

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on August 6, 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 (remote), Mr. Ned Gallaway (arrived at 3:00 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; County Attorney, Andy Herrick; Clerk, Claudette K. Borgersen; and Senior Deputy Clerk, Travis O. Morris.

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Agenda Item No. 1. Call to Order. The meeting was called to order at 1:00 p.m., by the Vice-Chair, Ms. Diantha McKeel.

Ms. McKeel noted that Mr. Ned Gallaway (Rio District) would be joining the meeting later today. She said that Mr. Jim Andrews (Samuel Miller District) had requested to participate remotely, in accordance with the applicable Board Rules of Procedure, Rule Number 8.b.1.d, as mandated by the Freedom of Information Act. She asked Mr. Andrews to please state his current location and reason for participating remotely in today's meeting.

Mr. Andrews said that he was in Sorrento, Maine, for a personal family event.

Ms. Mallek **moved** that the Board of Supervisors allow Mr. Andrews to participate remotely in the meeting. Ms. LaPisto-Kirtley **seconded** the motion.

Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Gallaway.

ABSTAIN: Mr. Andrews.

Ms. McKeel introduced the Albemarle County Police Department Officers present to provide their services at the meeting, Officers Jerry Schenk and Enzo Irizarry.

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Agenda Item No. 2. Pledge of Allegiance.

Agenda Item No. 3. Moment of Silence.

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Agenda Item No. 4. Adoption of Final Agenda.

Ms. Mallek stated that under amending the agenda, due to her error in not copying all Board members on her request to the Clerk to add these items to the printed agenda by the Monday deadline, she would like to add them now. She said that at the end of the meeting, after Matters From the Board, she would like to discuss Earlysville Truck traffic resulting from fill activities on and off Earlysville Forest Drive. She said that the second item was a presentation of petitions from the Crozet Community Association.

Ms. McKeel asked if there was unanimous Board consensus to add these two items to the agenda as Items 21 and 22; therefore Item 23 would be Adjournment.

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

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

NAYS: None.

ABSENT: Mr. Gallaway.

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

Mr. Pruitt stated that he would like to begin with a personal announcement and a clarification for the public. He said that as many of them were aware, he had announced a campaign for Congress. He said that he would like to refrain from discussing this campaign further from the dais, as it was not within his role. He said that he had received several inquiries regarding whether he intended to continue serving in this capacity while running for Congress. He said that his response was that he would resign once he won, which would occur before the conclusion of his term. He said that in the meantime, he was elected to perform a job, and he believed he was still capable of doing that job.

Mr. Pruitt said that he had run for this position because he believed his perspective was valuable, and he still believed that was true. Therefore, he would continue to serve in this role. He said that he had noticed that some members of the public and his peers often expressed differing opinions on the role of a

Supervisor, with some stating that they were nonpartisan or that they were not politicians. He said that he disagreed with this characterization. As a partisan politician, he served on this Board with the intention of having opinions and engaging in discussions. However, he wanted to emphasize that his work as a candidate and his work on this Board did not overlap significantly.

Mr. Pruitt said that if the public would like to reach out to him about matters related to his campaign, please do not contact him through his government email or County phone. He said that he would not respond to emails or conduct campaign-related business from his perspective as a Board member.

Ms. LaPisto-Kirtley stated that she had the honor of attending the National Night Out held last night. She said that it was a truly wonderful event at putt-putt golf. She said that the event had been well-attended by many residents and had been attended by Albemarle County Police Department, Albemarle County Sheriff's Office, and Albemarle County Fire Rescue.

Ms. LaPisto-Kirtley said that she had also attended the Albemarle County Fair last Thursday, which continued through Friday and Saturday. She said that the fair had been held at Highland, James Monroe's home. She said that the highlight of the event had been seeing the children bring in their animals to participate in livestock awards and competitions. She said that to her, all the participants had been winners. She said that overall, it had been a great event, and she highly recommended attending next year if they got the chance. She said that the food had also been excellent.

Ms. Mallek stated that she also had a great time at the County Fair at Highland, where she visited the Mobile Museum of the VA 250 History Project for the upcoming Semi-quincentennial next year. She said that the exhibits were exceptionally well done, and it was great for all ages, with excellent handicapped accessibility. She noted that Carla Mullen, who represented the VA 250 local effort, mentioned that they were actively seeking living history participants to give presentations in 2026 about what it was like to receive news of the Declaration of Independence in Albemarle.

Ms. Mallek said that various projects were underway, including York County's focus on their local battles and New England had been doing recognitions since Lexington and Concord the previous year. She said that she thought it was essential for people to take advantage of these opportunities to explore history and make the most of them, as she would not be around for the next big anniversary.

Ms. Mallek said she had a great conversation with Michael Downey from the Virginia Department of Forestry at the National Night Out, where he discussed wildland wildfire mitigation programs. He explained to her that the Department of Forestry now offered grants for neighborhoods and clusters of people who lived near each other, providing assessments of their fire risk and suggestions for making themselves safer.

Ms. Mallek explained that Mr. Downey had emphasized that flying embers were a significant cause of wildfires and structure loss, and there were ways to protect oneself from this. She said that she left a brochure and his contact information with the Clerk, and she encouraged people to reach out to the Department of Forestry for more information. She also said that she wanted to thank Mark Wood and his family for hosting the Night Out again. She said that it was a great event, with a nice and cool atmosphere, plenty of fun, and lots of children participating. She said that it was a wonderful evening, and she appreciated it.

Ms. McKeel noted that neighborhood associations may be interested in receiving that information from the Forestry Department.

Ms. Mallek agreed that it would be beneficial. She noted that the mitigation programs did not require an official neighborhood organization, only clusters of people residing nearby each other.

Ms. McKeel stated that she wanted to bring a few points to everyone's attention. She reported that Albemarle County had been awarded a \$9.7 million grant from the Virginia Business Ready Sites Program, which would be used to continue their site readiness work at Rivanna Futures. She expressed her gratitude to the Commonwealth of Virginia for its continued investment in Rivanna Futures. She said that she also wanted to remind everyone that the NAACP's Freedom Fund Banquet was scheduled for Friday, September 19, 2025, at the Omni Hotel, and tickets were available now. She said that the Charlottesville-Albemarle NAACP chapter could be contacted for more information.

Ms. McKeel reported that she had recently attended the 16th Annual Albemarle County Public Schools National Society of Black Engineers Summer Academy graduation. She said that there were seven graduates, and it was wonderful to see them present their aerospace engineering models, including an F-22 fighter jet and an F-35 fighter jet. She thanked Ms. Pearl Early and Georgia Garcia for their work with that program.

Ms. McKeel stated that she also wanted to bring to the public's attention a concerning issue. She said that according to the Council on Criminal Justice, parked cars were now the leading source of stolen guns. She emphasized that they needed to ensure that guns were stored safely and appropriately. She said that this information was based on five years of gun theft data reporting. She said that they must take action to prevent these guns from being stolen and used in bad ways.

Mr. Pruitt added that he would like to express his gratitude to their local rural attendants in 4-H, who work diligently to bring the County Fair to life. He said that he wanted to inform the public that,

consistent with his previous congressional announcement, he was currently working three jobs, which was quite challenging for him to be responsive in a timely manner. He said that when he quit his main job in September, he hoped to be more caught up on his County emails and apologized to the public in advance for any lack of responsiveness they may experience in the meantime.

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Agenda Item No. 6. Proclamations and Recognitions.  
Item No. 6.a. Soul of Cville Festival.

Mr. Pruitt **moved** to adopt the Proclamation Recognizing the Soul of Cville Festival, which he read aloud.

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.

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### **PROCLAMATION SOUL OF CVILLE FESTIVAL**

**WHEREAS**, Soul of Cville is a celebration that honors the rich cultural heritage, vibrant arts, and community spirit that makes Albemarle County unique; and

**WHEREAS**, Soul of Cville serves as a platform for fostering unity, promoting diversity, and supporting local businesses — the 2025 theme being “Firmly Planted, Fiercely Flourishing”; and

**WHEREAS**, the low cost to free, family-friendly Soul of Cville festival returns to IX Art Park from August 10–17, 2025, uniting residents and visitors from all backgrounds and walks of life to enjoy a diverse array of performances, food, award recognition, scholarship giveaway and activities; and

**WHEREAS**, the 2025 celebration marks the fifth anniversary of Soul of Cville, a collaborative effort with the IX Art Park and various Black-owned businesses that seek to amplify the voices of local artists, musicians, entrepreneurs, and engaged community members and contribute to the economic development of the city and county.

**NOW, THEREFORE, BE IT PROCLAIMED**, that we, the Albemarle County Board of Supervisors, endorse the values of inclusivity and cultural appreciation and encourage community members to participate in the wide range of Soul of Cville festival activities from August 10 through August 17.

Signed this 6th day of August 2025.

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Ms. Khalilah Jones, Soul of Cville Co-Founder, accepted the proclamation and gave remarks. She stated that on behalf of the Soul of Cville team, Chic and Classy Image Consulting, Beyond Fitness with Sabrina, and 101 Jamz, she would like to express her heartfelt gratitude for this beautiful proclamation. As someone who had worked for Albemarle County for over five years and co-founded and organized Soul of Cville, she could truly say that this moment felt like a culmination of their efforts. She said that what had begun as a small idea rooted in culture, connection, and celebration had grown into something that had not only shaped their community but also shaped her. She said that this work had pushed her, stretched her, and grown her in ways she could never have imagined.

Ms. Jones stated that it was a combination of public service, community organizing, and passion. And as they celebrated their fifth year, this year's theme, Firmly Planted, Fiercely Flourishing, felt incredibly real. The body of work they had created, the partnerships, the programming, the scholarships, the economic development, and the people they had met were living proof of what happened when one stayed rooted and still made room to rise. She thanked the Albemarle County Board of Supervisors for their support and for seeing the value in what they did. To the Office of Equity and Inclusion, Communications, and Public Engagement, she thanked them for always making space for them to share their vision, whether it was through tabling opportunities or real community conversations, they appreciated their efforts and knew that they were the ones making things happen behind the scenes.

Ms. Jones stated that receiving this recognition during their fifth year felt incredibly special. She said that it was a milestone, and it was a reminder that what they were doing mattered; that joy, style, resistance, and community were not only worth celebrating but were necessary for them to continue flourishing. She stated that Soul of Cville would be held on Sunday, August 10 through August 17, and she invited everyone to come out. She said that they could find the full lineup on the IX Art Park website. She said that they had a lot going on this year, and they would love for everyone to join them. She invited everyone to join them and flourish together.

The Board expressed their gratitude to Ms. Jones for her extraordinary work in the community and congratulated her on the 5th Anniversary of Soul of Cville.

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

Mr. Peter Krebs, representing the Piedmont Environmental Council and the Albemarle County Parks Foundation, stated that last night, he submitted a petition with approximately 300 signatures calling for the County to make Free Bridge Lane a permanent pedestrian area. He said that Free Bridge Lane was a wonderful area for walking, biking, running, strolling, teaching a child to ride a bike, and roller skating along the Rivanna River.

Mr. Krebs said that the County had made the right decision last fall by closing the road to car traffic on a trial basis. Since then, various groups, including the Pantops Community Advisory Committee (CAC), Hospice of the Piedmont, and Sentara, had stepped up and improved the space, taken care of it, and added temporary installations. He said that he saw the future of Free Bridge Lane unfolding in a similar manner, with different groups contributing to its development once the County permanently closed the road and made minor upgrades for safety, access, and stabilization. This would enable the community and private sector, including the Parks Foundation, to fundraise for the promenade and other permanent improvements.

Mr. Krebs stated that they did not have to wait until they met the goal to get started, though. The County's engagement page was already filled with ideas for improvements, ranging from obvious items like benches and trash cans to more creative suggestions, such as roller rings, bike gardens, planters, audio tours, food trucks, and festivals. It would begin today with specific actions from the Board. As he looked to the future, he would like to discuss tomorrow's plans. He said that the County's current budget did not envision significant spending for Parks Capital Improvement Plan (CIP) infrastructure. He said that he did not think this was what most people expected; he did not think this was what would happen.

Mr. Krebs stated that as the Board planned the County budget for the next year, he urged the County to include startup monies for Free Bridge Lane, as well as other shovel-ready projects along the Rivanna River, such as Brook Hill River Park and an extension of the Old Mills Trail to Milton and Glenmore. These projects were eligible for match funding. He said that he would like to express his gratitude to the Pantops CAC for having the vision to include this in the master plan. He also wanted to thank the Board and County staff and all those involved who had brought them to this point. He emphasized that Free Bridge Lane was not only one of the coolest places in the County but also embodied the best approach of collaboration between citizens, businesses, groups, and government to make the community better.

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Ms. Stuart Overbey, Samuel Miller District, stated that she was a member of Don't Spread on Me, a group of people who understood that spreading sewage sludge on farms and forest land was a terrible idea and a harmful practice. They were doing what they could to stop it. The sewage sludge was also known as biosolids by the waste industry that spread it. She hoped by now that the Supervisors had taken a few minutes to review the information on DontSpreadOnMe.org, which she had sent to them in the past, including the files they had received from a Freedom of Information Act (FOIA) request regarding a Synagro reissue permit that was now pending before the Department of Environmental Quality. She said that they should be aware that sewage sludge from Washington, D.C. and other places was on its way to Albemarle County if this permit was approved.

Ms. Overbey stated that although it was a reissue permit, some new land was allowed to be included, so 1,649 new acres were included, with the total being 5,770 acres in the southern and eastern half of the County. There was another permit for the other side of the County, which included even more acreage, but she would not discuss that one at this time. She said that this one was currently up in the air, and they were not sure what the timeline was. However, the clock was ticking. She explained that in Virginia, Counties could not ban the land application of sewage sludge, but there were a few things they could do. The most important one was to pass a biosolids ordinance, which they could use to uphold a current law and create a program for testing and monitoring of biosolids.

Ms. Overbey explained that due to the impending permit, members of the public had taken the liberty of writing an ordinance for the County, based primarily on the successful Rappahannock County ordinance. She said that they would love to meet with the Board of Supervisors to discuss it and bring some subject matter experts here to elucidate the subject further. Notably, the scientist from Stroud Water Research Center in Pennsylvania, Diana Oviedo Vargas, had agreed to come. She had conducted a study that was referenced in some recent New York Times reporting, looking at 10 farms that had had biosolids spread on them. The study had found a lot of per- and polyfluoroalkyl substances (PFAS) in the biosolids, as well as other disturbing findings. She stated that she would follow up with an email to all the Supervisors with the study and a copy of the draft ordinance.

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Ms. Denise Taner-Belfon stated that she was from the Georgetown Green community. She said that she was here to discuss the ongoing issues with the Albemarle County High School construction. She said that today, she would like to bring attention to the rat infestation and the 24-hour construction. She said that when the original building was destroyed, it was not properly treated for the rat infestation that had been present. She said that as a result, the rats that were living in the building migrated into her community, which was directly adjacent to the construction site.

Ms. Belfon explained that they were currently fighting to repel the rats, but it was proving to be challenging because exterminating them in one unit was not a comprehensive solution; they would just move into the next unit. She said that the rats were not just field mice; they were rats that were causing significant damage to their homes. She said that they were eating through our AC units, plastic, and rubber, and causing flooding in attics. She said that this could lead to water damage and overflow, which could be difficult to detect until water was coming through the ceiling. She said that they were asking the County for assistance in addressing this issue. She said that they needed help to mitigate the damage and prevent further problems.

Ms. Belfon said that the construction was currently taking place 24 hours a day, which was disrupting their lives and making it difficult for them to rest. She reiterated that their community needed help because they could not solve it on their own. She asked if the Board of Supervisors would continue to allow this to happen when the kids were coming back to school. She said that the building would not be completed by the start of the school year, so it did not seem like the construction needed to be going on throughout the night. She emphasized that they were particularly concerned about the impact on their elderly neighbors, one of whom was on hospice care and needed to be able to rest. She stated that they were desperate for a solution and are calling on the County to take action. She said that they had previously contacted the police to resolve the issue, but the police had informed them that they were unable to intervene due to the school construction ordinance, which allowed for 24-hour construction.

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Agenda Item No. 8. Consent Agenda.

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, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.  
NAYS: None.  
ABSENT: Mr. Gallaway.

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Item No. 8.1. Approval of Minutes: April 3, April 17, April 24, May 1, and August 21, 2024:

Ms. Mallek had read the minutes of April 3, 2024, and found them to be in order.

Mr. Gallaway had read the minutes of April 17, 2024, and found them to be in order.

Ms. LaPisto-Kirtley had read the minutes of April 24, 2024, and found them to be in order.

Ms. McKeel had read the minutes of May 1, 2024, and found them to be in order.

Mr. Pruitt had read the minutes of August 21, 2024, and found them to be in order.

**By the above-recorded vote, the Board approved the minutes of April 3, April 17, April 24, May 1, and August 21, 2024 as read.**

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Item No. 8.2. Fiscal Year 2025 Appropriations.

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

The total change to the Fiscal Year 2025 (FY 25) budget due to the appropriation itemized in Attachment A is \$422,165. A budget amendment public hearing is not required because the amount of the cumulative appropriations in FY 25 does not exceed one percent of the currently adopted budget.

Staff recommends that the Board adopt the attached resolution (Attachment B) to approve the appropriation for the County government project/program described in Attachment A.

**Appropriation #2025055**

<b>Sources:</b>	Local Revenue	\$37,083
<b>Uses:</b>	Vehicle Replacement Fund	\$37,083
<b>Net Change to Appropriated Budget:</b>		<b>\$37,083</b>

**Description:**

This request is to appropriate \$37,083 in insurance recovery revenue to the Vehicle Replacement Fund to be used toward the purchase of replacement vehicles for the Police Department.

**Appropriation #2025056**

<b>Sources:</b>	Local Tax Revenue	\$95,358
	General Funds Fund Balance	\$289,724
<b>Uses:</b>	Economic Development Authority Fund	\$385,082
<b>Net Change to Appropriated Budget:</b>		<b>\$385,082</b>

**Description:**

This request is to appropriate \$95,358 from local tax revenue and \$289,724 of General Fund's fund balance to be transferred to the Economic Development Authority Fund pursuant to the Habitat Southwood Performance Agreement and the WillowTree Performance Agreement. After Board of Supervisors approval, the EDA will transfer the rebates.

**By the above-recorded vote, the Board adopted the attached resolution (Attachment B) to approve the appropriation for the County government project/program described in Attachment A:**

**RESOLUTION TO APPROVE  
ADDITIONAL FY 2025 APPROPRIATIONS**

**BE IT RESOLVED** by the Albemarle County Board of Supervisors:

- 1) That the FY 25 Budget is amended to increase it by \$422,165;
- 2) That Appropriations #2025055 and #2025056 are approved;
- 3) That the appropriations referenced in Paragraph #2, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2025.

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Account String	Amount (\$)	APP#	Description
7200-9-99000-341000-0000-9999-00000-00000-410800-	\$37,083.00	SA2025055	ACPD Totaled Vehicle Insurance Reimbursement
7200-3-31100-412560-0000-9999-00000-00000-800500-	\$37,083.00	SA2025055	Totaled Vehicle Replacement
1000-9-99000-493000-0000-9999-00000-00000-934001-	\$385,081.64	SA2025056	WillowTree and Southwood TIFs
4700-9-91095-351000-0000-9999-00000-00000-512004-	\$385,081.64	SA2025056	WillowTree and Southwood TIFs
4700-9-91095-491095-0000-9999-00000-00000-950031-	\$385,081.64	SA2025056	WillowTree and Southwood TIFs
1000-9-99000-352000-0000-9999-00000-00000-510100-	\$289,723.62	SA2025056	WillowTree Balloon Payment TIF
1000-1-11000-311000-1000-0000-00000-00000-110155-	\$95,358.02	SA2025056	Southwood TIF

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Item No. 8.3. Fiscal Year 2026 Appropriations.

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

The total change to the Fiscal Year 2026 (FY 26) budget due to the appropriation itemized in Attachment A is \$1,926,891. A budget amendment public hearing is not required because the amount of the cumulative appropriations in FY 26 does not exceed one percent of the currently adopted budget.

Staff recommends that the Board adopt the attached resolution (Attachment B) to approve the appropriation for the County government project/program described in Attachment A.

**Appropriation #2026002**

<b>Sources:</b>	State Revenue	\$5,000
<b>Uses:</b>	General Fund – Department of Social Services	\$5,000
<b>Net Change to Appropriated Budget:</b>		<b>\$5,000</b>

**Description:** This request is to appropriate \$5,000 in state funding to the Department of Social Services budget to support the Virginia Driver's Licensing Program for Foster Youth (Drive to Thrive). This funding supports the cost of training, travel, supplies, and other expenditures related to the development and implementation of this driver's license program.

**Appropriation #2026003**

<b>Sources:</b>	Federal Revenue	\$55,867
	State Revenue	\$1,772,185
	Local Revenue	\$93,839
	Local Revenue (previously appropriated)	\$68,622
<b>Uses:</b>	Virginia Opioid Abatement Authority Grants for Cooperative Partnerships	\$1,862,185
	Opioid Settlement Fund	\$53,839
	Byrne - Justice Assistance Grant Solicitation Law Enforcement Equipment	\$74,489
<b>Net Change to Appropriated Budget:</b>		<b>\$1,921,891</b>

**Description:**

This request is to appropriate the following in grant and special revenue funding:

- \$609,225 in state revenue and \$45,000 in matching local money from the County, Region Ten Community Services board, and the City of Charlottesville as a pass-through grant for cooperative partnerships to expand the Blue Ridge Center Community Response and Community Drop In. This grant is in partnership among Albemarle County, Region Ten, Nelson County, Louisa County, Greene County, Fluvanna County, and the City of Charlottesville. Albemarle County is acting as the fiscal agent.
- \$1,162,960 in state revenue and \$45,000 in matching local money from the County and Region Ten Community Services board, and the City of Charlottesville as a pass-through grant to Region Ten Community Service Board to expand their Crisis Intervention Team Assessment Center (CITAC). This grant is in partnership among Albemarle County, Region Ten, Nelson County, Louisa County, Greene County, Fluvanna County, and the City of Charlottesville. Albemarle County is acting as the fiscal agent.
- \$27,077 from the CVS settlement payment, \$13,492 from the Allergan settlement payment, and a \$13,270 payment from Teva settlement payment to be used for continuation of opioid abatement programming based on eligible uses and requirements. Funds will be released based on programming proposals approved by the County Executive, consistent with prior appropriations of these revenues.
- \$55,867 in federal revenue and \$18,622 in County match from previously appropriated General Fund funding in Albemarle County Police Department operating budget to equip our SWAT Team with night vision goggles increasing the operational effectiveness and safety of the SWAT team in all areas of low-light or no light operations.

