

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on January 22, 2025, at 1:00 p.m. in Lane Auditorium, Second Floor, Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia, 22902.

PRESENT: Mr. Jim H. Andrews, Mr. Ned Gallaway (absent from 3:51 p.m. – 5:00 p.m.), Ms. Beatrice (Bea) J.S. LaPisto-Kirtley, Ms. Ann H. Mallek, Ms. Diantha H. McKeel, and Mr. Mike O. D. Pruitt.

ABSENT: none.

OFFICERS PRESENT: County Executive, Jeffrey B. Richardson; Interim County Attorney, Andy Herrick; 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 1:00 p.m., by the Chair, Mr. Jim Andrews.

Mr. Andrews introduced the Albemarle County Police Department Officers present to provide their services at the meeting, Master Police Officer Jerry Shenk and Officer Tayvaun Richardson.

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

Agenda Item No. 4. Adoption of Final Agenda.

Mr. Andrews said that one of the consent agenda items was to note that their first meeting in February would start at 5:00 p.m. instead of 1:00 p.m.

Mr. Andrews said if there were no other suggested changes, they were ready for a motion.

Ms. McKeel **moved** to adopt the final agenda. 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, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

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

Mr. Pruitt said that first, he would like to remind everyone that the current weather conditions were hazardous, with ice accumulation on roads, private parking lots, and other areas where vehicles traveled or pedestrians walked. He said that it was essential to stay indoors, so he asked that everyone ensure that their family and pets stay indoors.

Mr. Pruitt said that it was worth noting that the General Assembly was currently in session, and this was their short session, with many important bills being discussed. He said that two significant budget amendments were moving forward. He said that Delegate Callsen had proposed an amendment to extend the Biscuit Run spur to connect to the Southwood community. He said that there was also quite a bit of movement on the Rivanna Station budget amendment.

Mr. Pruitt said that he would also like to highlight a few other developments that may not have been highlighted by the Board but were worth sharing with the public. He said that Delegate Nadarius Clark had reintroduced his rent stabilization bill, and Delegate Callsen was working on an algorithmic pricing bill aimed at addressing illegal rent increases enabled by organizations like RealPage. He said that this bill had the potential to be very exciting.

Ms. LaPisto-Kirtley said that she expressed her gratitude for the opportunity to discuss legislation HB 1666 by Jones regarding photo speed cameras. She said that this was something the Board had prioritized for several years now, and it was currently being heard in committee at 4:00 p.m. She said that they hoped it would move forward, and they would see what happened. She said that she also wanted to bring up the issue of dog abuse in their County. She said that there were two instances where dogs were involved, and that she wanted to ensure that people understood the importance of following the proper process in these situations. She said that she believed the Albemarle County Police Department had done an outstanding job of ensuring the safety of animals, and she appreciated their efforts.

Ms. LaPisto-Kirtley said that she acknowledged that Greene County had also been involved in similar efforts. She said that it was essential that they respect the process and refrain from judging individuals before all the facts were known. She said that social media often distorted facts because of the beliefs of different people. She said that they had caring residents in Albemarle County, but it was essential that they respect the process and allow the legal system to protect their animals while also ensuring that everyone's voice was heard, and the full story was known.

Ms. Mallek said that she would like to mention a couple of upcoming events. She said that the Crozet Arts and Crafts Festival was scheduled for Mother's Day weekend, and now was the time for artists interested in participating to apply for the jury selection process, as well as non-profit groups who

wished to partner and have a table at the festival. She said for more information, please visit the Crozet Arts and Crafts Festival website.

Ms. Mallek said that in the environmental line, she recently went on a long hike along the Mechums River with a landowner who had trails. She said that during the hike, she witnessed the severe scouring that was occurring in the river. She said that she also learned a new term called headward migration, which occurred downstream where the water was lowered in elevation, causing a steep drop from the river to the new lower level. She said that this resulted in roiling and erosion that worked its way upstream.

Ms. Mallek said that she recalled visiting David Slutzky's stream mitigation banks and observing the untreated part of Ivy Creek, which featured a 15-foot vertical drop. She said that this had not been addressed. She said that she asked a scientist accompanying them if the 2002-2004 reservoir low could have started this process, and he confirmed that it was a perfect example of how elevation change occurred. She said that this highlighted the importance of being aware of the potential consequences of their actions in their waterways, whether it was preventing problems or remediating existing ones.

Ms. McKeel asked Ms. Mallek to repeat what the new term was.

Ms. Mallek said that there were several terms, including headward migration, headward erosion, or head cutting. She said that it had been 22 years since the drought, and it had had its way, possibly to make its way all the way up past the Three Rivers Junction and into the Mechums.

Ms. Mallek said that they would all be charging on to keep writing their General Assembly members seeking support or opposition to various bills that they were all dealing with. She said that she wanted to express her gratitude for their assistance with this. She said that the local government day was tomorrow afternoon, and people would be gathering in Richmond for the VACo (Virginia Association of Counties) meeting and then descending on the General Assembly to track people down.

Mr. Andrews said that on the subject of waterways, he wanted to bring attention to the Batesville community, which had come together in response to the Batesville floods. He said that the community was organizing a conversation for the next evening, from 7:00 p.m. to 8:30 p.m., at the Batesville Methodist Church. He said that the event would include discussions with County Emergency Management, Fire Rescue, and Environmental Services personnel. He said that they would be talking to the community after a potluck at 6:00 p.m.

Ms. Mallek said that she wanted to share the great news about Billy Wagner, an Albemarle County landowner who had been inducted into the Baseball Hall of Fame. She said that Mr. Wagner was a very challenging pitcher and resided in the White Hall District. She said that he had coached and developed the baseball program at Miller School with great success.

Agenda Item No. 6. Proclamations and Recognitions.

There were none.

Agenda Item No. 7. Public Comment on: Matters Previously Considered or Currently Pending Before the Board (Other than Scheduled Public Hearings).

Ms. Suzanne Keller, also known as Anna Keller, Scottsville District, said that she lived at Cavalier Crossing, a housing complex located off 5th Street Extended. She said that as a low-income resident, she was part of a community that was predominantly extremely low-income, similar to herself. She said that it may be known that this housing complex has been purchased by an investment firm, which plans to evict the current residents by the end of July to convert it into luxury apartments.

Ms. Keller said that the complex currently has 144 units, each with 3 to 4 rooms, and the rent per room ranges from \$500 to \$600 per month. She said that at full capacity, it can accommodate approximately 400 people, although it is currently underutilized. She said that even with a reduced occupancy of 100 to 200 residents, this will still result in a significant influx of low-income individuals seeking housing in July. She said that as someone on Social Security with an annual income of about \$15,000, she was concerned about how the Albemarle and Charlottesville area will accommodate this surge in low-income residents. She urged the Board to consider this when evaluating the affordable housing trust fund.

Ms. Vikki Bravo said that she was representing IMPACT (Interfaith Movement Promoting Action by Congregations Together), their local interfaith community organization comprising 25 various faith organizations working on community problems. She said that they had been discussing affordable housing with the Board for several years, particularly regarding the establishment of an affordable housing trust fund, which was voted in as part of the new housing policy in 2021, contingent on passing the developer incentives.

Ms. Bravo said that they were aware that the developer incentives had been passed, and now they were seeking the Board's support to initiate the affordable housing trust fund, funded at \$10 million annually, with a focus on prioritizing individuals at 60% area median income (AMI), approximately

\$75,000 and below. She said that they were well aware of the severity of this issue, so she would not delve into that further, except to note that, according to the County website, over 10,000 homeowners and renters in the County were currently struggling to find affordable housing.

Ms. Bravo said that what she would like to emphasize was that over 700 communities across the country had established affordable housing trust funds, with cities and counties leveraging an average of \$8 for every \$1 spent from the trust fund. She said that this meant that for every dollar invested, the County could secure an additional \$8 from other sources, which would not be available without the trust fund. She said that the longer they waited to establish the trust fund, the longer they would miss out on this opportunity to leverage additional funding. She said that the number of children in the County without secure housing was enough to fill a middle school.

Ms. Stuart Overbey, Samuel Miller District, said that she was part of the grassroots group Don't Spread on Me, based in southern Albemarle. She said that she was here today to discuss the AC44 Environmental Stewardship chapter. She said that the handout was a copy of her comments, which she had also emailed to the Board, so they could access them electronically. She said that the handout includes specific recommendations and requests for language to be added to the AC44. Before they dive into that, she would like to highlight some recent news.

Ms. Overbey said that on January 14, the Environmental Protection Agency (EPA) released a 300-page report admitting that PFAS (per- and polyfluoroalkyl substances) chemicals in sewage sludge, used as fertilizer on farmland, pose serious health risks to farmers who have used it and to people living nearby. The EPA also provided fact sheets for farmers and the general public, recommending that they contact their state environmental agency or a County government to learn about its efforts to address PFAS including in wastewater and biosolids. Many wastewater systems have not yet collected sewage sludge monitoring data for PFOA (Perfluorooctanoic Acid) and PFOS (Perfluorooctane Sulfonic Acid), so these other resources may be more informative.

Ms. Overbey said that her question for the Board today is: what will you say to residents when they ask what you are doing about PFAS-contaminated biosolids, as recommended by the EPA? She said that telling them there was nothing they can do is not true. She said that there are several steps the Board can take. She said that they can direct staff to create a report on biosolids, adopt an ordinance, as 17 other Virginia counties have done, to regulate, test, and monitor the land application of sewage sludge. She said that they can also add language to the AC44 to guide local government response to this situation.

Ms. Overbey said that they have outlined four specific actions, and they hope the Board will consider one or more of them, and they would love to discuss more about them with the Board. She said that finally, they can direct the County Attorney's office to revisit its assessment of the biosolids ordinance issue from 2011. She said that in light of the new information about PFAS, there were several additional factors for consideration, including one, the potential cost to the County of doing nothing, such as the potential for lawsuits; two, the biosolids ordinance from Rappahannock County could serve as a model for their own ordinance; and three, any other actions the County could take legally to support individuals who may have been exposed and to prevent future exposure.

Ms. Sophie Massie, Samuel Miller District, said that she would like to reiterate Ms. Overbey's points, particularly the need for an updated staff report. She said that she believed it would be beneficial for them to be proactive in their outreach and education on biosolids, as many people in this community are unaware of PFAS or biosolids. She said that this was not because it did not happen here; it was a widespread issue, particularly in southern Albemarle, where she lived.

Ms. Massie said that she thought the County did a fantastic job of outreach with Public Service Announcements (PSAs) about driving in snow and other safety issues. She said that this was a significant safety issue that they could be reaching out to people on, especially since the EPA was now directing people to reach out to their local governments for advice. She said that she was particularly concerned about outreach to individuals who live on or near land that has been treated with biosolids, as well as those who may be at risk due to proximity to contaminated sites, such as the airport or decommissioned landfill.

Ms. Massie said that PFAS bioaccumulates, and individuals with both biosolids and these sites would be at added risk. She said that she was impressed by the County's proactive approach to treating municipal drinking water for PFAS using Granular Activated Carbon (GAC) filters, which was done before the EPA's requirement. She said that this was a wonderful example of proactive measures, and she appreciated that residents on municipal water enjoyed clean water.

Ms. Massie said that many residents in this County relied on private water sources, and even with proactive testing programs, PFAS were not routinely tested for. She said that she believed they should be educating the public on available options, as the EPA was directing people to come to local governments for advice. She said that she was not concerned for those living in town or in Scottsville, who were on municipal water, but she was deeply concerned about those on well water because rural residents deserved clean water as well.

Ms. Mallek **moved** to approve the consent agenda. Ms. LaPisto-Kirtley **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, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

Item No. 8.1. Personnel Policy Amendments.

The Executive Summary forwarded to the Board states that foundational work in establishing a government-focused HR Department includes a full review and revision of all County Personnel Policies, which is underway. During this review, staff identified opportunities to modernize existing Personnel Policies to align with changes in legislation and public sector best practices.

Under the County Code, personnel policies and amendments are adopted by the Board of Supervisors.

Staff is proposing updates to the Personnel Policies listed below with a summary of the proposed changes for each. The revised policies have been renumbered to improve ease of use and accessibility for all staff. The personnel policies utilize a new template in an effort to standardize the appearance of the documents.

§P-36 Reduction in Force

Previously § P-30 Employee Reduction in Force (Attachment A), the proposed changes add sections for Roles and Responsibilities and Definitions; clarify decision authority for vacant position elimination and filled position elimination; provide that position elimination cannot be used as discipline or for performance management; added a separation pay benefit for part-time regular employees; and provide that employees do not receive separation benefits if they are placed in an alternative position.

The following personnel policies are no longer relevant and proposed to be archived, as explained below.

§P-38 Athletic Coaches

Archive P-38. This policy specifies that Athletic Coaches are volunteers. The County currently manages athletic coach staffing for parks and recreation programs and middle school athletics. Employment categorization for the coaches is already established in policy P-17 Classification and Compensation. Therefore, P-38 is redundant and unnecessary. P-17 states: *“Unclassified Positions - Unclassified positions, for the purpose of compensation and benefits, are not subject to the County Pay Plan, unless otherwise specifically indicated by resolution of the Board of Supervisors. The following positions are unclassified:*

**Volunteer and internship personnel, to include those receiving honorarium payments, such as Athletic Coaches.”*

§P-41 Release Time for Advance Study

Archive P-41. This policy allows employees to take classes pursuing optional advanced degrees in lieu of performing work for the County through a reduction in scheduled work hours, thereby resulting in service level and productivity reductions or incurring overtime to cover the work utilizing other staff. The provisions in this policy are not in alignment with local government operations. The policy was adopted in 1996 to assist the school division with recruiting educators, who are required to hold an advanced degree and can begin working without the degree and teaching certification. Currently, Social Workers (DSS) are the only local government employees required to hold an advanced degree. This is a state requirement and the degree must be obtained prior to beginning employment. Therefore, P-41 is unnecessary.

There is no budget impact associated with the proposed adoption of these amendments.

Staff recommends that the Board adopt the Resolution (Attachment B), to amend personnel policy § P-36 and archive policies § P-38, § P-41.

By the above-recorded vote, the Board adopted the Resolution (Attachment B), to amend personnel policy § P-36 and archive policies § P-38, § P-41:

RESOLUTION

WHEREAS, the Board of Supervisors may adopt Personnel Policies under Albemarle County Code §2-901; and

WHEREAS, the Board desires to amend and re-number: Policy §P-30 Employee Reduction in Force as §P-36 Reduction in Force, and desires to archive §P-38 Athletic Coaches and §P-41 Release Time for Advanced Study.

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors of Albemarle County, Virginia, hereby approves the renumbering, amendment, and archiving of the County's Personnel Policies as set forth in the documents attached hereto.

* * * * *

	<u>P - \$36.0</u>	<u>Policy Name:</u> Reduction in Force	<u>Approved Date:</u> January 22, 2025
	<u>Prepared By:</u> Human Resources		<u>Adopted Date:</u> August 7, 1996
	<u>Amended Date:</u> March 3, 2010		

A. PURPOSE

To establish guidelines for ensuring non-discriminatory practices during implementation of a reduction in the workforce that results in position elimination.

B. DEFINITIONS

Former position – Position held by the employee just prior to layoff.

Job Family – A group of related positions, grouped by function, that share similar skills, knowledge, responsibilities, and career path.

Layoff – A temporary or permanent elimination of a position that is unrelated to performance.

Reduction in Force – A reduction in force (RIF) occurs when a position is eliminated with no intention of replacing it and results in a permanent cut in headcount. This can be achieved through attrition, early retirement package offers, or layoffs.

Regular employee – permanent full-time or part-time employee who has successfully completed the initial probationary period as a new hire.

Seniority – The continuous length of time an employee has worked in the job family.

C. ROLES AND RESPONSIBILITIES

County Executive – the County Executive holds decision authority for implementing a reduction in force that results in the layoff of a regular employee. Authority to eliminate vacant positions may be delegated to the Executive Leadership Team and Director of Human Resources jointly.

Department Head - responsible for identifying opportunities to improve efficiency and service, while eliminating underutilization of resources. Department heads are responsible for

collaborating with Human Resources and their portfolio lead to determine the highest and best use of personnel resources in their department. Department Heads will assist with the coordination of the layoff process, as required.

Human Resources – responsible for assessing on job-related objective criteria for layoffs, facilitating internal placement assessments, administering severance payouts, assisting departments with employee communications, and ensuring compliance with Federal and State laws.

D. POLICY

Occasionally, the County may need to invoke a reduction-in-force to ensure appropriate stewardship of resources. Position eliminations may occur when work functions are cut, reduced, or reassigned to meet organizational needs. These decisions are not made lightly and are conducted in a fair manner, while ensuring that the highest standards of service and efficiency are upheld for the community.

- The reasons for a reduction in force include, but are not limited to, the following: a general downsizing of the total organizational headcount; technological advancements; a change in the organizational structure of the given department due to work redundancies or improved efficiency; the changing service or program needs of the community; budget or economic drivers.
- Department of Social Services employees will follow the State's (DHRM) Lay Off Policy 1.30.
- Reduction in force cannot be used as a form of discipline or for performance management.
- Position elimination must be approved by the Director of Human Resources and the Executive Leadership Team.

The following procedures shall be applied when a reduction in force becomes necessary for the elimination of any full-time or part-time, regular employees of the County:

1. Employee Notification

- Affected employees will be notified in writing at least 60 calendar days prior to the effective date that the position is eliminated. The employee(s) will have the opportunity to discuss the notice with the Director of Human Resources/ designee and the respective department head.

- Affected employee(s) will be notified of their anticipated separation pay and impact to benefits within 5 business days of receiving the Reduction in Force notification.
- A Human Resources staff person will meet with employee(s) in the affected positions to conduct an assessment of knowledge, skills, abilities, and interests to begin work in identifying possible alternative position placements.

2. Reduction Criteria and Process

- Alternative placement, freezing of vacant positions, early retirement options, and other viable solutions will be considered prior to implementing a layoff.
- When more than one employee occupies the same position and not all of the positions are being eliminated, the employees' level of training, skill, experience, seniority in the job family, and transferrable skills within the County will be considered in determining which employee(s) will be retained.
- Job performance will only be used as a decision factor when all other determining factors are equal between employees.

3. Reassignment and Recall

- A member of the Human Resources Department will meet with employees in positions identified to be eliminated to determine their skills, experience, education, training and interests in order to identify other positions in the County for which they may qualify, or for which retraining is feasible. Every reasonable effort will be made to place an affected employee in a vacant position for which they may qualify.
- In lieu of being laid off, full-time employees may be eligible to assume vacant positions within the same or lower pay classifications provided they hold appropriate qualifications or have had previous successful experience in the particular position. An employee reassigned to a position in a lower pay grade pursuant to this policy will be bound by the provisions of policy §P- 17 Classification and Compensation and §P- 18 Pay Administration.
- Employees receiving a layoff will be placed on a recall list that will remain effective until the end of the fiscal year. If a position becomes available during that period, and the employee is qualified to fill that position, the employee will be notified in writing and proceed directly to the interview screening. Former employees are not guaranteed to be hired into the vacant position, but will be placed as finalists, at minimum. After the period on the recall list has expired, the former employee may apply or reactivate their application for any vacant position for which they are qualified.

4. Separation Benefits

Regular employees will receive the following separation benefits to assist them in their transition from County employment. Payment will be issued only if they have not been placed in another vacant position prior to the elimination of their current position. Unless otherwise specified, an employee who declines a reassignment to another vacant position prior to the effective date of the reduction shall not be entitled to separation benefits. If an employee receiving separation benefits is rehired by the County, they will be under no obligation to repay those funds.

- a. Separation Pay. Pay will be calculated at the employee’s regular rate of pay at the time of the reduction-in-force, based on the length of service and the schedule provided below. “Length of service” shall mean years of continuous service, including any approved leave of absence, as a regular employee in the employee’s current position and in any prior position within the same job family, as a regular employee.

Length of Service:	Separation Pay Period:
Full- time: Less than two years	Two weeks of pay
Full- time: Two years and above	One week of pay for every full year of service, up to a maximum of 12 weeks
All regular part-time	One week of pay for every full year of service, up to a maximum of 6 weeks

- b. Continued Insurance Contributions. The County contribution for medical and dental insurance coverage will continue for the duration of the separation pay period for laid-off employees who were enrolled in those plans at the time of the reduction. Upon completion of the separation pay period, the employee may elect to continue coverage under COBRA.

Item No. 8.2. Letter of Support of MERIT Technical Assistance Grant from the Virginia Department of Rail and Public Transportation.

The Executive Summary forwarded to the Board states that the newly-activated Charlottesville Albemarle Regional Transit Authority (CARTA), staffed by the Thomas Jefferson Planning District Commission (TJPDC), is working toward providing high quality transit services in the region. In November 2022, regional transit partners completed a study which developed a clear vision for the future of high-quality regional transit resulting in the Regional Transit Vision Plan. The Regional Transit Vision Plan identified transit service opportunities, recommended a review of governance structures to promote regional transit systems, recommended engagement with local governments on corridors and services to champion, supported work on transit orientated development principles, and recommended service extensions and frequency improvements in key corridors. As a next step, the regional transit partners considered governance structures and pursued the activation of the regional transit authority previously created by the General Assembly. At the end of 2024, both the City of Charlottesville and Albemarle County joined CARTA, a key recommendation of both the Regional Transit Vision Plan and the Transit Governance Study.

Following the activation of CARTA, the next step is to develop priorities and strategies for the implementation of the Regional Transit Vision Plan. The TJPDC is making an application to the Virginia Department of Rail and Public Transportation for a MERIT (Making Efficient and Responsible Investments in Transit) Technical Assistance Grant on behalf of CARTA. The grant would be used to explore priorities

and feasibility of transit service improvement. The Service Prioritization and Feasibility Study would guide regional transit planning and development in the region over the next ten years. As CARTA works with partners to meet existing riders and community goals for improved service, it is essential to generate a new term regional transit plan to prioritize and guide transit expansion.

The local match from Albemarle required for the grant is \$50,000. This funding is recommended to be provided from the FY 25 Reserve for Contingencies, which is a reserve budgeted for unanticipated priority needs that may arise during the fiscal year. If the grant were awarded, staff would request that the Board appropriate these funds at a future Board meeting.

Staff recommends that the Board support the TJPDC's application for the MERIT Grant by authorizing the County Executive to sign a letter of support substantially similar to Attachment A.

By the above-recorded vote, the Board supported the TJPDC's application for the MERIT Grant by authorizing the County Executive to sign a letter of support substantially similar to Attachment A:



County of Albemarle
County Executive Office

Tel: 434-296-5841
Fax: 434-296-5800

January 29, 2025

Tiffany Robinson, Director
Virginia Department of Rail and Public Transportation
600 East Main Street, Suite 2102
Richmond, VA 23219

Dear Director Robinson:

On behalf of the Albemarle County Board of Supervisors, I am writing to express support for the Thomas Jefferson Planning District Commission's (TJPDC) application for funding through the Virginia Department of Rail and Public Transportation MERIT (Making Efficient and Responsible Investments in Transit) Technical Assistance Grant to conduct a regional transit service prioritization and implementation study for the services outlined in the Regional Transit Vision Plan.

As demonstrated by support for the Albemarle County Transit Expansion study, subsequent demonstration grant application, matching support for the Regional Transit Vision Plan, and the Regional Transit Governance Study, the County is enthusiastic about opportunities to expand public transit services in the Thomas Jefferson Planning District. As recommended by the Regional Transit Governance Study, Albemarle County and the City of Charlottesville activated and joined the Charlottesville Area Regional Transit Authority (CARTA) in order to continue efforts to improve regional public transportation services.

The County of Albemarle has actively contributed to the planning efforts leading up to this grant application and is committed to continuing to support regional transit planning through CARTA. A regional service prioritization and implementation plan will guide the expansion of transit services and improve conditions for Albemarle County residents, businesses, and landowners.

Albemarle County is pledging up to \$50,000 in matching funds towards the \$200,000 budget estimated for this project. TJPDC will provide staff support to manage the project.

We anticipate that the results of this study will guide our community to develop a regional implementation plan to coordinate and support transit expansion. The Albemarle County Board of Supervisors is pleased to offer its ongoing support for this application to conduct a regional transit service prioritization and implementation study.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff B. Richardson".

Jeffrey B. Richardson
County Executive

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401 McIntire Road, Suite 228 | Charlottesville, VA 22902-4579

Item No. 8.3. Resolution Approving the Scheduling of a Public Hearing for a Proposed ACSA Sewer Easement on County Property Parcel ID 046B5-00-00-001C0.

The Executive Summary forwarded to the Board states that Parcel ID 046B5-00-00-001C0,

zoned Planned Unit Development (PUD), was dedicated to the County pursuant to proffers accepted with Forest Lakes (ZMA199600012). Previously, the extension of Archer Avenue from Brookhill to Ashwood Boulevard and associated easements were authorized on this parcel. The developer of Archer North, located north of Ashwood Boulevard, has submitted a subdivision application (SUB202400142) involving a proposed sewer easement across Parcel ID 046B5-00-00-001C0.

Virginia Code § 15.2-1800 requires a public hearing prior to the conveyance of most County-owned property, including this proposed easement. A proposed easement plat has been submitted (Attachment A) to request an Albemarle County Service Authority (ACSA) sewer easement on County-owned Parcel ID 046B5-00-00-001C0, which would allow an extension of sewer from Forest Lakes South to serve Archer North.

