 482-0474
GEOGRAPHIC CONSULTANTS, P.C. (MD)

EASEMENT EXHIBIT

EE-2

[illegible]



**RESOLUTION TO APPROVE
SE 2022-00030 VERIZON– SCRUBY PROPERTY TIER III PWSF**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE 2022-00030 Verizon - Scruby Property Tier III PWSF application and the attachments thereto, including staff's supporting analysis, any comments received, all of the factors relevant to the special exceptions in County Code §§ 18-5.1.40 and 18-33.9, and the information provided at the Board of Supervisors meeting, the Albemarle County Board of Supervisors hereby finds that a modified regulation would satisfy the purposes of the County's zoning regulations to at least an equivalent degree as the specified requirement, and that the proposed special exception would not have adverse visual impacts.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the special exception request to modify the requirements of County Code § 18-5.1.40(b)(2)(c), provided that no antenna authorized by this special exception may project more than 18 inches from the face of the monopole to the farthest point of the back of the antenna.

Agenda Item No. 22. Adjourn to October 19, 2022, 1:00 p.m., Lane Auditorium.

At 8:27 p.m., the Board adjourned its meeting to October 19, 2022, 1:00 p.m., Lane Auditorium, Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA. Ms. Price said information on how to participate in the meeting will be posted on the Albemarle County website Board of Supervisors home page and on the Albemarle County calendar.

Chair

Approved by Board
Date: CKB Initials: 07/17/2024