**By the above-recorded vote, the Board adopted the attached resolution (Attachment B) to approve the appropriation for the County government project/program described in Attachment A:**

**RESOLUTION TO APPROVE  
ADDITIONAL FY 2026 APPROPRIATIONS**

**BE IT RESOLVED** by the Albemarle County Board of Supervisors:

- 1) That the FY 26 Budget is amended to increase it by \$1,926,891;
- 2) That Appropriations #2026002 and #2026003 are approved;
- 3) That the appropriations referenced in Paragraph #2, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2026.

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Account String	Amount (\$)	APP#	Description
1000-5-51001-324000-0000-9999-00000-00000-240114-	\$5,000.00	SA2026002	Drive to Thrive Revenue
1000-5-51200-453000-0000-9999-00000-00000-571710-	\$5,000.00	SA2026002	Drive to Thrive Expenses
5330-5-51100-324000-0000-9999-00000-00000-240500-	\$1,162,960.00	SA2026003	OAA CITAC Expansion
5330-5-51100-318120-0000-9999-00000-00000-189913-	\$20,000.00	SA2026003	OAA CITAC Expansion Region 10 and City of Charlottesville Match
5330-5-51100-318120-0000-9999-00000-00000-180180-	\$25,000.00	SA2026003	OAA CITAC Expansion County Match
5331-5-51100-324000-0000-9999-00000-	\$609,225.00	SA2026003	OAA Community Outreach

00000-240500-			
5331-5-51100-318120-0000-9999-00000-00000-189913-	\$20,000.00	SA2026003	OAA Community Outreach Region 10 and City of Charlottesville Match
5331-5-51100-318120-0000-9999-00000-00000-180180-	\$25,000.00	SA2026003	OAA Community Outreach County Match
5330-5-51100-452000-0000-9999-00000-00000-593000-	\$1,207,960.00	SA2026003	OAA CITAC Expansion
5331-5-51100-452000-0000-9999-00000-00000-593000-	\$654,225.00	SA2026003	OAA Community Outreach
5154-3-31100-333000-0000-9999-00000-00000-330001-	\$55,867.00	SA2026003	FY 2025 Byrne - Justice Assistance Grant Solicitation Law Enforcement Equipment Federal Revenue
5154-3-31100-318120-0000-9999-00000-00000-180180-	\$18,622.00	SA2026003	FY 2025 Byrne - Justice Assistance Grant Solicitation Law Enforcement Equipment - Local County Match
5154-3-31100-431000-0000-9999-00000-00000-800700-	\$74,489.00	SA2026003	FY 2025 Byrne - Justice Assistance Grant Solicitation Law Enforcement Equipment - Technology Equipment

Item No. 8.4. VDOT Revenue Sharing Program Applications.

The Executive Summary forwarded to the Board states that the Virginia Department of Transportation's (VDOT) Revenue Sharing program provides up to \$10 million in state funding for local projects over the lifetime of the project. Successful Revenue Sharing applications require a 50% local match. Project costs that exceed \$20 million are the responsibility of the locality.

Revenue Sharing project applications are sorted into one of four priority levels, with Priority 1 projects being most likely to receive funding. Priority 1 projects are those that have received funding in a previous round of Revenue Sharing.

VDOT accepts Revenue Sharing project applications in odd-numbered years. Pre-applications are submitted in June and final applications are submitted in early October. For each round of Revenue Sharing, a locality may request a total equal to or less than \$10 million in state funds for any number of projects.

Albemarle County submitted two Revenue Sharing pre-applications in June 2025, requesting over \$5 million in state funds.

The first is the Hydraulic Road Improvements Project from Lambs Lane to Georgetown Road. This project includes a shared-use path along the west side of Hydraulic and intersection improvements at Georgetown Road and Georgetown Green, which will be converted to a Green-T intersection, and the Albemarle High School entrance and Lambs Road. This is a new project with a Priority 2 designation and it is identified in the CIP. The estimated cost for this project is \$4.6 million. The second project is the Berkmar Drive shared-use path, which extends the shared-use path on Berkmar Drive from Hilton Heights Road to Woodbrook Drive. This project is a partially funded Priority 1 Revenue Sharing project that has seen cost overruns. Albemarle County is requesting \$736,016 in state funds to make up the funding gap.

The Board of Supervisors must provide Resolutions of Support for the two pre-applications to be submitted as final applications.

Successful Revenue Sharing applications require a 50% local match. If both project applications are awarded funding, the Transportation Leveraging Fund has sufficient funding to allow Albemarle County to meet its match obligations.

Staff recommends that the Board adopt the resolutions (Attachment A and B) in support of the submission of the following two Revenue Sharing projects: Hydraulic Road Bicycle and Pedestrian Improvements and Berkmar Drive Bicycle and Pedestrian Improvements.

**By the above-recorded vote, the Board adopted the resolutions (Attachment A and B) in support of the submission of the following two Revenue Sharing projects: Hydraulic Road Bicycle and Pedestrian Improvements and Berkmar Drive Bicycle and Pedestrian Improvements:**

**RESOLUTION TO PARTICIPATE IN  
VIRGINIA DEPARTMENT OF TRANSPORTATION  
REVENUE SHARING PROGRAM FOR FISCAL YEAR 2026  
Hydraulic Road Bicycle and Pedestrian Improvements**

**WHEREAS**, the County of Albemarle desires to submit an application for the allocation of funds through the Virginia Department of Transportation Fiscal Year 2026 Revenue Sharing Program; and

**WHEREAS**, the County is willing to commit local funds of a minimum of fifty percent (50%) of the total project cost in order to compete for a Revenue Sharing Program award; and

**WHEREAS**, these funds are requested to implement the Hydraulic Road Bicycle and Pedestrian Improvements project, which proposes multimodal improvements along Hydraulic Road from

Whitewood/Lambs Road to Georgetown Road. Main components include continuous Green T at Georgetown Green, and improvement to substandard shared-use path; and

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby commits to provide local funds of a minimum of fifty percent (50%) of the total project cost in its application for revenue sharing funds from the FY 2026 Virginia Department of Transportation Revenue Sharing Program and requests that the Virginia Department of Transportation approve the County's application.

**BE IT FURTHER RESOLVED THAT** the Board of Supervisors hereby grants authority to the County Executive to execute project administration agreements for any approved Fiscal Year 2026 and 2027 Revenue Sharing Program projects.

\* \* \* \*

**RESOLUTION TO PARTICIPATE IN  
VIRGINIA DEPARTMENT OF TRANSPORTATION  
REVENUE SHARING PROGRAM FOR FISCAL YEAR 2026  
Berkmar Drive Bicycle and Pedestrian Improvements**

**WHEREAS**, the County of Albemarle desires to submit an application for the allocation of funds through the Virginia Department of Transportation Fiscal Year 2026 Revenue Sharing Program; and

**WHEREAS**, the County is willing to commit local funds of a minimum of fifty percent (50%) of the total project cost in order to compete for a Revenue Sharing Program award; and

**WHEREAS**, these funds are requested to implement the Berkmar Drive Bicycle and Pedestrian Improvements project, which proposes to construct a shared-use path or enhanced sidewalk from Hilton Heights Road to the first intersection south of Woodbrook Drive to connect to the new Shared-Use Path on Berkmar Extended; and

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby commits to provide local funds of a minimum of fifty percent (50%) of the total project cost in its application for revenue sharing funds from the FY 2026 Virginia Department of Transportation Revenue Sharing Program and requests that the Virginia Department of Transportation approve the County's application.

**BE IT FURTHER RESOLVED THAT** the Board of Supervisors hereby grants authority to the County Executive to execute project administration agreements for any approved Fiscal Year 2026 and 2027 Revenue Sharing Program projects.

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Item No. 8.5. TA-2025-02 Resolution of Intent - Structure Height Regulations in Industrial Districts.

The Executive Summary forwarded to the Board states that the zoning ordinance limits the height of structures in Industrial Districts to 65 feet. Limited exceptions exist for necessary mechanical appurtenances which would allow the maximum height to be 78 feet. No administrative or legislative provisions exist that would allow for an increase in the height limits.

Specialized manufacturing processes may require structure heights greater than currently permitted by-right. The height of structures may only be increased by a variance granted by the Board of Zoning Appeals. A variance may only be granted under the following circumstances: 1. If the requirements of the ordinance unreasonably restrict the utilization of the property; or 2. Granting the variance would alleviate a hardship due to a physical condition relating to the property. It is unlikely that any industrial use would meet these strict requirements. In order to permit modern industrial uses it may be appropriate to amend Chapter 18 of the Albemarle County Code to provide an administrative or legislative procedure to allow increased structure heights in the Industrial District.

No budget impact is expected.

Staff recommends that the Board adopt the attached Resolution of Intent (Attachment A).

**By the above-recorded vote, the Board adopted the attached Resolution of Intent (Attachment A):**

**RESOLUTION OF INTENT  
ZONING TEXT AMENDMENT  
STRUCTURE HEIGHT REGULATIONS IN INDUSTRIAL DISTRICTS**

**WHEREAS**, the Albemarle County Code limits structure height in Industrial Districts to 65 feet; and

**WHEREAS**, the Albemarle County Code allows for limited exceptions to the structure height; and

**WHEREAS**, the Albemarle County Code does not permit consideration for increases in structure height; and

**WHEREAS**, certain industrial activities may require or benefit from structure heights in excess of current regulations.

**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 § 18-4.10.3.2, § 18-26.4, and any other section(s) of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein.

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Item No. 8.6. Strawberry Hill Farm Utility Easement.

The Executive Summary forwarded to the Board states that the Strawberry Hill Farm conservation easement was acquired through the County's Acquisition of Conservation Easement (ACE) program in October 2008 and is co-held by the County and the Virginia Outdoors Foundation (VOF). VOF is the co-holder in this case, rather than the Albemarle Conservation Easement Authority, because half of the purchase funding came from VOF's Preservation Trust Fund. The easement protects TMP 50-45, a 330-acre parcel on the northwest side of Gordonsville Road at its intersection with Lindsey Road, owned by Strawberry Hill Farm, LLC. The property is primarily used as pasture.

Virginia Electric and Power Company, operating as Dominion Energy, holds a 100-foot-wide utility easement (first acquired in 1926) across the parcel running parallel to Gordonsville Road. The easement is currently populated with large utility poles (Attachment A). Dominion proposes acquiring a new, 15-foot utility easement in the same location to permit the undergrounding of the power line and telecommunications lines (Attachment B). The new lines would be installed underground through directional boring, which means that no trenching or vegetation removal would be needed. The utility also plans to remove the existing above-ground lines and towers in this area.

The deed of easement states, "Public and private utilities that do not serve the Property shall not cross the Property unless [the easement holders] determine that the construction and maintenance of such utilities will not impair the conservation values of the Property and give its [sic] prior written approval for such construction and maintenance" (Attachment C).

No areas specifically identified for protection in the conservation easement (stream buffers, etc.) would be impacted by the construction and maintenance of an underground utility line. The area available for the existing grazing use would not be reduced by installation of the new lines, as the surface vegetation would remain.

Both VOF and Strawberry Hill Farm, LLC consent to the new utility easement.

There is no budget impact.

Staff recommends that the Board of Supervisors adopt the resolution approving the new utility easement (Attachment D).

**By the above-recorded vote, the Board adopted the resolution approving the new utility easement (Attachment D):**

**RESOLUTION APPROVING CONVEYANCE OF A UTILITY EASEMENT  
ACROSS PARCEL 05000-00-00-04500**

**WHEREAS**, the County and the Virginia Outdoors Foundation (VOF) co-hold a conservation easement on Parcel 05000-00-00-04500 ("the Property");

**WHEREAS**, Parcel 05000-00-00-04500 is owned by Strawberry Hill Farm, LLC ("the Owner");

**WHEREAS**, Virginia Electric and Power Company, operating as Dominion Energy, has a 100-foot wide utility easement across the property, and has proposed acquiring a new 15-foot wide utility easement in the same location to permit the undergrounding of existing power and telecommunications lines; and

**WHEREAS**, both the VOF and the Owner consent to a new utility easement across parcel 05000-00-00-04500 ; and

**WHEREAS**, the Albemarle County Board of Supervisors finds that this utility easement will not impair the conservation values of the Property protected by the existing conservation easement;

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves the proposed utility easement across Parcel 05000-00-00-04500 with the attached VOF Consent and authorizes the County Executive to sign any documents needed to effect this conveyance as proposed once those documents have been approved as to form and substance by the County Attorney.

Item No. 8.7. Resolution to Accept Road(s) in the Jarmans Gap Subdivision into the State Secondary System of Highways. (*White Hall Magisterial District*).

The Executive Summary forwarded to the Board states that

**By the above-recorded vote, the Board adopted :**

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 6th day of August, 2025, adopted the following resolution:

**R E S O L U T I O N**

WHEREAS, the street(s) in Jarmans Gap Subdivision, as described on the attached Additions Form AM-4.3 dated August 6th, 2025, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

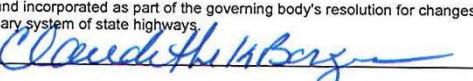
WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

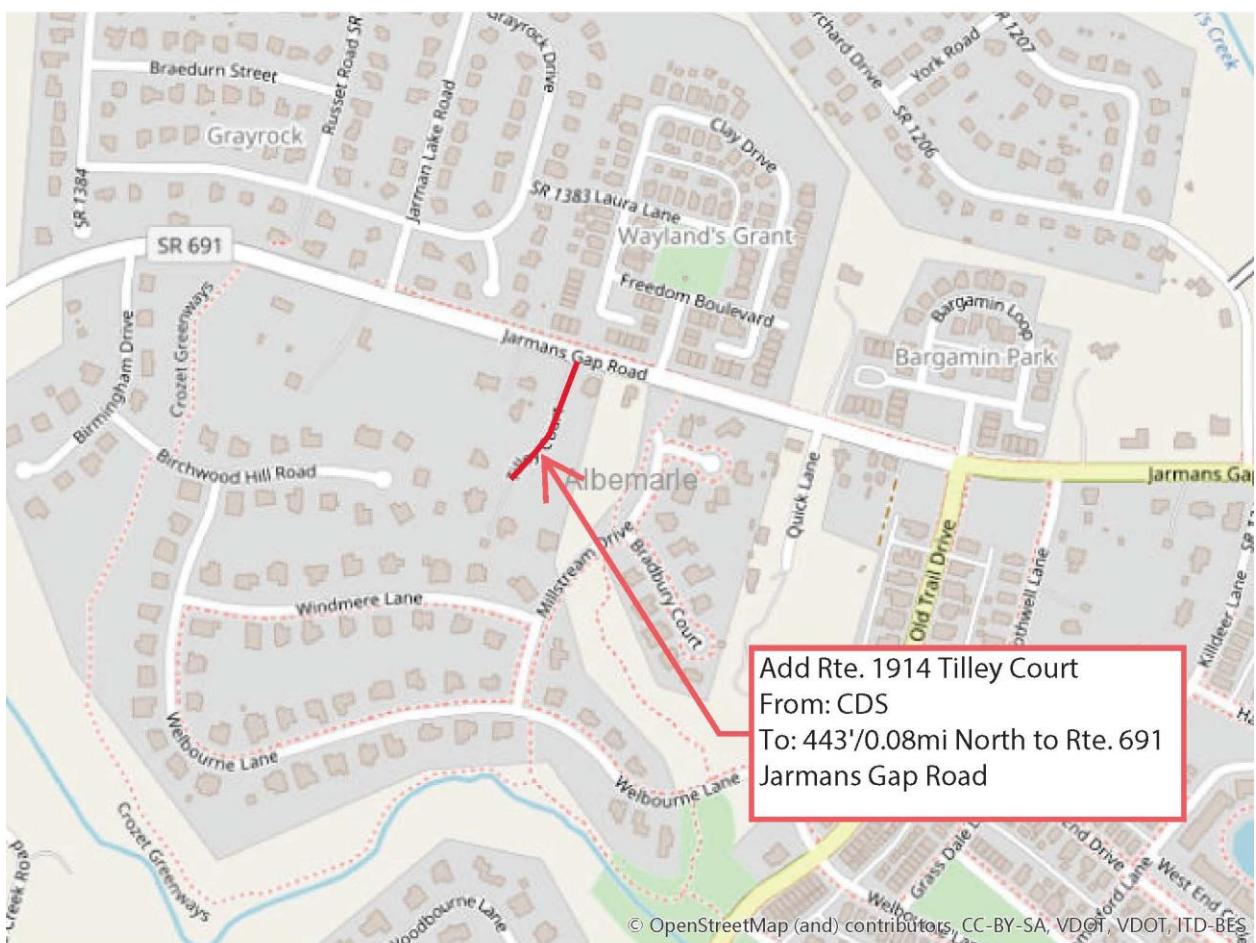
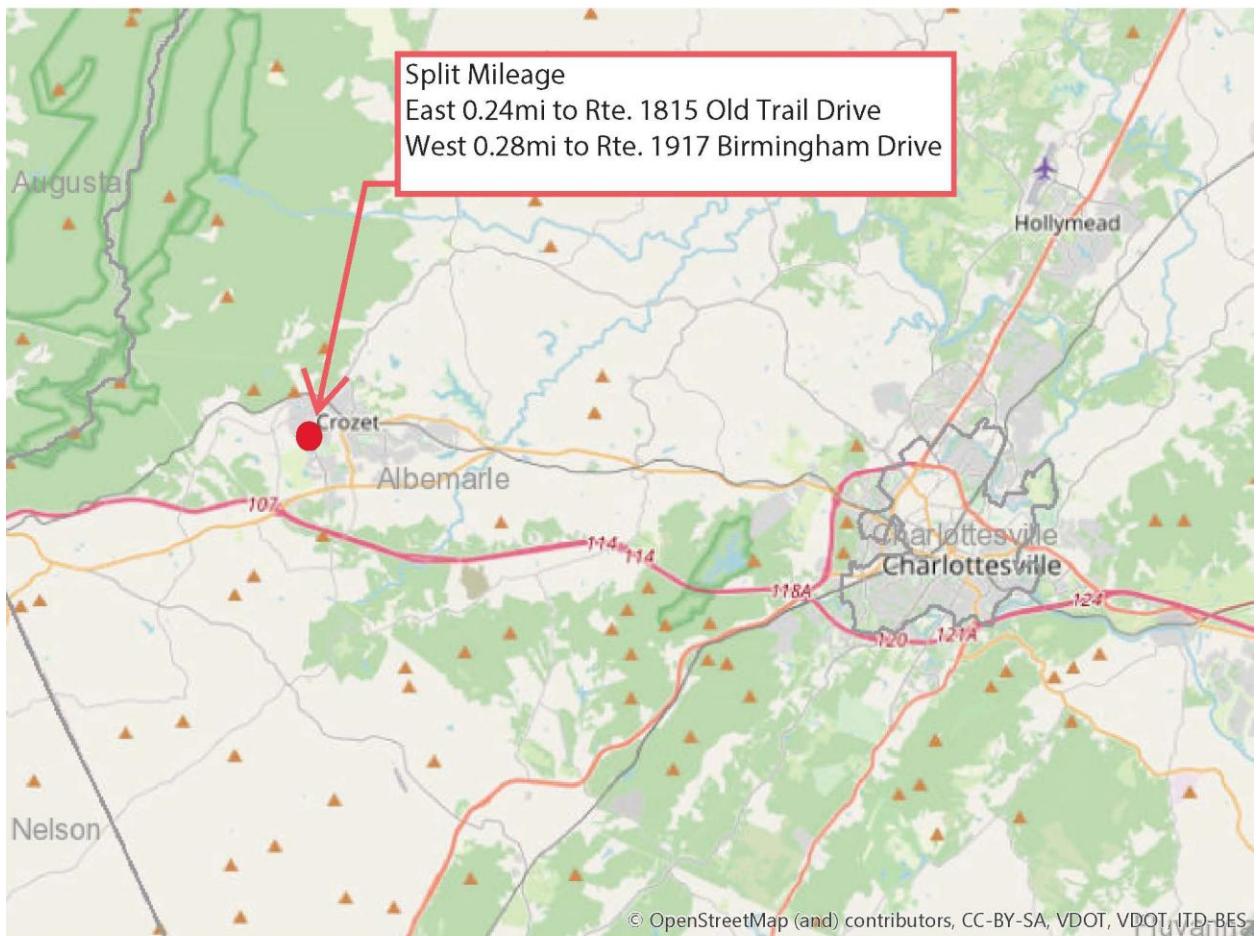
NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in Jarmans Gap Subdivision, as described on the attached Additions Form AM-4.3 dated August 6th, 2025, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

\* \* \* \* \*

Form AM 4.3 (Rev 06/30/2025)		ICR ID: 40770378 SSAR																								
 <b>COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION</b> Form AM 4.3																										
<p>In Albemarle County by Resolution of the governing body adopted 8/6/2025</p> <p>The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes to the secondary system of state highways.</p> <p>A Copy Testee      Signed (County Official): </p> <p><b>Report of Changes in the Secondary System of State Highways</b></p> <p>Project/Subdivision: Jarmans Gap</p> <table border="1"><thead><tr><th>CHANGE TYPE</th><th>RTE NUM &amp; STREET NAME</th><th>CHANGE DESCRIPTION</th><th>FROM TERMINI</th><th>TO TERMINI</th><th>LENGTH</th><th>NUMBER OF LANES</th><th>RECORDATION REFERENCE</th><th>ROW WIDTH</th></tr></thead><tbody><tr><td>Addition</td><td>Rt. 1914 - Tilleys Court</td><td>New subdivision street §33.2-705</td><td>CDS</td><td>443'0.08mi North to Rte. 691 Jarmans Gap Road</td><td>0.08</td><td>2</td><td>Inst#202200 003238</td><td>70</td></tr></tbody></table>									CHANGE TYPE	RTE NUM & STREET NAME	CHANGE DESCRIPTION	FROM TERMINI	TO TERMINI	LENGTH	NUMBER OF LANES	RECORDATION REFERENCE	ROW WIDTH	Addition	Rt. 1914 - Tilleys Court	New subdivision street §33.2-705	CDS	443'0.08mi North to Rte. 691 Jarmans Gap Road	0.08	2	Inst#202200 003238	70
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Item No. 8.8. Albemarle County Service Authority (ACSA) Fiscal Year (FY) 2026 Annual Operating and Capital Improvement Budget, **was received for information**.

Agenda Item No. 9. **Action Item:** Recommendations for Use of the Affordable Housing Investment Fund.

The Executive Summary forwarded to the Board states that Albemarle County has maintained a Housing Fund to put the County in a position to provide funding to projects that will advance the County's affordable housing goals.

Beginning in FY 2026, the County will utilize a competitive application process to award funding through the Affordable Housing Investment Fund (AHIF). However, staff identified two programs prior to the current Fiscal Year appropriate for AHIF support.

On April 20, 2022, the Board approved the appropriation of \$250,000 of the FY 2022 AHIF balance to help support the County's Energy Improvement Program, effectively doubling the program's reach. Staff is recommending the County continue to support this program through the AHIF in an amount equal to \$150,000. Home energy improvements are an effective way of reducing the overall cost of housing for existing homeowners by decreasing the annual amount of household budgets dedicated to energy consumption.