Prior to the proposed public hearing, staff will determine the fair market value at which the easement would be conveyed.

Staff recommends that the Board of Supervisors adopt the proposed resolution (Attachment B) to authorize a public hearing on this proposed conveyance.

By the above-recorded vote, the Board adopted adopt the proposed Resolution (Attachment B) to authorize the Clerk to schedule a public hearing on this proposed conveyance:

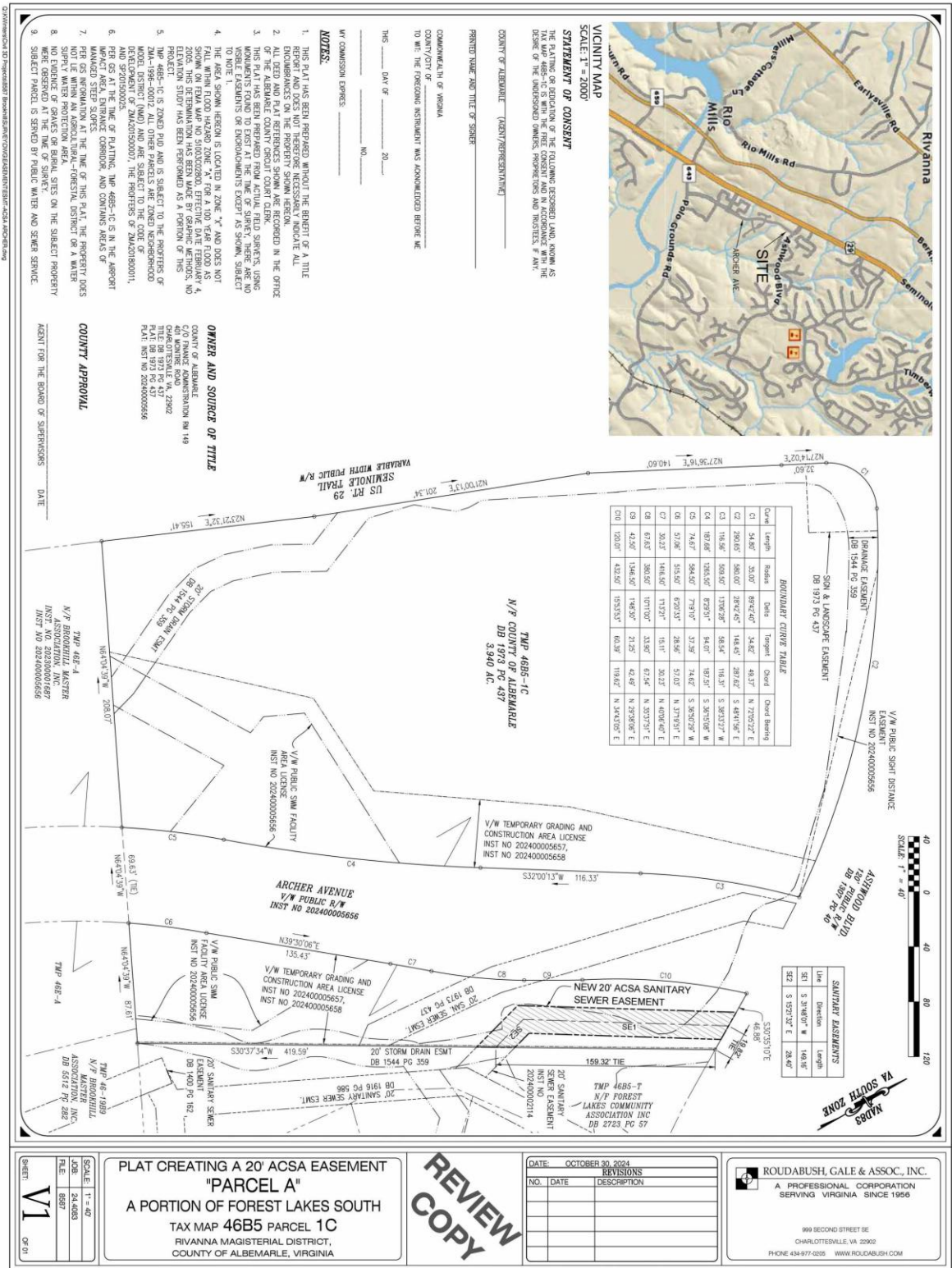
RESOLUTION APPROVING THE SCHEDULING OF A PUBLIC HEARING ON THE PROPOSED CONVEYANCE OF A SEWER EASEMENT ACROSS COUNTY-OWNED PARCEL 046B5-00-00-001C0

WHEREAS, the County owns Parcel 046B5-00-00-001C0 adjacent to Archer Avenue and Ashwood Blvd;

WHEREAS, the developer of Archer North, is seeking a sanitary sewer easement across Parcel ID 046B5-00-00-001C0

WHEREAS, *Virginia Code* § 15.2-1800 requires a public hearing prior to the conveyance of this interest in County-owned real property;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the scheduling of a public hearing on this proposed conveyance.



Item No. 8.4. Resolution of Intent - ZTA 2024-02 Data Centers.

The Executive Summary forwarded to the Board states that data centers of unlimited size are currently permitted by right in industrial districts, and by special use permit in the C-1 Commercial and Commercial Office (CO) districts, among others. Data centers of up to 4,000 square feet are currently permitted by right in Highway Commercial (HC), Planned Development Shopping Center (PDSC), and Planned Development Mixed Commercial (PDMC) districts. Data centers of over 4,000 square feet are currently permitted by special exception in these districts.

Data centers are an emerging industry with unique impacts, including energy demand and associated infrastructure, sound, water consumption, and visual impacts, among others. To better address these impacts, staff is proposing to process two zoning text amendments. The first of these amendments would make data centers over a minimum size permitted by special use permit with possible limited performance standards.

Following adoption of this first zoning text amendment, staff would more thoroughly research the impacts of data centers and best practices to address these impacts. During the development of the second zoning text amendment, staff would engage the community, possibly including formal and informal contact, workshops, informational meetings, and Planning Commission work session(s).

Due to the limited scope of the first amendment and plans for a more extensive second amendment to follow, staff is proposing to move forward with proposed language and hold a public

hearing with the Planning Commission in February 2025. A public hearing with the Board of Supervisors is proposed for April 2025.

No budget impact is anticipated.

Staff recommends that the Board adopt the attached Resolution of Intent (Attachment A) for an initial zoning text amendment to better address data centers.

By the above-recorded vote, the Board adopted the attached Resolution of Intent (Attachment A) for an initial zoning text amendment to better address data centers:

**RESOLUTION OF INTENT
ZONING TEXT AMENDMENT
DATA CENTERS**

WHEREAS, the Albemarle County Code allows data centers of unlimited size by-right in the Light Industry, Heavy Industry, and Planned Development Industrial Park districts and by special use permit in the C-1 Commercial and Commercial Office districts, among others;

WHEREAS, the Albemarle County Code allows data centers of up to 4,000 square feet by-right, and over 4,000 square feet by special exception, in the Highway Commercial, Planned Development Shopping Center, and Planned Development Mixed Commercial districts;

WHEREAS, data centers may have unique impacts, including energy demands, sound, water consumption, and visual impacts, among others; and

WHEREAS, the Albemarle County Code Board of Supervisors desires to consider regulations that would better address the impacts of data centers;

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code § 18-3.1, § 18-4.14, § 18-20B, § 18-22, § 18-23, § 18-24, § 18-25, § 18-25A, § 18-26, § 18-27, § 18-28, § 18-29, and any other section(s) of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein.

Item No. 8.5. SE202400030 Pantops Overlook Stepback Waiver.

The Executive Summary forwarded to the Board states that the applicant requests a special exception to waive the minimum 15-foot stepback required by County Code § 18-4.20 (a) for a proposed four-story, 48-foot- tall hotel. Under County Code § 18-4.20, for each story that begins above 40 feet in height or for each story above the third story, whichever is less, the minimum stepback shall be 15 feet. The proposed special exception would waive the stepback requirement of 15 feet for the proposed hotel, which would be located approximately 150 feet from Richmond Road/Route 250.

Staff Analysis is provided as Attachment B.

Staff recommends that the Board adopt the attached Resolution (Attachment C) to approve a special exception to waive the 15-foot stepback requirement for the proposed hotel.

By the above-recorded vote, the Board adopted the attached Resolution (Attachment C) to approve a special exception to waive the 15-foot stepback requirement for the proposed hotel:

**RESOLUTION TO APPROVE SE2024-00030
PANTOPS OVERLOOK STEPBACK WAIVER**

WHEREAS, upon consideration of the staff report prepared for SE2024-00030 Pantops Overlook Stepback Waiver and the attachments thereto, including staff's supporting analysis, any comments received, and all relevant factors in Albemarle County Code §§ 18-4.20(a)(4) and 18-33.9, the Albemarle County Board of Supervisors hereby finds that the proposed waiver would be consistent with the intent of the underlying zoning districts and the Neighborhood Model Principles of the Comprehensive Plan, including the criteria contained in land use recommendations from the Pantops Master Plan and the relevant Neighborhood Model Principles contained in the Albemarle County Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves a special exception to waive the 15-foot stepback requirement of County Code § 18-4.20(a)(4) on Parcels 07800-00-00-013A0 and 07800-00-00-073A7.

Item No. 8.6. Resolution Changing the Start Time of the February 5, 2025, Meeting of the Albemarle County Board of Supervisors.

By the above recorded vote, the Board adopted the Resolution Changing the Start Time of the February 5, 2025, Meeting of the Albemarle County Board of Supervisors (Attachment A):

RESOLUTION CHANGING THE START TIME OF THE FEBRUARY 5, 2025 MEETING OF THE ALBEMARLE COUNTY BOARD OF SUPERVISORS

WHEREAS, *Virginia Code* § 15.2-1416 requires that the Board of Supervisors meet at such days, times and place as may be established by the Board at its organizational meeting, provided that it hold at least six meetings per fiscal year;

WHEREAS, *Virginia Code* § 15.2-1416 further requires that if the Board subsequently prescribes any public place other than the initial public meeting place, or any day or time other than that initially established, as a meeting day, place or time, the Board shall pass a resolution as to such future meeting day, place or time;

WHEREAS, according to its January 8, 2025 resolution, the Board established its regular meeting schedule for the period of January 2025 through January 2026;

WHEREAS, such resolution generally provides that the Board will hold regular meetings on the first and third Wednesdays of each month, starting at 1:00 p.m.; and

WHEREAS, the Board has determined to defer the start of its February 5, 2025 meeting from 1:00 p.m. to 5:00 p.m.;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia that its regularly scheduled meeting on February 5, 2025, in the Auditorium of the County Office Building, 401 McIntire Road, Charlottesville, Virginia, will start at 5:00 p.m.; and that the Clerk of the Board is directed to post an attested copy of this resolution at such location where official notices are posted and to take such further actions as deemed appropriate to give notice of this change.

Item No. 8.7. Rivanna Water and Sewer Authority (RWSA) Quarterly Report, ***was received for information.***

Item No. 8.8. Albemarle County Service Authority (ACSA) Quarterly Report, ***was received for information.***

Agenda Item No. 9. Work Session: AC44: Environmental Stewardship Chapter.

The Executive Summary forwarded to the Board states that Albemarle County is updating the Comprehensive Plan through the Albemarle County 2044 (AC44) project. The project is in Phase 3: drafting language for the four-part Comprehensive Plan document and developing Plan actions.

The draft language for the Part III - Environmental Stewardship chapter in Attachment B is built upon community input and reflects the Planning Commission's and Board's feedback.

One of the prominent topics for Environmental Stewardship is water quality. The County's Stream Health Initiative (SHI) provides recommendations to improve water quality and protect the natural environment. In the Rural Area, water quality protection includes land conservation and protecting and restoring riparian stream buffers.

Stormwater management is required for permitted development throughout the County, and is especially important in the Development Areas, where the majority of the county's development occurs, and impervious surfaces are more prevalent. There are multiple options for meeting stormwater management requirements, including both on and offsite.

Onsite stormwater management practices capture and filter rainwater on a property using runoff diversion and stormwater retention facilities where runoff and sediment is captured and filtered by the soil. Offsite, the Virginia Department of Environmental Quality (DEQ) uses nutrient credits to quantify improvements affecting water quality. The nutrient credit system allows developers to purchase credits from other properties within the same watershed to balance areas of higher sediment and pollution with areas of higher water quality treatment and manage the cumulative amount of runoff and discharge.

The County also seeks to maintain and support biodiversity, which refers to the diverse communities of plants and animals. The County's Biodiversity Action Plan provides guidance for protecting native species and natural habitat, which includes preservation of large forest blocks and restoring streams.

Recommendations related to climate action and community resilience are incorporated throughout the Comprehensive Plan, most specifically in the forthcoming Resilient Community chapter. The Environmental Stewardship chapter is also strongly tied to the County's Climate Action Plan and the resilience plan (Resilient Together) which is currently being implemented.

For reference, a summary of previous Planning Commission and Board of Supervisors feedback on Environmental Stewardship is provided as Attachment D. Community input themes associated with Environmental Stewardship are summarized in Attachment C.

An updated AC44 outline is provided as Attachment A. As a reminder, the topics within the red box will be the focus of today's work session. This work session focuses on proposed comprehensive plan language within Attachment B, specifically:

- Does the Board support prioritizing the implementation of incentives for low impact development (LID) for stormwater management, as depicted in Objective 2?
- Should the actions include more measures for biodiversity protection or related demonstration projects on County-owned lands?
- Do the actions for objectives 1 and 3 sufficiently address the protection of public water supplies and groundwater supplies?
- Are there any topics (especially within the narrative) and/or actions that need additional context or explanation?

There is no budget impact associated with this agenda item.

Staff requests the Board of Supervisors review and provide feedback on draft Environmental Stewardship Actions.

Ms. Tonya Swartzendruber, Planning Manager, said that today, she would like to discuss the AC44 Comprehensive Plan and the Environmental Stewardship Chapter. She said that they would review the environmental stewardship feedback received from the PC (Planning Commission) in December, examine the community input themes, review the objectives and discussion topics, then review the upcoming schedule for the following chapters. She said that before the Board were the direction topics that were provided in the packet, as well as the presentation that was sent earlier, for their reference.

Ms. Swartzendruber said that the PC had a few comments on their presentation from a month and a half ago, suggesting that staff incorporate macro-level biodiversity impacts and use data and targets to measure progress for biodiversity protection, including heat maps. She said that the PC also recommended considering a fire hazard overlay, similar to how the flood hazard overlay currently functions.

Ms. Swartzendruber said that their community input themes, grouped into categories, had primarily focused on protecting waterways and improving water quality, as well as protecting biodiversity and ecosystems and improving habitat connectivity. She said that through the public process and with the Boards input and the PC's input, they had developed an environmental stewardship goal that addresses healthy, thriving, resilient ecosystems, prioritized connected habitats and natural carbon sinks, and valued the natural environment for its inherent beauty and benefits to local animals and plants.

Ms. Swartzendruber said that the objectives and actions listed on the slide were outlined in the packet and addressed the same topics they had heard from the community, the PC, and the Board. She said that they had made a few changes from the 2015 plan, updating the goals and objectives to reflect current community input, focusing on clean and healthy waterways, drinking water protection, biodiversity, and natural hazard mitigation. She said that they had also incorporated the updated County plans, including the Biodiversity Action Plan (BAP) and the Stream Health Initiative. She said that Scott Clark would talk about that in a few moments.

Ms. Swartzendruber said that the summary of their input, which they had heard previously, was displayed on the screen. She said that the Board had supported the use of a Biodiversity Action Plan to evaluate applications and potential impacts, as well as increased groundwater protections and programs, and financial assistance to address failing septic systems. She said that the Board also had recommended improving requirements for tree coverage and tree replacement, which had been incorporated into the chapter on Development Areas Land Use. She said that the Board had suggested implementing more effective lighting requirements to protect dark skies while ensuring the safety of their community members.

Ms. Swartzendruber said that she would now let Mr. Clark proceed with the related chapters and take them through the rest of the presentation. She said that she would be happy to answer any questions and review the schedule in a few moments.

Mr. Scott Clark, Conservation Program Manager, said that this slide reviewed what was included in this chapter and what was not. He said that they would see that this chapter focused on water supply protection, water quality, biodiversity, and natural systems. He said that environmental stewardship encompassed a broader scope, and several other topics were addressed elsewhere in the plan. He said for example, climate matters such as emissions reductions were addressed throughout multiple chapters. He said that the resiliency issue was addressed in the Resilient Community chapter, while land conservation was primarily covered in the Rural Area Land Use chapter.

Mr. Scott said that the focus here was on water and biodiversity. He said that as Ms. Swartzendruber had mentioned, they had incorporated recommendations from the Stream Health Initiative and the BAP into the drafting of this chapter. He said that he would review that in the next few slides.

Mr. Clark said that the Stream Health Initiative had its roots in a long history of water resource protection in the County, dating back to the 1970s. In 2017, the Board had directed staff to develop strategies for improving stream health throughout the County. He said that the initiative consisted of two phases: one focused on development-related issues and the other on Rural Area issues, with a large stakeholder review and public input process. He said that the resulting 14 recommended programs were presented to the Board in 2021.

Mr. Clark said that the next two slides demonstrated how these 14 program recommendations were reflected in this chapter or elsewhere. He said that most of them were incorporated as individual actions under the objectives that Ms. Swartzendruber had presented earlier. He said that they had also added back the watershed education action that was inadvertently removed during recent edits. He said that he would like to bring up item number 11, which was the low-impact development item. He said that as a refresher, these were water quality protection processes in development that aimed to mimic natural processes and minimize the impact of development on downstream water resources.

Mr. Clark said that additionally, they had attempted to follow the recommendations of the BAP in drafting the related actions for this chapter. He said that to provide context, the Action Plan was developed during the 1996-1998 Comprehensive Plan process, which led to the creation of the Natural Heritage Committee and the development of a biodiversity protection plan. He said that the work group was established in 2004 to set up that process, and the committee was created in 2005.

Mr. Clark said that the BAP was completed in 2018 by the Natural Heritage Committee and by previous program managers, and some of its key recommendations were adopted into the existing Natural Resources chapter of the 2015 Comprehensive Plan in 2019. He said that the slide showed how the recommendations are reflected in the current draft chapter. He said that the BAP itself contained 60-70 individual recommendations for actions that might be taken, and that the nine priority recommendations identified in the BAP Executive Summary, which are reflected in either this chapter or the Development Area Land Use chapter.

Mr. Clark said that the map shown on the slide was one of the products of the BAP, specifically the conservation focus areas, which was intended to guide the first five years of implementation. He said that the focus areas included the northwestern portion of the County, the southwestern area around Herds Mountain and Green Mountain, and the main stem and tributaries of the Rivanna.

Ms. Swartzendruber said that the slide showed the schedule for the next 1.5 months, and that today they would cover Environmental Stewardship. She said that on February 12 they would review the revisions made to the chapters they already reviewed, which included the Development Areas Land Use chapter, the Rural Area Land Use Chapter, and the Growth Management Policy. She said that Parks and Recreation would be presented to the PC next week and to the Board on February 19.

Ms. Swartzendruber said that the quarterly community check-in would be held at COB-McIntire on January 29 from 6 p.m. to 8 p.m. to discuss the Environmental Stewardship chapter and Parks and Recreation chapter. She said there would be a virtual option available for that meeting.

Ms. Swartzendruber displayed the website address that included the most updated chapters and provided opportunities to sign up for emails and newsletters and to provide feedback.

Mr. Andrews said that he suggested taking these items one at a time and then reviewing the overall actions as they appeared on this list.

Ms. Swartzendruber said that it was up to the Board, but she agreed that they could start with those.

Mr. Andrews said that approach should work, and they could begin with implementation incentives for low-impact development for stormwater management.

Mr. Pruitt said that he wanted to clarify whether they were dedicating a full round to the first bullet point, followed by a full round for the second bullet point. He said that he appreciated the section of the presentation that explained what this was, as he was unfamiliar with it beforehand and had starred it. He said that he did not have any issues with prioritizing or incentivizing this.

Mr. Pruitt said that in the current language of Action 2.1, they used "allow," "encourage," or "require." He said that "allow" seemed like a reasonable baseline, as it did not violate building codes. He said that to "encourage" was what they typically strived for. He said that however, the use of "require" gave him some pause, as it differed from the original bullet point, but it was included in the draft they were provided with. He said that although he appreciated the "or" there, he said that he was concerned that it could be misinterpreted in the future, potentially leading to unintended consequences. He said that nevertheless, he did not have any issues with the current wording, and he would reserve the rest of his time.

Ms. LaPisto-Kirtley said that she agreed with the wording and was in favor of the proposal. She said that she did not have any concerns regarding the first point.

Ms. McKeel said that for clarity, they would review the four bullets.

Mr. Andrews said that he believed the fourth bullet point was to identify any additional topics or actions that needed to be addressed. He said that he thought they would have a substantial amount of content there.

Ms. McKeel said that sounded great. She said that she appreciated the opportunity for a more free-flowing discussion. She said that she wanted to confirm a few things, though.

Mr. Andrews said yes, and they would also go through the actions section, section by section, as they had done the previous time.

Ms. McKeel said that she did have a couple of questions regarding the first bullet point. She asked that when they talked about prioritizing these incentives, was there a plan to measure how they were doing on them. She said that if they prioritized them for implementation, would they receive feedback on how they were doing and how successful it has been. She said that she was seeking some insight on how effectively they were being implemented.

Mr. Frank Pohl, County Engineer, said that he may be able to provide an answer to that. He said that as an alternative to low-impact development type Best Management Practices (BMPs), many people use off-site credits. He said that they currently tracked nutrient credits on site with the new system. He said that they already tracked all constructed BMPs in the County through ongoing inspections, allowing them to compare in the future how many credits were being purchased as a tool that might indicate that more onsite measures were being constructed.

Ms. McKeel said that it seemed to her that it would be beneficial to have a measurable column or something that showed how they were doing. She said that she believed he understood what she was asking for. She said that in the past, they had not seen much implementation of this concept. She said that developers often chose the credits instead of making actual changes, which meant they simply paid them money. She said that while she was not opposed to credits, she thought they were not accomplishing what they were trying to achieve.

Ms. McKeel said that she would like to hear staff's thoughts on this matter, and perhaps they could explore alternative solutions in the future, as it seemed like they were continuing down the same path. She said that it was similar to their affordable housing efforts. She said that if they continued down the same path, they were not making any progress.

Mr. Pohl said that incentives to a developer meant that they had to meet a Proforma and that there were risks. He said that there were limits on credits, for instance, if more than 10 pounds was required, developers had to complete 75% of the treatment on-site. He said that the state and County had already adopted this regulation for when they are over 10 pounds. He said that for under 10 pounds, developers could purchase credits from a bank. He said that this raised the question of how to incentivize on-site treatment.

Mr. Pohl said that he was not aware of a definitive answer, but it may involve financial incentives or density or other changes to the ordinance that would qualify as an incentive. He said that he could review their previous notes to see if anyone had provided guidance on strategies to address this matter. He said that it was likely that they had included this requirement because without a strong incentive, developers would likely purchase credits, which was allowed by the state.

Ms. McKeel said that she believed that the majority of the time, they were purchasing credits.

Mr. Pohl said that it was frequent, and he believed it was the majority of the time whenever it was available to them.

Ms. McKeel asked what would happen if they said require.

Mr. Pohl said that he was unsure that they could do that based on state code, as the state had limitations on what they could prohibit. He said that for example, they were required to have a Total Maximum Daily Load (TMDL). He said that one way to prohibit was by having a nutrient TMDL in their streams, or in a stream, and then restricting nutrient credit purchases, as Harrisonburg had done recently, approximately two or three years ago. He said that this was one way to restrict. He said that otherwise, they were required to allow it. He said that he did not think they could adopt a higher standard for the nutrient credit bank program, or to allow applicants to use the nutrient credit bank program established by the state.

Ms. McKeel asked about Harrisonburg and Rockingham County.

Mr. Pohl said that the City of Harrisonburg had a Total Maximum Daily Load (TMDL) that was recently, three or four years ago, acknowledged or issued by the Department of Environmental Quality (DEQ). He said that they then issued a notification stating that they were no longer allowing credit to be purchased for projects within that watershed.

Ms. McKeel asked whether, looking at Harrisonburg as an example, there were any other best practices that Albemarle had evaluated or considered that might be out there, so they were not starting from scratch. She said that she was very concerned that what was happening here was that they were not achieving their goals, and their policies or incentives were not working as intended.

Mr. Pohl said that they did not have incentives available at this time.

Ms. McKeel said that what they were doing right now was not working.

Mr. Pohl said that they must allow what is allowed by law.

Ms. McKeel said that Harrisonburg was taking a different approach.

Mr. Pohl said that it was allowed by law, and therefore, they were permitted to restrict the purchase of nutrient credits when a nutrient TMDL was in place for one of their streams. He said that one of their streams had a nutrient TMDL, so they can restrict those credit purchases.

Ms. McKeel said that she was quite inexperienced in this matter. She asked if Mr. Pohl could explain how they would accomplish that.

Mr. Pohl said that their streams were primarily impaired by sediment. He said that they did have some benthic, which was related to sewage waste and things like that, but to his knowledge, they did not have a nutrient TMDL in the County.

Ms. McKeel said that she had assumed that David Slutzky had put in a significant amount of effort on this project at one point.