Staff is also recommending the County continue to partner with Piedmont Housing Alliance and the Financial Opportunity Center, who together administer the Housing Navigation Partnership (HNP) to provide housing navigation services to low- and moderate-income County residents needing support in locating and securing affordable housing. The HNP began in FY 2023 when the Board approved the appropriation of \$80,000 in American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds. Services provided through this partnership include assistance with locating units, utilizing relationships with area landlords and property managers, client consultation on rental options including discussions relating to financial feasibility, budgeting, and security deposit needs, and support with successfully leasing a unit.

Should the Board approve the total requested funding amount of \$230,000, the Affordable Housing Investment Fund will have a remaining balance of \$4,770,000 that can be used to support future affordable housing projects.

Staff recommends the Board approve the full amount of funding being requested.

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Ms. Stacy Pethia, Director of Housing, stated that she would discuss potential funding for two programs in the County through the Affordable Housing Fund. She said that these programs were related to housing, although not specifically affordable housing. She said that the first was Albemarle County's Energy Improvement Program, which was also part of a partnership with Piedmont Housing Alliance and their Financial Opportunity Counseling Center.

Ms. Pethia provided a brief overview of the Housing Fund. She said that as of today, the FY 2026 balance stood at \$5.2 million. She explained that staff had previously discussed changes to the Housing Fund administration with the Board, which would result in this year's funds being allocated into three separate categories. She said that one was for grant funding to non-profit and for-profit developers providing 100% affordable housing projects. She said that another was for low-cost loans, available to both for-profit and non-profit developers. She said that the third, which they were calling emerging housing needs, focused on identified needs staff had identified.

Ms. Pethia stated that both programs targeted households earning between 50% and 80% of the Area Median Income (AMI). She said that the first program was the Energy Improvement Program, a County-run initiative in collaboration with the Climate Action Team. She said that in 2022, the Board had authorized \$250,000 to match funding provided by the County, effectively doubling the program at that time. She said that today, they were recommending \$150,000 from the Housing Fund to match the Climate Action Team's funding, which would double the program's reach and enhance housing affordability by reducing household utility costs. This assistance helped keep low- and moderate-income homeowners in their homes longer than they might otherwise.

Ms. Pethia continued to explain that the second program staff was recommending funding for was the Housing Navigation Partnership, a partnership with Piedmont Housing Alliance and their Financial Opportunity Center. This program assisted low- and moderate-income County residents in locating and securing affordable rental housing, as well as connecting them with credit and financial counseling services. She said that the County had initially approved funding for the program with American Rescue Plan Act (ARPA) funds, and this funding would ensure services continued. She summarized that staff recommended fully funding both programs today.

Mr. Pruitt asked if there were any matching funds from the City or Piedmont Housing Alliance for the Housing Navigation Partnership program.

Ms. Pethia said that she was unsure. She believed there was, but she would need to confirm that.

Mr. Pruitt said that he would be interested to know, considering it was a program available to residents within the City and potentially other outlying Counties. He said that he had another comment that was not a critique of the program but more of a general observation. He stated that as that as their ecosystem became more complex, he sometimes wondered if they were inadvertently creating more challenges for themselves. He said that for instance, when a voucher recipient received assistance from the County and also had a housing navigator, it could create a more complex environment for the individual. He said that this was an issue that he believed would be better addressed within the government sector rather than non-profit organizations; however, he was not attempting to solve this issue at present.

Mr. Pruitt said that he thought it was worth noting that they were making progress in breaking down the future needs of the Housing Trust Fund and setting aside funds for emerging housing needs.

He said that however, he believed that some of these needs were predictable and could be budgeted for in advance. He said that he would like to bring this to the attention of the staff involved in the budget process, as these needs would be more appropriately addressed in their long-term budget planning rather than being treated as individual discretionary actions from the AHIF (Affordable Housing Investment Fund).

Mr. Pruitt said that he would like to express his appreciation for the work of AHIF in ensuring that housing, particularly owner-occupied housing in rural areas, remained affordable. He said that he was concerned about the issue of affordability preservation, particularly for older residents. He said that he was curious if AHIF would be interested in exploring the possibility of including a resale provision in their disbursements, which would help to ensure that affordability was preserved beyond the initial tenancy. He said that this could involve contractual agreements between AHIF and beneficiaries. While there may be arguments against this approach, he said that he believed it was critical if they wanted to maintain affordability that outlived the tenancy.

Ms. LaPisto-Kirtley stated that she did support the proposal from staff. She said that there was a one-time use of \$80,000 from ARPA funds, and it was now recommended for a different fund to ensure it continued. She asked if that program had been successful.

Ms. Pethia confirmed that it was successful. She said that she did not have the exact numbers, but they were compiling the totals from various reports over the years. She said that it was clear that Albemarle County residents regularly utilized this service. She said that in the last couple of months, approximately 80 residents had received services. She said that the program was effective in helping residents overcome barriers to accessing affordable housing. She said that for many, this included improving their credit scores to qualify for housing. She said that the program also assisted with negotiating lower rent or security deposits with landlords, as well as connecting residents to security deposit assistance and other forms of support. She said that overall, this service was quite valuable.

Ms. LaPisto-Kirtley said that it had actually helped people get into housing, rather than being \$80,000 for bureaucratic paperwork.

Ms. Pethia confirmed that was correct.

Ms. Mallek asked if the energy improvements were for weatherization or costs of electric bills.

Ms. Pethia said that it was designed to make homes more energy efficient.

Ms. Mallek said that they already had staff dedicated to assist residents, so it concerned her that they would be diverting funds to a non-profit to do the same thing. She said that she would like to learn more about this, as they had not received much reporting on this issue.

Ms. Pethia explained that their housing counselors in the Housing Office, provided housing choice voucher households with a list of affordable housing options, where they were aware that such units were available or offered. She said that they simply provided the household with the name of a property, a telephone number, and potentially a contact name. She said that through the program, they were unable to negotiate with landlords to secure residents into those units. Instead, they could only provide the rental assistance voucher and offer information on places where they could search for housing; their housing specialists did not assist with navigating the process. As a result, they referred them to the Housing Navigation Program to help with the navigation aspect of the process.

Ms. Mallek asked if this was because their office did not have the authority to make those decisions.

Ms. Pethia explained that housing specialists had very specific roles within the Housing and Urban Development (HUD) program, and one of their key responsibilities was to ensure that families were eligible to receive assistance. She said that they performed this task annually and whenever a family's income changes.

Mr. Andrews said that he was supportive and appreciated the comments made by other Supervisors regarding gauging past success and assessing what they could expect from their partners. He said that he also appreciated the emphasis on the energy improvements, which addressed both the climate and housing aspects of their strategic plan.

Ms. McKeel said that she concurred with her fellow Supervisors' sentiments and was fully supportive.

Mr. Pruitt **moved** that the Board of Supervisors approve the full amount of funding being requested. 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.

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Agenda Item No. 10. **Action Item:** Free Bridge Lane Pilot Program Summary.

The Executive Summary forwarded to the Board states that Free Bridge Lane is a low-volume, unstriped roadway that extends approximately one-half mile from Darden Towe Park to US 250. The 2019 Pantops Master Plan envisioned transitioning Free Bridge Lane from its current condition to a "Green Street" with enhanced bicycle and pedestrian infrastructure and elements of stormwater management. Free Bridge Lane was prioritized in the Pantops Master Plan as a "catalyst" project.

In 2023, a feasibility study was conducted to assess creating a multiuse pedestrian trail along the western edge of Free Bridge Lane (Attachment B). Staff worked with a consultant, other county departments, the Virginia Department of Transportation (VDOT), local stakeholder groups and citizens to develop a concept for closing Free Bridge Lane to vehicular traffic and turning it into a pedestrian promenade. A pilot project to determine the desirability of closing Free Bridge Lane to vehicular traffic was instituted on November 1, 2024, and ends in October 2025. VDOT conducted traffic volume counts of Free Bridge Lane in August 2024, prior to commencing the pilot project. The study counted pedestrians, bicycles, and vehicles. A second traffic volume count was conducted in spring 2025, and the study found an increase of bicycle and pedestrian trips. With the pilot project set to end this fall, staff is seeking the Board's guidance on whether to reopen the road to vehicular traffic or pursue an option to ask VDOT to permanently discontinue the road and turn over the maintenance and use of Free Bridge Lane to the County.

Staff seeks direction from the Board of Supervisors on whether to pursue discontinuance of Free Bridge Lane. The traffic studies conducted by VDOT showed pedestrian and bike usage of Free Bridge Lane increased between 2024 and 2025 once the road was closed. Information regarding the VDOT studies and staff's analysis can be found in the Free Bridge Lane Staff Report (Attachment A).

If the Board desires discontinuance of Free Bridge Lane without replacement of the road, the County will need to submit a Petition for Discontinuance to the Charlottesville VDOT Residency (Attachment C). If the Charlottesville VDOT Residency office concurs with the County's petition, then VDOT must advertise the discontinuance to abutting landowners with instructions on how to request a public hearing. If requested, a public hearing must be held by VDOT. Following the VDOT public hearing, the Board must adopt a resolution supporting discontinuance and such resolution would need to be submitted to the Charlottesville VDOT Residency. VDOT reviews the requested discontinuance at both a local and State level, and then the Commonwealth Transportation Board (CTB) reviews the proposal at their regular meeting, and determines whether to approve the discontinuance.

Discontinuance means that the CTB has determined that a roadway no longer serves the public convenience warranting its maintenance at public expense and it divests VDOT from maintenance responsibilities. Discontinuance does not render a roadway unavailable for public use. For Free Bridge Lane, staff recommends a discontinuance that will allow for public use and a transfer of maintenance of the facility from VDOT to the County.

The budget impact of Free Bridge Lane Promenade would be limited to staff time committed to the discontinuance process. Additionally, the County would take on the ownership and maintenance of the road as this area would be an enlargement of Darden Towe Park.

Staff recommends the Board support the permanent discontinuance of Free Bridge Lane and authorize the County Executive to submit a Petition for Discontinuance to the Charlottesville VDOT Residency.

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Mr. Alberic Karina-Plun, Transportation Planner, stated that this presentation would cover the summary of the last year of the pilot program for the Free Bridge Lane Promenade. He said that for their agenda, they would first review the initial proposal, compare usage between summer 2024 and the spring of 2025, outline the next steps in the discontinuance process, discuss park maintenance and future projects, and conclude with Board direction on whether to pursue a permanent discontinuance of Free Bridge Lane.

Mr. Karina-Plun said that prior to its discontinuance, Free Bridge Lane was a low-volume, unstriped roadway along the river's edge, connecting Darden Towe Park to Route 250. It had a degraded shared use path, as well as the future site of a County park. The lane was currently owned and maintained by the Virginia Department of Transportation (VDOT). He said that it was closed to vehicular traffic on November 1, 2024. The land use permit for this closure expires on October 6, 2025. He said that the Board must decide before then whether to pursue the discontinuance process. If the Board decided to end the promenade program, the road would be opened to through vehicle use as it was prior to the closure.

Mr. Karina-Plun explained that the public had expressed very positive feedback on the park to Parks and Community Development staff, citing improved access to the river, a safer environment for pedestrians and cyclists, and the extension of Darden Park and the Old Mills Trail. He continued that the VDOT Transportation and Mobility Planning Division conducted studies in August 2024 and May and June 2025, which showed an increase in pedestrian and bike counts when the road was closed to vehicles. He explained that to fully discontinue the road, the Board must submit a written petition to VDOT supporting discontinuance, and he had included a template as part of the meeting materials.

Mr. Karina-Plun said that VDOT concurred, they would advertise the proposed discontinuance

and host a public meeting if requested. He said that the Board would formally adopt a resolution supporting discontinuance, which would be reviewed by the VDOT Charlottesville residency and then sent to Richmond for review. He said that the resolution of discontinuance would be approved at the next Commonwealth Transportation Board (CTB) meeting. He said that currently, Parks had confirmed they had the ability to maintain the promenade as it was now, and if CIP funds were allocated, Facilities and Environmental Services (FES) had the bandwidth to manage improvement projects on Free Bridge Lane.

Mr. Karina-Plun said that staff was moving forward to receive a 30% design quote from consultants, which would allow them to prioritize projects and allocate funds. He said that following Board direction, staff would mail the discontinuance petition to VDOT, and if concurrence was received, they would return to the Board with a resolution of discontinuance later this fall.

Ms. LaPisto-Kirtley stated that she was in full support of the permanent dedication of Free Bridge Lane as a promenade. She asked her fellow Supervisors to recommend they ask VDOT for the discontinuance and allow the County to maintain it. She noted that from November 2024 through July 2025, the trail counter marked 37,979 visits through Free Bridge Lane. She believed that this number would only increase over time as more people in the County learned about this fantastic amenity.

Ms. Mallek said that she was supportive of the discontinuance as well as the improvements to the greenery along the walkway and control of invasive species.

Mr. Andrews expressed his support for the permanent promenade as well. He was interested in learning more about the number of people who used the road, particularly with regard to how they planned to accommodate parking in the area in the future.

Mr. Karina-Plun said that parking was not included in the counter measurements for the bike and pedestrian users. He said that this was something that staff could review to understand their current situation. He said that if they planned to make parking improvements, they could use that data to determine how much additional parking would be needed and where it would be most effective, including which end of the road.

Ms. McKeel said that she was also in support of this wonderful project. She was interested in some of the potential example projects that had been included in the staff report. She asked if staff could expand on what the future of the promenade might look like.

Mr. Kevin McDermott, Deputy Director of Planning, explained that when this project was initiated, they had hired a consultant to conduct a conceptual study that explored the potential of the park. He said that those projects provided to the Board were essentially a representation of those potential ideas. He said that he did not see those concepts as immediate needs at this time; they had examined some of the more pressing needs, similar to what Mr. Andrews mentioned, and one of those was addressing parking problems. He said that he believed that parking and access were the immediate concerns they should focus on.

Ms. McKeel said that she was excited to see some of the potential suggestions for the promenade, such as public art installations. She agreed that there were other basics that needed to be addressed first.

Mr. Pruitt said that in the short term, the immediate benefits of the Free Bridge Lane Promenade were its function as a trailhead for Old Mills and also as a trailhead for County-side parking for the Rivanna Trail. He said that those trails were well-established and easily accessible from there. He said that he raised this point because it seemed that getting a handle on parking usage as soon as possible would be crucial, as it was likely to be the most valuable metric in the short term. He said that in the immediate term, the promenade served as a place where people could walk to nearby amenities, whereas the trail itself primarily connected to Darden Towe Park through an unusual access point.

Mr. Pruitt said that it would be beneficial to know the parking usage sooner rather than later. He said that he wished to note that when they initially decommissioned this road on a temporary basis, there were some costs associated with it, although they were relatively minor. He said that he was curious to know if there were any costs associated with making the removal from the VDOT Road system permanent, as well as any costs associated with the gating and other necessary measures at this time.

Mr. McDermott replied that there was no direct cost at present, but the staff time required to make this permanent was involved. He said that as they had previously mentioned, there were a few items that needed to be addressed, including parking and access. He said that to address these issues, they were considering using County funds to hire a consultant to examine the two problems. He said that if the consultant's findings were favorable, they would then return to the Board to discuss how any necessary improvements would be funded at that time.

Mr. Pruitt asked if the consultant would develop a plan for the parking, or if they would be asking an engineer to design it.

Mr. McDermott clarified that they were hiring an engineer to design it according to their needs, and providing them with a visual representation of what that design would look like, as well as cost estimates and initial designs, so that they could continue moving forward.

Mr. Pruitt said that he was mostly asking if they were creating an extra, unnecessary step when

they already knew they needed to build parking.

Mr. McDermott explained that staff felt they needed to get an accurate cost estimate before proceeding, so that they could understand the scope of the project and what to expect. This would also enable them to design an appropriate parking layout. He said that they wanted to avoid overbuilding or underbuilding, so he believed hiring the consultant was a necessary step.

Mr. Pruitt asked if the consultant would return with something akin to a blueprint of design plans that they could use.

Mr. McDermott said that yes, they were aiming to achieve a 30% design, which would enable them to determine whether they wanted to invest in the actual construction and final design.

Ms. McKeel noted that part of the design process was ensuring they had appropriate Americans with Disabilities Act (ADA) accessibility of the promenade.

Ms. Mallek asked if staff and the engineers had discussed converting the parking lot on the north end into a specific handicap parking area.

Ms. LaPisto-Kirtley **moved** that the Board of Supervisors support the permanent discontinuance of Free Bridge Lane and authorize the County Executive to submit a Petition for Discontinuance to the Charlottesville VDOT Residency. 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.

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**Petition from County of Albemarle  
Requesting a Discontinuance of Free Bridge Lane**

08/06/25

Carrie Shepheard  
Resident Engineer  
701 VDOT Way,  
Charlottesville, VA 22911

**RE: County of Albemarle Petition for Secondary Highway  
Discontinuance—Free Bridge Lane**

Dear Mrs. Shepheard:

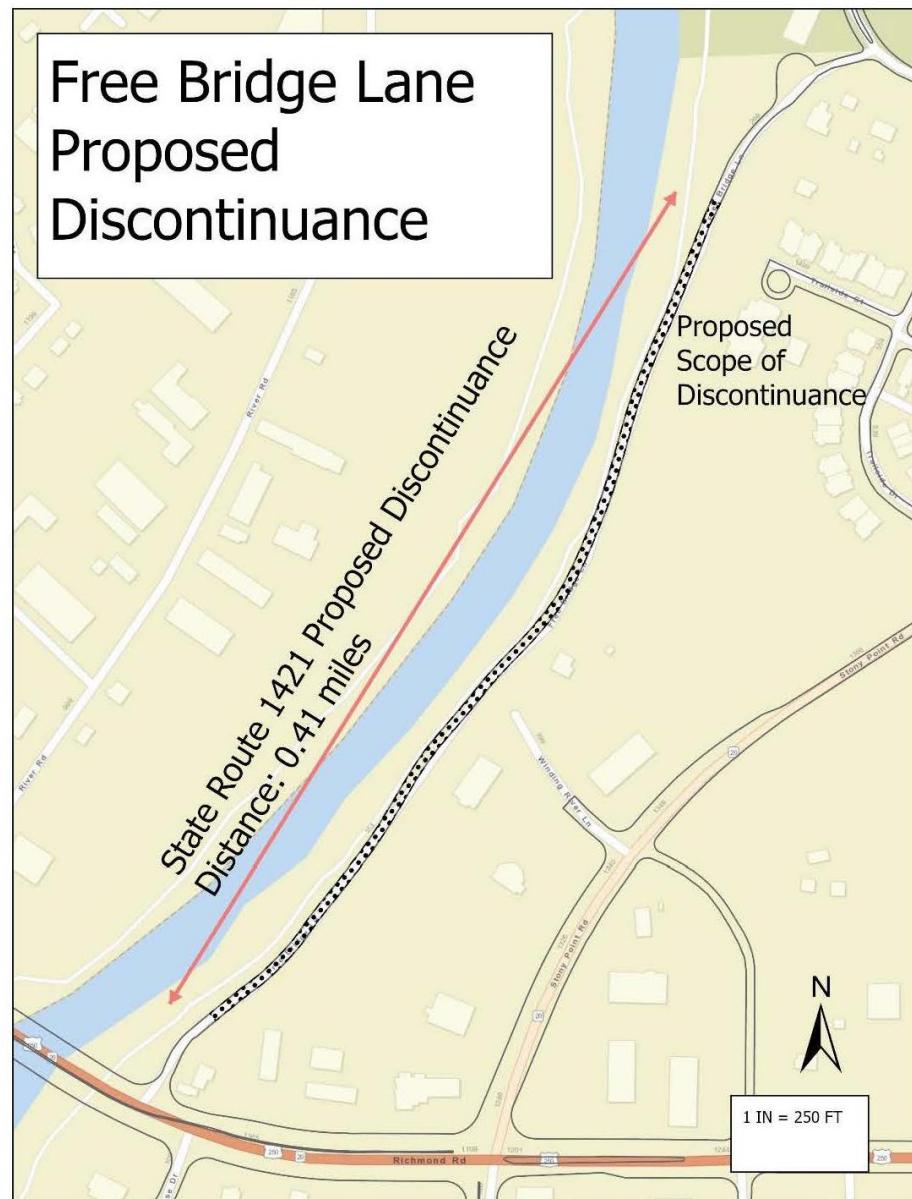
In my capacity as County Executive for the County of Albemarle, and on behalf of the Albemarle County Board of Supervisors, the County hereby petitions the Virginia Department of Transportation for the Secondary Discontinuance of Route 1421 Free Bridge Lane, pursuant to Virginia Code §33.2-908. A sketch of the proposed area and location of the requested discontinuance is attached to this letter and labeled as “Proposed Scope of Discontinuance”.

Additionally, on behalf of the Albemarle County Board of Supervisors, the County requests that the related right-of-way use of Free Bridge Lane be reserved for the purpose of transitioning Free Bridge Lane from a thru-road for vehicles to a pedestrian promenade.

If you have any questions related to this Petition for Discontinuance of Free Bridge Lane, please do not hesitate to contact me.

Sincerely,

Jeffrey B. Richardson  
County Executive



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**Recess.** The Board adjourned its meeting at 2:15 p.m. and reconvened at 2:30 p.m.

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**Agenda Item No. 17. Presentation:** Biophilic Cities Network Presentation.

The Executive Summary forwarded to the Board states that the Biophilic Cities Network ("Network") was established in 2011 by Dr. Tim Beatley at the University of Virginia (UVA), building on research he initiated at UVA's School of Architecture in 2010. The term "biophilia," defined by biologist E.O. Wilson in 1984, describes the inherent human affinity for nature. The Network formally launched in 2013 with a symposium in Charlottesville that convened leaders from seven major cities. The organization has since expanded to include more than 30 partner cities worldwide, four of which are located in Virginia.

A biophilic city integrates nature throughout urban planning to support both biodiversity and human well-being. These cities incorporate green spaces, native ecosystems, and wildlife habitats through features like urban forests, green roofs, and community gardens, recognizing that connection with nature is essential for residents' health and environmental sustainability.

The Network offers practical resources, including webinars, conferences, and an online repository. The Network's diversity reflects the universal appeal of biophilic design. Five continents are represented in the Network, and the populations of partner cities range from 36,000 (Fremantle, Australia) to 5.9 million (Singapore). Sixteen of the 32 partner cities are in the United States, with four in Virginia. In April, the City of Charlottesville obtained City Council approval of its application to become a partner city.

Discussions with Virginia partner localities demonstrate the Network's practical value. Arlington leveraged its membership to strengthen tree protection ordinances, while Reston treats the partnership as a unifying, politically viable environmental commitment. Norfolk has integrated biophilic principles into its comprehensive plan (NFK2050) through an "Embracing Nature" chapter and is exploring zoning amendments requiring minimum tree canopy coverage. Beyond Virginia, Raleigh (NC) has launched a Street Tree Equity Project that identifies neighborhoods with insufficient tree coverage and provides free street trees to residents. Other U.S. localities of note include Phoenix (AZ), Austin (TX), Washington D.C., and Miami-Dade County (FL).

The Guidelines for Participation in the Biophilic Cities Network (Attachment A) describe the obligations and expectations for localities joining the Biophilic Cities Network. If the Board were interested

in joining the Network, the County would be required to adopt a resolution of intent stating that the County supports the goals of biophilic cities, acknowledges the importance of nature in urban life, and declares its intent to join the Network. Following Board approval of the resolution, staff would prepare an application package to the Network. The application would include a narrative statement describing ways in which the County is already biophilic (including key initiatives, programs, policies, and projects already underway), and a statement of goals and aspirations for the future. The County would also select at least five indicators by which its biophilic qualities could be assessed.. The County would also be required to designate a Biophilic Cities Network Contact and Coordinator.

By joining the Network, the County would commit to annual engagement through activities such as sharing content (blog posts, case studies, or videos), participating in webinars, responding to peer requests, hosting delegations when needed, attending conferences, and supporting local network members.

There is no budget impact associated with this agenda item.

Staff recommends that the Board consider joining the Biophilic Cities Network. If the Board were interested in joining, staff would draft a resolution of intent for proposed adoption at a future Board meeting.

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Ms. Ann Wall, Deputy County Executive, stated that she was honored to introduce Noah Ellington, who would be presenting to the Board of Supervisors about the Biophilic Cities Network. She said that over the past 10 weeks, Mr. Ellington had served as an intern in the County Executive's Office, where he gained an overview of local government management combined with substantive work experience and projects. She said that Mr. Ellington would soon be leaving Albemarle County to return to the University of North Carolina at Chapel Hill, where he would be completing a dual degree in City and Regional Planning and Public Administration.

Ms. Wall said that before turning the podium over to Mr. Ellington, she would like to make a brief comment about the Biophilic Cities Network. She said that this network offered an opportunity for their community to share and gather information about integrating nature into their community. She said that Mr. Ellington would speak more about the network, but it was worth noting that it would provide access to valuable resources for their staff, without significantly increasing workload or work requirements over the year.

Mr. Noah Ellington, Intern with the Albemarle County Executive Office, stated that he had the privilege of serving Albemarle County during the summer. Tonight, he was here to present the Biophilic Cities Network, a global organization founded by UVA's own Tim Beatley. As a follow-up to the Board's receipt of a letter from the Chair of the National Heritage Committee on May 20, 2025, recommending Albemarle County for membership, he would like to provide some background information on the Biophilic Cities Network. This organization comprised over 30 localities across the globe, promoting human nature connections. It was a vision-driven group focused on sharing ideas and inspiring local action, rather than limiting it.

Mr. Ellington explained that the Biophilic Cities Network recognized that humans had co-evolved with the natural world and had an innate need for contact with nature and other forms of life. The mission of a biophilic city was to create equitable opportunities for people to learn about and connect with nature. Such a city placed nature at the core of its design and planning functions, encouraging place making and sustainable urban design. Additionally, he said it protects, grows, and celebrates local nature, while informing its citizens on the importance of biodiversity. Decades of research confirmed that contact with nature reduced stress, improved mental health, and sharpened cognitive performance. Even short, daily exposure to green space could measurably enhance well-being, especially for children and those in under-resourced communities.

Mr. Ellington said that cities that invested in biophilic design saw real returns: green spaces could help manage heat and flooding, improve air quality, support biodiversity, and lower public health costs. He said they also make communities more attractive by boosting property values and drawing residents and businesses in seeking a high quality of life. Membership in the network offered numerous benefits, including access to an online repository of articles, reports, and policy guidance from peer cities. He said there were also various engagement opportunities, such as monthly webinars, partner-hosted events, and annual conferences. Furthermore, membership provided the Board and staff with opportunities to visit other cities to see their biophilic initiatives or host a delegation here in Albemarle County.

Mr. Ellington said that this opportunity could strengthen the County's connection with the University of Virginia faculty and staff, potentially leading to downstream benefits. Notably, this opportunity aligned with Albemarle County's strategic plan, particularly objectives relating to quality of life. Specifically, membership in the network could help fulfill the last sub-goal about access to Parks and Recreation opportunities. There were also indirect implications for economic development and education, which were other goals in the strategic plan. He said that he would like to illustrate the scope of the network by showing where its member cities were located on a map. The majority of cities in the United States were located here, but there were also several in Europe and Asia.

Mr. Ellington noted that there was a cluster of cities along the Eastern Seaboard and particularly around Albemarle County. Cities in the network varied in size. The largest was Singapore, with six million inhabitants, and the smallest was Fremantle, part of the Perth metropolitan area in Australia, with 36,000

residents. There were four localities in Virginia that were part of the network, including Arlington, Reston, Norfolk, and Richmond. Their populations were listed on the slide based on five-year estimates of the 2023 ACS (American Community Survey) data. In April of this year, the Charlottesville City Council initiated their application process by adopting a resolution supporting the goals of the Biophilic Cities Network.

Mr. Ellington stated that he then wanted to show the Board a few examples of nearby partner localities and how they had incorporated biophilia. He had the privilege of speaking with the staff contacts at each of these localities, and he was grateful for their time. He said he spoke with Arlington County, which had joined the network in 2020. They discussed what membership in the network meant to the organization, acknowledging the benefits of this self-reflection period. They noted that it reinforced several existing policies, including their minimum tree canopy ordinance, which dated back to 2002. In 2022, the County adopted a redevelopment plan for the Pentagon City neighborhood that included biophilic design through a set of guidelines, including emphasis on plantings and open spaces along the "green ribbon."

Mr. Ellington said that Arlington County also held annual internal workshops and programs, serving as a mini-conference for sharing ideas on how to become more biophilic. Next, he spoke with the City of Norfolk, which had joined the network in 2019. The City was currently working on NFK 2050, their new comprehensive plan that incorporated biophilic principles in every chapter and in the regular planning process. They also adopted a minimum tree canopy zoning amendment using language and expertise from Arlington's policy and staff. He said the City of Raleigh, which had joined the network in 2022, launched a program to identify areas lacking street trees and offered residents free plantings.

Mr. Ellington stated that over the past three years, staff had planted more than 1,000 street trees through this effort. The City was also in the process of updating their comprehensive plan with a renewed focus on biophilic principles and strategies. To recap, there were several advantages to joining the Biophilic Cities Network. This initiative could help inform ongoing future and future land use policies, reinforcing many of the goals already outlined in the AC44 Comprehensive Plan draft. It also aligned with other adopted efforts, such as the Climate Action Plan and the Biodiversity Action Plan. He said participation requires tracking performance metrics, which supported the ongoing work of the Strategic Plan Execution Analysis & Reporting (SPEAR) team.

Mr. Ellington said that joining the network provided a framework for recognizing the value of both developed and rural areas while offering tools to address urban challenges, such as heat islands, mobility impediments, and environmental inequality. Additionally, joining the network would not require a new position to be created or cause a significant workload increase for staff. He said it was essential to note that this was an aspirational, non-binding commitment, and there were no penalties from the network if the Board must make difficult policy decisions in the future.

Mr. Ellington said staff was seeking guidance from the Board on whether to pursue membership in the Biophilic Cities Network. He stated that if the Board was supportive, the next step would be adopting a resolution acknowledging the network's goals. From there, staff would initiate the application process, which involved submitting a narrative of the current initiatives the County was undertaking, aspirational goals for the county, and five metrics the County would track to approach those goals. He said that although there was no membership fee, members were expected to submit an annual report on those selected metrics.

Mr. Pruitt said that he wanted to begin by expressing his strong support for this initiative. He said that as members of the Board were aware, the person leading the University of Virginia's network and the head of the Natural Heritage Committee, who recommended their adoption of this, were both constituents of his and had reached out to him about bringing this to the Board's agenda. He said that he was pleased to see such a thorough opportunity for discussion, rather than just a quick consent agenda item.

Mr. Pruitt said that to ensure clarity on the concrete requirements this would pose, he would like to review the previous slide. He said that based on his conversations with external stakeholders, it appeared that the staff designated as coordinator's primary role was to participate in a monthly call. He said that he wondered if there were any significant additional deliverables beyond a recurring monthly call and the annual narrative.

Mr. Ellington said that essentially, the staff, or whoever was designated as the partner, would serve as the liaison for this effort and spearhead it. He said that in his conversations with other localities, he found that it was not always just one person. He said that with Board direction, staff could deliberate and decide whether to have a team of individuals or just one or two.

Mr. Pruitt said that the Board and government were deeply invested in climate-related concerns, and their community was actively engaged with these issues; however, their current climate initiatives seemed fragmented across departments. He said that this reflection made him consider the role of the coordinator, and he wondered what department they envisioned as being responsible for their climate initiatives.

Mr. Pruitt said that it had been generally and specifically implied that climate initiatives were interconnected with multiple departments, and it was essential to consider how they fit into the County's overall mission. He said that it appeared that they had not thought coherently about how to realize this initiative as a core part of their mission, where it should be housed, and how to move forward with it.

Ms. Wall said that she believed that they had recognized a need to provide more structure around climate in the past year. She said that in the last year, FES, where climate work was housed, had established a climate leadership team, consisting of department heads who met regularly to discuss the broader vision of climate, their climate activities, and the initiatives they planned to pursue. She said that she envisioned this effort working in tandem with the existing climate leadership team.

Ms. Wall said that it was essential to acknowledge that climate was a community initiative, not owned by Albemarle County or FES. She said that rather, it was a community concern that required organizational support. She said that while they did not own all climate work, she believed the climate leadership team was playing a crucial role in providing leadership, intent, and broader supervision on key climate efforts and projects they were undertaking.

Mr. Pruitt asked how often the climate leadership team was meeting to discuss their work.

Ms. Wall said that currently, it was in its startup phase, so they were meeting periodically, discussing how they allocated the funds provided for climate and the budget. She said that they met every couple of weeks. She said that at some point, they would determine the optimal frequency for these meetings.

Mr. Pruitt noted that there were no concrete commitments other than what they created themselves. He noted that in the list of biophilic cities, one of them was not a government, which intrigued him. He said that the Reston Association was not a government, so they had no vested powers from the state, but was similar to the Crozet Neighborhood Association in that it was meant to represent the population of the town.

Ms. Mallek said that the only comparison she had was the neighborhood associations in Arlington, which had their own funding and a significant amount of decision-making authority. She said that she was unsure of the specifics of the Reston Association.

Ms. LaPisto-Kirtley said that she was glad to have the clarification made by Ms. Wall, as it was a relief to know they had a dedicated leadership team to take this on without unfairly burdening staff. She said that they had mentioned heat islands, and she was wondering if it was the County's responsibility to identify those heat islands.

Mr. Ellington said that he knew of multiple organizations that did heat island mapping across the country, so he would assume the County would make use of the existing data to identify the heat islands, potentially incorporating more specific local data to provide greater accuracy.

Ms. Wall clarified that the example of the heat islands was meant to be illustrative. She said that it highlighted the kinds of issues that could be addressed and the potential benefits of the Biophilic Cities Network's research, as well as how other communities had successfully implemented similar solutions. She said that it was not necessarily a specific activity that would be tackled under this initiative, unless the County explicitly decided to pursue it.

Ms. LaPisto-Kirtley said that she thought perhaps it was part of the annual report. She said that she appreciated it being considered as an issue for the Biophilic Cities Network to address. She said that she was overall supportive of this initiative.

Ms. Mallek expressed support for Albemarle County joining Biophilic Cities Network. She noted that it was very important for people to experience nature, and people residing in cities often did not have the same exposure to nature as people did in the country. She saw this program as a way to bring those benefits to urban dwellers and help improve the County's quality of life as a whole.

Mr. Andrews expressed his support for joining the Biophilic Cities Network. However, he wanted to clarify that in terms of whether this would add to their staff's workload, his perception was that was already work they had obligated themselves to take on in the Climate Action Plan. He said that they were committed to doing this, and this particular aspect of becoming part of the Biophilic Cities Network did not add to that. He said that he believed there was a significant amount of work to be done.

Ms. LaPisto-Kirtley acknowledged that the staff workload was her concern, but she believed this designation would help their work all flow together seamlessly.

Ms. McKeel expressed her gratitude to Mr. Ellington for his active engagement in County work, including events and meetings. She hoped they would see Mr. Ellington in the future once he was finished with his graduate studies. She expressed her support for the County to join the Biophilic Cities Network. She added that Albemarle County Public Schools (ACPS) had a strong dedication to environmental initiatives, so she would highly suggest that the County involve them in this work as much as possible.

Mr. Ellington said that he agreed. In his conversations, he had spoken with Jamie Powers, as well as representatives from other departments. He said that they had ongoing initiatives focused on education, which was one component of the indicators. He said that to fulfill these indicators, certain parameters had to be met, and one of them could directly relate to education, ensuring that everyone was aware of the indicators. He said that what was notable was that biophilia and climate action were not mutually exclusive; they were complementary, and there was a significant overlap between the two.

Ms. McKeel said that the School Division was full of young people who were dedicated to addressing climate change as well, so she believed they had a large number of people eager to help.

Ms. McKeel confirmed there was Board consensus to pursue joining Biophilic Cities Network; staff would return with a resolution of intent for proposed adoption at a future Board meeting.

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Non-Agenda Item. Remote participation for Mr. Ned Gallaway.

Ms. McKeel stated that Mr. Gallaway had requested to participate remotely in accordance with applicable Board Rules of Procedure, rule number 8.B.1.d., enacted pursuant to the Freedom of Information Act. She asked Mr. Gallaway to state his current location and reason for remote participation.

Mr. Gallaway stated that he was located in Fort Myers, Florida, on vacation with his family.

Ms. LaPisto-Kirtley moved that the Board of Supervisors allow Mr. Gallaway to participate remotely in the meeting. 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.

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Agenda Item No. 11. **Work Session:** Data Center Phase 2.

The Executive Summary forwarded to the Board states that on April 2, 2025 the Board of Supervisors adopted limited regulations for data centers. These amendments were intended as a first phase. On May 7, 2025, the Board of Supervisors adopted a resolution of intent to consider additional regulations and the creation of an overlay district.

Data centers may generate impacts not addressed by current regulations. The zoning text amendment and zoning map amendment are intended to establish regulations to mitigate the impacts of data centers and identify locations that are optimal for data centers. The Data Center Phase 2 BOS Work Session Report (Attachment A) provides a more thorough summary of staff's work, considerations, and community engagement on the proposed ordinance amendments.

No adverse budget impact is anticipated.

Staff recommends that the Board of Supervisors provide guidance on the proposed ordinance amendments, as further detailed in Attachments A and A2.

Staff is requesting guidance from the Board of Supervisors on the following questions:

1. Does the Board support the concept of the proposed regulations?
  2. Does the Board support the boundaries of the proposed overlay districts?
  3. Does the Board support tiered districts?
  4. If the Board supports consideration of tiered districts how should each area be designated?
- 

Mr. Bill Fritz, Development Process Manager, stated that staff would provide background on the Phase 2 Data Center work, covering the County's authority in zoning regulations, the proposed zoning overlay district, taxation information, public input, and specific questions regarding guidance, and finally discuss the next steps. He said that to start, the text amendment would establish standards for all data centers, and the zoning map amendment would create the overlay districts. He would delve into both the ordinance and the overlay districts.

Mr. Fritz explained that data centers were facilities that housed computer systems processing large amounts of information. They could contribute to a diversified economy and tax base, while having unique features such as the need for uninterrupted power and significant power consumption. The equipment in data centers generated substantial heat, requiring cooling. They could be located in large buildings and typically required fewer staff per square foot compared to other industrial or office spaces. Data centers could support local economies, enable innovation, and operate with minimal disruption to surrounding communities. They often had lower sewer demands than other industrial uses, and their water demand could vary depending on the cooling method.

Mr. Fritz stated that data centers typically generated fewer truck trips compared to most other industrial uses once operational. The County could regulate data centers through typical zoning measures, such as limiting zoning districts, establishing setbacks, size requirements, height requirements, noise limits, landscaping, and the standard zoning toolkit. However, the County could not regulate based on energy consumption, the type of energy used, employment, customers served, technology used, or the origin of equipment used to operate the center.

Mr. Fritz said that he would next discuss the proposed ordinance and overlay districts, based on

extensive research conducted by their team. They had reviewed numerous ordinances and spoken with other localities and water authorities to determine what had and had not worked. He said the County currently allows data centers up to 40,000 square feet on property with industrial zoning. For a center larger than 40,000 square feet in industrial zoning, it required a special use permit. He explained that in commercial districts, any size of data center required a special use permit. He said that the proposed regulations maintained the existing regulations outside of the proposed data center overlay district, and the only proposed change would be that there was no increased setback within the district.

Mr. Fritz stated that the standard district regulations would apply inside the district, but still, the 200 feet from properties outside the district and 500 feet from rural area zoning would apply. He said that next, he would discuss generators. He explained that the current regulations required sound-dampening enclosures and had limited hours of operation, except during power outages. Under the proposed regulations, they would maintain these existing regulations. They would also only allow natural gas or low-emission generators and permit battery energy storage systems. For landscaping and screening, the existing regulations required two rows of trees. He said under the proposed regulations, the requirement would increase to three rows of evergreen trees from an approved list, with the County determining the planting location, and the fence if fencing were required, it must be between the building and the screening and must be screened as well.

Mr. Fritz stated that the proposed building design regulations would require breaking up blank walls with recesses, windows, changes in texture, color, and materials, and equipment would be contained within an enclosed building or courtyard. He stated that water regulations would require coordination with the Rivanna Service Authority and Albemarle County Service Authority for initial filling, flushing, or maintenance of the system. They were currently recommending that no groundwater use be permitted, and that no evaporative systems be used.

Mr. Fritz said that they were still working on the exact language, but their goal was to define what constituted a closed-loop system and recycled water and explicitly state that no groundwater may be used. He stated that research had shown that data centers could consume water at or lower than comparable office buildings, and they believed that with the right regulations and design, they could achieve this.

Mr. Fritz said that noise regulations would be more restrictive than the existing ordinance. He said the current maximum daytime limit is 60 decibels and a maximum nighttime limit is 55 decibels and applied to data centers regardless of the designation of the adjoining property. He reiterated that they proposed that all new data center developments use this noise regulation as a standard requirement, regardless of the zoning of the neighboring properties.

Mr. Fritz explained that this would require a sound study to be submitted prior to approval and post-construction monitoring and testing to verify that the permitted sounds were being achieved. If they did not meet the noise regulations, they would be required to take corrective measures. Additionally, proposed regulations included increased setbacks in landscaping, and these regulations collectively formed the basis of their noise regulations.

Mr. Fritz said that next, he would like to discuss the overlay district for data centers. He said that their consideration of how to allow data centers, they focused on overlay district criteria that ensured adequate infrastructure, appropriate land use designations, and locations that minimized impacts. Notably, all areas within the proposed overlay district were already designated for intense development, and data centers would have more stringent requirements than existing permitted uses on those properties.

Mr. Fritz said that the criteria they established included being located in a development area, recommended for industrial research and development or a similar use as stated in the Comprehensive Plan, and served by public water and sewer. Furthermore, data centers must be close to high-voltage power lines, which may be located on the property or within the district. To illustrate the potential, they considered a tiered system, where areas could be designated as Tier 1, Tier 2, or Tier 3. For example, a 40,000 square foot footprint, which was the existing regulation, would apply outside of any district. They also proposed a definition of footprint, as it was currently undefined. This definition would provide clarity on the minimum size requirements for data centers.

Mr. Fritz said that to put these numbers into perspective, 40,000 square feet was comparable to the size of their local Harris Teeter, Whole Foods, or Harbor Freight buildings. For further context, larger buildings, such as Seminole Place, Costco, and Northrop Grumman, could be seen as examples of the scale of data center development. He showed a map of the zoning map of the County which illustrated the existing zoning of all parcels and provided a visual representation of the potential for tiered development. He said the area in white represented the rural areas and he noted that all the areas within the proposed overlay districts were located within the existing development area.

Mr. Fritz said that he would highlight each of the five areas individually. He said he wanted to reiterate that these areas were within the areas already designated for development. The development area comprised about 5% of the County's total area, while the proposed overlay district area was approximately three tenths of 1% of the County's total area. The areas he would be highlighting included the Emerson property to the north, Rivanna Futures, the airport, North Fork, Pantops, and Route 29/I-64.

Mr. Fritz noted that unfortunately, at the time they were preparing the Board packet, their Geographic Information Systems (GIS) was not functioning appropriately, so he was only able to map the

parcel boundaries, not the zoning boundaries of Rivanna Futures. He said that he had since modified the map to approximate the portion that would not be included in the overlay district. He explained that this modification showed the difference between the Rivanna Futures overlay district and the surrounding areas. He noted that the remaining green area would have a 500-foot setback from the rural area boundary.

Mr. Fritz said that the airport and North Fork property was challenging to map due to its long, north-south orientation, and he had not rotated the maps. He said that the map showed the northern portion of UREF (University of Virginia Real Estate Foundation) North Fork, which was partially covered by an application plan and included open space, floodplain, or other designations that would still apply. He said that the southern portion of the airport and North Fork development was also shown. He said that also provided an image of the Pantops State Farm area, and the intersection of Route 29 and I-64.

Mr. Fritz continued that when considering zoning map amendments or zoning text amendments, the code included factors to consider during the review process. He said that they had taken these factors into consideration and would provide a detailed analysis of each during the public hearing. He said that at this time, staff would like to share some economic study information with them, as stated in the specific language.

Mr. Jacob Sumner, Chief Financial Officer, stated that he would discuss the financial impact of data centers, particularly on the revenue generation component for their locality. He stated that the Board's budget conversations in the spring had highlighted the need to diversify their tax base and balance their residential and commercial tax base. Data centers could be a tool in achieving this diversification. He said that they offered two revenue streams for localities: a tax on the real estate, including the land and improvements, and a tax on business tangible personal property, such as servers and other computer equipment inside of the building itself.

Mr. Sumner noted that the latter was a depreciating asset, meaning its value decreased over time, unlike real estate, which typically held value. He explained that the useful life of most data center equipment was between five and seven years, depending on usage and replacement needs. This could be taken into account when evaluating these properties and tax sources. He said in May the Board received a presentation regarding the Cost of Community Services, which compared the cost of providing services per dollar of revenue generated from different categories. According to the County's ratios, for every \$1 of residential revenues generated, there was a cost of about \$1.31 to provide services, while commercial revenues generated a cost of \$0.32 per \$1. Data centers, however, had an even lower cost of community services ratio, ranging from \$0.10 or less, driven by lower vehicular traffic, fewer employees, and reduced County services required.