Mr. Pohl said that they had a number of streams with sediment TMDLs. He said that they had talked to DEQ about making that connection and they were told no. He said that he believed there was a connection, but to prove this to the DEQ, they would need to conduct a study, which was no small undertaking. He said that this study would likely be handled by Mr. Greg Harper's group.

Ms. McKeel said that it might be possible for the state to conduct the study on their behalf.

Mr. Pohl said that they must make the connection that sediment caused nutrient deficiencies or TMDLs. He said that he was not sure if it was immediately apparent, but he believed there was a connection. He said that when he observed the other TMDLs, there were usually sediments involved, and nutrients attach to sediments. He said that when they became stirred up, they were stirred, but he thought it was reasonable to assume that there was a link. He said that he was not a chemist, so he was not aware of the complexities of binding properties, but he thought a study would be needed to try to make that connection. He said that if that were possible, he believed that there were numerous streams affected by this issue.

Mr. Pohl said that Laura may be aware of the number of streams in the County that have a sediment TMDL, but there were quite a few. He said that in his opinion, the incentive route was the way to go. He said that they had also heard that density could be an incentive. He said that financially, this was another type of incentive. He said that he was not aware of any other meaningful incentives for developers, particularly in terms of on-site treatment. He said that for smaller projects, these incentives were particularly relevant because once a project reached the 10,000-square-foot threshold, an on-site component was required.

Ms. McKeel said that she had another question. She said that regarding low-impact development, it referred to permeable pavements. She said that she recalled Mark Graham, their previous Community Development Director, stating that permeable pavements did not work well in their community due to their soil, specifically their red clay. She said that she was aware that they were used occasionally in other areas. She said that she had seen them in the City and elsewhere.

Ms. McKeel said that at the same time, there was a discussion about the high cost associated with using them, as it required extensive soil preparation and creation of a suitable base. She said that she wanted to hear more about this, as she wanted to understand the implications. She said that if they decided to use permeable pavements, but their soil was not conducive to them, it could lead to increased costs and potentially limit their use. She said that she wondered if their understanding of their soil had changed, and if they had discovered that it was more suitable for permeable pavements than previously thought.

Mr. Pohl said that the County had varying types of soil, with a lot of areas being non-permeable. He said that in those areas, permeable pavements may not be suitable. He said that in other areas, permeable pavements could be a good choice for on-site treatment.

Ms. McKeel said that made sense. She asked if they differentiated with that.

Mr. Pohl said no; it was included in the specifications for creating, building, or designing pavements. He said that it was also possible to include an underdrain in the pavement. He said that if one had a hard pan with an impermeable base, underdrains could be installed to drain the stone, and it would still count towards credit. He said that although the County had poor soils throughout most of the area, they could still use permeable pavements. He said that the issue he saw was long-term maintenance. He said that permeable pavements required frequent vacuuming to function properly, and if they became clogged, they ceased to work. He said that tearing them out was costly. He said that he was unsure about the availability of vacuum machines in the County, and finding someone to operate them would be a challenge.

Ms. McKeel asked if they were to implement these principles and practices, whether that would be part of their instructions. She said that Mr. Pohl had mentioned that most of the land in the County had soil that made it difficult to use these methods. She asked if they knew the amount of impermeable soil in the County.

Mr. Pohl said that he was not certain at this time, as it also depended on the depth and when they reached a certain layer. He said that these were all the available options. He said that it may not be suitable for every single location, but it was an option.

Ms. McKeel said that she recalled Mark Graham discussing this topic previously. She said that according to him, in many areas in Albemarle County, these types of installations did not work well.

Mr. Pohl said that it was his understanding that as they moved towards the east, the soils improved. He said that the concept of permeable pavers is that they recharge the groundwater, allowing it to seep into the ground rather than relying on an underdrain. He said that it is possible that he was addressing this point, but it ultimately depends on the location within the County. He said that in most areas, particularly as they move towards the mountains, he had found that the soils were poor.

Mr. Pohl said that biofilters shared a similar principle with permeable pavers in that they relied on infiltrating into the biofilter. He said that biofilters were often installed with underdrains, and they still effectively reduced phosphorus levels and provided a nutrient reduction for the site. He said that similarly, permeable pavers could be designed with underdrains when the underlying soils were not suitable for infiltration.

Ms. McKeel said that she did not have a problem with these proposals. She said that to be honest, she was just recalling that previous conversation and Mr. Pohl had been very helpful in clarifying the differences and what was happening. She said that as they worked through this particular item, they would be working with individuals who had a clear understanding of what it took and what it meant. She asked whether, when they discussed the Low-Impact Development (LID), they would be applying it to commercial areas.

Mr. Pohl said that it was related to any type of development. He said that they could decide it was limited to specific developments, but he thought that it would be applicable to any development.

Ms. McKeel said that she agreed with that; she just wanted to confirm. She said that she was reviewing her notes. She said that she was thinking about the incentives being stronger, because she was thinking about "required."

Mr. Greg Harper, Chief Director of Environmental Services, said that his colleague, Laurel, reminded him that they had a meeting with DEQ a couple of years ago. He said that Mr. Pohl may recall this meeting as well. He said that the guidance from DEQ was often unclear, so they must interpret their statements during meetings. He said that they got the impression a couple of years ago that if they wished to make Low-Impact Development a requirement or make on-site water quality treatment a requirement, even if not necessarily required under normal rules, the County had the authority to develop a watershed improvement plan to address impaired streams, whether they were repaired because of sediment, benthic, or nutrients.

Mr. Harper said that they could take the initiative to explore what would be required to help restore their streams to a healthy status, potentially leading to tighter restrictions and increased on-site water quality treatment requirements. He said that he did not think the requirement was entirely off the table. He said that he acknowledged that the DEQ guidance was not always clear, but if Mr. Pohl's recollection differed from his own, he would be glad to clarify that.

Mr. Pohl said that Mr. Harper was more involved in those discussions, if he recalled. He said that it would require a study.

Mr. Harper said that was good to know. He said that they could make some adjustments to tighten up the language if they chose to.

Mr. Pohl said that they would need to have certain outcomes from that study that would satisfy the requirements of the DEQ.

Mr. Harper said that if they were to pursue this route, they would need to consider the tension between dense urban development and slightly less dense development that had a slightly less impact on the environment. He said that the more compact they could make urban areas, the less stress on other parts of the County would be.

Ms. McKeel said that this was the whole point of the 5 and 95.

Mr. Gallaway said that what was just brought up was the inherent tension between promoting growth in the Development Area and protecting the Rural Area. He said that by placing pressure on the Growth Area, they immediately created an argument about whether they wanted to prioritize density or environmental protection. He said that when people said they wanted both, it often led to increased regulation, which in turn resulted in higher development costs that were ultimately passed on to the end user. He said that this exacerbated their existing affordability issue. He said that he found it frustrating.

Mr. Gallaway said that when they started talking about “requirement” in the bigger scheme of saying they planned for 5% development and take on the most dense areas, to then turn around and require it, and on top of the density, require the expense to go along with it. He said that he was not making value judgments or speaking for or against anything; he simply wanted to acknowledge this inherent conflict between environmental protection and focusing development and density in one area. He said that some people may argue that the costs were worth it to protect the environment.

Mr. Gallaway said that he did not disagree with that but explain that to someone at 40% area median income who needs an additional \$200 to afford a place to live. He said that different people had different priorities, and value judgments could change given one’s particular living circumstance. He said for them to just take one area and not consider all of that can be an issue.

Mr. Gallaway said to focus on number one, and his first question about incentives was answered, stating that they had none. He said that density was mentioned as a potential solution. He said that some of his questions or comments may seem critical of staff but were not intended to be. He said that they were limited by time, resources, and staff, and their staff was severely overworked. He said that they successfully passed the BAP in 2018. He said that under Goal 16, Protect and Restore Urban Streams, it stated that they should develop density bonuses, tax credits, or other incentives for preserving and restoring streams. He said that his question was not meant to be confrontational, but rather to clarify their progress.

Mr. Gallaway asked if they had achieved the goal of developing those incentives for preserving and restoring streams. He said that it had been seven and a half years since they passed the BAP, and they were now considering adding prioritizing the implementation and incentives to the Comprehensive Plan, but their own BAP had not yet checked off this goal. He said that this was a fact, and he was not placing blame.

Mr. Gallaway said that he was leery of any plan, their Climate Action Plan, as well as their Housing Albemarle and economic development. He said that they often say “develop” or “support,” and they get put into the action items and goals, but they needed to ensure that they had a clear plan for achieving them. He said that if they had already accomplished Goal 16 under the BAP, their conversation today would be significantly different. He said that in short, he brought this up to highlight the importance of carefully considering that in their action plans, when they put in these policy plans, to ensure that they had realistic expectations for achieving them.

Mr. Gallaway said that as a supervisor, he believed it was essential to be mindful of how much they put in, relative to knowing the reality of a work plan, given staff and resources, or come budget time, there was no SAFER grant for the Community Development Department, who had to do all of this work about which they were saying this work was important enough for people to pay an extra \$200 for rent, but it was not important enough to increase the tax rate.

Mr. Gallaway said that the word “require” created inherent conflicts within their policies and what they were trying to do in their specific situation. He said that if they were going to develop density bonuses, tax credits, or other incentives for preserving and restoring streams, which was a goal in another plan, this would specifically help this. He said that he was thinking about the Growth Area and Urban Area, but it should also benefit areas outside of those. He said that he would have no problem considering this option. One of his questions was whether they should apply the BAP to all development applications, as the PC suggested.

Mr. Gallaway said that upon re-reading the plan, he noticed that 90% of the BAP did not apply to most applications. He said that they were not going to scrutinize every development application for wildlife and other considerations. He said that there were certain circumstances, such as the Rio Point and Proffit Road situation, where this was necessary. However, he said that they did not need the BAP to figure out that this application was already being reviewed for wildlife and other factors.

Mr. Gallaway said that they already did a significant amount of work in the application review process due to their value system. He asked how they could make it easier for themselves to acknowledge this. He said that if they wanted to offer more incentives, they should focus on creating a true density bonus that would actually offset the cost for developers. He said that if they required it, they would still offset the cost, but it would not be them subsidizing it, it would be the people renting and buying the land. He said that either way, the public would ultimately bear the cost.

Mr. Gallaway said that they should identify what they say, that they would be happy to provide a percentage density bonus if they implemented some of the low-impact development pieces on their property. He said that he would be willing to support that and help find the necessary language. He said that he had not reviewed the Climate Action Plan, and he was not aware of any development incentives mentioned in it. He said that he had not re-read it, so he may have missed something.

Mr. Gallaway said that the BAP had good recommendations for protecting and restoring urban streams specific to the Development Area. He said that if those recommendations were being accomplished, it could lead to even more effective solutions than rain barrels and rain gardens. He said that this was a complex issue for him, as he was trying to integrate the different areas and fit them into the Comprehensive Plan framework. He said that he was struggling to reconcile the current state of things with the goals they had set in other plans, that if they were accomplishing, could potentially elevate their position in this Comprehensive Plan conversation.

Ms. Mallek said that in her experience, Comprehensive Plan language tended to be more about considering something and doing it, whereas zoning ordinances could be more prescriptive and require immediate compliance. This was why she was not overly concerned about those words particularly because it was things that they had not necessarily done.

Ms. Mallek said that regarding the first bullet point, she was generally in favor of it. One example that came to mind was the Greenhouse Coffee in Crozet, where the parking was adjacent to a stream that fed into Beaver Creek. She said that to mitigate the fossil fuel runoff from the pavement, they installed a drainable fill and a system to manage stormwater runoff. She said that it was a very small business, and this did not make it untenable. She said that it was the desire to do things right and utilize the old house in that location, which was walkable and appealing to many people. She said that it was always a tradeoff, and that yes it was a high expectation. She said that if someone really cared to do a better job, they would be drawn to that activity. She said that there were others who just wanted to do the bare minimum, and those had to have the requirements, otherwise County staff ended up chasing people because there were no rules that they could effectively enforce. She said therefore, she was always in favor of doing that..

Ms. Mallek said that she had a question. She said that she was trying to understand what "biodiversity protection targets at the macro level" meant. She said that she had heard staff mention it earlier, and she was not familiar with the term. She said that she would appreciate clarification.

Mr. Clark said that he believed that was mentioned in the PC's feedback. He said that to address this issue, he hoped that in a future revision of the BAP, they would establish measures. He said that one thing the plan was currently lacking was indicators to track their progress. He said that unlike other localities, such as Los Angeles, which had developed a set of indicators for success in different environments, they currently lacked this framework. He said that therefore, he thought that would be how they would approach this in the future.

Ms. Mallek said that that was exactly what had happened over the past 20 years since the plan was initiated, which was perfect. She said that she completely understood that. She said that every time she passed by the bioswale, which was a huge success in treating the large volume of water from above Bodo's all the way to the railroad track and possibly even further, and all of the County's parking lots and rooftops, she thought about how it just as easily could have been an underground steel tank. She said that it would likely have been easier and cheaper but would eventually rot and need to be replaced every 50 years, just like the stormwater pipes.

Ms. Mallek said that in contrast, at-surface level treatment, like the bioswales, with the right kind of plantings provided a real benefit. She said she was not referring to the "snake pits" that were VDOT holes with weeds and some water now and then. She said that she had seen people walking with their kids, admiring the flowers all season long. She said that it was a wonderful asset, and she was proud to be able to point people in that direction.

Ms. Mallek said that prioritizing the low-impact development, she would like to see incorporating whatever features that could be required in the building code. She said that the issue of credits was challenging for her, as she got all the streams, nutrients, and wetlands mixed up in her mind. She said that whatever they could do, their goal should be to retain the benefits in their area, where the impact was happening. She still worried about them not having a qualifiable facility like the lagoon, which was a great example. She said that the Woodbrook Lagoon was a qualifiable facility. She said that people could still visit Appomattox and drop the money in Appomattox.

Ms. Mallek said that Albemarle got no money, and they were not making anything to offset the cleanup costs that their staff and taxpayers had to do. She said that the developers still allowed to go way beyond the caring capacity of their particular soil and pay somebody in Appomattox to do. She said that if there was a wetland bank, there was a bank in White Hall, and there was a stream bank in Jack Jouett, and she did not know of any nutrient bank. She said that the County could make one. She said that this idea had been discussed several years ago, and one of the landowners wanted to make a nutrient bank in order to have a place where the dollars could stay, but then it got to be that if there was only one there would be a fixed price. She said that it got to be a snake pit itself and it went away. She said that she would like to figure out how they could somehow write down that they would like to make this better.

Mr. Harper said that he would verify with Mr. Pohl to ensure he was correct, but he believed that the only bank that developers could purchase nutrient credits from in the County was the Ivy Creek stream restoration led by David Slutzky, which had been mentioned. He said that the County could not create its own banks for private developers to buy in to. He said that however, they could establish their own credits for their own purposes. He said that for example, if they were to undertake development, they could trade the same way that any owner could. He said that it would be a shame to lose the one they had and have their dollars go to support a nutrient bank elsewhere.

Ms. Mallek said that she still had that unresolved question about how to address this issue, but she was definitely in favor of trying to find a solution.

Ms. Mallek said that in the 2015 Natural Resources, Objective 1B, which required them to prepare, submit, and implement a watershed implementation plan. She said that it had been in there for 20 years, so she was intrigued by the example given of prioritizing this effort to do their watershed implementation plan. She said that would put them in a better situation to be able to have requirements that help return their streams to good health, so she was in favor of that.

Ms. Mallek said that this fell under the category of using incentives or a combination of carrots and sticks to reduce the impact of these things. She said that she recalled arguing with Mark Graham for years, who believed that in the Growth Area, it was best to put all the streams in pipes and not bother with them. She said that this approach had its drawbacks, as it significantly reduced the quality of life for those living in the Growth Area, where there was no greenery or water, and just an ocean of asphalt, and that had its own problems. She said that it was important to invest time, effort, and money into improving the higher impacts in the Growth Area due to density could lead to a better quality of life for the people in the Growth Area.

Ms. Mallek said that it was the most cost-effective and environmentally climate-useful way to have people live more compactly. She said that most people did not want to live out in the country where she lived and she understood why. She said that therefore, she believed it was worth more effort than they were currently putting in to make the Growth Area a viable, successful, and healthy option for its residents. She said that she was sort of in the middle on Number 1.

Mr. Andrews said that further clarification may be necessary. He said that the question seemed to have led to some confusion, as it appeared that in Objective 2, there were references to the requirement of low-impact development, and this just said prioritize implementation of incentives, but then they had questions as to what the incentives were, other than what they did with nutrient credits, then they had density or financial. He said that he was having trouble understanding what it meant to prioritize the implementation. He said that he supported the idea of implementing incentives for low-impact development for a lot of the reasons stated by his colleagues, but he wished he had a clearer understanding of what it meant to prioritize.

Mr. Clark said that to clarify the question because they did not mean to ask the Board if they wanted to recommend or require, or focus on one of the many possibilities presented. He said that they had contracted with Hirschman Environmental, who provided a list of 55 suggestions for addressing low-impact development. He said that this list included a wide range of code changes and possible ranges of infrastructure. He said that they did not intend to ask the Board to review and address all of these options now, but rather, whether they agreed that this topic was important enough to warrant some staff resources and time. He said that specifically, they were considering whether this could be the next major stream health item to address, following the buffer ordinance that was currently underway.

Mr. Andrews said that Mr. Clark mentioned that the buffer ordinance was already underway, which indicated its priority. He said that he agreed that prioritizing the buffer ordinance in this case was a good approach. He said that he was supportive of this.

Ms. LaPisto-Kirtley said that she knew that they had discussed incentives, such as for installing pavers, but she recently found out that not all pavers worked very well, which brought to mind the diversity of their County. She said that perhaps what they wanted to achieve, especially if they used the word "require," may not be suitable for all areas, depending on whether it was urban or rural. She said that this was the problem she was facing: she would like to see if there were requirements that the Board decided to implement, that there was always someone who could say they would like to do that, but it would not fit with their property. She said that she used pavers as an example because they worked in some areas, but not everywhere.

Mr. Andrews said that one of the things they were hearing was that they were not necessarily experts on all the different ways this might be implemented. He said that the question was whether they would spend time looking into low-impact development incentives. He said that they could move on to the next question.

Mr. Andrews said that he believed they could continue to try to bring some clarity to their thoughts. He said that the next question was whether the actions should include more measures for biodiversity protection and related demonstration projects on County-owned lands. He said that he assumed the focus here was on both biodiversity protection actions and the County doing this on its own land and demonstrating.

Mr. Pruitt said that Mr. Gallaway's comments got him thinking, as he addressed how certain aspects of question one overlapped with existing tasks in their BAP. He said that this led him to consider that he did not have the 2015 Comprehensive Plan committed to memory, and that this may be referenced in that plan. He said that he had a lack of familiarity with their internal program evaluation process, which should be informing their thinking on this.

Mr. Pruitt said that during his time at the Office of Naval Intelligence, he had managed between a dozen and 400 national intelligence priorities, which were categorized by region, subspecialty, and assigned a single statement to a senior analyst. He said that each analyst would analyze and document country X's, mine inventory, and strategies, and then compile a list of publications, projects, and events related to their portfolio. He said that every week, they would assess progress toward accomplishing each national intelligence priority, using a subjective evaluation system. He said that this process was repeated for all 12 to 400 priorities, and the results were presented in a report, briefed up to the director. He said that this basic program evaluation model was a standard corporate approach to assessing progress toward stated goals.

Mr. Pruitt said that it occurred to him that their recent discussion about going toward a more quantifiable approach with SPEAR (Strategic Plan Execution Analysis & Reporting) did not address their

stated goals in the Comprehensive Plan. He said that instead, it represented a separate analytic tool for a distinct set of goals. He said that this was not directly related to their stated goals for the BAP, nor was it addressing their stated goals for Housing Albemarle or their climate resilience plan.

Mr. Pruitt said that as someone who had served on this Board for a year and a month, he was realizing that he sometimes struggled to determine when he was revisiting established ideas from previous plans. He said that he did not intend to sound unfair or cruel, but it was not always clear to him whether County staff was aware of whether they were revisiting ideas that had already been established. He said that he would like to understand what that program evaluation process looked like in the Comprehensive Plan and how it applies to the context of his comments on these points.

Ms. Jodie Filardo, Director of Community Development, said that Mr. Pruitt had asked the million-dollar question. She said that as the AC44 team, one of the things they had been focusing on when examining each of these chapters was next step of developing metrics to measure their progress and provide the Board with a clear understanding of where they stood. She said that this aligned with Supervisor Gallaway's earlier comments.

Ms. Filardo said that they needed to improve their reporting on the implementation of these actions. She said that while they attempted to integrate their SPEAR list of tasks with the Strategic Action Plan, there were numerous other elements that were challenging to incorporate. She said that as they completed these chapters, they would create a list of metrics that they would present to the Board. She said that Mr. Pruitt was correct in asking this question, as it was not an easy task to integrate all these elements. She said that their pledge to the Board was to strive to do so, so that the Board could be informed about their progress on the various initiatives that had been requested.

Mr. Pruitt said that he was hearing that they did not have that for the current Comprehensive Plan, and also not a crosswalk because this was a whole cloth development.

Ms. Filardo said that they lacked a well-integrated set of any of these metrics, as each plan had been developed separately with the best of intentions to do all of this work, but with little time spent integrating all of those pieces. She said that although the team was reviewing the Climate Action Plan and the BAP through the lens of AC44 chapters, as well as items from the 2015 Comprehensive Plan that had not been completed and were incorporating things into this plan that were not done. She said that they had not produced a comprehensive report or reporting procedure on their progress in implementing these measures.

Mr. Pruitt said that he appreciated the clarification. He said that what he was reacting to was the fact that when they reviewed these actions, there often appeared to be an existing crosswalk to previous policy statements that was invisible. He said that for instance, they could say that 2.1 and 2.2 were re-articulations and refinements of this specific action item, which was reported by Mr. Gallaway regarding the BAP.

Mr. Pruitt said that this was carrying over and refining something from this discussion and from the 2015 plan, which was being updated and refined. He said that this information was available upon request. He said that what he was trying to highlight was that the reason these items were being brought forward was that they may not have fully captured or fully executed them in the past.

Ms. Filardo said that in addition to the various plans, they also had a substantial amount of community feedback, stakeholder engagement, and online input, as well as their lunch and learn sessions. She said that this created a comprehensive collection of information, making it challenging to pinpoint a single source or origin. She said that as they attempted to integrate all these elements, they recognized that many of them overlapped or were duplicated in various places, which complicated the process.

Mr. Pruitt said that for any work session there should be information provided regarding what a comprehensive plan is.

Mr. Pruitt said that for this question, he was not clear if they were being asked to develop their response on the spot, like everything in the current set of objectives before them was notionally applicable to all land in the County. He said that the question asked, okay, the County owned certain lands, did they want more for that? He said that he was not a chemist or conservation scientist, and he did not have a Master of Urban and Regional Planning (MURP) from VCU (Virginia Commonwealth University), so he was uncertain if there were specific things they were being asked to consider in this matter. He said that he was also unclear if there were specific regulations that staff would like them to consider for County lands. He said that before they proceeded, he would like to request a brief, two-sentence primer on what County lands typically included, such as their parks, facilities, schools, police and fire stations, and office buildings.

Mr. Clark said that was accurate. He said that schools were a big part of it.

Mr. Pruitt asked if staff could direct him toward the specific actions being considered that were unique to County lands.

Mr. Clark said that in the slide about Objective 4, Actions 4.5 and 4.6, it mentioned invasive plants on County public lands, including parks and school properties, and the goal of protecting, increasing, and

restoring habitat areas in County parks and other County lands. He said that these were pretty general, and what they were asking was, from their experience and contact with the community, whether there were more specific ideas about these types of projects for County-owned land that they had heard about or had an interest in that they would like them to include or pursue.

Mr. Clark said that there were many possibilities. He said that he was not sure he could come up with all of them on the spot, but for example, there had been an effort to adopt less frequent mowing, or conservation mowing, on some school properties, resulting in the growth of large grasses. He said that this approach not only reduced emissions but also provided habitat for grassland birds to breed and offered water quality benefits. He said that this was just one example of an operational question regarding land maintenance.

Mr. Pruitt said that he did not believe that he was in a position to provide information that was not already in place. He said that, however, he could think of things that were already happening on County lands. He said that for example, they encouraged native plantings at their schools, and they were working with nonprofit partners to mitigate invasive species, which aligned with Objective 4.5. He said that on Saturday, he went for a run and ran into the Rivanna Conservation Alliance (RCA) team while he was there, where they discussed some of the invasive species work they were doing. He said that although he was not an expert and did not have any particular insight, he liked the text as it was written.

Ms. LaPisto-Kirtley said that she appreciated the clarification and the additional bullet points. She said that what came to her mind was that if they were to add more measures on County-owned land, it would potentially prevent them from building affordable housing. She said that she knew that this had been discussed before, and she was wondering if they could use County land for affordable housing. She said that she was concerned that by adding more measures, it might make it more cost-prohibitive for them to pursue this option. She said that if that was not a concern, then she was comfortable with it.

Mr. Clark said that this was a complex issue. He said that the idea was to consider existing County-owned lands that may be wooded or grassy, and what practices they could do, not to preclude other uses. He said that for example, if a grass area was needed for a new classroom in the future, that was fine, and they were not saying that these areas must be locked down forever for conservation mowing purposes.