Mr. Sumner stated that to provide the Board and community with some scenarios, he would break down the tax revenue generation potentials for different sized districts. On the next slide, they had a chart showing average annual revenues for these three different sizes. He noted that this was not a total revenue, but rather an average annual revenue. As he had mentioned earlier, the business tangible personal property generated a range of revenues from when it was put in service to when it depreciated over its useful life. Therefore, an average was the most appropriate way to show annual revenue. For districts outside the overlay district at 40,000 square feet, they estimated an additional \$1.3 million in revenue.

Mr. Sumner continued to explain that a data center that fit into the 125,000 square foot Tier 1 district, the average annual revenue was approximately \$4 million. The final tier, Tier 2, with a 500,000 square foot size, yielded an estimated \$16 million in average annual revenue. He said this was just one example, and not all data centers would have the same characteristics. He said that he was using this as a visual aid to help the Supervisors and the public consider the financial implications of their discussion.

Mr. Fritz said that he would like to touch on the public engagement that had taken place. He said that he had lost track of the number of comments, but he had forwarded some to the Board, and others had been shared with them through the Engage Albemarle site. He said that they had also compiled some statistics, which as of yesterday, showed that 1,400 people were involved in this project, making it the fourth highest ranking among their top five Engage Albemarle projects, so clearly there was significant public interest in this project. He said that to provide context, they had categorized the comments into several areas, including climate impact, water impact, maintaining current size requirements, prohibiting data centers altogether, cost and benefits, and noise and air pollution.

Mr. Fritz stated that staff was seeking guidance from the Board on several key questions. First, did the Board support the concept of the proposed regulations, acknowledging that further work was needed? Second, did the Board support the boundaries of the proposed overlay districts? Third, did the Board support the idea of tiered districts? And if the Board did support tiered districts, how should each area be designated? He said that staff was seeking this guidance to inform their next steps. With that, he said he would conclude his presentation and would answer any questions the Supervisors may have.

Ms. McKeel clarified that this work session was for Phase 2 of data centers, as they had already covered Phase 1. She said that when referring to "existing regulations," those were the regulations the Board had approved in April as part of Phase 1 of this process. She said that Phase 2 included proposed changes from staff regarding those Phase 1 regulations.

Mr. Fritz confirmed that was correct. He said that to clarify, during Phase 1, the Board and Planning Commission provided direction on what to consider in Phase 2. He said that this is how they

started developing the Phase 2 regulations.

Ms. McKeel said that there was not a specific vote the Board would be making today. She said that the Board would be providing direction to staff based on the four questions staff had asked.

Mr. Pruitt stated that he remained skeptical of data centers. He said that when the Board had reviewed the Phase 1 regulations, he had expressed his discomfort with allowing 40,000 square feet of space for data centers and had recommended 4,000 or 10,000 square feet instead for by-right data center use. He explained that his concerns were driven by the costs of providing energy from the grid to serve data centers, and thus far it appeared those costs to upgrade the energy grid would be paid by ratepayers. Even before upgrades to the grid were made, the supply-demand models related to other Dominion Energy and Appalachian Power customers would result in ratepayers paying the extra costs of supplying power to data centers. Although data centers were a single customer to the power companies, the County's constituents would still be partially paying for their power supply.

Mr. Pruitt stated that another concern of his was the long-term viability of these data centers in terms of economic development. There was currently a significant demand on facilities for data center management and the technology being developed; however, it seemed like it was a bubble. Additionally, if quantum computing was successfully deployed within his lifetime, it would significantly alter the square footage requirements for data centers. He believed that the ones that would be going offline first in that sequence would be those furthest from the Trans-Atlantic Cable in Northern Virginia, so he was concerned about localities further south that viewed these data centers as a long-term economic development strategy, when they likely would be phased out as future technology changed the economy, rendering their investments a loss.

Mr. Pruitt acknowledged that data centers had the potential to provide significant revenues to localities, which looked especially appealing to small local governments that may be desperate for revenues. However, Counties such as Louisa, which was initially were eager to allow data centers, were now voting against them because the scale of deployment of the previously approved ones was concerning. He noted that some localities may be very eager to have data centers as a revenue source because they had few economic development opportunities otherwise. He emphasized that Albemarle County should recognize that they were a wealthy locality and had the ability to find revenue from other sources, rather than relying on destructive land uses such as data centers.

Mr. Pruitt said that regarding the proposed regulations from staff, he was supportive of them and felt they were adding additional common-sense considerations. He recalled that some of them were results of what they had learned from their solar farm developments, such as the tree buffer requirements. He believed that for the most part, the proposed regulations were effective and beneficial. However, regarding the requirement for data centers to avoid long, blank walls in their buildings, he was wondering if this was a regulation other localities had adopted for data centers.

Mr. Fritz replied that yes, it was in other local ordinances. However, he would also like to inform the Board that even after the language was written into the ordinance, they had done additional work and discovered other models that may be better written to provide a bit more flexibility for the architect while still achieving the goal of breaking up the massing. He said that this was one of the requirements they were still refining.

Mr. Pruitt said that he was fine with it staying in the draft for now, but he would like to see some sample visualizations to review the concept. He said that he wanted to consider the potential cost implications. He said that he thought the boundaries of the overlay districts made sense for a data center. He said that one location that he would flag as potentially problematic was State Farm, as it was near natural habitat trails and residential areas. He said that he understood why it had been chosen, but he believed its negative externalities could be particularly significant there.

Mr. Pruitt said that he also had some concerns about the North Fork location, as they were expecting to see a lot of residential development in the near future. Although they were not there yet, it had been previously discussed as the intent for that area. He said that he was not saying that he did not think North Fork was the right district for now, based on their current land use. He continued that he understood why the tiered system made sense; however, he remained uncomfortable with allowing by-right usage above what they had currently authorized in the interim. He said that they had never had a data center proposal before them, and their experience with solar developments had shown them how community reactions could be negative.

Mr. Pruitt said that they had iteratively developed on those experiences, and he was concerned about how his constituents would react to something in their backyard. He said that he was also uncomfortable with the scale of the tiered proposals one and two, and he would not support deploying a single one without a public feedback process. He reiterated that he thought the way they were thinking about this made sense, but he could not support it at this stage. He added that he would flag the previous locations he had expressed concerns about if they were discussing which ones to designate as which tiers. He said that he believed State Farm was surrounded by incompatible uses, and North Fork would soon be surrounded by incompatible uses as well.

Ms. McKeel asked if Mr. Pruitt could restate his specific concerns so staff could address them.

Mr. Pruitt said that one of his primary concerns was the energy grid costs. He said that he wanted to ensure that he was not misrepresenting the issue that there would be indirect costs to consumers,

particularly if upgrades to the grid were necessary.

Mr. Fritz said that he wished he had a more definitive answer. He had been working to find a better answer to that issue, but unfortunately, the County did not have the authority to address it. He said that that authority lay with the State legislature, and he could not say anything beyond that point.

Mr. Pruitt said that their peers in the General Assembly were currently grappling with this exact issue, trying to require that they not have these knock-on costs, but progress was being stalled.

Ms. Amelia McCulley, Project Manager in the Community Development Department, stated that during the last General Assembly session, multiple bills were introduced, and many of those bills were related to passing on costs to residential customers unfairly. Unfortunately, those bills did not pass. She said that the intention behind those bills was to ensure that the costs of new infrastructure were not passed on to customers; however, none of those bills were made into law.

Mr. Pruitt stated that he had discussed quantum computing, but he was unsure if anyone, including himself, was in a position to philosophize on such future developments. He asked if staff felt he was off base in his assumptions related to that.

Mr. Fritz replied that he could not provide any comment on that.

Mr. Gallaway said that he appreciated the effort in the report to include buildings of comparable size that already existed in the County. He said that he was curious about the comparison of impacts, such as electricity and water use, beyond just size comparisons. He asked if Mr. Fritz could elaborate on that point further.

Mr. Fritz said that they had had conversations with other jurisdictions, including the water authorities, and the information they provided was that their actual experiences indicated that data centers were consuming water at a rate equal to or sometimes less than comparable-sized office buildings.

Ms. McCulley added that one of the things they had noticed with newer data centers was that some of them were air-cooled or used hybrid systems, rather than predominantly water-cooled. She said that this meant they may require less water or they could recycle the water they would use for cooling.

Mr. Gallaway asked if they had any comparisons regarding electricity usage.

Mr. Fritz replied that they did not.

Mr. Gallaway said that when they recently approved the Home Depot rezoning application, he did not recall thinking about their water usage. However, that building was approximately 140,000 square feet.

Mr. Fritz said that in their conversations with the Rivanna Water Sewer Authority (RWSA) and the Albemarle County Service Authority, they were reviewing the Comprehensive Plan and zoning map to determine the types of uses that could be accommodated in those areas. He said that for instance, if an area was designated as industrial, they used an estimated industrial water consumption number to determine the required water supply. He said that similarly, if an area was designated as office or commercial, they used a similar approach. He said that they also considered the potential for hotel development in commercial areas, as hotels were high water consumers. He said that their modeling already took these factors into account.

Mr. Gallaway stated that was that this was a new concept for the County, and they did not typically have large data centers in this area. He said that as a result, there were natural concerns, which would be the case for most new developments. He said that they were already seeing impacts, and often without sufficient scrutiny. He said that however, there were also impacts they already were seeing with existing developments, and often accepted without scrutiny. In the case of Home Depot, they had been mostly concerned with making sure the development looked good and conformed to their setback regulations; they did not scrutinize the business's intentions of setting up shop in the County.

Mr. Gallaway said that he had another few questions for Mr. Sumner. He thanked him for making the point about the depreciating asset values. He said that he took away from that statement that when the data centers replaced their equipment, the value for taxation purposes would be reset in accordance with the value of that new equipment.

Mr. Sumner confirmed that was correct. He explained that initially, when data centers became more prevalent, the typical replacement cycle for equipment was between two to three years. As the industry evolved, the replacement cycle lengthened to a five- to seven-year cycle due to the increasing robustness of the equipment. This change was also influenced by the demand and usage patterns of the data center. He said that in response to Mr. Gallaway's other point, it was correct that once the equipment became obsolete and needed to be replaced, the new equipment typically came at a higher value, resulting in a reset of the depreciation schedule to 25% of the original cost.

Mr. Gallaway said that in a similar vein, he would like to know what other types of things in the County would be taxed in this way.

Mr. Sumner said that he would not draw a comparison to machinery and tools tax, because those were more related to the manufacturing side. He said that business tangible property would include a significant amount of office equipment, office infrastructure, and computers. He noted that within State Code, they had the ability to create a separate designation and category for business tangible personal property, specifically related to computers and computer equipment used to run data centers; this was a distinct category in itself.

Mr. Gallaway said that he was attempting to make a fair comparison in his own mind. He said that if they considered the University of Virginia, its health system, its university, and the various departments, and what they used to perform daily operations of both the academic side and the health system, there was a lot of computer equipment being taxed. He asked if that was a bad example because it was exempt from taxes. He said that a better example might be Martha Jefferson. He asked if the County taxed all of Martha Jefferson's computer equipment.

Mr. Sumner confirmed that was correct; that would be part of their annual business tangible personal property filing. He said that another example was Home Depot, which Mr. Gallaway had previously mentioned. He said that in that case, anything that was part of their electronic inventory system, including the registers, and even the racks housing the inventory, would be accounted for as business tangible personal property.

Mr. Gallaway noted that the racks were not being replaced on a two- to seven-year basis; but the computer systems could be.

Mr. Sumner said that would be a good example.

Mr. Gallaway said that they had addressed this issue before: currently, they were dealing with the reality of depreciating assets that they taxed, and as things got replaced, their value was restored, and they needed to account for this in their financial plan.

Mr. Sumner confirmed that was correct.

Mr. Gallaway said that he had a question for Mr. Fritz about the tiers. He said that he believed he had understood that Tier 1 was the by-right up to 125,000 square feet, and Tier 2 was the by-right up to 500,000 square feet. Additionally, a special use permit was required for both tiers if the building exceeded those square footage limits. He asked Mr. Fritz to clarify the rationale behind the tiers again.

Mr. Fritz explained that staff wanted to demonstrate the options for implementing a tier system if desired. He said that the size they proposed, 500,000 square feet, was chosen because it was comparable in size to the largest buildings in the community. He said that this was why they selected 500,000 square feet. He said that the 125,000 square feet figure was based on a common size for large buildings that they had observed in various locations. For example, Fifth Street was 125,000 square feet, as was Costco, Walmart, Stonefield, and Hollymead Town Center.

Ms. McCulley noted that the concept of tiers was based on the idea that some properties may be smaller or located adjacent to residential areas with limited density, making it challenging to construct a larger data center and mitigate its impacts.

Mr. Gallaway said that in his mind, he was thinking that they could identify Tier 1 properties because they believed, based on the specific site, that 125,000 square feet would not raise concerns, provided their regulations were met. However, another property, similarly to how they might consider property A suitable for Tier 1, property B could be suitable for Tier 2, as the same impacts and concerns were mitigated by the regulations that could be made.

Mr. Fritz confirmed that was staff's intention.

Mr. Gallaway said that they were essentially saying upfront that they recognized that, so they could do the tiers without requiring special use permits for each development. He said that if they could identify properties correctly and allow by-right data centers to a certain extent, it could save costs on the project. At the end of the day, when they talked about passing along costs, it did not really matter what the cost was; if they could try to pass it along, they would.

Mr. Gallaway said that he would not counterpoint Mr. Pruitt, as he believed these were opinions at this point. However, in response to Mr. Pruitt's comment that Louisa County was a poorer County, he thought that they were seeking to use the data center income to offset taxes they did not want to set. He said that this aligned with Albemarle's own goal of revenue diversification. In his opinion, it was not because they were a poor County that they had turned to this, but rather the revenue they were bringing in from these data centers, which were millions of square feet in size, were allowing them to set lower real estate and personal property tax rates for their residents. He said that he just wanted to note that it was not solely because they were poor; it was a strategy they could use to achieve their revenue goals without placing the entire burden on real estate owners in their County.

Mr. Gallaway said that in terms of long-term viability, they must be cautious, as the private market often determined what existed or did not exist. He thought, with the exception of some areas, indoor malls, including their Fashion Square Mall, had become outdated and were no longer desired. He would assume that 50 years ago, when malls were proliferating all around the country, it was unlikely that anyone would have predicted they would become a passing fad. However, developments and economic

activity in a place could be unpredictable.

Mr. Gallaway stated that he did not think their County governed or regulated in a way that would prevent something from happening because of potential long-term consequences. If it succeeded for a long time, even better, but to suggest that they should not allow something because they were worried about it may not be the best approach, he did not think that was how he thought about economic development activity, or what a local government or any government could be focused on in allowing or setting land use policies. He said economic activity was not something that the County was necessarily driving; they were trying to create an environment that allowed economic development to occur in the way they hoped to see it.

Mr. Gallaway stated that regarding data centers, it was clear that some individuals strongly opposed them, prohibiting them outright. While it could be argued that this was an economic development strategy, on the other hand, not regulating them at all could lead to uncontrolled growth. In his opinion, the approach staff had proposed was well-reasoned and aligned with their County's typical approach. As Supervisors, he did not think they would want to replicate the large-scale facilities found in Louisa County, which were millions of square feet in size.

Mr. Gallaway stated that he was hesitant to make a definitive statement on this, as he had yet to see a project that could successfully accommodate such a large facility in the County. He said that even the identified zones may not be suitable for buildings of that size. He said that he believed the North Fork area may be more suitable for development. He said that allowing industrial activity on the northern part of the North Fork area, in a by-right manner, could be a smart move, as the residential component would be on the southern end. He said that this would enable the impacts to be mitigated and minimize the effects on the environment, similar to building an office building of similar size. He said that the Pantops site, with its existing 400,000 square foot building, was a good example of this.

Mr. Gallaway said that regarding the concern that there may be impacts to the surrounding natural areas, he would contend that having a data center compared to State Farm there would actually be reducing the number of people driving in and out of the area, so it was entirely possible that they could minimize the negative impacts of transportation in Pantops. He said that as pointed out, the tax revenue generated by such a business could be substantial. He said that for instance, if they were to establish a facility that yielded \$8 million in tax revenue, it could help offset the costs of other County initiatives without requiring a significant tax rate increase.

Mr. Gallaway said that he was aware of public comments during the past budget cycle that were suggesting Albemarle be more like Louisa, which had reduced their tax rate. He noted that this was because they had found an alternative way to generate revenue. He said that this was something they needed to consider; they had previously stated that they would consider this option, and it had received favorable feedback at the town halls during the budget time.

Mr. Gallaway said that in response to staff's specific questions, he was supportive of the regulations they had brought forward. He said that he believed these were reasonable for Albemarle County. He said that if these regulations were larger in other capacities within the County, he might have concerns. However, this proposal was within the existing bounds of what they allowed in identified economic activity areas. He supported the overlay districts and the sites staff had identified. He said that he also supported the proposed tiers, understanding that this was just a work session and further review would be conducted. He said that none of his opinions were final, but more information would become available as the discussion continued.

Ms. LaPisto-Kirtley asked if staff could come back at a future date with information regarding the average increase of utility bills that customers had seen due to data center demands.

Mr. Fritz said that they did not calculate their rates by jurisdiction; Dominion's entire rate structure was affected.

Ms. LaPisto-Kirtley asked if staff had any information about the costs for the County to invest in data center developments.

Mr. Fritz clarified that the County would not need to take any specific action to facilitate the development of data centers; it would be like any other use that would need to go through site plan review and comply with regulations, as well as making any improvements to stormwater, utilities, and other necessary components. He reiterated that there would be no direct County investment in data centers.

Ms. LaPisto-Kirtley said that as a member of the Economic Development Authority (EDA), she understood that economic development required flexibility. She said that it was not a static process, and they did not know what the future held. However, this was something they had now that they could potentially utilize. She said that people had been unhappy with the recent tax rate increase. She said that she was impressed with the work staff had done to address the concerns of residents, particularly answering questions about water usage. She said that staff had confirmed that data centers would be required to use only public water and sewer, with no groundwater being used. She asked if Mr. Fritz could address concerns related to the local water tables.

Mr. Fritz replied that since the data centers would not be using groundwater, there would be no impact on the water table.

Ms. LaPisto-Kirtley said that on page 2 of the proposed ordinance, the text stated that reducing setbacks within the overlay district to 200 feet from the district boundaries, the standard setbacks would still apply. She asked if they were applying this to the overlay district.

Mr. Fritz stated that to illustrate the difference, he would consider two examples: a data center located outside of an overlay district and one located within it. He said that if one were outside of an overlay district and owned an industrial property adjacent to another industrial property, one would need to maintain a 200-foot setback from that property line. He said that in contrast, if one were within the overlay district, one would only need to meet building code requirements, without the 200-foot setback.

Mr. Fritz stated that currently, two industrial properties could be built very close to each other, which was permitted. He said that for a data center, they would need to be at least 200 feet away from the boundary of the overlay district, regardless of the zoning of the adjacent property. He noted that if that property was zoned rural, they would need a 500-foot setback. He said that for comparison, the existing setback requirement in the industrial district adjacent to a non-commercial or non-industrial zoning was 50 feet; staff was proposing to increase that to 200 feet, or 500 feet if the adjacent property was rural.

Ms. LaPisto-Kirtley said that her concern was with the property boundary being adjacent to a residential rural property.

Mr. Fritz said that there were instances where the boundary was adjacent to either residential or rural zoning. He said that such properties that were already zoned industrial and had a 50-foot setback from the property line. He said that if a warehouse, office building, or manufacturing facility were to be constructed, these properties could be 50 feet from the property line. He said that data centers, on the other hand, would have a 200-foot setback.

Ms. LaPisto-Kirtley asked why it was not 500 feet.

Mr. Fritz said that if the Board directed staff to write a 500-foot setback, they would specify it to be a 500-foot setback. He noted that that was already four times greater than any other setback in the area. He added that data centers also had building design requirements that were not applicable to other uses, and they would have had enhanced noise requirements that other uses did not have. He said that considering the generators and screening required, they believed that the 200-foot setback was more suitable than the 50-foot setback.

Ms. LaPisto-Kirtley asked if the 200-foot setback could be considered for a property adjacent to a rural area that was unoccupied by residents, while the 500-foot setback could be considered for properties directly adjacent to a residential property.

Mr. Fritz explained that the proposed regulations included a section on supplemental regulations, which outlined specific requirements, such as a 500-foot setback. He said that if the property in question had unique characteristics and the adjacent property owner was supportive of a reduced setback, the Board of Supervisors would have the authority to adjust that setback to any desired number.

Ms. McCulley said that it was worth noting that it was the Board's prerogative to determine the regulation. She said that if the Board wished to establish a 500-foot distance requirement from adjacent rural areas or residential zoning, the Board could do so. She said that they could provide staff with that guidance, and they would incorporate it into the regulation. She said that in the areas depicted for the overlay district, there was very little that was adjacent to these properties that was actually zoned residential.

Mr. Fritz stated that when drawing the district boundaries, they considered the location and the characteristics of the adjoining properties. He said that certain properties in the North Fork/Airport area, which were currently zoned industrial and designated for research development or industrial use, were adjacent to residential properties. He said that they chose not to include these properties in the proposed overlay district.

Ms. LaPisto-Kirtley asked if in North Fork, they were referring to the northern part of the area, not the southern part, which would be near the residential area.

Mr. Fritz said that North Fork had the opportunity to pursue residential development in the southern portion of the property. He said that staff did not make this distinction earlier because the entire area was under the same ownership and was covered by an application plan.

Ms. LaPisto-Kirtley noted that there had been concern from the public regarding diesel generators. She asked if diesel generators would be allowed.

Mr. Fritz clarified that they could have diesel generators. However, they must have either natural gas generators or Tier 4 generators. He explained that there was an Environmental Protection Agency (EPA) standard of Tier 4, which was the lowest emission standard for diesel generators, and it was the standard that applied.

Ms. LaPisto-Kirtley said that regarding staff's specific questions for the Board, she was not particularly supportive of allowing data centers in Pantops because it had so many residential areas. She asked if it was correct that the setbacks from a data center to adjacent residential properties would be 500 feet.

Mr. Fritz clarified that no; currently, the requirement would be 200 feet from the district boundaries. He said that if the Board were to change the regulation to 500 feet from residential or rural areas, then the requirement would be set at 500 feet.

Ms. LaPisto-Kirtley asked if the overlay district stopped at the boundary of the State Farm building.

Ms. McCulley noted that the County owned the parcel designated as greenway systems, which wrapped around the property.

Mr. Fritz confirmed that was correct. He explained that there were two parcels both owned by State Farm, with the building on one of them and another that wrapped around the building. He said that although the zoning map did not show it, there were steep slopes surrounding it and thus the surrounding property was subject to regulations for steep slopes and stream buffer overlays.

Ms. LaPisto-Kirtley asked if the building or the edge of the district would need to be 200 feet away from other properties.

Mr. Fritz stated that the nearest building would need to be 200 feet away from the perimeter of the overlay district.

Ms. LaPisto-Kirtley said that the public had also voiced concerns regarding the decibel level. She said that this would be enforced and monitored.