Mr. Clark said that where they had areas that were in open space or recreational spaces, such as in parks, school properties, and fire stations, where they had the opportunity to implement land management options for local biodiversity and water quality protection, they were exploring these possibilities, not necessarily committing to only that.

Ms. LaPisto-Kirtley said that was helpful. She said that on 4.4, she knew that they had improved the templates for County- and ACEA (Albemarle Conservation Easement Authority)-held easements to more specifically address appropriate management. She asked whether this would also include the ACE (Acquisition of Conservation Easements) Committee, which was currently on hiatus.

Mr. Clark said that if the ACE program was inactive, then they would not consider applying it to that project.

Ms. LaPisto-Kirtley said that it remained on the books, although it was currently inactive.

Mr. Clark said that that was not their only conservation easement programs. He said that they had donated conservation easements that the Authority took, and occasionally, they had clustered subdivisions. He said that both of these programs involved deeds of easement that followed a specific template. He said that what he was discussing was the need to create new language that aligned with the Virginia Outdoor Foundation and other organizations, which offered various options from a menu.

Mr. Clark said that these options allowed for different terms to be applied depending on the purpose of the easement, such as farmland protection or habitat protection. He said that they simply needed to update and modernize their language to effectively implement these purposes in certain easements.

Ms. LaPisto-Kirtley said that if the ACE program was revived, that could also be an option. She said that those were her concerns, and she was supportive of both points.

Ms. McKeel said that the short answer is yes. She said that the longer, more complicated answer is that she wanted it all, but the issue is that someone has to pay for them, and it ultimately comes back to what Mr. Gallaway was saying. She said that at some point, they will need to discuss this through the lens of dollars and how they plan to manage it.

Ms. McKeel said that there are things that can be done that are a win-win. She said that, as Mr. Clark mentioned, the School Division has areas where they were not mowing, which saves money, reduces pollution, and protects habitats for animals. She said that this, in her mind, was a win-win. She said that there are ways to implement this on County-owned land, and she believed the Schools were doing a commendable job of it. She said that they did a successful project on their property here, daylighting the stream, which was a great example.

Ms. McKeel said that the University of Virginia has set the standard in this community for daylighting streams, making them a win-win for the community and better for the environment. She firmly

believed that there are many options available for this, and she would be looking for those that save them money, provide something wonderful for the community, and are environmentally sound.

Mr. Gallaway said that the County should model what they wanted on their own property. He said that if they did not, it was challenging to then influence or require others to do the same. He said that this could not just be in practice, but also by exploring alternative funding options. For instance, if they utilized grants that could be available to both public and private users, they demonstrated and opened up pathways for others to use those grants to implement similar projects on their own property.

Mr. Gallaway said that if a property like the one identified by Monticello that housing could be developed on, and if they thought it was an idea they wanted to do, and it cost more to develop or put into place, they could say yes, they could take the lead in addressing the cost of implementing environmental measures, thereby avoiding the need for the end user to bear the expense. He said that this would be a form of subsidy, but it would also be a reflection of their values, as they would be taking ownership of their commitment to environmental sustainability. He said that by doing so, they could alleviate the inherent conflict between environmental value and affordability, as they would be demonstrating their commitment to these values through their own property management.

Mr. Gallaway said that this was an opportunity to put their stated commitment to environmental sustainability into practice. He said that they could not force this on others who had control over their land. He said that he wanted to call out of the schools and the Hillsdale stormwater management efforts, where they were successfully putting measures in place and maintaining them. He said that in his ideal world, developers, private property owners, and others would take an interest in this, and asking where they could look to see it being done. He said that they should be the ones showing the way. He said that if they were not the example, then they were done. He said that removing the weeds from the medians was a prime example of this. He said that if they did not maintain the public spaces, yet they expected businesses and others to meet a high standard when they put things in place in entrance corridors, but they did not make them look good, then what were they really requiring. He said that it just made them look hypocritical.

Ms. Mallek said that yes, demonstration projects were incredibly valuable. She said that looking back to 2010, the Rivanna River Basin Commission (RRBC) received a \$400,000 grant from the National Fish and Wildlife Federation. She said that as part of the RRBC, each participating locality developed a unique demonstration project to educate their community. She said that for example, Charlottesville High School implemented a bioswale, while the County in Crozet created a constructed wetland with a meandering stream and varying elevations.

Ms. Mallek said that this type of project collected sediment as the water slowed down, allowing it to pre-treat stormwater from individual parcels in a very old community where there was no room on each individual parcel for a stormwater basin. She said that a large greenfield subdivision would be able to incorporate that in. She said that she thought these projects were highly successful and had greatly benefited the quality of life for residents and visitors alike, with installations in Fluvanna and Greene.

Ms. Mallek said that Rivanna Water and Sewer had implemented conservation mowing on their steep banks, which also reduced the risk for workers. She said that she believed these examples were excellent, and she was fully supportive of this initiative.

Mr. Andrews said that he also supported this item. He said that he was also noticing that these related to various objectives and actions, which may not be in a one-to-one ratio. He said that the first one, Objective 2, which included actions related to low-impact development. He said that this one fell under 4.6, Protect and Increase and Restore Habitat Areas in County Parks and Other County-Owned Land. He said that staff had previously mentioned that there may be additional things about education in here, and he believed this would be an area where the County educates the public about the purpose and benefits of these demonstration projects. He said that in his view, this was a very limited question that fit under Objective 4, and that there were a lot more to Objective 4 that would come up in a minute. He said that he was very supportive.

Ms. McKeel said that the School Division had done an excellent job with signage, as evidenced by a sign that explained why a particular area was not mowed. She said that this aligned with Mr. Andrews' point, and she believed it was really important. She said that the University of Virginia had implemented signage when daylighting streams or performing work, ensuring that people understood the context.

Mr. Andrews said that jumping ahead to the next question, this appeared to be closely related to Objective 3 of Protect and Improve Quality and Quantity of Groundwater, but it also extended to the County's public water supplies.

Mr. Pruitt said that this provided them with an opportunity to discuss what they had been hearing from the public recently. He said that it closely tied in with the discussion on biosolids and other potential environmental concerns. He said that he would like to explore the connection to alternative agricultural practices that may not be directly related to biosolids but could still have a significant environmental impact.

Mr. Pruitt said that the group had presented some specific line items in their Comprehensive Plan, which he planned to address. He said that to begin, he had a question regarding their current programs: did they have any existing monitoring, testing, or mapping for per- and polyfluoroalkyl

substances and other chemicals of concern?

Mr. Clark said that he was not aware of any County programs that monitored biosolid applications or any other sources.

Mr. Pruitt asked if monitoring the presence of such chemicals in both their groundwater and water streams, as well as other waterways, within the staff's capacity. He asked if that was something that would be appropriate in those.

Mr. Clark said that he was unsure to what extent the Water and Sewer Authority was currently monitoring public water inputs and sources. He said that if the Board was interested, they could consider adding that level of monitoring as an action. He said that he believed it aligned with Objective 3, and that although it was not currently included, it could be.

Mr. Pruitt said that as a firm little-D democrat, he strives to engage thoroughly with public input, so he was trying to approach this topic with that mindset. He said that he also wants to acknowledge the growing national attention on PFAS (per- and polyfluoroalkyl substances) and "forever chemicals" in waterways. He said that if this is an opportunity for them to lead rather than follow, it seems appropriate to him. He said that he would also be curious to know if they can take a proactive stance on monitoring ongoing trends in agricultural practices that may affect water and soil quality, including the use of biosolids and other fertilizers.

Mr. Pruitt said that this could involve intervening when necessary. He said that he was aware that this issue is complicated by state laws on right to farm and potentially challenging due to its impact on agricultural practices and their economic viability. He said that he has heard this concern repeatedly from constituents, and it is a pressing issue, especially in his district where waterways are often in close proximity to farming activities.

Mr. Pruitt said that commercial and industrial practices are often driven by the pursuit of a bottom line, which may not always align with the public good. He said that he would be interested in exploring whether they can legally take action to address agricultural practices that may impact water and soil quality, and if so, whether they can include monitoring and reporting in their Comprehensive Plan to address this blind spot, which currently relies heavily on DEQ's reporting.

Mr. Clark said that while localities had limited authority to directly regulate agricultural practices, they did have a Soil and Water Conservation District that collaborated daily with rural landowners and farm projects through voluntary initiatives. He said that they possessed extensive knowledge of current practices and the projects they supported through grant programs for stream buffering, soil management, and soil conservation.

Mr. Clark said that to effectively address this, he suggested that they discuss partnering with other local agencies and consider establishing a stronger reporting relationship with the Soil and Water Conservation District. He said that this would enable the Board to have more transparent and regular updates on activities on active farms in the area.

Mr. Pruitt said that he thought that sounded like probably the right strategy, getting the right expertise in place and building the right partnerships. He said that what he was responding to heavily, in addition to the public feedback they had heard today, was the fact that he had received concerns from farming interests about their interactions with neighbors or other residents. He said that he had also had residents come to him expressing a desire for the County to regulate certain practices, which they either could not or did not related to farming practices.

Mr. Pruitt said that this was a recurring issue, and it felt like he was often left standing with shrugged shoulders, as it did not feel like the County was taking a clear stance or carving out a specific authority or scope of responsibility when it came to these relationships and comments. He said that he was not trying to dictate their position on this matter at this time, but he was acknowledging that, at least in his district, this conflict of interests around water and soil quality, as well as agricultural practices, felt like a pressing issue that their policy tended to sidestep rather than engaging with and defining their role in it.

Ms. LaPisto-Kirtley said that she had concerns about the issue and believed it was a valid concern but was unsure if it was more district-specific, as she was not hearing the same concerns that Mr. Pruitt was. She said that the County was large and diverse. She said that she strongly supported the 3.1 to partner with the Virginia Department of Health (VDH) for responsible management of septic systems. She was aware that there were numerous septic systems, not only in the Development Areas but also in Rural Areas, and they were talking about pump-out requirements and hiring staff for outreach, data collection, and community input.

Ms. LaPisto-Kirtley said that in her view, the reason this came to the surface was particularly due to the Southwood community, where the septic system was a disaster. She said that although that issue had been addressed, she worried about the number of other septic systems, both in large developments and individual homes, that may be at risk. She would like to know more about this issue, especially for older residents in Development Areas and Rural Areas who may not be aware of the concerns or have the financial means to address them. She believed it was essential to prevent septic systems from contaminating groundwater and to inform homeowners about the potential risks. She said that she was supportive of 3.1.

Ms. McKeel said that she agreed with much of what Mr. Pruitt had said. She said that upon further consideration, she thought that monitoring biosolids, even if they could not regulate them, was an important starting point if they decided to do it. She said that she believed that was a good idea. She said that she would like to revisit the concept of monitoring groundwater levels. She said that she acknowledged that it was a challenging task, but she thought it was essential for them to attempt to figure out a way to do it.

Ms. McKeel said that she understood that the County was different, and Ms. Mallek had explained that they had done something similar a few years ago. She said that she was not entirely sure how successful it had been. She said that Ms. Mallek had mentioned that it was only one. She said that she thought it was important for them to have some basis for comparison, especially when considering climate change, droughts, and all of the people who have wells.

Ms. McKeel said that she did not know how the water in the County flowed, and that she would like to know if there was a way to map their water sources, including yards, farms, and streams. She said that Ms. Mallek had extensive experience with this, so she valued her insight on this matter. She said that Chris Green Lake was an issue they could discuss in depth.

Ms. McKeel said that she thought it was essential for them and the community to have a better understanding of their water sources. She said that she would revisit this topic at a later time, as it did require time and funding, and then there was the work plan. She said that she would like to address the VDH funding. She said that she feared that they were severely underfunded, making it challenging for them to provide adequate support to the County. She said that it was not a criticism of the department, but rather a concern.

Ms. McKeel said that she believed that legislative efforts to better fund health departments could be beneficial. She said that this was a common issue in Virginia, with many entities facing underfunding. She said that she did think it was essential to cooperate with them as much as possible, as they possessed valuable expertise.

Mr. Gallaway said that he believed his answer would be probably. Upon reviewing their actions, it appeared comprehensive, but he was not confident enough to say for certain. He said that there were several elements in the document that addressed water quality and conservation, such as Mr. Clark's point about the Soil and Water Conservation District. He said that these goals were speaking to the protection of water quality. He said that despite this, the issue of biosolids had been repeatedly mentioned by the public, and it seemed that they needed to be in a position to respond to any missed items in a meaningful way and know that that may be a funding or a resource issue.

Mr. Gallaway said that in addition to that, he believed they needed to consider additional protections in their own enforcement of existing regulations. He said that this would be a budget question, and it would also impact staffing. He said that the issue was that if they developed action steps and plans, but were unable to implement them, and if they came up with expectations, rules, and regulation, just as with the homestay regulations, it was community-enforced. He said that noise complaints only popped up when somebody complained about it.

Mr. Gallaway said that in this County, water quality was a high-priority concern, so it should not be a complaint-based system. He said that perhaps they could implement additional protections, such as proactive compliance control, to address this issue. He said that however, he was hesitant to suggest this, as it would likely require significant staff resources and potentially incur additional costs. He said that if the value or item in question was that high, then they should be considering it as well and not just focusing on every possible instance or example that could potentially undermine water quality. He said that they had identified the issues, now they should work on implementing measures to ensure they were being followed.

Ms. Mallek said that she was very heartened by what she had heard from her colleagues already. She said that the County had had a regular reading of wells in the Mechums River Basin until 2009, when staff reductions led to the cessation of this practice. She said that there were actually four wells that they used to monitor the groundwater. She said that the well was still there, so they could easily reinstate the practice. She said that there were also examples of successful partnerships between private well owners and volunteers who received training to read wells.

Ms. Mallek said that this process involved using specialized machinery to measure the height of the water, providing valuable insights into the status of wells throughout the County. She said for instance, in the southern part of the County, people had to drill to 650 feet to find a drop, while in her area, the water level was typically around 40 feet, but it was scarce and ran out quickly. She said that the varying rock formations underground made it essential to monitor wells in every area. She was glad to offer her support in bringing back programs like this, especially those with existing infrastructure.

Ms. Mallek said that she recalled a conversation with Fire Rescue Chief Dan Eggleston about emergency preparedness and the importance of river monitoring stations. She said that these stations would provide advance warning of streams going up and down when storms were coming and help preposition and prevent issues like the campground in Greenwood from recurring. She said that she was happy to read her well in the northwest part of the County if needed. She said that they already had a successful example in Albemarle County, where StreamWatch and RCA had partnered with the County to read many sites, thanks to their certification by the DEQ. She said that she believed that these

partnerships should be expanded to benefit the entire County.

Ms. Mallek said that, on a completely outside-the-box idea, for months she had been thinking that every time she drove over the river on Berkmar, they needed a sign that said Chesapeake Bay Watershed. She said that many communities had these signs, and she believed the Chesapeake Bay Foundation (CBF) would be willing to provide them for them. She said that this would help people understand how far up the watershed came in their direction.

Ms. Mallek said that she had noticed that when people said the Bay was 200 miles away, they did not seem to care. She said that she had told them, "You care that your own grandchildren be able to play in their own backyard." She said that if they solved the problems in their own backyard, and other communities did the same, it could make a significant difference in the Bay's overall health. She said that nobody was fixing the Bay; they were fixing themselves. She said that she thought this was an important way to go about it.

Ms. Mallek said that she was glad to respond to citizens who had come to them to talk about the sludge. She said that if the Board was interested, she would suggest that Albemarle County investigate and determine what was appropriate, what the 17 other counties were already doing in Virginia under state authority to have reporting of locations, dates, and times, making this information publicly available. She said that this would provide accountability to the community. She said that she came across a map that showed a cluster in the northwest part of the County, near the White Hall District, and another cluster near the James River in the Scottsville District. She said that there may be a few others scattered around, but that these were the two biggest ones that were of particular concern to her, as the sludge in the White Hall District drained directly into Buck Mountain Creek, which flowed into South Fork.

Ms. Mallek said that regarding the Department of Health, she was going to mention this when they discussed the blue chart, but she was surprised to learn that Fairfax County had a health department that worked within the County. She said that she recently verified this information, and it provided another option, even if they were unable to complete certain programs that VDH was not able to do. She said that that was another way to work something out on that.

Ms. Mallek said that she was very much in favor of the data collection, the additional protections, and enforcing the existing rules. She said that she also appreciated the valuable insights gained from the citizen surveys, which had clearly outlined the community's priorities. She said that she was grateful for the citizens' participation in this process. She said that however, they must be mindful of not duplicating efforts by their partner agencies, and she would address this during their review of the blue document.

Mr. Andrews said that he was interpreting this as an objective with actions outlined under 3, which stated what was being planned, and this was what additional protections. He said that he would like to add his voice to the interest in hearing more about measures to monitor biosolids, as discussed at 17 other locations in Rappahannock. He said that he would like to explore the possibility of having those applying biosolids pay for monitoring, rather than shouldering the cost as a large expense for the County. He said that this would require further research into what they were doing and whether the County could do it.

Mr. Andrews said that the Virginia Tech Well Program, which piloted PFAS monitoring for the first time this past fall, had already checked their well for PFAS, and this was an important enough issue to warrant an expanded program. He said that as for additional protections, there had been suggestions over time that may be relevant as they moved into buffer ordinances, including consideration of parts of the Chesapeake Bay Act. He said that while they did not have the entire act, he did not wish to delve into this further at this time.

Mr. Andrews said that he agreed that their current complaint-driven system may not be sufficient, and as they developed methods to monitor their water supplies, they should strive to be more proactive in protecting their water resources, particularly if there was a low-cost way to implement a program to monitor groundwater supplies. He said that, however, due to the diversity of groundwater supplies throughout the County, it was difficult to implement such a program without significant additional cost.

Mr. Andrews said that the last question was whether there were any topics or actions that required additional context or explanation. He said that this was somewhat open-ended, and he was not sure whether it would be beneficial if individuals could organize their thoughts as they moved forward. He said that perhaps they could go through the actions now and, as they examined each objective, add any topics or actions that needed additional context or explanation at that point. He said in other words, they should treat this fourth question as part of their review of the four slides of actions.

Recess. The Board adjourned its meeting at 3:06 p.m. and reconvened at 3:22 p.m.

Agenda Item No. 9. **Work Session:** AC44: Environmental Stewardship Chapter, *continued.*

Mr. Andrews said that he would like to request permission to adjust the order of the speakers, allowing Mr. Gallaway to share his comments before he had to leave at 3:50 p.m. He said that staff had prepared multiple slides, with five objectives outlined. He said that perhaps they could tackle each objective individually, even if it meant bouncing back and forth with what was on the screen. He said that they would start with objective one. He encouraged anyone to share comments, but also to focus on

anything that was missing from the chapter, particularly additional topics, actions needed, and context or explanations. He said that additionally, he would note that any comments on the narrative should be shared early on.

Mr. Gallaway said that he wanted to provide a broader perspective based on his earlier comments and Mr. Pruitt's remarks, which had been thought-provoking during their discussion. He said that he believed this was a larger issue relative to the entire Comprehensive Plan and all its chapters, not just this one. He said that for instance, the 2015 Comp Plan had included the creation of the BAP, which was a check-off item. He said that in this iteration, they were proposing updates to the BAP.

Mr. Gallaway said that he thought there was an opportunity to leverage these action plans to their advantage in the metrics and to-do lists they were calling out. He said that one of his struggles with many of the chapters in the Comprehensive Plan was that when they did the budget, they had developed new tools that did not exist in his first year on the Board. He said that he could now connect specific threads from the Strategic Plan to the budget and the new scoring system, which he believed was called SPEAR, which did not exist two years ago.

Mr. Gallaway said that now he could take it to the community and explain how their Strategic Plan drove their budgeting decisions, and SPEAR helped them evaluate if they were meeting their goals. He said that he was seeking a similar process for the Comprehensive Plan. He said that he wanted the Comprehensive Plan to be in place for the Strategic Plan, that then drove what the action plans should be doing, then SPEAR should be for the action plan.

Mr. Gallaway said that he was bringing this up to emphasize that if they had a clear process in place, they could talk about the right order should be. He said that it helped them determine the objectives and actions outlined in the Comprehensive Plan. He said that he was not sure if this was feasible, but he was throwing it out as a possibility.

Mr. Gallaway said that if they could incorporate language like "implement the housing action plan" or the "Biodiversity Plan", or "move the needle" into the Comprehensive Plan, it would provide a clear, measurable direction. He said that such language was well-defined and could be found elsewhere. He said that they were not trying to redefine things here that were defined elsewhere. He said that he had written down that they needed to map the complexity of the Comprehensive Plan down to their various action plans, policies, and economic development initiatives.

Mr. Gallaway asked what the equivalent of SPEAR to those plans was. He said that he believed that if they could successfully pull that off by the next time they did a Comprehensive Plan element, they would be in a significantly different place. He said that they could start to see real progress, and the community could say they were actively implementing their Comprehensive Plan.

Mr. Gallaway said that regarding Objective 1, under 1.1, he had written down that he wanted staff to tell him a little more about this, but it could likely be addressed offline. He said that 1.6 said to develop metrics, and he had written down a question about whether those metrics already existed. He said that he believed that metrics were available to measure and grade their streams.

Mr. Clark said that RCA, for instance, had metrics and they rated streams, although they were not specifically County metrics.

Mr. Gallaway said that in watersheds over time, use these metrics to help prioritize where to focus the County's water, and so on. He said that this first point was unnecessary, as they already had metrics available to them. He said that if they were unhappy with the existing metrics, he could understand developing new ones. He said that this was where the first line was redundant. He said that if they had metrics, they should use identified metrics, rather than developing them. In the spirit of moving forward, he would rather identify the existing metrics rather than developing new ones.

Mr. Gallaway said that it was more efficient to focus on using the existing metrics, as it would take a significant amount of staff time to develop new ones. They could then plan to address the second point, because the first one would probably take them a long time, then they could just jump to the second item. He said that there were probably other things like that throughout all of the objective and actions in all of the chapters, and asked whether they were just getting in their own way a little bit.

Mr. Gallaway said that the other part of the question on the other slide asked if there were any topics or actions. He said no.

Mr. Gallaway said that he did not have any specific information on Objective 2. He said that he had comments, but he could add them later, and 3. He said that regarding 4, if this was brief, he could just mention that he was revisiting on 4.3. He said that Mr. Clark had highlighted this in his presentation today. He said that the safety within the Development Area was a notable aspect. He said that on 4.11, he thought they had touched on this with some of the incentive consideration earlier. He said that he was not sure if there were other incentives or grant programs available.

Mr. Gallaway said that using the word "consider" as an action was not a good idea; they should either do the action or not do it, rather than only consider it. He said that if they wanted to establish a grant program, they should either do it or not do it. He said that considering things should be fleshed out as part of the process but not make it to the end product. He said that they should also examine if they had examples in place for this.

Mr. Gallaway said that regarding Objective 5, he thought 5.1 was a follow-up for later with cost implications, which he thought would probably be a big one. He said that he did not have enough information on this topic, and he may be incorrect. However, he did think it was essential to consider the cost of requiring new stream crossings, especially when it came to bridge or culvert designs that maintained the existing environment. He said that the cost was an important aspect to understand before saying if it was a good action item.

Mr. Pruitt said that in Objective 1, he was seeking clarification on the distinction between 1.2 and 1.4. He said that it appeared that 1.2 and 1.4 were related to energizing a riparian conservation easement program. He said that he was unclear as to why they were separate, and he may be missing a critical point, which was entirely possible.

Mr. Clark said that the recommendations from the Stream Health Initiative were two in focus. He said that 1.2, was focused on acquiring new or amending existing conservation easements, which involved working through the legal documents with landowners. He said that in contrast, 1.4 was more focused on providing technical and funding assistance for better land management practices. He said that this included installations that individuals could implement on their existing properties to improve water quality.

Ms. McKeel said that her comments were about adopting the Chesapeake Bay Preservation Act. She said that they had discussed this topic before, but it had been years since they last addressed it. She said that in her opinion, it was time to revisit the discussion. She said that this Act would enable them to encompass a significant portion of what they had discussed, freeing up staff time, and possibly creating time in other places.

Ms. McKeel said that the last time they discussed this, she recalled that they were told they would need to hire additional staff to implement it. She said that she believed that was correct. She said that for clarity, the Chesapeake Bay Preservation Act was enacted in 1988. She said that each jurisdiction east of Interstate I-95 had implemented an ordinance and programming, as mandated by the state code. She said that in contrast, Albemarle was a larger jurisdiction west of I-95 and were not mandated to do so.

Ms. McKeel said that she was looking at the list of jurisdictions that had implemented the Act, and she noticed that many of them were smaller and less wealthy than they were. She said that she was not sure she understood how these smaller jurisdictions had been able to implement the Act, given their own staffing concerns. She said that she would appreciate staff's assistance in understanding that. She said that her overarching comment was that they should at least investigate or revisit the discussion of adopting the Chesapeake Bay Preservation Act.

Ms. McKeel said that she was in favor of adopting the Chesapeake Bay Preservation Act. She said that there was a model in place, and they did not need to reinvent it. She said that it had shown some success, although not complete success. She said that they were still talking about things that they tried to implement and were still waiting on them, even after years. She said that if they joined their neighbors in this initiative, they were already locking down existing programs. She said that this was an existing program. She said that at the federal government level, they were uncertain about what was coming; what would stay and what would go away. She said that it seemed to her that it would be appropriate at this time to lock in what they had and use that model.

Ms. Mallek said that regarding Action 1.1, she had noted the need to reduce the number of permitted impacts because they consistently allowed people to do things they should not, only to mitigate the consequences later, which ultimately cost more to clean up. She said that regarding Action 1.2, in the category of not duplicating what was already out there, federal cost share programs were substantial. She said that they were implemented through the Soil and Water Conservation District and the Farm Service Agency, and that they were in the Louisa branch. She said that they wanted to ensure that those were not lost.

Ms. Mallek said that regarding Action 1.3 and 1.4, there were existing programs. She seemed to have forgotten about the riparian conservation assistance program, so she was unsure if it was a new initiative. She said that they had all of these buffer programs. She said that currently, when there was a complaint, staff had to go investigate because everything was treated as individual one-offs rather than having much more thorough rules, which was a problem. She said that for Action 1.5, she had identified that as the highest priority, so it perhaps should be 1.1. She said that tracking and reporting the impact of water resource protection and restoration activities, that DCR LIDAR annually done provided detailed data, far superior to what they currently had in their County GIS (Geographic Information System).

Ms. Mallek said that in the "what is missing" category, she was concerned that their stream data was not up to date, and that it should not take five years to add perennial streams to their maps, ultimately hindering their ability to take informed action when applications were submitted. She said that for Action 1.6, stream watch criteria already existed, including the RCA and the Natural Heritage Committee task, which provided more comprehensive support for the map she presented earlier, which highlighted the locations of watersheds.

Ms. Mallek said that for Action 1.7, partnering with other rural localities. She said that she was unsure what additional authority was required for this. She said that she believed they already had the right to do an open space category, so she did not know what that was about. She said that in response to others' comments, she would greatly appreciate and eagerly participate in a further discussion about

the Chesapeake Bay Act, as using resource protection areas alone as an example would provide the necessary buffers and protection that their staff had been struggling with for years.

Ms. Mallek said that rather than trying to create something from a blank page, they could take the text out of the library that others were using to make it happen. She said that Loudoun and Albemarle were the two in the west who adopted it many years ago but had not further implemented it. She said that sadly, agricultural buffers for cropland, which were 35 feet back from a stream edge, were eliminated in 2014 as part of a broader language cleanup effort. She said that they were still working to correct what happened then 10 years later. She said that she was committed to having this discussion again, either separately or as part of the Comprehensive Plan.

Mr. Andrews said that he wanted to reiterate some of the points Mr. Gallaway had made, as they aligned with his own thoughts. He said that he noticed that certain words used in this document, such as "implement," "develop," and elsewhere used the word "consider." He said that the public comments they had received suggested that instead of using "implement" land conservation for water quality program or "implement" riparian assistance program, they should use "develop." He said that he recognized that these were a part of the phase two stream health initiative, and he did not know why that comment came in and what the difference was, and he was unsure if these programs were already developed. He said that if that was the case, he believed that they should choose their words carefully and not just trying to find a new word to stick in.

Mr. Andrews said that the Chesapeake Bay Act had been discussed at the PC, and he agreed that it should be revisited. He said that he was aware that there were concerns about staffing issues for Albemarle County and the Thomas Jefferson Soil and Water Conservation District, as well as agricultural implications related to pump outs. He said that while these issues had previously been considered problematic due to the need for regular pump outs, he believed it was essential that they revisit this topic.

Ms. Mallek said regarding Objective 2, Action 2.3 was a repeat of 1.3. She said that to address staffing at the Soil and Water Conservation District, they would provide the staffing as they had done in past years to provide additional manpower in the place where the expertise already existed.

Ms. Mallek said that the farmer connections, rural landowners connections, and urban landowners through the ACAP (Albemarle Conservation Assistance Program). She said that there was a tremendous outreach for Growth Area, people who could access ACAP funding to support water quality things in their neighborhoods. She said that they should use the expertise they have available.

Mr. Andrews said that he believed most of the comments he would have were previously discussed topics, including implementing this on County lands, education efforts, and potentially discussing nutrient credits in the context of low-impact development and other relevant aspects.

Mr. Pruitt said that regarding Objective 3, he voiced his support for Mr. Andrews' suggestion to explore the possibility of supporting or subsidizing water quality testing for individuals who are on well. He said that he was interested in pursuing this idea. He said that while he was not willing to commit to funding it, he thought that they should consider alternative approaches. He said that he believed that they could find a better way to do it.

Ms. LaPisto-Kirtley said that she was in favor of all these proposals, particularly Action 3.1. She said that she had expressed this sentiment before. She said that regarding Action 3.2, which discussed incentivizing connections, she was unclear about the specifics. She said that she would like to know if staff had been considering a monetary incentive, such as tax reduction, or another aspect was being explored.

Mr. Gallaway said that it was their program. They had a brief discussion about it and deferred it to the budget from a few months ago. He said that he believed it was Ms. McKeel who had brought it up. He said that the incentive was the grant program that they had established, which they had initially redirected for the current year but intended to revisit at budget time. He said that it is likely that this program will need to be continued on an ongoing basis.

Ms. LaPisto-Kirtley said that they had a grant program before that was reportedly successful, primarily in the Urban Area.

Mr. Andrews said that it was for connections to the public system that were implied to be voluntary.

Ms. LaPisto-Kirtley asked whether incentives would be through grants or just come through the budget.

Mr. Gallaway said that they utilized ARPA (American Rescue Plan Act) funds to establish the program. He said that due to insufficient interest, they redirected the remaining funds to be used in the interim and subsequently tabled further discussion to consider it as a potential funding source using local dollars.

Ms. McKeel said that there may be a pool of available funds.

Mr. Gallaway said that if this program was worthwhile, which they all seemed to agree on, this was the piece that they had discussed. He said that this was a piece that they said was perhaps an

accounting maneuver rather than a policy competition between the emergency assistance fund for the homeless and another program.

Ms. LaPisto-Kirtley said that instead of incentivizing, it would be more of an allocation of leftover monies that could be used to gather together.

Mr. Gallaway said not leftover, that they would need to identify funds to continue the program.

Ms. LaPisto-Kirtley said that therefore, they would not be applying for other grants. She said that perhaps they could consider that as well.

Ms. McKeel said that in their previous discussion, she had covered comments related to monitoring, including the possibility of monitoring biosolids and what that would entail, as well as monitoring groundwater levels. Given that, her comments from the previous discussion remained relevant for this one.

Ms. Mallek said that on page 3, where it discussed the stormwater management and water quality, for Objective 3, she appreciated the suggestion made by a speaker this morning and the handout that was passed around to add to the first paragraph of the narrative on page 3. She said that the phrase, "from biosolids, land applied, or other industrial agricultural practices," added after the word "chemical" and "heavy metal contamination," was particularly useful for research information gathering purposes. She said that she would leave it to their staff's wordsmiths to incorporate this phrase into the narrative. She said that she had already discussed the 3.3 wealth with Fairfax County.

Ms. Mallek said that regarding 3.2, she had a question for staff: Could the County require a connection to sewer if the land was sold, added to, or renovated? She said that several factors were triggered when an application to change happened. She said that under 3.2, it discussed private septic systems, and while the pump outs may seem like a burden, they were actually a lifesaver every five years. She said that VDH had support money for repairs and remediation to septic systems. She said that these were very important elements that she hoped they would not be afraid of, as they could save many more things than they were an obstacle for.

Mr. Gallaway left the meeting at 3:51 p.m.

Mr. Pruitt said that regarding Objective 4, Action 4.1, he recalled this discussion arising when they were examining the cell tower ordinance, as there was a desire to utilize the BAP for some action, which was exciting, particularly the mapping component. He said that at that time, he believed they discussed the need to update it, but also, he thought the Board expressed concerns about the periodicity of its updates, as they did not know the current status of the forest blocks.

Mr. Pruitt said that there were concerns about fidelity, as well as timeliness, as the blocks' status might have changed since then. He wondered if it would be appropriate to include a discussion on periodicity in 4.1, especially the third bullet, as it seemed prudent to consider a periodicity greater than the action plan itself, especially if they planned to use it. He said that a map that was descriptive and one that was actively being used for policy making and decision making were different things. He said that if they intended to use the data for actual policy making and action, it likely required a periodicity greater than five to ten years.

Mr. Pruitt said that he would also like to explore the possibility of particularizing 4.12 more than they currently were, as it seemed to be open-ended enough to involve a range of activities, from a simple flyer to a multi-million-dollar program. He said that he was concerned about the SMART goals, particularly the measurable aspect, as it could be challenging to quantify progress.

Mr. Pruitt said that he would greatly appreciate a more detailed understanding of the scope of this outreach effort, including the services that would accompany it. He said that he was having trouble grasping 4.11 because he liked its concept, but he was also thinking that they had regulations related to dark skies. He said that when new developments were proposed, they were required to have down shielding or at least be equipped with it. He hoped that was the case. He also saw this as a relatively inexpensive solution.

Mr. Pruitt said that the goal was to understand the scope of this demand, and whether there were major commercial developments that would be costly to implement, or individual homeowners who had spotlights that they could not remove. He said that he liked dark skies, and he liked the idea of subsidizing people who could not afford to make it with the standards the County put on them. He said that he was not clear if the target demographic here actually needed the help, and what the scope was that they were helping them do. He said that this policy decision was challenging him, even in a blue sky context, and he would appreciate more specific information to guide his decision-making.

Ms. LaPisto-Kirtley asked for clarification on what was meant by local partner organizations in 4.9. She said that she was wondering if they were referring to committees formed by volunteers, such as the one at Darden Towe, where volunteer community members cleaned up invasive plants along the trails.

Ms. Swartzendruber said that yes, it would include those volunteers.

Ms. LaPisto-Kirtley said that moving on to the dark skies initiative, Mr. Pruitt made her think of

something. She said that in some residential areas, particularly on the corner of homes, there were spotlights that remained on all night, disrupting the darkness. She said that she thought that switching to motion detector lights could better align with the dark skies initiative. She said that this could be a suggestion for homes, developments, and businesses to consider using motion detectors instead of permanent lights.

Ms. McKeel said that under Action 4.1, she was not an expert in GIS, but they had considered integrating the BAP GIS data into the publicly available County GIS site. She said that this idea made sense to her, even though she was not an expert with GIS. She said that their publicly available website, when it came to GIS, needed to be updated. She said that although she did not use it frequently, she had heard complaints from the public about it. She said that she found this suggestion to be a good idea.

Ms. McKeel said that moving on to the lighting ordinance, based on her understanding, was similar to their cell tower policy ordinance. She said that the lighting ordinance was quite old, but she could be wrong.

Mr. Clark said that his understanding was that the lighting ordinance would be updated as part of the zoning modernization process, which was expected to follow the Comprehensive Plan and had already been underway to some degree. He said that he was not well-versed in the details. He said that if someone else present could provide more information, they could follow up on that. He said that in his opinion, it was likely past time to update the lighting ordinance, and it was expected to occur during the modernization process.

Ms. McKeel said that she believed it was well past its useful life, regardless of the exact age. She said that they were requiring downlighting as needed.

Mr. Clark said for site plans in commercial development projects.

Ms. McKeel said yes, for new developments, and that that really needed to be done. She said that she was very supportive of the dark skies. She said that in the Rural Area was one thing, and that they could control and encourage it there. She said that in the Development Area, it required partnership with the University of Virginia and the City. She said that they would not achieve dark skies without their cooperation, especially the University. She said that it only took a visit to Ms. LaPisto-Kirtley's area on Pantops and taking a look at the University. She said that she did not know how much they would or could help with that, but that she believed this was a perfect opportunity to work with the university and the City on dark skies. While it may be easier said than done, she understood the challenges.

Ms. McKeel said that LUPEC (Land Use Planning Environmental Committee) would be an ideal location to initiate these discussions. She was firmly in favor of updating the ordinance to address dark skies, as she believed it was critical.

Ms. McKeel said that on Action 4.9, invasive plant removal and native plant restoration were pressing issues in Albemarle County. She said that bamboo was a significant problem, with instances of it invading private property, such as the case of a constituent whose neighbor had bamboo invade his foundation. She said that the neighbor eventually took the case to court, where he was awarded a few thousand dollars to fix his house foundation. She said that she did not understand how they were allowed to keep selling bamboo.

Ms. McKeel said that they perhaps should continue to fight this issue at the legislative level. She said that she had been venting about this, but she noticed bamboo being taken home in decorative containers and then being planted in people's yards. She said that it was a significant problem.

Ms. McKeel said that interestingly, Mr. Gallaway had mentioned it, but she had previously circled the word "consider" in her notes for Action 4.11. She said that it seemed that word was inappropriate, and she thought it was a good opportunity to reevaluate its use.

Ms. Mallek said that she had taken note of the importance of avoiding chemical use as an operational priority alone or in recombination. She said that when these chemicals break down in the environment, they could be incredibly destructive to biodiversity. She said that therefore, if they truly cared about biodiversity, this was an area they could focus on to make a positive impact.

Ms. Mallek said that regarding Action 4.1, it had been the subject of some comments regarding an update to the BAP. She said that in the meantime, she suggested they use the adopted plan and implement it until an improved one was available, as delaying implementation would mean another 20 years before they took action. She said that given that the first plan had been initiated in 2004, she was trying to establish a deadline for this. She said that they needed to act on what they had and make it happen.

Ms. Mallek said that they had already discussed incorporating biodiversity impacts into the site review process, particularly in areas that could be carefully identified, and the DCR had mapped many of these elements in Albemarle County. She said that the Natural Heritage Committee had identified these resources 20-25 years ago, and they had the expertise to use it.

Ms. Mallek said that, however, great care must be taken when matching specific priority habitat matches. She said that they would not advertise where the ginseng was because it could lead to a disaster for the resource. She said that the landowners who owned these areas would not allow it, and

the police problem that would result would be a significant concern.

Ms. Mallek said that there had been a previous discussion about evaluating forest blocks, and she was concerned about the arbitrary number associated with measuring them. She said that she believed all forests, regardless of size, had importance and impact, especially when smaller pieces were connected to form corridors. She said that she would like to request more information about this number, as she thought it was too restrictive and left out too many resources from protection.

Ms. Mallek said that regarding Action 4.2, she noted that they should avoid new roadways for all construction in these critical resource areas. She said that if an old, 100-year-old track was available, it was recommended to use it instead of bulldozing down a new forest in order to get somewhere. She said that everything else was okay.

Ms. Mallek said that regarding 4.3, as had been mentioned, the City impact. She said that in her backyard, the oval glow was visible in the southeast, which was the City. She said that she had reordered these because she appreciated what Mr. Gallaway said about prioritizing safe lighting for sidewalks and multimodal transportation options, and that should be 4.1. She said that these could be achieved with low lights, such as 18-inch poles, which illuminated the area where people were, rather than high poles that only caused birds to fly into buildings. She said then number 2, dark skies, and number 3, minimize impacts on the natives.

Ms. Mallek said that 4.7 was very similar to 4.1.4. She said that there were many things throughout the various chapters that seemed to be duplicative, and that she was just trying to point those out. She said that 4.8 seemed to be indicated in 4.1. She said 4.10, 1.6, the Natural Heritage Committee, so these were there. She said create grant programs, same as 4.3.

Ms. Mallek said that to make the document less confusing for the reader, these should be organized by topics or subcategories. She said for 4.12, when she was on the ACE Committee for 20 years, she tried to broaden the approach of the program and the criteria to include natural resources and habitat protection using DCR data. She said that she hoped this would become a reality someday. She said for 4.11, that needs-based assistance should be the only consideration, and that new standards should apply to any work done on a property.

Mr. Andrews said that he would try to avoid repetition. He said that he agreed that they needed to explore the potential of GIS and mapping. He said that he had mentioned this earlier, but he would like to clarify the meaning of the words "contribute funding to programs" in 4.9. He said that he was confused about the word "funding," and where it appears and where it did not, and why. He said that he would like to be more intentional about distinguishing between the different parts of the plan that related to funding and those that did not, as he was often confused about why they were committing to fund certain initiatives without clarity.

Mr. Andrews said that he thought the suggestion in Action 4.11 to establish education and grant programs was a good one. He said that he believed that many of the challenges related to the dark skies initiative could be addressed by educating the public about the options available for minimizing their impact on the sky. He said that he hoped they would consider including an education program as part of this initiative. He said that he would also like to mention a comment that was made by a member of the public that the County has a flood overlay and whether there should be a fire overlay. He said that while he was not entirely clear on how these would work together, the idea was intriguing.

Ms. Mallek said that to add to Mr. Andrew's last comment, those comments pertained to areas with extremely steep terrain were virtually impossible to fight fires in. She said that for example, the east slope in Madison had burned 4,000 acres due to the difficulty in accessing the area until helicopters could drop water from above, as it was essentially vertical.

Mr. Andrews said that it would be essential to be clear about this because people could quickly become confused and think that the fire overlay provides safety, when in fact it does not. He said that he would like to make one final comment about this process. He said that specifically, he was referring to the update of the BAP in Action 4.1. He said that he did not think it necessary to mention implementing this update, as he assumed it was already part of their discussion and therefore not something that needed to be explicitly stated.

Mr. Pruitt said that the concern raised on Action 5.1, which he had previously mentioned, appeared to be somewhat tempered by the fact that he assumed this issue did not arise frequently. He said that he was seeking clarification on this point. He said that, in his understanding, a stream crossing occurred when a development's footprint covered an existing ephemeral stream.

Mr. Pruitt said that a culvert was essentially a small excavation under the development's foundation where there was a stream crossing to allow the stream to flow underneath. He said that the proposed regulation suggested that the culvert should be designed to accommodate a spotted salamander's ability to crawl over it. He asked whether this was a correct interpretation of the language on the page.

Mr. Clark said that that was largely correct, and that they observed a significant number of stream crossings, not only with major developments but also with individual homes. He said that many of the designs used, such as round culverts, were passage impediments to aquatic habitats, causing blockages and separating the habitat into two disconnected sections. He said that alternative designs, like bridges,

were generally preferred, but they could be expensive.

Mr. Clark said that flat bottom culverts, or other designs that minimized disruption to the stream's geometry, were preferable. He said that stream crossings could occur at every level, from individual homes and driveways to major developments, and that they were a common issue throughout the area.

Mr. Pruitt said that the main concern was not the spotted salamander crossing over, but rather the fish swimming through the water. He said that a significant portion of this issue stemmed from the culvert-shaped sub-water line and its potential to discourage or confuse the fish, or physically blocked passage. He asked if there was a notable cost difference between a flat bottom culvert and another type of culvert.

Mr. Clark said that they could investigate that further.

Mr. Pruitt said that he was considering a scenario where someone built a house on two acres, but due to the geometry of their septic field and usable land, they were severely constrained in terms of where they could place their house. He said that they had discussed this earlier in a separate conversation. He said that if he were to add one more thing, he would like to have a better understanding of what it looked like when people were working with very limited space. He said that it was likely not a significant issue.

Mr. Clark said that the primary concern was not a space issue, but rather a physical design consideration. He said that the facility would likely remain in the same location. He said that the main difference would be the design used.

Mr. Pruitt said that he may be overanalyzing the situation.

Ms. LaPisto-Kirtley said that there is an instance where she lives where a stream runs through the property, and it was a challenge to build a house in that area. She said that she shared the same concern. She said that when they said "require," she was hung up on that because she had no issues with helping fish, aquatic life, and organisms cross a stream. She said that she wanted to ensure that they can find a solution that makes sense for the private homeowner or a development. She said that when they mention bridge or culvert designs, she wondered if those were the only two options available, or if there were other alternatives that they could consider.

Mr. Clark said that culverts were the most common type of structure, but bridges tended to be more expensive. He said that there were various types of culverts beyond the traditional round pipes.

Ms. LaPisto-Kirtley said that they had tunneled under the road to allow a crossing for salamanders, which she fully supported. She said that however, she wondered if the word "require" was the best word to use.

Ms. McKeel said that requiring stream crossings, they had been discussing various culvert designs, bridges, and other solutions to accommodate animals and fish. She said that the Highway Research Council, located on Observatory Mountain, had conducted extensive work in this area. She said that they had conducted studies and provided guidance to VDOT on fencing placement and animal passage areas. She said that given their expertise, she thought it would be beneficial to reach out to them as a resource.

Mr. Clark said that there was now a statewide organization, the Safe Wildlife Crossing Collaborative, comprised of staffers and researchers working on this issue, in which VDOT is involved. He said that they were attempting to become more involved in this effort. He said that he appreciated the suggestion.

Ms. McKeel said that she believed the Highway Research Council would be happy to help them, and they were conveniently located nearby, and had already done the work. She said that she noticed the mention of pursuing dam removal here. She said that she was aware that they had approximately several hundred private dams in their area, and while they were attempting to locate them, she was unclear about their exact locations. She said that what she would find particularly interesting was identifying the private dams that, if they were to fail, would have a significant impact on public facilities and infrastructure.

Mr. Clark said that there were two very important but separate issues. He said that one issue was the dam failure work currently underway, for which their engineers had a deeper understanding than he did. He said that this concern was focused on active dams that were used for infrastructure purposes, such as those on farms. He said that they would ensure that this issue was adequately addressed elsewhere in the plan. He said that the other issue was more about habitat connectivity, and it pertained to dams from the 18th and 19th centuries that were once used but were now abandoned and remained in the stream. He said that these dams blocked habitats, caused water quality and flooding problems, but were no longer in use. He said that removing them would be an improvement for the entire stream ecosystem.

Ms. McKeel said that she agreed, and that was great, but this had made her think about the broader implications. She said that they had seen numerous events across the United States and Europe, where there were dam failures that had impacts on infrastructure, schools, libraries, and other things. She said that this had led her to consider the importance of not setting themselves up for a huge problem.

Mr. Clark said that there was a state program that addressed this issue. He said that they could provide additional information.

Ms. Mallek said that she believed it was essential to gather information first with 5.2 and 5.3 prior to removal. She said that she suggested conducting some data collection to understand the benefits and drawbacks of dam removal. She said that while dam removal had had positive effects on natural heritage spaces, it also posed significant challenges for water stability. She said that she wanted to reiterate that the stream crossings issue was a short-term versus long-term concern.

Ms. Mallek said that while a cheap galvanized pipe may last 20 years, it could still fail due to flooding, resulting in costly repairs. She said that on her property, they had experienced three instances of pipe failure since 1959, and even after installing more robust pipes in 2018, the 2018 flood still caused significant damage. She said that in contrast, modern stream crossings, such as prefab bridges and U-shaped concrete pieces, were designed to be more cost-effective and environmentally friendly.

Ms. Mallek said that these solutions, like the ones used on her property, allowed for safe passage for both deer and aquatic creatures. She said that given the high water volume and velocity of the Dawes River, especially during storms, she firmly believed that bridges were the most suitable solution for stream crossings. She said that in fact, many old properties still relied on pedestrian bridges, and people often parked their cars next to the roadway, especially during snowy conditions. She said that there was no alternative way to approach this issue. From her perspective, 5.1 was not a new concept.

Ms. Mallek said that they had previously discussed this in the context of the wildlife bill, HB 2025, sponsored by Wild Virginia, which aimed to complete funding for wildlife corridor studies. She said that this was something that everyone could support and choose to be a part of. She said that the DCR had a program requiring recertification every several years for all private dams. She said that they had been collecting information for years, which was particularly relevant for property owners who had had dams on their land for 60 or 80 years, only to see significant growth downstream. She said that as a result, they were now responsible for the safety of people who came 50 years after them, which had led to increased standards.

Ms. Mallek said that this was a classic push-and-pull situation for safety, a concern that was relevant here. She said that the connectivity of dams, such as the Powells Creek Dam, was also a concern. She said that Mr. Clark had mentioned dams from 100 years ago, including the one at the Powells Creek site in Crozet. She said that this site was previously the location of an old mixing shack for orchard chemicals, which had a dam that was used as a water source for the chemicals that they used to spray on the orchards. She said that that had not been used for 50 years, and that it had been removed as part of the development outside the floodplain.

Mr. Andrews said that he would like to clarify a point they made regarding requiring new stream crossings and would like to look into whether they were referring to perennial streams or intermittent streams. He said that it was a little bit of a nuance there with how far they had to push this. He said that if they were dealing with a very active stream, he believed it was something they should require.

Agenda Item No. 10. Closed Meeting.

At 4:25 p.m., Mr. Pruitt **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 both:
 - the performance of the Interim County Attorney; and
 - the appointment of a County Attorney.

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

AYES: Mr. Andrews, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.

NAYS: None.

ABSENT: Mr. Gallaway.

Mr. Gallaway returned to the meeting at 5:00 p.m.

Agenda Item No. 11. Certify Closed Meeting.

At 6:00 p.m., Mr. Pruitt **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, Ms. McKeel, and Mr. Pruitt.

NAYS: None.

Non-Agenda Item. Resolution to Appoint the County Attorney.

Ms. McKeel **moved** that moved that the Board of Supervisors appoint Andrew H. Herrick as County Attorney, effective February 1, 2025. Ms. Mallek seconded the motion

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, Ms. McKeel, and Mr. Pruitt.

NAYS: None.