Mr. Fritz stated that if they exceeded the allowed number, it would be a zoning violation and could be pursued. He said that the proposed ordinance also included a requirement that after construction was completed, the facility must undergo actual testing to determine if it met the established standards. He said that the ordinance stipulated that if the facility was found not to be meeting the standards at any point, corrective measures must be taken.

Ms. LaPisto-Kirtley asked what 60 decibels would be equivalent to, in terms of comparable noises.

Mr. Fritz answered that it was equivalent to the level of a normal conversation.

Ms. McCulley noted that the decibel level would be measured at the property line. She said that the building itself, which they were discussing, was set back either 200 or 500 feet, depending on the Board's direction. She said that one additional point she would like to make was that the post-construction noise studies they were discussing were above and beyond any current standard that applied to industrial uses or other uses in the Zoning Ordinance; these were additional standards.

Ms. LaPisto-Kirtley asked if Albemarle's regulations set it apart from other localities in terms of what they were imposing on data centers.

Ms. McCulley said that they were studying best practices across the Commonwealth, and she had surveyed 19 localities, including six Counties that were currently under review for amending their regulations, and six Counties had amended their regulations in previous years. She said that through this research, they were distilling best practices and lessons learned from colleagues throughout the state.

Mr. Fritz noted that they had discovered that many of the initial installations were placed without any special regulations, and numerous lessons had been learned from this experience. He said that they were trying to take advantage of that and create the most applicable and improved regulations for their County.

Ms. LaPisto-Kirtley asked what happened at the end of the seven years of the depreciation schedule for the equipment.

Mr. Sumner replied that it would stay at the 10% taxation value. He said that typically, when equipment reached that age, it needed to be replaced, at which point it would go back to 25% of the original cost of the equipment.

Ms. LaPisto-Kirtley asked if staff could come back with information about setbacks of 125, 200, and 500 feet for Tier 1, Tier 2, and Tier 3 data center facilities, respectively.

Ms. Mallek asked if they were considering different fee structures for this particular industry, specifically regarding County processing and covering inspections. She said that she knew they had conducted two fee studies in the last 18 years, which was a monumental task. She said that she would add that to staff's list to consider. This was a new and complex realm of activity for the County. She said that the precautionary principle was crucial to her, as it was essential to ensure that products were proven safe before they were sold. Unfortunately, the United States did not prioritize this principle, whereas other countries did. As a result, they had encountered numerous chemicals and per- and polyfluoroalkyl substances (PFAS), which were now being discovered to be deadly 50 years later. She said that they were facing significant risks due to their inexperience in this area.

Ms. Mallek stated that she appreciated the effort staff was putting in, but she would like to focus

on one specific point that Mike Turner from the Board of Supervisors in Loudoun County had been emphasizing since March. She said that he had emphasized that under no circumstances should any County allow these types of facilities without a special permit; he claimed that Loudoun's hundreds of data center facilities had resulted in disaster. Although she had not received a copy of Loudoun's updated ordinance, she knew that they had recently made changes due to the issues they had faced. She said that this was the basis for her concern.

Ms. Mallek stated that the Board had received much thoughtful and thorough input regarding the special permit consideration process, which she believed were crucial, especially considering Albemarle's unique topography and the way sound travels. She said that Ms. McCulley had experience in trying to mitigate noise pollution from wineries and other more industrial things in the County. These data centers produced different types of noises than typical neighborhood gatherings, and they had limited evidence that the proposed solutions would work; this uncertainty was causing her concern.

Ms. Mallek said that it had been previously mentioned that the depreciable assets were something to consider. She said that as a result, she was concerned about staking their financial future on a depreciable asset, especially when many businesses experience a significant decline in value over time. She said that this was particularly relevant for personal property, which could depreciate rapidly. She said that some businesses may promise the community that they would refurbish their facilities within a three- to five-year schedule, but there was nothing stopping them from waiting ten years. She asked if staff was considering rules or regulations that would require mandatory refinancing of personal property at a five-year schedule, to ensure that the community was aware of the potential risks ahead of time.

Mr. Fritz said that staff was not proposing that.

Ms. Mallek said that she was asking staff to consider this as a potential opportunity to strengthen their position over time. She said that in her experience, she had been most disappointed when promises made in legislation had not been fulfilled, and instead, something entirely different had occurred. She said that this often happened because, in hindsight, she realized that she had not asked the right questions or obtained the necessary information before making a decision on how to vote. She said that this experience served as a valuable lesson, one that she was trying to learn from. She clarified that she was inquiring about implementing a mandatory depreciation, repayment, reassessment schedule for certain entities, similar to what others were doing at five-year intervals, rather than allowing them to retain the same assets for 15 years without re-upping.

Ms. Mallek said that regarding machinery and tools tax, the County was often the last to receive the benefits promised because the state legislature would often retroactively remove the ability for the County to receive revenues from those sources. She said that this was evident in the solar industry, where entities frequently claimed that legislative changes had rendered previous promises obsolete. She said that regarding generators and power outages, the implications of Dominion's statements regarding their inability to provide power for new data centers for 10 years were of particular concern.

Ms. Mallek said that Dominion's proposed solution, which involved reducing power for all customers in order to mitigate spikes, raised concerns about hospitals and other critical infrastructure. She said that she noted the term "minimal disruption" in the presentation, and she believed she had a different opinion of what constituted a "minimal disruption." She said that to better understand this concept, they needed to establish metrics for measuring minimal disruption. She said that regarding refilling and flushing water, she would like to know what the actual volumes would be. She asked if staff would consider implementing a tiered system for that usage so they could estimate what the water usage would be. She said that RWSA was selling between 9 million and 11 million gallons per day (MGD) for 150,000 people in the community.

Mr. Fritz explained that they did not provide any numbers because the water usage would ultimately depend on the type and size of facility. He said that such a number was not available. However, what they did know was that by requiring coordination of filling and flushing of the systems, they could address the problem. He said that Rivanna had shared with them that they had experienced problems with pool fillings, which had caused issues.

Mr. Fritz said that staff's proposed solution was to require data centers to coordinate with Rivanna, allowing them to have their own on-site water facility that could be filled over time without placing a significant demand on the system. This would enable them to flush their system at a controlled rate, and Rivanna and Albemarle County Service Authority (ACSA) could control the discharge. He said that the data center may need to treat or hold the water on-site before releasing it into the system at a rate that was acceptable. He said that he was confident that, with the experience of others, County staff could develop a regulation that addressed this issue.

Ms. Mallek asked if they were referring to the pretreatment for the waste.

Mr. Fritz replied that yes, it may be required, depending on the design of the system and whether it was needed. He said that this requirement was already in place for other industrial uses.

Ms. Mallek continued that technology and design were constantly evolving. She said that as a result, some of the regulations they had in place, such as the noise and sound study, may need to be reevaluated. She said that she was wondering who would be responsible for verifying the validity of the sound study that would be presented as part of the application.

Mr. Fritz said that it would need to be done by an engineer who possessed adequate certification and qualifications.

Ms. Mallek asked if the applicant would be paying for that testing.

Mr. Fritz confirmed that was correct.

Ms. Mallek said that staff had mentioned post-construction sound testing. She asked if the tests would be completed before a Certificate of Occupancy (CO) was issued so that the County could be assured the decibel levels were met prior to the data center operating.

Mr. Fritz explained that the tests would happen after the Certificate of Occupancy was given, otherwise the facility would not be in operable condition and the tests could not be performed. The ordinance would have also include the requirement of corrective measures in case they did not meet the decibel levels.

Ms. McCulley said that some recommended language that they had not discussed yet was to specify that testing must be conducted during a peak operational period. She said that this was a best practice that staff had learned from other localities. She said that for example, they had found this to be true through their own lighting and noise testing, as well as other types of testing in this area. She said that testing should be done during a peak operation, rather than when the facility was not in use.

Ms. Mallek said that one comment mentioned the construction quality of these buildings, stating that they were not designed or constructed to last very long. She said that a suggestion was to require a 50-year design standard to ensure the real estate assessment remained valid. She said that it seemed that a large, open building like the Butler building would not be suitable for their needs, as it would not be able to contain sound or other issues. This was something for staff to consider as they moved forward.

Ms. Mallek said that someone had mentioned the term "transformative economy," but she thought it was essential to study how Loudoun and Prince William were already reevaluating some of these issues. For example, Pennsylvania had recently denied a plant due to its reliance on a large gas-fired diesel plant. This highlighted the various approaches to different issues and the importance of being detail-oriented, as they had been so far.

Ms. Mallek said that she would like to reiterate that the current plans to address large blank walls of buildings, by breaking up the massing, worked well. She said that she was surprised by the initial plans for the self-storage facility at the corner of Route 250 and Crozet Avenue, but it now looked respectable. This demonstrated that the current approach could be effective.

Ms. Mallek said that someone expressed concern about increasing costs for these projects, but she believed considering the revenue generated and the cost of purchasing land, they should not worry about the cost of a special permit. Moving on to the overlay districts, these maps were helpful in illustrating how close rural residential areas were to these districts.

Ms. Mallek said that the larger setbacks would be beneficial in protecting residents, regardless of whether they lived in the rural or growth area. She said that the existing industrial sites, such as those around the airport, were not a fair comparison in her view. She said that she believed staff had mentioned that these sites were not included in the district, but she wanted to ensure they were keeping things in order.

Ms. Mallek said that she would now address staff's four questions. She said that she wholeheartedly supported the concept of regulations and believed that special permits were necessary due to the variability of each site and the unique impacts that proposals could have. She said that given their limited authority to regulate after the fact, it was essential that the Board and County had all the necessary information beforehand. She said that she would fervently support retaining the special permit process they currently had in place.

Ms. Mallek said that regarding the distances to residential areas, she thought a 500-foot buffer would be a more suitable option. She said that she was reviewing the maps, which used miles instead of feet, and she believed this would provide better protection for surrounding residents. In response to the third question, she did not support tiered regulations by right. She said that she was not sure if tiers were necessary if the County stuck with the special permit process, but if there was a correlation between the size of the project and the number of requirements, then they may need to consider that. For the fourth question, shrinking the areas of impact to ensure that surrounding businesses were respected would be acceptable. Additionally, it was worth noting that some districts had a mix of residential and small business areas within the proposed boundaries.

Mr. Fritz clarified that no; all of these were designated for industrial or commercial use within the proposed overlay districts. He said that North Fork was the only exception, which did have the potential for residential development within the application plan for the North Fork Industrial Park.

Ms. Mallek said that she appreciated the clarification.

Mr. Andrews said that he appreciated the thoroughness of the staff's thinking on this matter. He said that he believed anyone who carefully reviewed the document and watched the presentation would appreciate the efforts made to address the misinformation and comments received. He said that he would

like to ask some questions that may have been answered, but he would try to provide his perspective nonetheless. To begin, he would like to discuss the square foot size, which was referred to as the footprint size.

Mr. Andrews asked if staff had information about experiences and practices with multi-story data centers and varying heights of data centers in other locations. He said that he was trying to gain a better understanding of this. He said that from what he had gathered, it seemed that Albemarle was not discussing data centers of the same scale as some of their neighboring localities.

Mr. Fritz said that was an excellent question. He said that what they were seeing was that most data centers tended to be one story, and that story was typically taller than the average single-story building. He said that while there were some multi-story data centers, they were generally small and specialized, and usually fell below the 40,000 square foot threshold. He said that it was only a small data center that would have multi-stories. He said that typically, single-story data centers were taller than 12 to 15 feet in height.

Mr. Andrews asked if staff had considered implementing an ordinance that included height limitations in conjunction with square footage.

Mr. Fritz replied no; they did not see a difference between the data center height and the height permitted for any other use in the underlying district.

Mr. Andrews said that he understood. He said that he would like to refer back to slide 27, which was Mr. Sumner's slide, which discussed comparisons. He said that specifically, it mentions sizes in terms of tax effects. He said that he was unsure whether this also included footprint sizes versus the total square footage of the building when comparing things.

Mr. Sumner explained that as Mr. Fritz had described, they sized these facilities in their modeling based on the revenue scenario, using the same size as Mr. Fritz described, including a one-story footprint. He said that they strived to be consistent in the description and financial analysis.

Mr. Andrews said that the water usage was described as being comparable to that of a similarly sized office building. He said that they were discussing an office building that would be approximately 500,000 square feet, which was not typical in their area, but did exist. He said that he was simply trying to ensure that all his size-related questions were connected.

Mr. Fritz said that to clarify, they were trying to make a fair comparison. He said that what they were comparing was the same as what they would see for 125,000 square feet, and if it was 300,000 square feet, it was the same as what they would see for a 300,000 square foot office. He said that they noted that it was substantially less than some of the commercial uses they had discussed, such as apartments, hotels, and restaurants.

Mr. Andrews thanked Mr. Fritz for the clarification. He hoped that it dispelled some misconceptions about what would be allowed in the County. He said that regarding noise, there were some comments that raised a question he was not qualified to answer, specifically regarding the difference between A-weighted and C-weighted decibel measures and the impact of low-frequency hums. He said that he was curious to know if this had been considered or looked into, as many of the concerns revolved around the type of noise being different.

Ms. McCulley said that she would continue to investigate this matter. She said that the current noise regulations in the zoning ordinance were typical of other localities, so they were A-weighted. She said that the A-weighted decibel system did not effectively capture low-frequency noise, which was the C-weighted decibel-based system. She said that she had recently read about alternative approaches that other localities had taken to address this issue, as the C-weighting could make enforcement more challenging. She said that she did not have a definitive answer at this time, but she wanted to assure the Board that they recognized the need for further study on this matter.

Mr. Andrews said that another aspect of sound was that their community was quite hilly, with some sites being above neighboring properties. He said that it had been noted in the past that when they claimed to measure sound levels at the boundary, it may not accurately measure the experienced impacts. He said that for instance, someone who was farther away from the facility but at the same elevation as it may actually hear a louder sound than someone situated closer but at a different elevation.

Mr. Andrews said that he was considering the Route 29/I-64 triangle as an example. He said that if someone was near the road on Route 29, they may not hear the sound very well. He said that however, if someone was across the road and up the hill at Sherwood Farms, they may. He said that he would like to know that those who were farther away, but at the same elevation, would receive an appropriate level of protection.

Mr. Fritz said that one aspect to consider was that by requiring the modeling to be done, they could ensure that certain considerations were taken into account. He said that the requirements extended beyond the property line to the receiving area, which was generally defined. He said that he did not believe that they had anyone on staff qualified to provide technical answers to this type of question.

Mr. Andrews said that he understood. He said that he wanted to bring it up because it had been previously raised as a concern. He said that moving forward, he would like to focus on the specific

questions from staff. He said that referring back to the State Farm building, he would like to know if it was typical for data centers to be located in existing buildings or if they usually required new construction.

Mr. Fritz said that what they had learned and the information they had been given suggested that it was highly unlikely that an existing building could be reused for this purpose. He said that the specific layout, cooling systems, and weight-bearing floors required for this industry were unique. He said that the equipment and design of the building were tailored to the industry's specific needs.

Mr. Andrews said that made sense. He asked if a data center of this type was not viable in the long term, had they considered the possibility of decommissioning it in a similar manner to how they handled decommissioning solar panels. He said that they could expect that if a data center was no longer used, it would be abandoned and left to deteriorate.

Mr. Fritz said that staff had not considered that aspect. He said that other than solar facilities, there were no requirements for any type of building.

Mr. Andrews said that considering how unusual these buildings were, he wanted to bring it up as a consideration.

Mr. Fritz said that they would continue to investigate the matter.

Ms. McCulley said that she believed that at least one of the localities she had researched had implemented that approach. She said that she would like to speak with them to determine if it was effective or if it was a lesson learned that it was not working with decommissioning requirements.

Mr. Andrews said that as they moved on to the specific questions, he believed that staff had done an admirable job of recognizing that obtaining a special use permit could be a costly and time-consuming process. He said that if they were clear about their goals and expectations, they could make the process easier. He said that one of the pushbacks he saw repeatedly from the public, which resonated with him, was that the County had stated their intention to reach certain climate goals. He said that when examining the energy usage of data centers, the information suggested that it far exceeded the usage in other areas

Mr. Andrews said that this, in turn, raised concerns that as a society, they had a limited ability to transition away from fossil fuels. He said that this was a different way of stating what he would have been more supportive of, had he more confidence that the EPA would still consider greenhouse gases as an endangerment. He said that however, the recent changes had left him with a great deal of frustration regarding whether their electricity would become cleaner and cleaner in the future. He said that this made him hesitant in having confidence in their ability to make progress here. He noted that in the proposal, provision 5.1.65.1 required information indicating how power would be supplied to the data center as part of the special use permit application process. He asked if this was not the mix of power, but was out of concern for transmission lines because it was not in a district and was a special use permit and exceeded what they had otherwise set.

Mr. Fritz confirmed that was correct. He explained that the reason they had included that language in the overlay districts was that they were aware of the existing power lines and where the power could be brought to the data center within those districts. He said that therefore, they had already considered the potential disruptions to the community that may occur from bringing the power in. However, if the data center was located outside of those areas, they did not know where the disruptions may occur. He said that they wanted to make sure to evaluate this as part of the special use permit.

Mr. Andrews said that they were allowed to evaluate it as part of the special use permit. He asked if they were not allowed to evaluate other aspects of energy use.

Mr. Fritz said that at that point, they were evaluating the proposed use holistically to assess its impact on the character of the area within the special use permit process.

Mr. Andrews said that he appreciated the clarification. He said that there had been mentions of State legislation regarding energy use and sources, which had not been particularly effective in regulating these issues. He said that he believed it was essential that the County and other localities consider this in their legislative agendas to encourage the State to continue paying attention to this matter. He said that he was reluctant to allow more than what they had already outlined in their existing ordinance, and this was the one issue that bothered him the most. He said that he would continue to answer staff's questions, as he believed they were worthy of answering.

Mr. Andrews said that the concept of overlay districts was crucial, as it outlined specific areas where these districts could be implemented, rather than being applied universally. He said that when they issued special use permits, typically, they required notice to neighbors and the public to ensure they were aware of the potential impact. He said that they had approved a solar ordinance, which addressed areas not defined by neighborhoods, but at least they had had sufficient projects in the County to demonstrate the effects of solar installations. He said that he did not feel that they had had sufficient public vetting of the overlay district.

Mr. Andrews said that many comments seemed to misunderstand it, and he believed that in the past, special use permits had effectively vetted distances and impacts. He said that he did not think they should dismiss the idea of incorporating overlay districts into the special use permit process solely for this reason. Instead, it was essential to engage the local community and provide transparency, which could

be achieved by giving them more time to review and comment on proposed locations. He noted that staff had not mentioned dark skies, and he assumed it was covered under the existing regulations.

Mr. Fritz said that data centers would be subject to the same regulations as everyone else in that regard.

Mr. Andrews said that they would be looking at that eventually anyway, so he had no problem with that. He said that regarding the tier system, he would like to push back on the number of tiers they needed. He said that he understood the purpose of the tiers was to ensure that they roughly matched particular sites, but they only needed as many tiers as the overlay district could accommodate. He said that if they analyzed each district and determined that a particular site was not suitable for a large parcel, it should not be in that tier. Instead, it should be in a different tier with a smaller footprint. He said that specifically, he had a comment about the Samuel Miller District, I-64 and US-29.

Mr. Andrews said that the property was hilly and difficult to build a single structure of that size on it. However, that did not necessarily mean that combining structures was not an option. He said that he was also wondering if there had been any discussion or consideration about whether data centers were typically built as multiple buildings.

Mr. Fritz confirmed that they often were.

Mr. Andrews said that he wanted to gain a better understanding of how this would fit with the terrain of each location before making a decision on which tier was most suitable. He said that he trusted that staff would thoroughly examine this and provide a clear explanation. He said that he was worried about the potential residential impacts, particularly given that the Community Climate Collaborative had discussed the proximity of these facilities to low-income neighborhoods. However, he appreciated the boundaries that had been drawn by staff and believed they could be made to work effectively.

Ms. McKeel expressed concern that there had been some widespread misinformation in the community about this issue. For example, a local newspaper featured an article that morning referencing today's work session along with a picture of a huge data center, and she wanted to clarify that the type of facility in that picture was not what the County was considering for their community. She appreciated that the photograph was meant to be illustrative, but it was ultimately inaccurate and created confusion.

Ms. McKeel said that there had been a few references to Loudoun County, and she wanted to clarify that Albemarle County staff was taking a very different approach to this type of development. She asked if staff could provide some more information on that aspect.

Mr. Fritz noted that Ms. McCulley had done more research on this topic than anyone else in the Commonwealth, so she was well-equipped to answer questions about other localities' data center regulations.

Ms. McCulley said that Loudon initially allowed data centers by right, essentially where they had industrial zoning. They also were involved in a two-phased zoning text amendment. The first phase had then made everything that was previously by right a special exception, which was their equivalent to a special use permit. For various reasons, they did not have the robust performance standards that Albemarle was considering. She said that they wanted the ability to look at them one by one, because even when they adopted the Phase 1 regulation to require the special exception, they had 50 to 70 applications already in the pipeline.

Mr. Jeff Richardson, County Executive, stated that he wanted to elaborate on Ms. McCulley's comments, focusing on the financial aspects rather than the planning. He explained that in 2008, Loudoun County was concerned about its reliance on the residential tax base. At that time, their commercial and industry tax base equated to 19% of the total. He would like to reference the Board's prior budget discussions, where they identified that their current commercial and industry tax base was just over 11%. The Board had set a goal to move this needle back into the 15% to 17% range, similar to Albemarle County's commercial base 10 to 15 years ago.

Mr. Richardson noted that the primary reason for this decline was not a loss of commercial and industry tax base, but rather the significant increase in residential revaluation, with the cost of homes outpacing the investment in commercial and industry tax base. He said that Mr. Sumner had modeled the year-over-year investment needed to get them back to the 15% to 17% range over a 10-year period. He added that their peer localities considered both residential and industry tax bases when evaluating their financial health, but Albemarle County had a unique perspective due to its high amount of land in conservation, which was the highest of any locality in the state. He noted that having this land in conservation was not a problem in terms of tax revenue, but it did limit the amount of land they had available for development.

Mr. Richardson stated that in contrast, in 2008, Loudoun County was concerned about their business and industry tax base being at 19%. He also wanted to clarify that Loudoun County was known as "Data Center Alley" across the world. He said that according to Loudoun County's website, they had 49.4 million square feet of data centers, which was the most data center square footage in the entire world. He said that data centers comprised almost 23% of their total tax base. He acknowledged that in recent years, Loudoun County had been able to reduce real estate and vehicle personal property tax rates due to the revenues they received from data centers. He said it had become a tax base diversification strategy.

Mr. Richardson said that Loudoun was notably very different from Albemarle County in a multitude of ways. He said that Albemarle began to focus on their residential tax base around 2018 or 2019. Every Board member had discussed this topic, and they had heard a significant amount about it during the budget town halls. He said that he would like to express his appreciation for the Board's willingness to consider this issue. From a technical standpoint, they had assembled their best people in the County, who possessed the most experience, to work on this ordinance. The depth of technical expertise of the staff in charge of this was impressive.

Mr. Richardson said that as they were currently at the front end of this project, they were examining what performance standards would look like if this were a by-right development. Performance standards could mitigate impact, and they did not require a special use permit. If a special use permit was not required, performance standards could mitigate impact. This was something the Board must consider. He believed their team had done an outstanding job of identifying what they would want to ensure from the outset; they had done a great job. As a tax diversification strategy, this was something the Board had asked staff to explore as they sought commercial and industry capital investment.

Ms. McKeel asked if staff could elaborate on why the County should consider by-right development of data centers as an economic strategy.

Mr. Fritz said that one thing to consider is the supplemental regulations, which could be viewed as the conditions that would typically be imposed on a special use permit. He said that if they could establish these regulations, then they would not need to go through the special use permit process, which was time-consuming and costly for both the applicant and the County. He said that the County did not fully recover its review costs for special use permit applications.

Mr. Fritz said that the uncertainty surrounding these applications was significant, as applicants paid fees and underwent an eight-month review process without knowing the outcome until the evening of the Board meeting. He said that having these regulations in place for by-right development, with known conditions, would create a more certain and predictable environment for both developers and the community. He said that the residents would know what a developer would have to do every time a facility was developed.

Ms. McKeel said that the performance standards would bring certainty and allow a business to feel confident that if they meet the performance standards, they would be able to bring their development to fruition without it hinging on a Board vote.

Mr. Richardson said that from an economic development perspective, a large data center industry required certainty upfront. He said that they would want to know whether it was feasible to build in the County.

Ms. McKeel noted that UVA had four data centers, three of them which had been around for a long time. She said that the fourth at Fontaine would be coming online soon, and it was around 40,000 square feet. She said that people may think that the County had been existing without them until this point, but they actually already had them. She noted that UVA's new biomedical building on Fontaine could not operate without a data center, and she wanted to clarify that for the public. She said that regarding staff's questions to the Board, she was supportive of their direction, understanding there was more work to be done along with subsequent Board discussions. She believed the County was being proactive with these regulations and they would prevent the situations that people were fearing.

Ms. Mallek said that she looked forward to reviewing the performance standards in detail, as uncertainty was the main concern from developers and from citizens. She noted that the County required special use permits for a preschool to add more children to their classes, so she felt it was important for billion-dollar businesses to be subject to those same standards. She acknowledged they needed to change a lot of things, but there were valid concerns that needed to be addressed.

Mr. Pruitt asked how staff would proceed, considering the Board was not in agreement on whether to require special use permits for all data centers, as well as the specifics of the tiered system.

Mr. Fritz stated that staff would follow the Board's direction and prepare the necessary documents. He said that he personally thought he had heard that there was concern about exceeding the 40,000 square foot limit for by-right developments. If that were the case, overlay districts would not be necessary. He said that he did not hear anyone suggest that data centers should only be allowed in the overlay districts, so they could consider using a special use permit instead.

Mr. Fritz said that he heard support for performance standards, regardless of whether an overlay district was used or not. They could bring forward options to the Board, including adopting performance standards without an overlay district or with overlay districts having different requirements and size limits. He said that he also heard concerns about the designation of overlay districts in relation to setbacks from residential areas. He said that one option they could bring back to the Board was to adopt performance standards without an overlay district or with overlay districts having different requirements and size limits, and they could act on those options.

Ms. McKeel said that she believed staff needed the opportunity to create recommendations based on the Board discussion.

Mr. Fritz said that he would prepare the necessary documents and engage with the public to inform them of the proposed action to be presented to the Planning Commission. He said that staff planned to present his proposal to the Planning Commission in October and to the Board of Supervisors in November. He said that staff would coordinate efforts and prepare the necessary materials.

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Agenda Item No. 12. Closed Meeting.

At 5:06 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 appointments to various boards and commissions including, without limitation: the Crozet Community Advisory Committee, the Places 29 (Hydraulic) Community Advisory Committee, and the Places 29 (North) Community Advisory Committee.

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.

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Agenda Item No. 13. Certify Closed Meeting.

At 6:01 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, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.  
NAYS: None.  
ABSENT: Mr. Gallaway.

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Agenda Item No. 14. Boards and Commissions.

Item No. 14.a. Vacancies and Appointments.

Ms. LaPisto-Kirtley **moved** that the Board make the following appointments to Boards and Commissions:

- **Appoint** Mr. Andrew Joyner to the Crozet Community Advisory Committee with said term to expire on March 31, 2027.
- **Reappoint** Mr. James Clemenko to the Places 29 (Hydraulic) Community Advisory Committee with said term to expire on August 6, 2027.
- **Reappoint** Mr. David Mitchell, Mr. Frank Safertal, Ms. Misty Parsons and Mr. Anthony Pagnucco to the Places 29 (North) Community Advisory Committee with said terms to expire on August 6, 2027.

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.  
ABSTAIN: Mr. Gallaway

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Agenda Item No. 15. From the County Executive: Report on Matters Not Listed on the Agenda.

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Agenda Item No. 16. Public Comment on: Matters Previously Considered or Currently Pending Before the Board (Other than Scheduled Public Hearings).

Mr. John Heyrman, Samuel Miller District, stated that he was present to plead the case for the prohibition of data centers in Albemarle County. He said that Virginia already had 600 data centers, with only two states having 300. He said that residents in affected counties, such as Louisa and Loudoun, had begun to recognize the damage caused by data centers. He said that it was unclear whether citizens had been informed about the utility increases, water increases, and extremely high noise levels associated with these facilities, as well as land annexation for powerlines. He asked where the cost-benefit analysis was for allowing data centers. He said that Dominion Energy had already proposed 190-foot towers in Virginia to feed data centers, which was equivalent to 19 stories.

Mr. Heyrman said that there were also proposals to revive polluting coal-burning plants to power data centers. He asked why the proposed draft allowed data centers. He asked if they did not have a responsibility to preserve their environment. He asked if they did not have a sacred obligation to their children and grandchildren to leave their County in a better state than they found it. He asked why they were abandoning their commitment to reducing fossil fuels. He asked them to consider the impact on working families, as AI was predicted to eliminate 20% of working-class jobs.

Mr. Heyrman stated that Albemarle County was a center of higher learning, orchards, and tourism. He asked, why destroy it when it was a source of employment for so many. This was a crucial moment in their history. He respectfully suggested that they seek expert opinions from non-developer-oriented consultants. He noted that at the single June public event about data centers, citizens had expressed alarm and concern. Thankfully, they had been told that they could stop data centers if they chose. He said that they should stop them now. Public awareness and education efforts had been inadequate. Public comment and feedback forums needed to be publicized, and their representatives must prevent this harm from affecting them, their children, and Albemarle County.

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Ms. Alicia Lenahan, Scottsville District, said that over the past three weeks, the government has granted Immigration and Customs Enforcement (ICE) access to the records of all Medicaid recipients, allegedly to identify undocumented immigrants. She said that ICE now had access to recipients' names, ethnicities, and races, birth dates, home addresses, and social security numbers. The administration has authorized the deployment of National Guard units at immigration facilities, escalating its use of the military in the immigration crackdown. She said that the National Guard would be deployed in 20 states with Republican governors, including Virginia, and Governor Youngkin welcomed this development.

Ms. Lenahan said that expedited removal allowed someone to be deported without a judicial hearing. Typically, this was used to remove people detained within 100 miles of the border and within two weeks of arrival. However, the administration had recently lifted the two-year restriction and applied expedited removal to people across the country with any length of residence. She said that they had also learned that images from hundreds of automated license plate reading cameras, such as Flock, paid for by Lowe's and Home Depot to be stationed in their parking lots, were being fed into a massive surveillance system that federal law enforcement could access.

Ms. Lenahan expressed deep concern about the aggressive and cruel overreach demonstrated by the federal administration on a daily basis. She said that their immigrant and refugee neighbors were the most vulnerable, but U.S. citizens and immigrants with lawful status were also targeted, exacerbating distrust and public safety risks. She offered a resolution modeled after one passed by Huntington Park, California, that condemned non-transparent federal immigration enforcement tactics and affirms their community safety principles, and each Board member had been given a copy.

Ms. Lenahan urged the Board to use this resolution to state unequivocally that the Albemarle Board of Supervisors believed that non-cooperation must not be confused with inaction and that Albemarle Police and County staff would proactively work within legal bounds to document, verify, and safeguard against federal overreach. She also urged the Board to state unequivocally that Albemarle County was committed to the rule of law, civil rights, and the safety and dignity of all its residents, regardless of immigration status. She said that she was not here to fight for a political party; she was here to fight for the democratic process, and the stakes could not be higher. She said that they all have to take a stand; the Board of Supervisors had to take a stand. She knew that they would not make this decision lightly, but they could make it with absolute moral clarity.

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Ms. Sage Bradburn, Jack Jouett District, said that she supported the request to not allow data centers in Albemarle County. She said that they were facing an existential climate crisis that had worsened dramatically over the last three to four years, even shocking experienced climate scientists. She said that data centers exacerbated climate change by consuming massive amounts of fossil fuels and dramatically increasing greenhouse gases that drive climate change. She urged anyone who doubted these claims to consult National Oceanographic and Atmospheric Association (NOAA) data, which remained accurate despite the current federal administration.

Ms. Bradburn stated that for instance, the number of weather events in the U.S. costing \$1 billion or more in damages had increased significantly over the last 45 years. Between the 1980s and 2000, the average number of billion-dollar extreme weather events per year was 3.3. Between 2000 and 2010, it doubled to 6.7. Between 2010 and 2020, it almost doubled again to 13.1. In the last three years, the figure rose dramatically to 24.3. Last year, they saw \$27 billion in damages from weather events in the US. The average number of lives lost per year had also increased, from 307 between 1980 and 2009 to 512 between 2010 and 2020, and 568 last year.

Ms. Bradburn stated that climate change worsened the affordable housing crisis, as entire communities were decimated by fires, storms, and floods, leading to the loss of housing stock. The average cost of homeowner's insurance had risen by 27% over the last four years, forcing many homeowners to choose between giving up their homes or giving up their insurance, which was incredibly dangerous. She said that she still had not financially recovered from the 2018 floods, losing \$12,000 in rental income and paying \$14,000 to install an interior drainage system and a sump pump. Every year, she lost more money due to sump pump maintenance and flood insurance. She said that there was no financial gain from data centers that could outweigh the damages to property, lives, and their

communities.

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Mr. Hugh Meagher, White Hall District, stated that he and his wife relocated their family here from Roanoke in 2002 due to the enlightened nature of Albemarle's government, particularly its land use policies. They had not been disappointed; they loved where they lived and appreciated the many services they received. However, he was here tonight because he was worried. He said that he was concerned that the approval process for data centers was moving at a rapid pace. With nearly 120,000 residents in Albemarle County, it was concerning that less than 500 citizens seemed to be aware of the impending decision.

Mr. Meagher stated that they were not informed about the potential impact on their electric bills, local water resources, and the peaceful and rural nature of the County. He believed it was essential to take a more measured approach to this issue, as it had the potential to become a public relations disaster. He requested that more publicized meetings be held to work out the details.

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Ms. Lisa Goehler, White Hall District, said that she was honored to be in her position as vice president of the Crozet Community Association. She said that her colleagues would discuss three resolutions that the Crozet Community Association had passed. Although her role here was primarily to introduce the Board to the Crozet Community Association. She explained that the Crozet Community Association was a grassroots, nonpartisan organization of Crozet residents, established in 1985, making them 40 years old.

Ms. Goehler said that they welcomed and encouraged everyone in Crozet and the surrounding areas to attend their meetings and get involved in discussing their activities and some of the events they hosted, such as the Crozet Independence Day celebration. She said that their main purpose was to serve as a forum for residents to stay informed about local and County issues, discuss these topics, and work together to find solutions in a respectful and effective manner. They were aided in this by their County Supervisor, Ms. Mallek, who attended their meetings, kept them informed about relevant County issues, and offered advice on how to address these issues.

Ms. Goehler stated that occasionally, the CCA took formal positions on issues facing them. To validate the level of support for any resolution, they had a protocol that required a resolution to be discussed at a subsequent meeting, allowing people to learn about it, think about it, and for them to advertise and spread the information. This also prevented a small group from dominating a meeting and pushing through a resolution. As a result, they had confidence in the strength of their support for resolutions. The three resolutions her colleagues would present were unanimously supported at both meetings, with coverage reported by the Crozet Gazette, their local newspaper.

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Mr. Minsu Kim, White Hall District, said that he was here tonight on behalf of the Crozet Community Association. He said that with the support of Supervisor Mallek, they had crafted four formal resolutions this spring to convey Crozet's most pressing concerns and request assistance. He said that it had been three months since they submitted these resolutions to County Executive Jeff Richardson. Instead of meeting with them in person, his response consisted of seven sentences that largely shifted his responsibilities to the Board of Supervisors and his subordinates. He said that it was now clear that their community's concerns had been dismissed and ignored by Albemarle's top public servant.

Mr. Kim said that they were not deterred. In fact, this only strengthened their resolve to advocate for their community. He would now briefly summarize the purpose of each resolution for the public record. Their first resolution addressed the blatant violation of the County's water protection ordinance at the Montclair development site in Crozet. He said that the developer had disturbed land without a local permit and without an approved erosion control and stormwater management plan. He said that their resolution simply asked the County to address this violation and enforce their local law. He said that it was puzzling why the County Executive and Supervisors were unable to take action on this matter.

Mr. Kim stated that their second resolution dealt with the long-awaited Eastern Avenue Connector Bridge. He said that the County expected to finalize a contract to build it by the end of this year. He said that their resolution asked only that the County complete a deal to build the bridge before rezoning land at that exact same location for yet another high-density residential development. He said that it was concerning that the County was struggling to keep its promise to build the connector before adding more stress to their already overwhelmed transportation infrastructure.

Mr. Kim stated that their third resolution was relatively straightforward. He said that they simply asked the County to specifically include a reference to Virginia state law that dictated the maximum geographical size of Albemarle County's growth area before approving the Growth Management Chapter of AC44. He said that it was concerning that the County was unable to document its commitment to following state law in its comprehensive plan.

Mr. Kim stated that their fourth and final resolution specifically concerned issues with the public hearing that occurred last February involving Montclair rezoning. He said that this would be addressed by their next speaker. He said that there were real legal issues affecting Crozet's future. He said that they asked the Board to uphold their own ordinances, their predecessor's promises, and Virginia laws. He said that above all, they asked the County to honor their community's input.

Mr. Lee Gale, White Hall District, stated that as the previous speaker mentioned, they had repeatedly inquired about the County's enforcement of its Water Protection Ordinance at the future site of the Montclair development. He said that he was here to provide additional important context to what was really happening here. The facts that they could all agree on were as follows: there was a stream at the Montclair site, and the County had consistently determined that the stream and its riparian buffers were protected by their Water Protection Ordinance. In February, during the public hearing to rezone the property for Montclair, the developer had promised to establish and protect the entire length of the stream and its buffers.

Mr. Gale stated that this promise had been demonstrated in part of his rezoning application, which included a map clearly showing the proposed protection. However, they now knew that two days prior to the public hearing, the developer had submitted an application to Virginia's Department of Environmental Quality to bury the very stream he had promised the County government and the public that he would protect. Furthermore, the public knew that the developer had proceeded to bury the stream he had promised to protect. Additionally, they were aware that the developer planned to place a sewer line and a stormwater discharge in the location where the stream bed and its buffers once were.

Mr. Gale stated that they were also aware that Albemarle County had enforced its water protection ordinance at other sites over 356 times last year, issuing landowners 78 notices to comply and 15 stop work orders. In addition to immediately enforcing the County's Water Protection Ordinance at the Montclair site, the public believed this Board and the public deserved an explanation from the developer. They wanted to know why he apparently deceived the Board of Supervisors in his rezoning application and in the public hearing.

Mr. Gale stated that they wanted to know why he did not attempt to obtain his permit from Albemarle County before disturbing the land, and why, to date, the County had failed to enforce its Water Protection Ordinance. Therefore, the public respectfully requested that the Board schedule a public hearing to address these questions and hire outside legal counsel to ensure that their Water Protection Ordinance was being applied properly and equitably at the Montclair site and across the County.

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**Agenda Item No. 18. Public Hearing: 2025 Community Development Block Grant (CDBG).**  
To solicit public input on local community development and housing needs in relation to potential applications for Community Development Block Grant (CDBG). Information on the amount of funding available, the requirements on benefits to low- and moderate-income persons, and eligible activities will be available. Citizens will also be given the opportunity to comment on the County's past use of CDBG funds.

The Executive Summary forwarded to the Board states that the Community Development Block Grant (CDBG) is a federally-funded grant program administered by the Virginia Department of Housing and Community Development (DHCD). Since 1982, the DHCD has provided funding to eligible units of local government for projects that address critical community needs including housing, infrastructure, and economic development. Albemarle County successfully secured numerous grants in previous years to support housing and community improvement initiatives.

The CDBG application process requires that two local public hearings be conducted. The purpose of the first public hearing is to provide information on eligible activities that may be funded by CDBG, the amount of funding estimated to be available, past activities undertaken with CDBG funds, and to receive public comment on this information for potential community development and housing needs. A follow-up public hearing is held to consider proposed project applications and must take place prior to the DHCD application due date of August 26, 2025. Applications must be submitted by the County to the DHCD; however, the proposed activities may be undertaken by partner agencies.

Albemarle County, as a non-entitlement community, is eligible to apply to the DHCD for up to approximately \$2 million in CDBG funding for projects that benefit low- and moderate-income persons, prevent slums and blight, and/or address urgent community needs. Eligible activities include housing rehabilitation, public infrastructure, community service facilities, and business district revitalization. Community development projects can receive varying levels of funding, depending on the nature of the activity, or by combining multiple activities. In calendar year 2025, \$16,313,103 is available for competitive grants and \$1.8 million for open submission applications.

Over the years, Albemarle County has successfully received a number of CDBG grant awards. The most recent grant was awarded in 2023 for infrastructure construction serving 59 households as part of the Southwood Redevelopment project. This project is approximately twenty percent (20%) complete. The most recent completed project was for the construction of five single-family homes and the construction of the Monacan Indian Nation Tribute Park as part of the Southwood Redevelopment Project. The Monacan Indian Nation Tribute Park is awaiting the fall for planting, but has achieved substantial completion in its construction. Prior grants have resulted in improved infrastructure and preservation of owner-occupied homes and rental units.

For any project to be considered by the County for CDBG funding, the applicant must notify the County no later than Friday, August 15, 2025. This notice shall include a brief description of the project, the amount of funding requested and the proposed use of CDBG funds, and a description of the beneficiaries of the proposed activity. Staff will return to the Board during a second public hearing on August 20, 2025, to present any proposed CDBG project(s) and seek Board approval for application

submission. A completed application that includes the proposed project budget and all required attachments shall be submitted to the DHCD electronically by the County by the DHCD deadline of August 26, 2025.

There is no budgetary impact until an application is made to the DHCD and approved for a funded project. Projects approved for CDBG funding generally require some level of local funding support, which may include funding provided by the project partner.

Staff recommends that the Board receive information on available CDBG funding and eligible uses and hold the public hearing to receive input from the public on potential community development and housing needs.

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Ms. Stacy Pethia, Director of Housing, stated that this evening they were holding the first public hearing required for the Community Development Block Grant (CDBG) funding. She explained that Community Development Block Grants were a federal program administered by the Virginia Department of Housing and Community Development (DHCD). She explained that the funds could be used for a variety of housing and community development projects that benefited low- and moderate-income communities specifically.

Ms. Pethia stated that the types of projects that could occur with these funding opportunities included housing rehabilitation, public infrastructure projects, community service facilities, and business district revitalization. She said that in Calendar Year 2025, the Department of Housing and Community Development was making \$16.3 million in CDBG funds available for competitive grants, as well as an additional \$1.8 million available for open submission applications. She said that these applications were accepted on a rolling basis until December 31, 2025. She said that localities wishing to apply for funding were required to hold two public hearings.

Ms. Pethia said that the purpose of this first public hearing tonight was to provide information on the amount of CDBG funding available, which was \$16.3 million, as well as the types of projects that qualified for CDBG funding, and to solicit proposals for a potential Albemarle County CDBG application. She stated that this year, Albemarle County was eligible to apply for up to \$2 million in CDBG funding. She said that any organization interested in potentially partnering with the county on a CDBG application must submit a request to the Office of Housing by next Friday, August 15, 2025.

Ms. Pethia said that the request should include a brief description of the overall project, the amount of funding being requested, the proposed use of those CDBG funds, and a description of the anticipated project beneficiaries. She said that CDBG applications were due to DHCD by August 26, 2025, and staff would return to the Board on August 20, 2025 for the second public hearing should a project be submitted.

Mr. Pruitt said that he would like to inquire about the current tranche of Community Development Block Grant funding they were applying for. He said that this funding had been previously appropriated and was not currently threatened by any provisions in the recent federal legislation. He said that he understood that this funding was protected by the impoundment provisions. He asked if there was an expected reduction or drawdown in subsequent years from the federal government.

Ms. Pethia said that there had been nothing to indicate that as of yet.

Mr. Pruitt asked if CDBG applications could be used in coordination with other federal grants.

Ms. Pethia replied that they could be; however, it was important to make sure that projects were not funded too much by federal dollars. She said that CDBG was very specific and housing construction could not be funded in that way. She said that CDBG could be used to install new infrastructure such as public water and sewer to service affordable housing projects.

Mr. Pruitt asked if it mattered that they were seeking State funds for the same project.

Ms. Pethia said no.

Mr. Gallaway said that his understanding was that outreach was conducted to prospective applicants, specifically reminding them of the dates and other relevant information. He asked if Ms. Pethia could elaborate on the process a bit more.

Ms. Pethia stated that generally, they held the first public hearing sooner than the second, resulting in a longer time frame between the two. She said that due to the late announcement by the Virginia Department of Housing and Community Development (DHCD) of their application period this year, they had limited time to schedule everything. She said that they usually reached out to local nonprofits to solicit proposals for CDBG funding. They then reviewed these proposals and selected those they believed had the highest potential for success. The selected proposals were then submitted to DHCD for review; that process generally took several months to complete. If they were awarded funding, they typically received notification between October and December of each year.

Ms. McKeel said that to clarify, the County was announcing that funds were available, and this provided an opportunity for the public to comment on proposed projects.

Ms. Pethia confirmed that was correct. They could speak on the proposed projects and proposed needs. She said that the CDBG funds had to be applied for by a local government entity, which meant they would need to partner with a non-profit organization that had brought a project forward.

Ms. McKeel opened the public hearing.

Ms. Mallek said that she had hoped some local organizations would have been eager to apply, but this public hearing at least would get the word out to anyone who may not have been aware until this point. She hoped some organizations would be encouraged to come forward with projects.