RESOLUTION APPOINTING ANDREW H. HERRICK AS COUNTY ATTORNEY

BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia ("Board") that Andrew H. Herrick ("Herrick") is hereby appointed the County Attorney ("County Attorney") for the County of Albemarle, Virginia effective February 1, 2025, pursuant to *Virginia Code* § 15.2-1542; and

BE IT FURTHER RESOLVED that Herrick will serve as County Attorney at the pleasure of the Board, for an indefinite tenure, and pursuant to that certain County Attorney Employment Agreement dated January 22, 2025 (the "Agreement"); and

BE IT FURTHER RESOLVED that the Board approves the Agreement and authorizes its execution by the Chair; and

BE IT FURTHER RESOLVED that as County Attorney, Herrick will have and may exercise all statutory powers and duties set forth in *Virginia Code* § 15.2-1542 and any other powers and duties set forth in any other sections of the Code of Virginia (1950), as amended; and those powers and duties assigned or imposed by the Albemarle County Code or by duly adopted motion, resolution, or uncodified ordinance of the Board.

Mr. Pruitt said that he did not think there was much to add, other than congratulations. He said that they all had a lot of faith in him, and they had thoroughly enjoyed working with him. He said that he had particularly enjoyed having him as his new seatmate. He said that he looked forward to continuing their relationship, which involved discreetly asking him complex legal questions that may not be the best time or place to discuss in the middle of meetings.

Ms. LaPisto-Kirtley said that congratulations were in order; she was thrilled that Mr. Herrick was on board. She said that he had a thorough understanding of everything, and she trusted that he would ensure they were doing everything legally. She said that she was very happy that he was committed to working with them permanently.

Ms. McKeel said that she wanted to extend her sincere congratulations to Mr. Herrick. She said that looking out into the audience, she noticed a significant number of people in attendance who were genuinely interested in this public hearing, but it must be Mr. Herrick's fan club.

Mr. Gallaway said that Mr. Herrick's appointment was well-deserved and well-earned. He said that he had always been impressed with his at-hand legal knowledge, particularly in land use matters, and he looked forward to continuing to work with him in this role. He said that he wished him the best of luck, and he was excited to see where his leadership would take the office.

Ms. Mallek said that it had been a privilege to watch Mr. Herrick over the years, as he had been with them for so long and possessed a wealth of institutional knowledge, allowing him to take on new roles. She said that she was very grateful that he was willing to continue with them, and she was glad to see that he was settled into this position.

Mr. Andrews said that he also wanted to express his gratitude, in addition to offering congratulations, for the work Mr. Herrick had done and would continue to do. He said that he had his confidence, and he appreciated his expertise and steady hand, and he thanked him.

Mr. Andy Herrick, County Attorney, said that he was deeply honored. He said that it had been his privilege to work with and for them over the past 23 years, and he was thrilled that their efforts had led to this moment. He said that he was fortunate to have worked alongside a long line of outstanding County Attorneys, including Larry Davis, Greg Kampfner, Cynthia Hudson, and Steve Rosenberg. He said that he now stood on the shoulders of these giants and looked forward to building on their legacy.

Mr. Herrick said that this honor represented a team effort, and he would like to acknowledge the many individuals who had contributed to their success. He said that within their office, he said that he would like to express his gratitude to Mr. Richie DeLoria, Ms. Amanda Farley, Mr. Anthony Bessette, Ms. Jill Curfman, Ms. Lauren Bohdan, Mr. James Douglas, and Mr. Nick DiMaggio for their tireless efforts. He

said that beyond their office, he had had the privilege of working with many talented staff and departments throughout the organization, who had greatly contributed to both his personal success and the organization's overall success.

Mr. Herrick said that he would also like to commend the dedicated and talented Board of Supervisors, who had demonstrated a clear commitment to this County through their long hours of service. He said that their dedication was evident, even in the face of criticism, and he thanked them for their service. He said that additionally, their community was a great team, though they may not always agree on every issue. He said that the engagement and participation of their community were assets that enhanced the quality of their work.

Mr. Herrick said that as the Board was aware, their office would soon be undergoing changes, with the departure of three attorneys and one paralegal. He said that although they may be down at the moment, they were not out. He said that he would like to extend an invitation to any attorneys or paralegals watching at home to consider joining their team. He said that Albemarle County was a great place to work, and that they looked forward to bringing in new talent and redeveloping their office to better harness that talent. He said that with the Board's continued support, he was confident that their team was up to the challenges ahead, and he looked forward to meeting those challenges. He thanked the Board again for your continued support.

Agenda Item No. 12. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Jeff Richardson, County Executive, said that it had been a while since they had heard from the Charlottesville-Albemarle Airport (CHO), and he was pleased to introduce Mr. Jason Burch, who had recently taken on the role of CEO. He said that although Mr. Burch had been promoted just over a year ago, he had a long-standing work record at CHO Airport. He said that he would like to give Mr. Burch a few minutes to introduce himself, and he would also like to welcome his key staff members who were present tonight.

Mr. Richardson said that he was excited that Mr. Burch was there, as he had recently visited with the City Council in Charlottesville. He said that as a member of the Airport Authority, he had had the pleasure of serving alongside the City Manager and other team members, who worked tirelessly to address the challenges they faced, including the pandemic. Their dedication to their community and region was outstanding, and they played a vital role in their economic vibrancy.

Mr. Jason Burch, Chief Executive Officer for Charlottesville-Albemarle Airport (CHO), said that he had been with CHO since 2001 and looked forward to the years ahead. He said that he would like to introduce a senior group of leaders on behalf of the 50 employees who worked for CHO. He said that he was leading the group, along with two additional leaders. He said that one of them was behind him, sitting in the crowd. He said that his name was Chris White, who had decades of experience in North Carolina. He said that Mr. White had been recruited the previous year, and they were very happy to have him on board. He said that they also had a Chief Financial Officer, Penny Shifflett, who had been with them since 2011. He said that this slide showcased a combined 70 years of airport experience and leadership. He said that he was confident that CHO was in excellent hands.

Mr. Burch said that Charlottesville, Albemarle County, and the surrounding region had a rich aviation history dating back to the 1920s. He said that initially, there were several competing airports, and even farms with aircraft. He said that anyone who had an airplane that one could pay to fly somewhere called themselves an airport, and that there were three or four of them. He said that Foxfield Race had an airplane out there, and that the University of Virginia played a significant role in aviation from the 1930s to the 1970s, through World War II, with a flight school and flight services.

Mr. Burch said that CHO, on the other hand, was a relatively young airport, opening in 1955. He said that it was built post-World War II, and the County and City of Charlottesville had to build their own airport. He said that most airports were developed during World War II and then transferred to local communities after the war. He said that CHO, however, was built on an apple orchard and still retained its original passenger terminal, which was constructed in 1955 and currently served as their firehouse.

Mr. Burch said that the 1991 terminal marked a significant shift in CHO's history. He said that that was when the terminal they currently used opened. He said that currently, they had three airlines operating out of their airport, including three legacy carriers. He said that he believed it was essential to highlight that their community size and the presence of all three carriers were indicative of the community's needs and the type of service and business traveler that utilized the airport. He said that all three airlines were very satisfied with Charlottesville-Albemarle Airport and played a crucial role in maintaining service as best as possible during the COVID-19 pandemic.

Mr. Burch said that they had five major hubs, with most of them located along the East Coast, including Chicago. He said that these airlines were drawn to the community because they wanted to capture the residents from this community and send them through their hubs and send them on to destinations worldwide.

Mr. Burch said that the graph displayed before them showed the top 20 destinations, with the number representing the number of people who flew to the airport in 2023. He said that this data showed that New York had consistently been their strongest connection, with multiple flights per day. He said that Boston was currently ranked number five, often questioned for its lack of direct service. He said that

however, it was growing significantly and was being closely monitored. He said that if one examined the passenger numbers in New York and Boston, they could see that they needed a slightly higher demand than before they could consider adding Boston service.

Mr. Burch said that the CHO was operated by the Charlottesville-Albemarle Airport Authority, which had a well-established leadership structure. He said that Chapter 390 of the Act of 1984 General Assembly had been amended twice, resulting in two forms of leadership. He said that the Advisory Joint Airport Commission, comprised of three members from the County, three from the City, and a Joint Commission member, who worked alongside the Airport Authority Board. He said that the Airport Authority Board, as previously discussed by Mr. Richardson, consisted of the County Executive, the City Manager, and the Joint Commission member.

Mr. Burch said that in Calendar Year 2024, they served almost 700,000 passengers, a notable achievement. He said that this represented a significant portion of the surrounding 10 counties. Although it was not their best year, he believed it was their second or third best year in the airport's history. He said that 2019, prior to the COVID-19 pandemic, was an important year for them to discuss. He said that COVID-19 had a devastating impact on airports across Virginia, and that CHO was one of the fastest growing airports prior to COVID, and one of the hardest hit.

Mr. Burch said that looking at the trends, 2024 was represented in black, and the passenger numbers were shown. He said that the brown line from 2020 was COVID-19, which had dropped to almost zero. He said that they typically saw 1,200 to 1,300 passengers per day in their terminal, and during COVID, they counted just 12 passengers. He said that their revenue was split evenly between the parking lots, and during COVID, they had zero cars in the parking lots. He said that this presented an opportunity to pave some parking lots, which they were able to do during the downtime. He said that it was a challenging time for CHO, and he was very proud of how they overcame it.

Mr. Burch said that the number of seats told the story. He said that they used this as a barometer to understand their success, as frequencies and aircraft types could change. He said that what mattered most to them was the number of seats they could provide to the community. He said that prior to the pandemic, in 2019, they had approximately 1,300 seats. He said that currently, they had 1,200 seats. He said that examining the graph from the early pandemic period revealed that despite reduced service, all three airlines remained operational.

Mr. Burch said that they still had Charlotte, Atlanta, and Dulles, albeit with three Charlotte flights. He said that in 2019, they had eight flights per day to Charlotte. He said that today, their recovery was looking very promising. He said that they were about 90% recovered from COVID. He said that the presence of Charlotte, Chicago, LaGuardia, and Washington was evident, with Chicago and LaGuardia having returned. He said that although Philadelphia was currently suspended, they were working to reinstate it. He said since 2019, air service had changed by approximately 100 seats, with some frequency adjustments.

Mr. Burch said that their operating budget was interesting. He said that what he would like to highlight was that they were self-sufficient and did not receive local tax revenues for their operating expenses. He said that this year's budget was \$11 million, with a net income of \$96,000 after expenses. He said that they strived to spend exactly what they earned. He said that approximately 50% of their revenue came from parking, while the remaining 50% was generated from rentals, including airlines, car rentals, lease space, and signature aviation for general aviation. He said that parking was a significant contributor to their revenue, so they must figure it out. He said that they would discuss their future endeavors with that one.

Mr. Burch said that he would discuss what the economic impact of CHO to the region was. He said that the study shown on the slide, which was conducted in 2017, revealed that CHO was affiliated with 2,200 jobs, generating approximately \$110 million in wages and \$310 million in economic activity. He said that this economic activity was generated without any local tax dollars. He said that their executive from North Carolina estimated that the new study would reveal an economic impact of nearly \$1 billion. He said that he looked forward to reporting this to them.

Mr. Burch said that next, he would discuss who was responsible for caring for CHO's passengers. He said that they had 50 full-time employees, and he would like to highlight the one comment that they received more than any other: the cleanliness of the terminal. He said that regardless of the time of day, the terminal remained spotless. He said that this was a testament to the hard work of their employees. He said that 15 of them were custodians, who worked tirelessly to maintain the cleanliness of the terminal, 24/7.

Mr. Burch said that they were present during snow removal operations and during the COVID-19 pandemic, where they demonstrated remarkable bravery and dedication. He said that their efforts were the reason why the terminal remained clean, even in challenging circumstances. He said that the 50 full-time and part-time employees were the first point of contact for their passengers.

Mr. Burch said that they also had some additional groups out there. He said that their concession was owned and operated by Tailwind, which had brought a bar to the area approximately 15 years ago, and it had been successful at CHO. He said that even at 8:00 a.m., the bar was full, catering to business travelers. He said that Signature Aviation provided their general aviation services. He said that they also had a diverse range of groups, including car rental companies and various aviation services. He said that in fact, it was essentially its own community out there.

Mr. Burch said that they had invested heavily in their infrastructure, primarily maintaining a 1991 building. He said that to keep it up to date, they undertook various behind-the-scenes projects. He said that as they could see, they were replacing baggage belts and escalators and had recently replaced the escalator. He said that they were also renovating their fire station and undertaking Information Technology (IT) and security enhancement projects. He said that they were rehabilitating the airfield pavement, a task that required careful attention to ensure the runway and taxiways worked. He said that with only one runway, it was essential that it was well-maintained.

Mr. Burch said that they were preparing for the future and addressing these needs. He said that if one looked at the dark blue aircraft at the top, they would notice it was a turbo-propelled Dash 8, the type of aircraft the terminal was designed for. He said that the aircraft in the middle was the type of aircraft currently serving CHO, a slightly larger model. He said that the airport and the airlines themselves were also adjusting to their changing needs. He said that they were currently focusing on the bottom aircraft, as it was the one they were keeping a close eye on. He said that the 1991 terminal and its facilities may not be suitable for this type of aircraft, so they were examining various options to accommodate the airlines. He said that if the airlines were to begin serving CHO with this type of aircraft, they would need to make numerous decisions.

Mr. Burch said that their primary concern was to remain safe and efficient. He said that they were also considering smart growth and the future aircraft compatibility. He said that the terminal facilities were undergoing a thorough review. He said that they were evaluating parking and ground transportation options, as well as the County's ground transportation opportunities in relation to the airport. He said that general aviation improvements were also a priority. He said that the air traffic control tower, which was one of the oldest in Virginia, if not on the East Coast, would require attention in the near future. He said that it was likely to be a project in itself. He said that they had several other support facility projects underway. He said that they were currently conducting extensive planning over the next 10 years for airport improvements, and they would be following the guidance of their board to ensure effective communication of these projects.

Mr. Pruitt said that he had two quick questions, one of which may seem unusual, and one that he was sure they saw coming. He asked whether the organization handled crash and salvage operations entirely in-house or if it was an integrated operation with the County.

Mr. Burch said that as Station 9 of the County fire system, they served as the County's aircraft rescue firefighting station. He said that they worked closely with the County and the City, and their response system was tiered. He said that they trained annually at the airport with County services. He said that they also partnered with nearby stations, including those near Hollymead and Earlysville.

Mr. Burch said that Earlysville had been a long-standing partner of theirs, providing water facilities. He said that unfortunately, they were often short on water during their responses. He said that to address this, they were trained to handle it. He said that they had two individuals stationed at the aircraft rescue firefighter station who were on duty 24 hours a day, 7 days a week.

Mr. Pruitt said that he was sure that others would have more thoughtful questions on this topic, but it came to him first in the speaking order. He asked Mr. Burch to walk him through what the process would be if they were to need to extend the length of the runway. He asked whether the existing parcel of land was built to accommodate this expansion, or whether they would require some kind of special permission from the Board or the Airport Authority.

Mr. Burch said that the runway length was very important; he was present during the previous runway extension, where they initially aimed to extend it by 9,000 feet but ultimately settled for an 800-foot extension. He said that the FAA ultimately made a decision based on their projected service needs and its assessment of what was required.

Mr. Burch said that he did not foresee any challenges with the current runway length. He said that the runway extension itself presented a challenge with a smaller 50-seat regional jet, which required additional length during humid conditions in July, August, and September. He said that weight restrictions based on that aircraft meant that their community would load 50 people onto the plane, only to have to make weight adjustments and have 17 volunteers come off the plane to meet the weight requirements. He said that this was not a good time for service in Charlottesville.

Mr. Burch said that the extension addressed this issue with the CRJ-200, but it also opened up new opportunities, such as increased general aviation, allowing more private airplanes to fly across the Atlantic. He said that they did not see this as a concern at present. He said that the Federal Aviation Administration (FAA) recommended that they monitor and protect the runway at all times, and when land became available within the runway protection zone, they could explore potential future uses.

Mr. Burch said that currently, the largest aircraft that could land on their runway was a 757, and he did not think they had the demand for a 757, outside of UVa Athletics. He said to answer the question, yes, they would initiate a communication process with their leadership, including the Board, to discuss their concerns and explore potential opportunities. He said that they would work together to make the safest and most efficient decision based on community needs and their financial capabilities.

Ms. LaPisto-Kirtley asked how much revenue was generated from private planes at the airport.

Mr. Burch said that their general aviation activity was managed through a contracted company, Signature Aviation, which allowed them to receive a percentage off of the contract from them. He said that although it was not as substantial as the revenue they generated from commercial or rental car operations, it was still significant in terms of operations. He said that when he discussed general aviation improvements, he wanted to emphasize that their primary goal was to find a way to house aircraft.

Mr. Burch said that unfortunately, there were limited hangars available to them, and they were also considering the impact of property taxes. He said that the Commonwealth of Virginia was experiencing a competitive environment when it came to encouraging aircraft to stay on airport property, and they would be working with their leadership to address these issues as they moved forward.

Ms. LaPisto-Kirtley said that there was a potential for increasing hangars. She said that she would like to know if they had any plans to move the terminal.

Mr. Burch said that they did not have any immediate plans to relocate the terminal. He said that they were currently evaluating 10 different options, one of which may be the one she was familiar with. He said that they were taking a close look at this option, which involved bringing in their engineers to assess its feasibility. He said that this process required them to consider what they could afford to do. He said that they were currently in a very preliminary phase, and that they could see that over the next 10 years, there would have to be some sort of improvement to the terminal, whether that be expansion or even something larger somewhere else. He said that at this time, nothing was finalized.

Ms. LaPisto-Kirtley said that an improvement to the terminal would be distinct from relocating the terminal, as relocating the terminal would provide additional space needed for the aircraft.

Mr. Burch said that he was correct. He said that when viewed from an overhead perspective, placing a box further back could provide additional space for aircraft. He said that upon examining the picture, it appeared that there was room to decide on the optimal location, and each of these options presented different challenges. He said that in his opinion, the most significant challenge would be the financial one.

Mr. Burch said that as an Airport Authority, they were independent in nature. He said that many of their capital improvements were funded through competitive processes with the FAA and the Department of Aviation of the Commonwealth of Virginia. He said that these systems were not designed to support the substantial funding required to build a facility of this magnitude.

Ms. McKeel said that she had learned a lot tonight. She said that she was simply curious, and Mr. Burch had discussed capital projects and infrastructure initiatives. She asked him if he had one wish, what it would be.

Mr. Burch said that this was an excellent question. He said that if there were no issues with funding or other concerns, he thought they would likely want to examine the terminal itself. He said that the terminal, which opened in 1991, was designed to accommodate a smaller number of passengers, which they sometimes exceeded. He said that he found it challenging when they reached capacity, and he was concerned about the adequacy of their restroom facilities and concession options. He said that he also believed they needed a stronger sense of place within the terminal.

Mr. Burch said that he would like to see more local presence. He said that there were many interesting aspects to airport improvement, but the size of the terminal might be a limiting factor. He said that if he could simply expand the terminal, he would be more satisfied. He said that fuel capacity was a detail that may seem nerdy, but it was very important. He said that they relied on Signature Aviation to provide fuel for both commercial and general aviation, and while they were working on improvements, he would like to see a larger fuel farm.

Ms. McKeel said that she had not thought about that. She asked if the airport utilized solar energy for any of its operations.

Mr. Burch said no, they did not. He said that several companies had already visited the site, and they had 700 acres available at the airport. He said that the challenge they faced with solar was that when they developed an airport layout plan, it must include potential future growth of facilities. He said that as a result, the area where solar could be developed was also where they would consider relocating the tower and other infrastructure. He said that therefore, they must be cautious in securing space for solar utilities. He said that while they were not conducting a formal study at this time, the companies that had visited the site had provided them with preliminary reports on the feasibility of solar development.

Ms. McKeel said that she would like to extend her compliments to Mr. Burch and everyone who works at the airport. She said that as a retired UVA research nurse, she had the opportunity to interact with many individuals who were flying in and out of Charlottesville's airport to attend meetings with her. She said that they consistently expressed their appreciation for the airport's services.

Mr. Gallaway said that he appreciated Mr. Burch's presentation. He said that he thought that some of the questions he had were actually addressed. He said that clearly the right person is in the right position, and it was impressive to hear about their career path and the accomplishments he had achieved, sir. He said that simply hearing him discuss it from both a pride and a knowledge standpoint was appreciated. He said that he had a great deal of pride in their airport, and he often bragged about it.

Mr. Gallaway said that recently he mentioned it to his sister, who now lived in Fort Myers, and he told her that their airport was far superior to the one in Fort Myers. He said that he often told others that that they had to travel to Charlottesville so they could see how great CHO was. He congratulated Mr. Burch and his team for the outstanding work they did.

Ms. Mallek said that as an example of how quiet it used to be when she was little in 1955, her siblings and she would sit on the front of their car, parked right across from Chisholm's driveway, and watch the planes take off. She said that was how she flew to college in 1967, on a Piedmont Airlines plane. She said that seeing the evolution over the years has been remarkable, and she was a frequent user of the LaGuardia Direct when they lived in New England. She said that her parents would pick her up at the airport, and it was a convenient and affordable option, costing around \$50 for a door-to-door service.

Ms. Mallek said that the appreciation from the community of how wonderful he was to work with was number one, and the second was the care of the white oak tree, which is the second-largest in the Commonwealth. She said that a whole generation of Airport Commission members were warned against cutting it down, and Jason's background and experience have ensured that it remains protected. She said that the tree is a significant historical landmark, dating back to the 1830s, and holds great importance to their community.

Ms. Mallek said that she also appreciated Jason's willingness to take phone calls and address concerns, such as the issue with the Cherry Point construction vehicles parked under the tree. She said that she had two quick questions. She said that there was a lot on the east side of the runway, which sometimes was full of cars but now was mostly empty. She asked if the rental cars were located there.

Mr. Burch said that they had utilized this space for storage purposes, but currently, it was being used to accommodate Uber and Lyft contracts.

Ms. Mallek said that someone had asked her about it the other day, and she wanted to clarify the matter. She asked whether the tower may eventually be relocated to the west side, but that was not a certainty.

Mr. Burch said that it might. He said that they were currently in a one-and-a-half-year site study, which would provide them with the best location for the facility.

Agenda Item No. 13. Public Comment on: Matters Previously Considered or Currently Pending Before the Board (Other than Scheduled Public Hearings).

Ms. Mer McLernon said that she was there to represent IMPACT (Interfaith Movement Promoting Action by Congregations Together), which she knew the Board was all familiar with. She said that she would like to share a story that she believed would support the Board's priority on the Housing Trust Fund and more affordable housing. She said that she had a customer who came into her boutique, and she started discussing IMPACT with her. She said that the customer told her that she had been homeless twice, which she would not have guessed from her appearance. She said that living at the Crossings had made a significant difference in her life, allowing her to make a comeback from dire circumstances.

Ms. McLernon said that she now worked at the Crossings, had a job, and was very independent. She said that she had a car and was a beautiful person inside and out. She said that she was there to represent her, and she believed her story was a testament to the work of IMPACT. She said that she wanted to thank the Board for their continued commitment to making a difference in the community, particularly for those who needed their assistance the most. She said that their efforts were becoming increasingly important, and she appreciated the work they were doing to make things better for the community.

Agenda Item No. 14. **Public Hearing: ZMA202300014 Archer North Development**

PROJECT: ZMA202300014 Archer North Development

MAGISTERIAL DISTRICT: Rivanna

TAX MAP/PARCEL(S): 04600000010800; 04600000010900

LOCATION: 2883 and 2885 Seminole Trail; and 1374 Ridgewood Circle

PROPOSAL: Amend a rezoning on two Planned Residential Development (PRD) parcels.

PETITION: Request to rezone portions of two parcels totaling approximately 19.51 acres from Planned Residential Development (PRD), which allows residential (maximum of 35 units/acre) with limited commercial uses to PRD. The property was previously zoned PRD through ZMA202000007 RST Residences. This proposal seeks to amend the zoning to allow for a variety of residential unit types. Portions of the RST zoning on the eastern side of the property adjacent to Forest Lakes will remain as previously zoned.

ZONING: PRD Planned Residential Development – residential (maximum of 35 units/acre) with limited commercial uses.

OVERLAY DISTRICT(S): AIA – Airport Impact Area, EC – Entrance Corridor, Steep Slopes – Managed, and Steep Slopes – Preserved

PROFFERS: No

COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01 – 34 units/acre); supporting uses such as religious institutions, schools, commercial, office, and service uses; and Privately-Owned Open Space – privately owned recreational amenities and open space;

floodplains, steep slopes, wetlands, and other environmental features; in the Community of Hollymead in the Places29 Master Plan area.

The Executive Summary forwarded to the Board states that at its meeting on November 12, 2024, the Planning Commission (PC) voted 6:0 (Commissioner Bivins absent) to recommend approval of ZMA202300014 for the reasons listed in the staff report. There were no speakers during public comment. The PC members recommended that the applicant consider improving the affordability component of the proposal prior to the public hearing with the Board of Supervisors (Board).

The PC's original staff report, action memo, and minutes are attached (Attachments A, B, and C).

Though the PC agreed with the staff's recommendation of approval for this application, Commissioners expressed disappointment that only 15% of the units were classified as affordable. The previous rezoning (ZMA202000007) was approved under the prior Housing Policy, which required only 15% of the units to be affordable. However, the prior rezoning committed to 75% of the total number of multifamily units as affordable for-rent units, which would have provided 191 affordable units (out of 254 multifamily units) and 332 units proposed overall. The PC noted that redevelopment of the property resulted in the removal of 60-70 manufactured homes that were previously on the property. The application before the PC committed to 15% of the total number of units being classified as affordable, resulting in up to 45 affordable units out of 302 units overall.

Since the PC public hearing, the applicant has worked with Dr. Stacy Pethia, Assistant Director of Social Services-Housing Department, to improve the affordable housing proposal for this application. The updated proposal provides 20% of the total units at the affordability rate of 80% AMI. (Attachment D - Revised Application Narrative and Attachment E - Revised Sheets 2 and 2A from the Application Plan). If the maximum number of units (302) are constructed as proposed, 60 of those units would be required to be affordable for-rent or for-sale units. Additional information on the affordable housing component of this application can be found in the Affordable Housing section on Sheet 2A of Attachment E. Staff believes that this change results in a better application and supports it.

Staff recommends that the Board adopt the attached Ordinance to approve ZMA202300014 Archer North Development with the revised Application Plan dated 12-6-24. (Attachment F).

Mr. Kevin McDermott, Deputy Director of Planning, said that he was there to present on ZMA 20200014, Archer North Redevelopment. He said that the Archer North development consisted of two parcels, highlighted in yellow on the map, located just east of US 29 and north of Ashwood Boulevard. He said that the surrounding area included the Forest Lakes neighborhood and Brookhill development to the south, and the Holly Hills parcels, which were an approved residential development currently in the site plan stage. He said that he would like to point out that this map also showed a previously existing trailer park on the site, which was no longer in existence; it had been removed several years ago.

Mr. McDermott said that the current zoning on this land was Planned Residential District (PRD), and it was being rezoned to PRD. He said that PRD required an application plan, and the reason for this rezoning was to amend the application plan associated with the previous rezoning. He said that the site was surrounded by additional PRD, a few R-1 parcels across US 29, which were Rural Area, and Planned Unit Development (PUD) and Neighborhood Model Development (NMD) in the dark green, which was the Brookhill development. He said that they could also see that there were overlay zoning districts, including entrance corridor, airport impact area, and some steep slopes on the site.

Mr. McDermott said that the Comprehensive Plan recommended this area for Urban Density Residential, which was shown in orange here, allowing for 6 to 34 units per acre and small institutional uses such as religious institutions, schools, and smaller scale commercial. He said that this proposal was only for residential. He said that the yellow color on the map represented neighborhood density residential, with 3 to 6 units per acre. He said that the green indicated private open space. He said that the area without color was Rural Area, and the blue site was designated as institutional and was currently a VDOT-maintained stormwater facility, which the applicant planned to incorporate into their stormwater management with some creative techniques that they would talk about.

Mr. McDermott said that the proposal consisted of a mix of single-family attached multifamily condominiums and multifamily apartments, with a maximum of 302 units. He said that the development was being constructed in two phases. He said that phase one was located on the east side of the development and was currently being developed under the by-right zoning designation, with 78 units, and was currently in the site plan stage.

Mr. McDermott said that the focus of the rezoning request was phase two, the other portion of the site, where they were seeking to accommodate up to 224 units. He said that the overall site's density would be 15.48 units per acre gross and 16.24 units per acre net, aligning with the Comprehensive Plan's recommendation for density.

Mr. McDermott said that regarding affordable housing, he would like to discuss this further. He said that during the PC meeting, they had significant discussion about the affordable units. He said that he may recall that this site was previously the RST development, which had a substantial amount of affordable housing associated with it. He said that he would retrieve the numbers momentarily. He said that in the previous proposal that went to the PC, the applicant stated they would dedicate 15% of the total units for affordable housing, which met the housing policy that was in effect at the time of the

application. He said that due to the PC's discussion and recommendations, the applicant re-evaluated and adopted a blended approach between the older and new housing policies, increasing the affordable units to 20% of the total. He said that initially, the 78 units in phase one were not intended to be affordable, but the applicant had dedicated 8 units from phase one to be affordable to spread the affordability throughout the site.

Mr. McDermott said that they had also stated that they would not offer a cash-in-lieu option, ensuring the units were built on-site. He said that the total number of units would be provided momentarily.

Mr. McDermott said that he would like to highlight other key elements of the application plan, specifically the transportation. He said that Archer North was the road located directly adjacent to the site, which would bisect the property and extend south through the Brookhill development. He said that this road provided public access from US Route 29, allowing for a right-in, right-out location. He said that the applicant was offering to construct new shared-use paths along their frontage of Ashwood Boulevard and through Archer North. He said that there was also an existing shared-use path on 29 across the frontage here.

Mr. McDermott said that they were proposing to construct up to two future transit stops, with potential locations shown. He said that currently, there was no fixed-route transit in the area, but this would enable them to offer that service if it were to become available. He said that the proposed site included 7.95 acres of open space and amenities, accounting for approximately 40.7% of the total site. He said that as a reminder, the by-right application plan, which was initially proposed for RST Residences, included 332 multifamily units.

Mr. McDermott said that the current proposal had reduced this number to 302 units, with a lower density. He said that the affordable housing proposed under the initial plan were 75% of the total units for rent, targeting individuals earning between 30% and 80% of the AMI (Area Median Income), so a pretty significant difference in affordable housing elements. He said that the transportation elements were generally similar, except they did have all of the roadways as private, so Archer North and the connections were going to be private. He said that the proposed transit stops were also present in the previous application.

Mr. McDermott said that overall, the analysis indicated that the request was consistent with the uses and density recommended in the Places 29 Master Plan and the Comprehensive Plan Neighborhood Model Principles. He said that the proposal provided new transportation improvements, including Archer Avenue, the new public road that connects over to 29, multiuse paths, and connections along Route 29 and Ashwood Boulevard, as well as the transit stops. He said that the proposed building heights and numbers of stories were consistent with the character of the surrounding areas.

Mr. McDermott said that the only concern staff noted, similar to the PC, was that the approval of this request would reduce the required affordable housing units from 191, which would have represented 75%, down to 60, which would represent the 20%. He said that this meant that there would be a maximum of 60 affordable units available here. He said that the PC had recommended approval of this request in November, voting 6-0 in favor, and that was the recommendation before the Board today.

Mr. Pruitt said that he would like to review the slides comparing the by-right and proposed overlay options, as he wanted to ensure they were consistently comparing the proffers in the plan to what was already on the table. He said that he wanted to understand the differences in the transit elements between the two options, and he asked whether there was a shared use path component included in the by-right application that had been approved.

Mr. McDermott said that yes, there was a shared use path. He said that the same shared use paths existed along Ashwood Boulevard, and he did not know if they had a shared use path along the private road that was proposed. He said that since the proposed private road was not a public road, the construction cross-section would have been different. He said that the existing shared use path along Ashwood Boulevard was part of the by-right approval, and the transit stops were the same as those in the previously approved rezoning.

Mr. Pruitt said that he understood that the approved rezoning that was currently in effect had a different height requirement.

Mr. McDermott said that yes, the heights were indeed taller in the previous proposal, ranging from four to five stories, whereas the current proposal was for two to three stories. He said that this was one of the positive aspects that were pointed out. He said that during the RST development, the community provided a lot of feedback regarding the proposed heights in RST, which conflicted with the smaller heights of the surrounding residential areas.

Mr. Pruitt said that he was seeking clarification on why staff considered this a positive aspect. He asked if there was a specific height preference noted in the small area plan or master plan that specifically notes a preferred height for the area. He said that given the Board's frequent statements about desiring higher buildings, he was curious about the reasoning behind this decision. He said that using their internal metrics, he would expect staff to evaluate this based on stated policies, rather than solely in response to public comment. He said that he was pushing back on this point, and he would appreciate an explanation for why it was viewed as a positive in the staff evaluation.

Mr. McDermott said that the decision was influenced by the feedback at the time, which included comments from the Board questioning what was necessary. He said that during the Board meeting, a significant portion of the discussion centered on the units adjacent to the existing residential units and the impact of the proposed units' height on the difference between the two. He said that it was true that they should have been more closely examining the recommendations from the master plans. He said that in this case, the discussion during that meeting focused on the impact between the existing residential units and the proposed residential units.

Mr. Pruitt asked staff to show the pros and cons slide again. He said that he wanted to ensure that he was tying up the loose ends. He said that the positive aspect listed was that the road was public, but in reality, the transit plans were largely identical, with the exception of the public acceptance of the roads. He said that the positive aspect for three was that the road was public, but everything else was the same.

Mr. McDermott said that was correct.

Mr. Pruitt said that under four, the positive was that the buildings were shorter, which seemed contradictory to the Board's own stated beliefs on what was good and bad. He said that he apologized for asking staff to assess the Board's views, but yes. He said that points one and two were also true of the currently approved ZMA.

Mr. McDermott said that was correct.

Mr. Pruitt said that it appeared that they were weighing the benefits of public roads against the loss of 130 affordable units of housing.

Mr. McDermott said that he did not think he would be the one to respond to that, but he understood what was being said, yes.

Ms. LaPisto-Kirtley said that regarding the four and five-story buildings, she recalled that this body had consistently stated that they typically built around four stories. She said that going five stories, if she was not mistaken, was a bit unconventional. She said that she would be delighted if they were to go five stories, or even six stories, but what they had before them was indeed a four-story building.

Mr. McDermott said that the proposed building was two to three stories tall.

Ms. LaPisto-Kirtley said that two of the three stories were in compliance, as per their requirements. She said that the public road met VDOT (Virginia Department of Transportation) standards, which enabled them to proceed from Archer to continue through the project into the Holly Hills project, as it was a VDOT-compliant road.

Mr. McDermott said that was correct; this provided a better connection to the Holly Hills development to the north than a private road would have.

Ms. LaPisto-Kirtley said that she would appreciate hearing from the applicant regarding this matter. She said that while she appreciated the fact that they had increased the affordable housing component to at least 20%, it would be beneficial to also understand why they could not have achieved a higher percentage.

Mr. Gallaway asked to see the slide with the breakdown of the units.

Mr. McDermott said that the proposal included 302 units.

Mr. Gallaway said that at 20% of total units, he had a question regarding the breakdown. He said that he was inquiring whether the 20% was a mix of rental and home ownership units.

Mr. McDermott said that this proposal was entirely for homeownership.

Mr. Gallaway said that the RST development was all rentals, and this new proposal was all homeownership.

Mr. McDermott said that was correct.

Ms. Mallek said that she did not think she had any questions at this time, but she appreciated the way they had laid out the information. She said that that was a good starting point, and she would keep in mind that there may be other reasons why the 134 units were being changed, beyond just trading for roads. She said that she would learn more from the applicants.

Mr. Andrews said that his only question was regarding the period of affordability. He said that based on his understanding, this was a first-time buyer situation.

Mr. McDermott said that, yes, that was the current proposal.

She said that she had a question regarding the homeownership. She said that she noticed that the agreement extended the time for homeownership.

Mr. McDermott said that, yes, that was included in the proposal. He said that Ms. Stacy Pethia was present to address any additional or more in-depth questions regarding affordable housing, should they arise.

Mr. Andrews opened the public hearing.

Ms. Ashley Davies of Riverbend Development said that she was joined tonight by Alan Taylor of Riverbend, Chris Schooley of Greenwood Homes, and Scott Collins of Collins Engineering, their project engineer. She said that they were confident that with this team, they could address any questions the Board may have. She said that they were proud to present the Archer North development to them tonight. She said that they believed this was an exceptional new neighborhood for Albemarle County, and they had invested significant time and effort into thoughtful neighborhood design, high-quality construction, and a strong relationship with the Forest Lakes neighborhood and surrounding areas.

Ms. Davies said that they had taken a thoughtful approach to understanding the unique context of this property. She said that on the screen was their illustrative plan, and she would like to remind the Board of the previous RST rezoning versus what was on the screen. She said that their plan really showcased a neighborhood concept, with attached residential units that were three and four stories, not two and three stories as previously mentioned. She said that while the number of units may not be significantly different, the layout and amenity spaces were strikingly different.

Ms. Davies said that the public road systems and shared use paths, including a new path along Archer, were also noteworthy. She said that this was a for-sale product, and they believed it was really needed in Albemarle County at this time. She said that in her presentation, she would elaborate on how they were providing rental units nearby. She said that this slide illustrated the stormwater facilities just across the street, which they would be utilizing, and she was pleased to note that there was no underground storage. She said that Scott Collins from their team would be happy to discuss this further if they had additional questions.

Ms. Davis said that as the leader in new home construction in Albemarle County, Greenwood Homes is committed to increasing affordability, and she was proud of their marketing program, which connects people with various housing options. She said that they were particularly focused on connecting people with affordable housing units. She said that there were a lot of rental options, though never enough, and that there were not really any affordable units coming on the market for sale. She said that this was why they were extending the timeline to nine months in finding a buyer, as they were committed to making this project a success. She said that Riverbend and Greenwood Homes were regional leaders in providing affordable housing and that she would provide more information shortly.

Ms. Davis said that she would also like to address the elephant in the room, specifically the previous RST rezoning approved in 2021. She said that as an affordable housing advocate, she knew how excited they were to approve that development.

She said that it was very aspirational, but unfortunately, not a feasible plan. She said that there were many reasons for that, but looking back at the years since then, the underlying issue is that private developers will face a massive challenge in bringing forth a project that meets the 75% affordability. She said that this was part of the reason why the policy the County set forth would not go beyond 20%. She said that when examining feasibility studies, there is a huge funding gap associated with achieving 75% affordability. She said that this means that the project would require a low-income housing tax credit, and even beyond that. She said that she works on these types of developments every day, and one may or may not get the funding for the tax credit project. She said that over a third of projects never receive funding for tax credits. She said that even if they do get the funding, there was still a major gap. She said that therefore, they would need millions of dollars from the City of Charlottesville, private funders, and additionally, construction costs have increased by 30% in the past couple of years, and interest rates have risen. She said that these factors contribute to the reasons why the RST project could not come to fruition. She said that unfortunately, they have lost all of these years in that timeframe.

Ms. Davies said that they were really excited to be picking up the project, and that they were currently under construction on phase one. She said that they were maintaining the design from phase one and getting those houses underway, which meant that they would have new affordable units available to families by the end of this year. She said that they would be connecting families with both market-rate and affordable units by the end of this year.

Ms. Davies said that the slide showed phase one versus the phase two, which Mr. McDermott pointed out. She said that they thought it was important to consider the broader context of this development and how it connected to Holly Hills, Forest Lakes, and Brookhill. She said that as she had mentioned earlier, when they looked at the audience tonight, it was significantly different from her previous public hearings, primarily because they had worked closely with the neighborhood and listened to what they were looking for.

Ms. Davies said that they had developed a transect and planning transition that they believed was suitable for these neighborhood areas. She said that what they were presenting was similar to what they would see in the townhouses next door. She said that Brookhill was right next door, and hundreds of homes were being built down there. She said that the Brookhill Town Center had existing apartment units that already featured 300 affordable units, with another 300 units that would be under construction later this year. She said that they believed that that was the ideal location for the apartment units, right in the Town Center, providing access to the commercial and the amenities.

Ms. Davies said that by offering a for-sale option, they were providing a range of housing types and amenities in this area. She said that they were also exploring creative solutions to maintain affordability for longer, such as partnering with the Land Trust, and she was happy to discuss these options further in the Q&A. She said that the key message was that bringing affordable housing to the table was challenging, but they were committed to exploring every option to achieve this goal.

Mr. Pruitt asked what would happen if the project was denied.

Ms. Davies said that she was not sure.

Mr. Pruitt asked if the applicant submitted a LIHTC (Low-Income Housing Tax Credit) application.

Ms. Davies said that they were currently working on tax credit applications for both the City and the County. She said that one of the things to understand about the tax credit environment, as they partnered with the Housing Authority and Piedmont Housing Alliance to develop affordable housing. She said that in this area, they had multiple phases of projects scheduled for the next decade, and that that was eating up the tax credits for this area. She said that they would not necessarily pursue a tax credit deal, as it would compete with the other groups.

Mr. Pruitt said that he may be misunderstanding something. He said that he thought that tax credits were evaluated and awarded on an annual, rolling basis. He said that he wondered if these would still be in some form of regional competition when they looked at them one or two years from now.

Ms. Davies said that for the work they were undertaking with other affordable housing providers in the area, there were phases currently under construction or nearing completion, but they also had phases lined up for the next decade. She said that each year, these groups applied for tax credits, and the state had a limited amount of funds available, with a significant portion designated regionally.

Ms. Davies said that once a regional award was received, there were no additional funds available in this area. She said that fortunately, this area was doing excellent work, and there were numerous tax credit projects being awarded. She said that this also meant that they did not have access to additional funding, and they did not want to compete with the projects they were already working on currently.

Mr. Pruitt asked if there was a cost-based bonus for LIHTC applications in the area.

Ms. Davies said that she did not know the answer to that question.

Mr. Pruitt asked if there was a general sense of the credit-dollar exchange and if it had changed significantly since 2021.

Ms. Davies said that it was likely that it had changed. She said that the most significant thing they had observed was that the cost of construction had increased by approximately 30% on many of their projects. She said that even projects that they had allocated funds for had to be delayed in starting construction. She said that despite securing great tax credit funding, there remained a substantial gap in providing the necessary units.

Mr. Pruitt asked if they had looked into what it would take to create a competitive project for the County's annual grants, which they dispersed to support affordable housing initiatives.

Ms. Davies said that she had not personally looked into it.

Mr. Pruitt asked if they had discussed with local nonprofits about what it would take to create a partnership to meet the original profit target.

Ms. Davies said that they had not for this site specifically, because they were working with them on other sites. She said that those groups had a limited capacity.

Mr. Pruitt said that a potential conversation with the Piedmont Community Land Trust was mentioned. He asked for more information about those discussions.

Ms. Davies said she recently started her term on the CAAR (Charlottesville Area Association of REALTORS®) Foundation Board, and they would begin working on educating themselves so they could pull that together. She said that it was a promising possibility, given this development and other neighborhoods they were providing, which would bring approximately 100 affordable units online within the next year or two. She said that she thought this presented a great opportunity, and it was important to understand what their capacity was and how the County could work with them on funding, so what was their capacity to take over units, as they would have a significant supply of available units. She said they were just starting those conversations.

Mr. Pruitt asked what "economically feasible" meant.

Ms. Davies said that it meant whether the project could be constructed.

Mr. Pruitt said that he wanted to push back on that. He said that the term economically feasible

could have different meanings for different developers. He said that they probably had a target profit margin, and he asked what was economically feasible for Greenwood Homes.

Ms. Davies said that she would have to ask representatives from Greenwood Homes.

Mr. Pruitt said that this turned on the fact that she said it was not economically feasible.

Ms. Davies said that it was not economically feasible for RST, which was why the project did not come to fruition.

Mr. Pruitt said that they now owned the land and were attempting to develop it. He said that they were submitting that it was not economically feasible to do so, and therefore, they needed an accommodation from the government to waive a pre-existing requirement for developing on the land. He said that if it was not economically feasible, he wanted to know what that meant for Greenwood Homes.

Ms. Davies said that the important thing to understand was that 75% affordability was a more realistic expectation for a housing authority or organization like Piedmont Housing Alliance, rather than a private developer. She said that in this instance, the private developer's willingness to adopt such a policy was unusual. She said that other groups had access to additional funding sources, subsidies, and grants, which is why she believed that that rezoning ultimately led to an unworkable outcome.

Ms. Davies thought they needed to revisit the standard County policy, which had been discussed and worked on for a long time. She said that it appeared that the current approach may not be feasible. She said that they may want to review a pro forma, but she did not have one prepared.

Mr. Pruitt said that Ms. Davies had mentioned that this target would be more suitable for a nonprofit developer or housing authority, as they have access to additional funds that made it feasible. He said that he challenged that assertion. He said that there was no "magic key" that came with being a 501(c)(3) organization, granting them a pool of extra money. He said that the factor that made it feasible for them was their unique definition of economic feasibility, which did not involve profit margins.

Mr. Pruitt said that Greenwood Homes had acquired this land with the expectation of developing it with the encumbrance. He said that it was an existing condition when the land was acquired. He said that the Board did make zoning modifications with the understanding that the conditions would be in the public interest. He said that this was decisively opposed to the public interest. He said that it would decrease the amount of affordable housing they planned to provide, and overall, it would result in a lower aggregate amount of housing.

Mr. Pruitt said that the only rationale he had heard was that it would not be built otherwise, but he did not see a willingness to compete for the necessary funds or to be forthcoming with what it meant for that to not be feasible for them, including the potential profit margin at this development level. He said that he was uncertain whether it would be negative, but that information had not been shared. He said that it was challenging to see how this decision aligned with the public interest.

Ms. Davies said that what they were doing was not opposed to the public interest. She said that the main difference between this application and the previous one was that the previous one required tax credit funding, which was an area that changed annually. She said that as a result, there was no guarantee that this funding would be available in the future. She said that the previous owner had been unable to secure the necessary funding, and she thought it was in the County's best interest to avoid leaving the site in a state that relied on this funding. She said that the longer they waited, the more they risked falling further behind their housing goals, as this development was highly unlikely to occur.

Ms. LaPisto-Kirtley said that based on her understanding, she recalled speaking with the developer from RST about a year and a half ago, and they expressed disappointment that the project did not move forward due to issues with obtaining tax credits from the federal government. She said that they were unable to secure the necessary credits, and the project ultimately fell through. She said that this could happen at any time. She said that although they were disappointed, they also understood the significance of the 75% affordability requirement, which was a welcome development.

Ms. LaPisto-Kirtley said that unfortunately, it appeared that this miracle may not be repeating itself. She said that she was concerned about the current state of tax credits from the government. She said that she would like to make a comment regarding the amenity areas. She said that she noticed that there were four amenity areas. She said that this land could potentially be used to build additional units, but it seemed that the focus was on maintaining the amenity units rather than utilizing the available space for more housing. She asked if they had a list of potential buyers for these homes when they became available.

Ms. Davies said that the County had started a list, and they intended to work closely with Ms. Pethia to ensure they were connected with anyone on the list. She said that she believed that as a group, they felt that once they could start connecting people from the list and achieving early successes, more people would be inclined to join the list and recognize that this was a real and worthwhile endeavor that they were undertaking together.

Ms. LaPisto-Kirtley asked if the County's timeline was for six or nine months.

Ms. Pethia, Assistant Director of Housing, said that the timeline can vary, but it typically ranged

from 60 to 90 days. She said that recently, developers had been more generous and began extending the timeline beyond the standard 90-day mark.

Ms. Davies said that the applicant proposed nine months.

Ms. McKeel said that she particularly appreciated the public road. She said that while building roads to VDOT standards may be more expensive upfront, private roads often required costly repairs and maintenance in the future. She said that she also appreciated the amenity areas, as they contributed to the quality of life. She said that she would like to discuss the possibility of repurposing an amenity area for housing.

Ms. Davies said that they could consider increasing the density, keeping the maximum at 332 units, rather than the 302 units currently in place. She said that this might not be possible since the public hearing was advertised with a density of 302.

Ms. McKeel said that they had expectations about open space and areas that add to quality of life, so it was a balance. She said that she appreciated their response to the Planning Commissioners' questions, and the effort done to increase the affordable units from 15% to 20%. She said that the auditorium was packed with frustrated people when the RST came forward, and that she appreciated that the developer had worked with the neighborhood.

Mr. Gallaway said that he appreciated some of the questions that Mr. Pruitt had asked. He said that Phase 1 and Phase 2 were on one piece of property, and Phase 1 was currently underway. He said that his initial question was what would happen if this application were to be denied, and the applicant stated that they had not considered that scenario. He said that he found that response to be interesting.

Ms. Davies said that Phase 1 construction will proceed, and the site plan was approved. She said that everything in the box with the red dotted line would continue with the caveat that that was all market-rate for the RST rezoning, but they were intentionally incorporating affordability into the Phase 1 construction, as they believe it is better to spread affordability throughout the neighborhood. She said that if this proposal were to not pass, they would need to regroup as a team and reassess their approach. She said that she was confident that the landscape of tax credits was challenging.

Mr. Gallaway asked if the property would remain vacant if the request was denied.

Ms. Davies said that it would.

Mr. Gallaway asked if the same group was in front of the PC with Oak Bluff.

Ms. Davies said that was correct.

Mr. Gallaway said that they had made similar comments this evening to the ones they made then. He said he had heard it mentioned in two separate meetings regarding Greenwood's role in promoting affordable home ownership. He asked them to explain what set Greenwood apart in affordable housing.

Ms. Davies said that as the pro bono development partner of the Housing Authority, a significant part of her daily work was through Riverbend Development, in collaboration with Greenwood Homes. She said that over the past six and a half years, they had worked closely with the Housing Authority as they undertook a resident-led redevelopment process, which was not found anywhere else. She said that to make this process successful, they had had to secure not only successful tax credit applications but also raise \$30 million in private funds, match it with local funds, and pursue additional grants on the statewide level.

Ms. Davies said that as part of this effort, Greenwood Homes had been a partner in building some of the affordable units for the Housing Authority, resulting in approximately 60 deeply affordable units. She said that this was in contrast to previous developers, who would have opted for a cash in lieu payment. She said that their ethos was to be the ones leading the way in building these units, connecting with buyers, and solving the regional crisis. She said that looking at their recent rezonings and affordable housing projects with the Housing Authority, they had successfully developed over 100 units of affordable housing through Greenwood Homes, and Riverbend was working on hundreds more with the Housing Authority.

Mr. Gallaway said that affordable homeownership had been the hardest problem to solve with land cost and other things. He said that they had gone from a certain number of guaranteed affordable units, but those were all rentals. He said that now, they were looking to make these units affordable for home ownership.

Mr. Gallaway said that he would like to know the actual steps involved in making these units affordable and how they could ensure that people who needed them were able to access them at 80% AMI (Area Median Income). He said that earlier, they had mentioned that Ms. Pethia had a list, but he also recalled that the PC had mentioned that the developer had a list as well. He said he wanted to be confident that every affordable unit would have a qualified buyer, and he asked what their process was to make that happen because it was not the County's responsibility.

Ms. Davies said she thought they were taking a multi-faceted approach to addressing this issue, which they recognized had not been adequately addressed previously. She said that in her view, it was a

combination of factors. She said that for instance, they would be working closely with Ms. Pethia to ensure that County employees were informed about the opportunity. She said that Greenwood Homes currently accounted for 40% of new home construction in Albemarle County.

Ms. Davies said that their marketing team was highly effective, with strong connections to potential buyers, and it was well-established in the market. She said that the CAAR Foundation, a group of experienced realtors dedicated to creating affordable housing, would be instrumental in this effort. She said that they were developing a comprehensive homebuyer resource, connecting buyers with available units, and providing guidance on credit score issues and other challenges that may hinder buyers' readiness. She said that they would also be exploring the possibility of partnering with the land trust to potentially absorb the units and maintain affordability for a longer period.

Mr. Chris Schooley, Vice President of Design and Development at Greenwood Homes, said that Greenwood Homes currently held a 55% market share in this area, and they had been in operation since 2022. He said that their focus was on execution, as they put houses on the ground and found people to occupy them. He said that their market reach was their first priority. He said that they had their own list, which represented their market reach. He noted that Ms. Pethia had a second list, with which they were pleased to collaborate.

Mr. Schooley said that this project was new for Greenwood Homes, as all of the affordable housing that they had put on the ground and their other projects slated for 2025 were for rent. He said that this was for sale, which meant they would be targeting a different audience. He said that they were excited about this opportunity because the 2 over 2 buildings must be converted into condominiums. He said that the 2 over 1 buildings were similar to the ones they built at Gunbrook. He said that they were pleased with the progress and thought it was a unique opportunity. The lower unit was a two-bedroom apartment, built to the same quality and environmental standards as their other houses. He said that the 2 over 1 product here would allow them to offer something innovative. They estimated the sale price to be around \$243,000, but they believed they would likely start with a lower price point. They would be offering two-bedroom apartments for sale, with prices starting in the 100,000s. He said that that was very different than anything else.

Mr. Schooley said that in 2025, they would have 134 affordable housing units, with a few located in the City. He said that not all of these units were in Albemarle County, but the market did not differentiate between the two. He said that as a production home builder, Greenwood Homes were not multifamily developers and could not build the RST plan, as they did not build 5-story steel building. He said that they were very good in what they did which was stick-framing production homebuilding. He said that this project allowed them to maximize their expertise in the 2 over 2 units.

Mr. Schooley said that all of the lower 2 over 1 units would be ADUs (affordable dwelling units). He said that they estimated that about a dozen of the lower 2 over 2 units would also be at the affordable limit. He said that they were proud to be offering a for-sale project. He said that their project at Victorian Heights featured 16-foot-wide townhouses for affordability, as well as other affordable units, such as the 2 over 2 and 2 over 1 configurations. He said that this represented three different product lines. He said that they were trying to innovate, but their primary focus was on execution.

Mr. Schooley said that this project was one that they could successfully execute and bring to market. He said that unfortunately, if they were denied tonight, they would need to retool and try to figure it out. He said that they may be sitting on it until the market is there. He said that they had been holding onto property in this market for 20 years, and they may again be holding onto it for a long time until the tax credits were available, the market was favorable. He said that he understood that this was frustrating, but they were offering something that they could put on the ground.

Mr. Gallaway said that they had mentioned that they had explored all the options for maximizing affordability, and he recalled that they had adjusted the percentage from 15% to 20% as recommended by the PC. He asked if they were aware of the developer incentive program in the County.

Ms. Davies said she was learning more about it.

Mr. Gallaway asked whether that was explored with staff of how they could achieve a higher percentage of affordable units.

Ms. Davies said that it was not that they did not explore it, but it did not allow them to increase the affordability. She said that as a team, between the PC meeting and this one, they had reviewed all the available resources, and they settled on the 20% affordability because they decided it was now viable.

Mr. Gallaway asked if the developer incentive program was on their radar.

Ms. Davies said that they were starting to explore the program, but they had not utilized it.

Mr. Gallaway said that this was originally a mobile home park, where they had displaced people and approved the RST. He said that the RST approval, in addition to the units, served a vastly different AMI. He said that this change was not just about the type of units or the shift from rental to home ownership, but also about the income level of the people they aimed to serve. He said that in fact, the affordable component was a key factor in their decision to approve it.

Mr. Gallaway said that during his town hall meeting in the Rivanna District, he had heard the

community's concerns firsthand. He said that although he was not the supervisor for this district, he was aware that other supervisors had met with the community in a similar town hall setting. He said that the affordable component gave them the confidence to move forward and address the community's concerns. He said that for the residents of the mobile home park, the idea was that they would be able to find homes in the new development. He asked if that would be true of this development.

Ms. Davies said she believed that the two-bedroom units would be under \$200,000. She said that could be combined with the number of apartments going in at Brookhill, where there was another affordability requirement.

Mr. Gallaway asked them to stay focused on the current project. He said that his intention was not to undermine or diminish the excellent work being done by Riverbend. He said that he was a fan of their projects and appreciated the efforts being made. He said that however, he believed it was essential to carefully consider the merits of this specific project.

Ms. Mallek said that her understanding of the financing dilemma had been somewhat limited, but she had gained insight from meeting with individuals who attempted to educate her on how it worked. For example, she said that it was not just about people going to their local bank anymore, as was done by the developer of Elizabeth Forest in the 1970s. She said that one local bank had provided financing for 200 houses that sold in the \$40,000s and \$50,000s. She said that it was the venture capitalists, often referred to as "vulture capitalists," who were primarily motivated by returns on investment. They had stringent demands for repayment of the funds.

Ms. Mallek said that another positive experience was the Wickham Pond project, where the County used accrued in lieu of money to provide down payment assistance. She said that a small amount was left that was put into the Wickham Pond, the developer-builder then secured funding for the remaining amount, resulting in six townhouse units with beautiful mountain views on the playground space. She said that the neighbors at Wickham were the ones who built the houses, and she was very proud of them because they really came together to welcome these new families. She asked if any aspects of that were being used to make these affordable things that they had, or if it was solely due to the effective management of the construction process that they were able to do it without all of those partnerships.

Ms. Davies said that this was internal so far, and she believed that the way the property was designed, that it inherently worked at these levels. She said that she thought another factor that had not been discussed previously was the impact of interest rates over the past couple of years on larger development projects. She said that in and of itself, that one fact had either killed or put on hold a lot of large multifamily deals.

Mr. Andrews said they mentioned Phase 1 as being similar to what RST had the right to do without the affordable housing. He said that now they were proposing to include it at 10% of the total units, which was 8 out of 78. He said that he was trying to understand this proposal as if it were coming to them now without the RST history. He said that if they did not have the RST history, would they still be considering a phased approach, where they only completed 10% of the first phase and then jumped to a higher percentage in the second phase. He asked at their current 20%, what the period of affordability was for the affordable units.

Ms. Pethia said that for sale units, it was a 40-year affordability term that was recommended.

Mr. Andrews asked if the affordability in each phase was taken into consideration. He asked if there was an assurance Phase 2 would be completed.

Ms. Pethia said that it would not make a difference in either phase. She said that the requirements would be the same, regardless of the phasing and the number of affordable units included. She said that they would simply ask that they meet the established housing policy standards for each phase. She said that in this case, the 20% would be applied to the total units built across phases.

Mr. Pruitt said that he wanted to clarify a few points regarding Phase 1. He said that as they had previously discussed, the RST proposal originally intended for this project to be at market rate. He said that he was seeking clarification on whether this was specifically part of how the affordability would work. He said that if only 78 units were built, and this request was not approved, then the 75% affordability would apply to those 78 units.

Ms. Davies said that it was only for the apartment buildings.

Mr. McDermott said that the RST was not proposed to be phased, so the 75% could have been built during any portion of the development. He said that it was already sold, he believed, when they started the initial 78 units before any rezoning came in. He said that he did not think RST had planned to build 78 market-rate homes and then construct the remaining 75% on the other side, but that was essentially what happened when it was sold and subsequently broken out into two separate site plans.

Mr. Pruitt asked if the Phase 1 area was not included in the original ZMA.

Mr. McDermott said that it was included, but there was no phasing.

Ms. Davies said she believed it was phased, and the affordability was specific to the apartments. She said that it was 75% of the units in the apartment phase.

Mr. Pruitt said that this appeared to be a critical issue, and he was concerned that it fundamentally altered the outcome if they denied it. He said that if RST had presented it as described, denying it would result in 78 market-rate buildings. He said that, assuming Mr. McDermott's explanation was correct, and he had assumed as much, then the developer would be required to offer at least 75% of the 78 units as affordable units.

Mr. Francis McCall, Deputy Zoning Administrator, said he agreed with Ms. Davies. He said the application plan for the other PRD (Planned Residential Development) included a 75% requirement for the multifamily component. He said that upon reviewing the plan, he believed it essentially mirrored the current layout in Phase 1, featuring townhouse units alongside apartment buildings in what they were calling Phase 2, but it was not really phased from what he can tell. He said that they would not be required to provide 75% of the 78 units as affordable.

Mr. Pruitt said that he thought that this could be a complex issue to address with the proffer, and it was unclear what it would actually require. He said that he would appreciate the County Attorney's opinion on this matter. He said that he hoped that everyone could appreciate the complexity of the issue he was trying to highlight. He said that there might also be a distinction between the proposed site plan and how the proffer would apply to it.

Mr. McDermott said that he had the RST plan available. He said there were no proffers associated with the RST development. He said that initially, the application plan outlined the specific requirements for the project, including the requirement that 75% of the total units as apartment units be affordable. He said that the plan showed different locations for the types of development, and it was not phased. He said that those could have been anywhere.

Ms. Mallek said she recalled that the tall buildings in the center were intended to be apartments. She said that the surrounding areas, which were more similar to the surrounding neighborhoods, which were the low-rise, and were maybe for sale, maybe not. She said that she did not remember townhouses where the green-blue things were on the east and south.

Ms. LaPisto-Kirtley asked what would happen if they were unable to find buyers after the nine-month affordability timeline. She asked if the units would revert to market rate or be affordable rentals.

Ms. Davies said that they would likely never reach that point due to the extended timeline, which had been lengthened from 90 days to nine months. She said that the Greenwood team had never taken 9 months, especially considering properties at this price. She said that she was not aware of any available properties that were reasonable, and she believed these projects would move quickly. She said that if they did not, they could easily categorize them as rentals, and they still had the affordable rental category available through this rezoning, so that would be a good fallback.

Mr. Pruitt asked if the affordable for-sale units would include a deed restriction to preserve affordability past the initial sale.

Ms. Davies said that they did not currently have that as part of the application plan, but they could explore it.

Mr. Pruitt said that this was something the Board had grappled with before. He said that it was easy for an enterprising low-income individual to turn a valuable profit if they wished to, unless there was a deed restriction in place. He said that a deed restriction would also effectively eliminate the need to partner with PHA, as they would likely put a deed restriction on the property. He encouraged the developer to consider it.

Ms. Davies said that she agreed it was a good idea to consider. She said that they were also placing the entire property under a condo association. She said that she thought it was a good idea and something they should definitely consider, but it was essential to be mindful of the various layers they added and the potential impact on the person they were trying to match, and at what point would it not be viable for them. She said that it was a balancing act.

Mr. Andrews said that the applicant had the chance for rebuttal.

Ms. Davies said she had nothing more to add.

Mr. McDermott said that he wanted to clarify a point he previously made regarding the building height. He said that six stories were allowed in the RST, but they had lowered it to four stories with the current plan. He said that he thought the reason it was initially considered a positive aspect was because the Places 29 Master Plan recommended up to four stories in urban density residential areas. He said that they were shooting for higher these days, but that it was four stories at the time of the plan.

Mr. Andrews closed the public hearing and brought the matter back before the Board.

Mr. Pruitt said that it was in the private developers' primary interest to convince them that they could not build without their approval. He said that this allowed them to realize their profits more quickly rather than trying to figure out how much they can cut into their margins and what additional steps they would need to make. He said that it was more convenient for them to approach the Board and request the

removal of the encumbrance, thereby allowing them to maintain their desired margin. He said that this would require the County to take a significant leap of faith, trusting that the project would not be built if the obligations were removed, and he did not feel that he could do so while still upholding the interests of Albemarle County.

Ms. LaPisto-Kirtley said that she had no doubt that if they had been held to the previous standards of RST, this project would not be built. She said that she did not want to see the rest of the property develop into million-dollar homes on one- or two-acre parcels. She said that she believed this was a good project and a fair project. She said that they were all disappointed that RST had failed, but RST had failed for a reason. She said that RST was not a local company. She said that this was a local company, comprised of individuals who had a vested interest in this community and could be trusted to work with them. She said that she was definitely in favor of this project.

Ms. McKeel said that she also supported the project, as it was a local developer. She said that she agreed with staff's positive comments and that she appreciated the increase from 15% to 20% and some of the other changes, including the VDOT road. She said that she was in favor of the project.

Mr. Gallaway said that he thought it was essential to acknowledge that the Board's decisions were not predetermined, and he was still torn about this issue. He said he agreed with some of the sentiments expressed by Mr. Pruitt. He said that in his experience, when they had applications for affordable homeownership, providing affordable homes required more than just grants or incentives. He said that their previous collaboration with Habitat for Humanity and the Southwood community had demonstrated the value of a private-public partnership.

Mr. Gallaway said that he had also publicly discussed the challenges of the developer incentive program, which was initially designed for rental properties. He said that as a result, he was weighing the pros and cons of increasing density and addressing affordability concerns, while also considering the trade-offs of giving up units they had previously committed to. He said that he was still grappling with these issues and trying to articulate his thoughts to the community.

Ms. Mallek said that she was recalling her previous vote, and she would not have supported RST due to the impact and what she perceived to be a lower quality of life, except for the high level of affordability. She said she appreciated the new owner's increase to 20% affordable units. She said that she was aware that some comments were made about the green space, but that was a significant factor for her, and she believed it was also important for the residents who would live there.

Ms. Mallek said that when she lived in a small apartment in Boston, having a nearby park was important for her mental health. She said that she saw these spread-out green spaces as a way for the children who lived there to run around and have a place to play, where someone could keep a close eye on them without having to drive elsewhere. She said that the homeownership was a new project for the developer and for the County. She said that she understood that they were both taking a risk, and that she looked forward to its success.

Mr. Andrews said that he viewed this as a fresh application at this point. He said that he was concerned that the affordability was only applicable to the initial ownership and did not extend as their hope would be for affordable housing for sale as well as for rent. He said that those periods had been extended, and they hoped that this would happen. He said that he was also pleased that this had reached 20%.

Mr. Andrews said that he was looking for a motion.

Ms. LaPisto-Kirtley **moved** that the Board of Supervisors adopt the Ordinance provided in Attachment F, to approve ZMA 2023-14 Archer North Development, for the reasons stated in the staff report. 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. McKeel.
NAYS: Mr. Pruitt.

ORDINANCE NO. 25-18(1)
ZMA 2023-00014

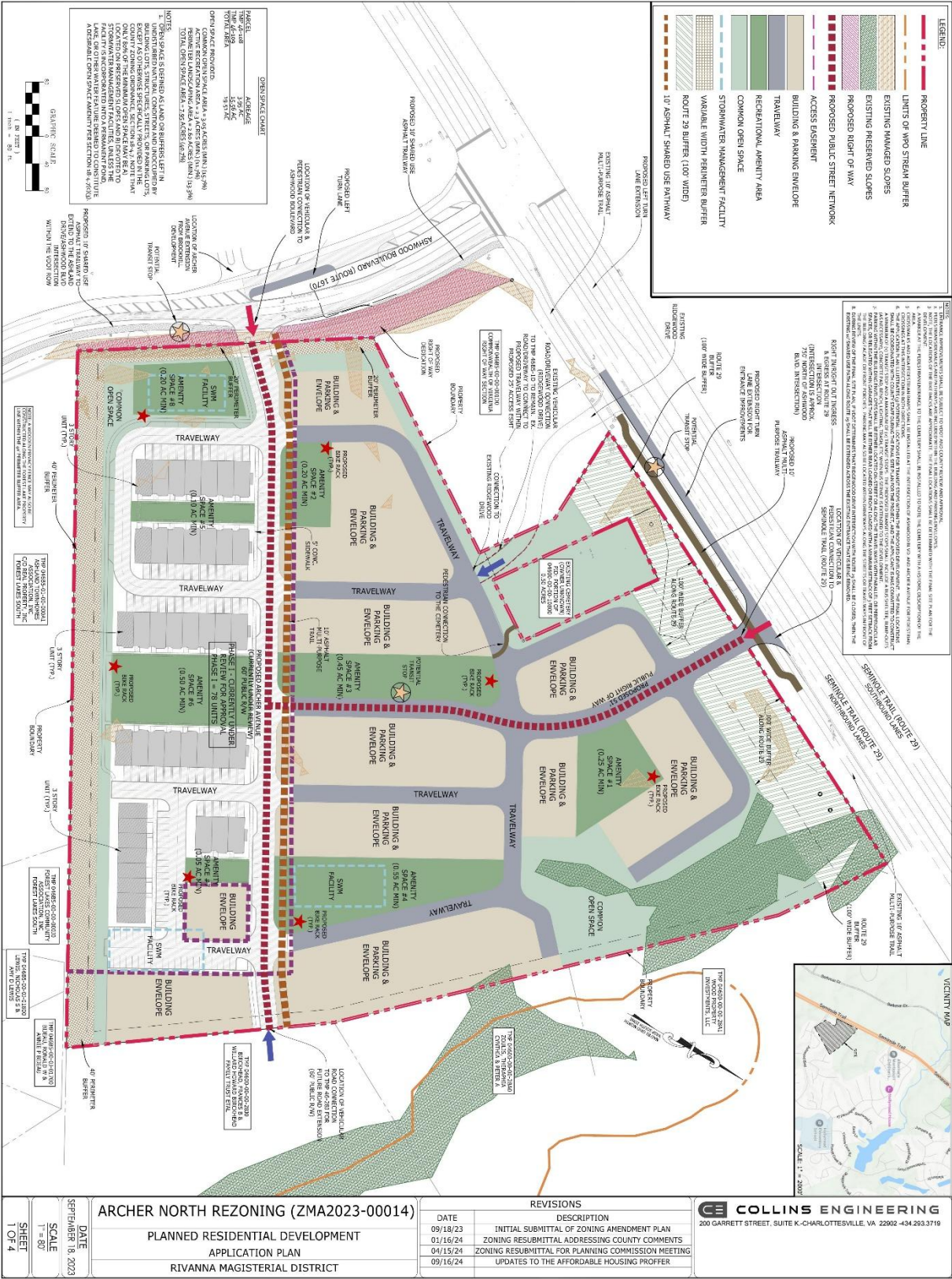
**AN ORDINANCE TO AMEND THE ZONING MAP FOR
PARCELS 04600-00-00-10800 and 04600-00-00-10900**

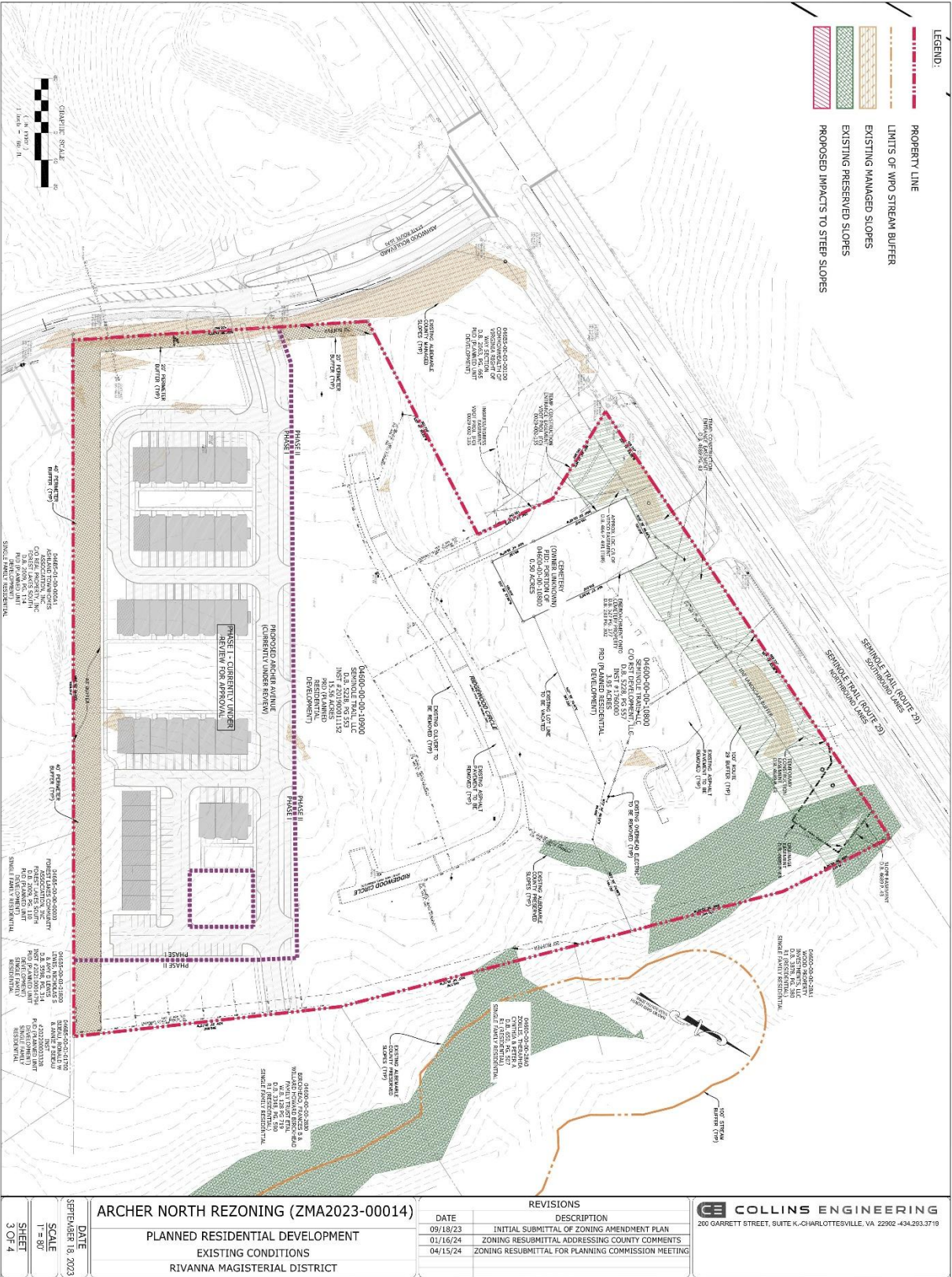
WHEREAS, an application was submitted to rezone Parcels 04600-00-00-10800 and 04600-00-00-10900 from Planned Residential Development (PRD) to Planned Residential Development (PRD) by amending the Application Plan previously approved with ZMA2020-00007 (RST Residences); and

WHEREAS, on November 12, 2024, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2023-00014;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2023-

00014 and their attachments, the information presented at the public hearings, any written comments received, the material and relevant factors in Virginia Code § 15.2-2284 and Albemarle County Code § 18-19.1, and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board hereby approves ZMA 2023-00014 with the Application Plan prepared by Collins Engineering, dated September 18, 2023, and last revised December 6, 2024.







Agenda Item No. 15. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. LaPisto-Kirtley said that HB 1660 was pulled due to Mr. Jones' absence, but it was also intended to be withdrawn. She said that another bill had been introduced, which unfortunately would not benefit them as it was only applicable to high areas. She said that the Senate's approval was uncertain due to numerous restrictions. She said that for instance, they could recoup costs with photo speed cameras, but any additional expenses must be allocated to the state. She said that the bill's parameters were restrictive, and it would not address their rural road situation.

Ms. LaPisto-Kirtley said that if it were passed, they may be able to utilize it in a couple of areas, or if their photo speed cameras were expanded to other school zones, it could help build momentum in the General Assembly and potentially lead to a successful bill. She said that she also wanted to update them on the EDA (Economic Development Authority) meeting from yesterday. She said that the meeting was productive, and the MOU (Memorandum of Understanding) between the Board and the EDA was working. She said that Mr. Henry and Ms. Kilroy were currently in Richmond, attending to EDA business.

Ms. Mallek confirmed that HB 1660 had been withdrawn.

Agenda Item No. 16. Adjourn.

At 8:12 p.m., the Board adjourned its meeting to February 5, 2025, 5:00 p.m. in Lane Auditorium, Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA, 22902. Mr. Andrews said information on how to participate in the meeting would be posted on the Albemarle County website Board of Supervisors home page and on the Albemarle County calendar.

Chair

Approved by Board
Date: 10/15/2025
Initials: CKB