Ms. McKeel closed the public hearing. She thanked Ms. Pethia for the presentation.

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**Agenda Item No. 19. Public Hearing: SP202400023 and SE202400027 Congregation Beth Israel (CBI) Forest School - Dudley.**

PROJECT: SP202400023 and SE202400027 Congregation Beth Israel (CBI) Forest School – Dudley

MAGISTERIAL DISTRICT: Samuel Miller

PARCEL ID: 08900-00-00-06400

LOCATION: No address assigned, located north and south side of Dudley Mountain Rd (State Route 706), beside 1644 and 1658 Dudley Mountain Rd., approx. 1.2 miles west of Old Lynchburg Road (State Route 631)

PROPOSAL: Private school.

The Executive Summary forwarded to the Board states that the applicant is requesting a special use permit for a private school pursuant to section 18-10.2.2 (5) of the County Code (SP2024000023), and a special exception to waive the curb and gutter requirements in parking areas and along travelways pursuant to section 18-4.12.15 (g) of the County Code (SE202400027). The Planning Commission (PC) voted 3:2 to recommend approval of SP2024000023 with the conditions listed in the staff report at its meeting on May 13, 2025. SE202400027 was not acted on since the PC is not required to take action on special exceptions.

Attachments A, B, and C are the PC staff report, action letter, and meeting minutes. Attachment A details staff's analysis of the applicants' request for the special use permit and special exception.

At the PC public hearing, there was a large attendance of community members to provide public input on SP2024000023. Most of the discussion with the PC related to the existing conditions of Dudley Mountain Road and how the proposed use would impact the usage of the road and the nearby area. Prior to the PC meeting, the applicant submitted trip generation data from the Institute of Transportation Engineers (ITE), which estimated the proposal would generate 589 vehicle trips per day. During the public hearing, vehicular traffic on Dudley Mountain Road was a major topic of discussion. During their presentation, the applicant also shared supplemental traffic count data collected from their current location and enrollment. They extrapolated this data based on the proposed enrollment of 144 students, resulting in a lower trip estimate than the original ITE projection that was provided. Additional discussion regarded the by-right use of the property, the proposed school's operations, and if there was communication with the nearby community. Public input from community members included both in favor and opposition of the proposal. The community members that spoke in favor of the proposal provided that the school is an asset in Albemarle County that provides an alternative education program for children, while those who spoke in opposition expressed concerns regarding the current road conditions and traffic on Dudley Mountain Road.

Following the PC meeting, the applicant provided a revised conceptual plan (Attachment D) that removed a proposed fire access road from the Water Protection Ordinance (WPO) buffer area to access the proposed classroom cabins. Additionally, the applicant revised the base camp's maximum square footage from 6,415 square feet to a maximum of 8,000 square feet which is addressed by staff in the draft conditions below. Lastly, the conceptual plan looks visually different due to a change in the firm that prepared the conceptual plan, however, the essential elements remain the same.

Additionally, following the PC meeting, the applicant emailed staff to provide supplemental traffic data. As noted above, the applicant had presented traffic counts collected from their current location and enrollment, then extrapolated those figures based on the proposed enrollment of 144 students. Incorporating this new information, the applicant estimated that the proposed school would generate approximately 460 daily trips, a reduction from the 589 trips projected using ITE Trip Generation data. While staff does not object to the revised trip estimate, staff recommends a traffic count and analysis be conducted on Dudley Mountain Road to better assess the proposal's potential impact.

Based on the findings and analysis in Attachment A, staff recommends denial of SP202400023. However, if the Board approves SP202400023 as recommended by the PC, staff recommends the following conditions:

1. Development of the use must be in general accord with the conceptual plan titled, "Concept Plan: CBI Forest School Special Use Permit SP202400023" drawn by Line and Grade Civil Engineering dated September 16, 2024, last revised June 23, 2025. To be in general accord with the Conceptual Plan, development must reflect the following major elements essential to the design of the development:
  - a. Location of proposed buildings;
  - b. Location of proposed parking areas;

- c. Limits of disturbance;
- d. Maximum building footprint of the admin/base camp building of 8,000 square feet;
- e. Maximum building footprint of each classroom cabin of 1,200 square feet;
- f. Establishment of a 50-foot side building setback;
- g. Additional screening must be provided along the property's boundary where vegetation does not exist to meet the requirements of Section 32.7.9

Minor modifications to the plan that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. The maximum student enrollment must not exceed one hundred and forty-four (144) students.
3. Classroom instruction must not begin before eight o'clock a.m. (8:00 a.m.) and must not continue later than five o'clock p.m. (5:00 p.m.). Classes shall not be held on Saturday or Sunday.
4. The school morning drop off period must be between eight o'clock a.m. (8:00 a.m.) and nine o'clock a.m. (9:00 a.m.).
5. The maximum height of structures must not exceed 35 feet in height.
6. Upon demand of the County, the owners must dedicate to public use the right-of-way shown on the Concept Plan as "Proposed 50' ROW Dedication."
7. The applicant must improve Dudley Mountain Road within the bounds of their property to a minimum width of 20 feet with a graded shoulder that is a minimum 3' wide, to the extent practicable and subject to the Agent's final approval.
8. Stream buffers of 100 feet must be established and maintained consistent with section 17-601 of the Albemarle County Code along all streams.

If the Board approves SP202400023, then staff does recommend approval of SE202400027, applicants' request for a special exception to waive the curb and gutter requirements in parking areas and along travelways, for the reasons set forth in Attachment A.

If the Board decides to grant the special use permit as recommended by the PC, and the special exception, staff recommends that the Board adopt the attached resolutions (Attachment F and G) to grant SP202400023 with staff's conditions, and SE202400027 Congregation Beth Israel (CBI) Forest School – Dudley.

If the Board decides to deny the special use permit and special exception, staff recommends that the Board adopt the attached resolutions (Attachment H and I) to deny SP202400023 and SE202400027 Congregation Beth Israel (CBI) Forest School – Dudley.

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Mr. Syd Shoaf, Senior Planner, stated that he was joined by Michael Barnes, Director of Planning. He said that he would be presenting staff's recommendations for two applications: Special Use Permit SP202400023 and Special Exception SE202400027, both submitted by Congregation Beth Israel (CBI) Forest School Dudley. He explained that these applications requested a private school on a Rural Areas (RA) zoned parcel and a waiver of curb and gutter requirements in parking areas along travel ways.

Mr. Shoaf said that to provide some background, the subject property was located approximately 1.2 miles west of Old Lynchburg Road and 2.7 miles east of the intersection with Red Hill Road, and is situated at Tax Map Parcel (TMP) 89-64, between 1644 and 1658 Dudley Mountain Road. The property was approximately 156 acres, located on both the north and south sides of Dudley Mountain Road. The area was zoned Rural Areas and included critical slopes, Mountain Protection Areas, and Water Protection Ordinance buffers. He said that displayed on the slide was a zoomed-in aerial image of the subject property, highlighting the proposed special use permit disturbance area, which was approximately 15 acres directly north of Dudley Mountain Road. The area south of Dudley Mountain Road was approximately 10 acres and is not proposed for disturbance.

Mr. Shoaf stated that the subject property was mostly undeveloped, aside from an existing driveway towards its eastern boundary and a farm road towards the western boundary. The adjacent properties were all zoned Rural Areas and contain single-family residences. This portion of the site was impacted by the Water Protection Ordinance buffer and critical slopes areas. There were two applications before the Board this evening. The first was SP202400023, a Special Use Permit request for a new private school with a maximum enrollment of 144 students. The second proposal was SE202400027, the Special Exception request to waive the curb and gutter requirements in parking areas along travel ways.

Mr. Shoaf said that he would begin by discussing the Special Use Permit first. The applicant had provided a map that provides an overview of the site. The applicant was proposing to develop a 15-acre area, leaving the remaining 146 acres to be put into a conservation easement. The proposed disturbance area did not include critical slopes, Mountain Protection Areas, or the Water Protection Ordinance buffer. The applicant was proposing two phases of development. The first phase would include the main school building, referred to as "base camp," with additional associated school buildings. The second phase would include additional school buildings and a religious assembly building, which was permitted by right

if it was for 200 people or less.

Mr. Shoaf noted that after the Planning Commission public hearing, the applicant provided a revised version of the concept plan. This revised plan removed a portion of a fire access road from the WPO buffer and revised the base camp building's maximum square footage from 6,415 square feet to 8,000 square feet. Additionally, the conceptual plan now appeared visually different, as it was prepared by a different firm. The applicant would present their proposal in depth, but he would provide a brief overview. The maximum enrollment request was for 144 students, inclusive of pre-K to 5th grade, and the number of staff would be 29. The proposed maximum enclosed building area would be 25,144 square feet of building space, including an 11,000 square foot by-right religious assembly building.

Mr. Shoaf stated that the school would operate nearly year-round. The hours of operation would be 8:00 a.m. to 5:00 p.m., with the morning drop-off period from 8:00 a.m. to 9:00 a.m. Throughout this process, the County had received numerous public comments and participation in the discussion. As a reminder, special use permits were evaluated on a case-by-case basis, and the facts in each case were unique. However, these four factors of consideration were assessed by staff during each special use permit review: the impact on the surrounding area, the impact on the character of the area, the impact on the public health, safety, and general welfare, and the consistency with the Comprehensive Plan.

Mr. Shoaf stated that this application, based on the screening and setback mitigations proposed by the applicant and the proposed conditions drafted by staff, they found that there would be no substantial detriment to the adjacent parcels. Additionally, the proposed conceptual plan limited the disturbance to areas where necessary, and the remaining 141 acres of the site would be put into a conservation easement, which was consistent with the Comprehensive Plan and would not affect the character of the nearby area. However, staff were concerned about the public health, safety, and general welfare from the transportation impacts of this proposal, which affected both the character of the nearby area and the harmony.

Mr. Shoaf explained that in the initial materials submitted by the applicant and presented at the Planning Commission public hearing, the applicant provided data from the Institute of Transportation Engineers (ITE) trip generation data, which estimated 589 vehicles per day for the proposal. At a high level, ITE data was estimated by the type of land use, and in this case, due to the school's proposed demographics of pre-K to fifth grade, the closest land use data that this was based on was a daycare instead of a traditional private school. The applicant provided estimated traffic count data, which estimated 460 vehicles per day after the Planning Commission public hearing.

Mr. Shoaf stated that the applicant could explain their methodology in more depth, but in summary, they collected this data at their current location and with their current enrollment, then extrapolated the figures based on the proposed enrollment for 144 students and estimated 460 vehicles per day. Staff believed this number was more accurate than the initial ITE data from the applicant. The 2018 Average Daily Trips (ADT) data was conducted by the Virginia Department of Transportation. For this collection, VDOT placed tubes on the road to capture when a vehicle drove over it. In this 2018 collection, VDOT estimated 130 vehicles used Dudley Mountain Road per day.

Mr. Shoaf stated that if this special use permit were to be approved by the Board, there would be an estimated 590 vehicles on Dudley Mountain Road per day, which was generated by adding the applicant's estimated data and the 2018 VDOT ADT data. According to the VDOT road design standards for rural local roads, there were minimum requirements based on traffic volume. For an average daily trips under 400 vehicles per day, the minimum width of pavement was 18 feet, and the minimum width of a graded shoulder was 2 feet. If the ADT was between 400 and 2,000 vehicles per day, the minimum width increased to 20 feet, and the minimum width of a graded shoulder was 3 feet. Other factors, such as minimum stopping site distance and minimum radius, are also considered in these standards.

Mr. Shoaf stated that currently, Dudley Mountain Road's pavement exhibited significant variability in width, ranging from less than 15 feet to as wide as 20 feet. Additionally, the road often lacks a substandard shoulder or has no shoulder at all. Given the existing traffic volume of 130 vehicles per day, Dudley Mountain Road did not meet the VDOT road design standards for rural local roads with an ADT under 400 vehicles per day. If the Board approved the special use permit for the private school, it would generate 590 vehicles per day, adding to the existing traffic on a road that already did not meet VDOT standards. VDOT had also provided a review comment letter expressing similar concerns to the County, which was attached in the staff report.

Mr. Shoaf stated that additionally, staff were concerned about the sightline at the intersection of Dudley Mountain Road and Old Lynchburg Road. The maximum 45 mile per hour speed limit on Old Lynchburg Road, disrupted by a hill prior to the intersection with Dudley Mountain Road, posing safety concerns. At the intersection of Dudley Mountain Road and Old Lynchburg Road, there had been a high frequency of crashes over the past five years, including four in the most recent five-year period. This was in addition to 10 crashes in the last five years along the entire stretch of Dudley Mountain Road.

Mr. Shoaf stated that in summary, staff identified two positive aspects. The first was that the proposed use limits development to only 15 acres of the 156-acre property. The second was that outdoor environmental education was consistent with the Comprehensive Plan's goals promoting greater familiarity with the Rural Areas and with natural systems. However, there was one concern: Dudley Mountain Road did not meet applicable VDOT standards for rural local roads. At the May 13, 2025 PC public hearing, the Planning Commission voted 3-2 to recommend approval of SP20240023 with conditions. Staff recommended that the Board adopt the attached resolution (Attachment H) to deny

SP20240023.

Mr. Shoaf stated that should the Board wish to consider approving SP202400023, staff had prepared conditions of approval for review, which were listed in the Board packet. He said that he would be glad to review these conditions at the conclusion of his presentation if there was interest. Additionally, there was a special exception to the association with the special use permit, requesting a waiver of curb and gutter requirements in parking areas along travel ways. The Ordinance required curbs in all institutional developments with eight or more parking spaces. Due to the rural nature of this proposal, the limited amount of impervious area, and the slope of the site, staff supported the waiver to allow alternatives to curb and gutter.

Mr. Shoaf said that the applicant would still need to comply with the Virginia Erosion and Stormwater Management Program (VESMP) requirements, which would be addressed during the final site plan phase. However, since staff was recommending denial of the associated special use permit, staff also recommended that the Board adopt the attached resolution (Attachment I) to deny SE 202400027.

Mr. Pruitt said that he wanted to review the crash data map. He said that he was particularly concerned about the known crashes on this road, including those with visible injuries, sometimes severe injuries. He said that it also appeared that this road experienced less traffic than other areas. He said that reflecting on their previous town hall meetings, where patrol officers highlighted traffic impact using heat maps, he noticed that traffic incidents were not concentrated in rural areas, but rather in the development area, particularly at major intersection points. He said that he perceived Route 20 as being hazardous along its entire length, but according to the heat map, the most concerning section was the intersection near Thomas Jefferson Parkway. He said that he wondered if this traffic incident data was remarkable for a road of this type.

Mr. Michael Barnes, Director of Planning, stated that the number of accidents, particularly at the Old Lynchburg Road intersection, was indeed remarkable. He said that another point was that on this road, they had 130 trips. He said that in the development area, they certainly would have a higher number of accidents due to the higher volume of traffic, but staff was concerned that even with only 130 trips per day, there had been five accidents on this road in the past year.

Mr. Pruitt stated that he had only accessed this road from Old Lynchburg. He made a turnaround before reaching the end of it. He recalled that the Old Lynchburg intersection, if he was correct, lacked a signal or signage. There was nothing; one simply turned off the road. He asked if there was a sign on Red Hill that would necessitate a slowdown or stoppage.

Mr. Barnes said that there was a stop sign on the Dudley side, but not on the crossroads they had referred to. He said that Dudley going down to Red Hill was a tricky intersection that dropped down and resulted in poor sight lines.

Mr. Pruitt asked if the applicant had indicated which direction they anticipated the school traffic would be coming from.

Mr. Shoaf said that the applicant could speak to that point.

Mr. Pruitt said that recognizing the owner would be putting most of the property in a conservation easement, he was wondering how approval of this project would survive a partition.

Mr. Shoaf said that he could review the conditions proposed by staff. He said that to answer the question about surviving future development, the first condition limited the areas of disturbance, and therefore, for the school itself, it would be restricted to the conceptual plan that they provided, which was essentially a minimal footprint. However, the County had not received a conservation easement at this time. He said that the applicant had stated that they intended to put it in a conservation easement, but they had not yet received the actual easement application. He said that they were also unaware of the specific conditions of that easement. Therefore, the conditions staff had drafted were relevant to the current application.

Mr. Shoaf said that to briefly review, they had eight drafted conditions for this application. He said that the first condition required that the proposed development be developed in general accord with the conceptual plan provided by the applicant, which was also included in the Board packet. He said that this encompassed several key elements, including the location of proposed buildings, parking areas, limits of disturbance, and the maximum building footprint of the base camp building, which was limited to 8,000 square feet. There were also specific requirements for the maximum building footprint of each classroom cabin at 1,200 square feet, a 50-foot side building setback, and the need for additional screening along the property's boundaries where vegetation did not exist.

Mr. Shoaf said that the second condition pertained to the maximum enrollment requested by the applicant, which was 144 students. He said that the third condition related to the hours of operation. He said that the fourth condition addressed the morning drop-off time. He said that the fifth condition restricted the building height to be consistent with the rural area's requirements. He said that conditions six and seven focused on improving the frontage of the subject property to current VDOT standards and dedicating 50 feet of right of way. He said that the final condition, number eight, established and maintained stream buffers.

Mr. Pruitt said that that information was also helpful because he had a question regarding the conditions that the County staff had developed. He said that initially, he was unclear whether any of these conditions required design plan changes from the applicant. He asked if there was anything staff was aware of that would require a change in plans by the applicant.

Mr. Shoaf replied that there was not with these conditions.

Mr. Pruitt mentioned that there was an extrapolation from the applicants' traffic study, which he assumed originated from their Reservoir Road site and that school's enrollment. He asked what the enrollment at the previous site had been.

Mr. Shoaf replied that the applicant could answer that question best.

Mr. Gallaway said that to clarify, the average daily trip count referred to someone driving to the site and dropping a kid off at the school.

Mr. Shoaf confirmed that was correct.

Mr. Gallaway said that leaving the site would be the second trip, and coming back to pick up the kid would be a third trip. He said that they could presume that if every single person had one car per student, as well as staff, would essentially be counted in the report as four trips.

Mr. Shoaf confirmed that was correct.

Mr. Gallaway asked if the intersection of Old Lynchburg Road and Dudley Mountain Road was included in the County's transportation priorities list for addressing the safety issues specifically cited.

Mr. Barnes replied that it was not.

Mr. Gallaway asked if there were any issues they had concern with on the other end, near Red Hill Road.

Mr. Barnes said that no, Dudley Mountain Road was not on the County's target list for improvements.

Mr. Gallaway said that he did not want to delve into unnecessary details, but he thought he recalled from the PC conversation that Mr. McDermott mentioned the number 400 was not necessarily a magic number, but rather a threshold that seemed to be drawn. He said that it appeared that the concern was not necessarily about reaching a specific number of trips, but rather about the increased volume of traffic, which increased the probability of accidents. He said that for example, at the intersection where they had had crashes, the problem had been existing, and now with more people traversing the road, the likelihood of crashed would increase. He asked if the rationale behind staff's concern in this situation was that due to more cars passing each other, there was more possibility of an issue.

Mr. Barnes confirmed that was correct. He said that once the car trips exceeded 400, VDOT would begin to consider widening the road and making safety improvements.

Mr. Gallaway said that he was trying to understand staff's request for denial, which seemed specific to traffic, and in some respects was specific to that intersection. He said that he was trying to understand VDOT's perspective that more traffic volume led to more potential of crashes, as well as maintenance of the road from those increased trips.

Mr. Barnes agreed that Mr. Gallaway had essentially captured the issue. He said that standards served as guideposts in this situation. He said that a few trips either side of the standard probably were not significant, but he believed that regardless of which side they were on, 400 was a lot for a relatively small road. He said that it was unlikely that VDOT would upgrade this road in the future. There had been a discussion with the Planning Commission about whether this would help the road rise to a level that VDOT would maintain. However, with so many other roads in the County that required attention, he thought it would be challenging to get this road to a certain level that would result in funds being allocated towards its improvement.

Mr. Gallaway said that they were accustomed to seeing developments in the development area, where trip counts were significantly higher. He said that the decision ultimately came down to probability, as they were adding a substantial amount more than what was currently happening on this road if this project were to be approved. He said that therefore, a judgment call had to be made, particularly when considering the percentages.

Mr. Barnes added that these numbers were relative to a cross-section of a road, specifically the width of the road, and Mr. Shoaf also mentioned the number of curves and the sharpness of those curves. He said that this road was particularly windy, with both vertical and horizontal curves. He said that as a result, the width of the road was not sufficient to meet those standards, which contributed to the staff's concerns.

Mr. Gallaway said that he appreciated the added information. He said that he was assuming that if they had a reason to conduct a new traffic count from the 2018 data, they would use it. He said that typically, more traveled roads received traffic count data. He said that he was wondering why VDOT

conducted the traffic count on that road. He said that the traffic count was before COVID-19, so he was wondering if it was due to growth on the road.

Mr. Barnes replied that VDOT performed periodic traffic counts, and the most recent one done on this road was in 2018. He stated that the County did not require the applicant to do a traffic study, but they could have, and that may have helped determine what the most current traffic conditions were on the road.

Mr. Gallaway said that he understood that without a specific request, a new study was unlikely to be performed. He said that he would assume that any paved roads in the County had seen some population growth along them in the past seven years.

Ms. LaPisto-Kirtley noted that the decisions made by staff and the Planning Commission seemed to be based on the trip count and the condition of the road, and there was no opposition to the school itself.

Mr. Shoaf reiterated that staff had concerns regarding the increased traffic volume and the current state of the roadway. Staff had identified two positive aspects, which were that the actual development was a very small portion of the property, and the outdoor school would be consistent with the Comprehensive Plan goals.

Ms. LaPisto-Kirtley asked if the width of Dudley Mountain Road varied along its length.

Mr. Shoaf confirmed that was correct; it was highly variable.

Ms. LaPisto-Kirtley asked if there were a lot of areas that were only 15 feet wide.

Mr. Kevin McDermott, Deputy Director of Planning, said that the average width of 15 to 18 feet was actually provided by VDOT. He said that when they inquired about VDOT's comments on this project and the condition of the road, VDOT sent someone to measure the road and conducted some assessments; however, he was not certain what specific measurements were taken. He said that County staff did conduct their own measurements. He said that he believed that, on average, the width was nearer to 18 feet than 15 feet in most areas. He said that however, few sections were wider than 18 feet. He said that they did not measure the entirety of the road. He added that the applicant had done their own assessment as well where they measured a few points throughout the road. He agreed that it was highly variable and there was no specific width.

Ms. LaPisto-Kirtley asked if it would be fair to say the road was between 15 and 18 feet wide, and was very curvy. She said that this sounded like about 90% of the roads in the Rural Area.

Mr. McDermott confirmed that was correct.

Ms. Mallek asked if the estimated traffic count of vehicles per day was one-way or two-way trips of each vehicle.

Mr. Barnes explained that VDOT's threshold was 400 trips, meaning vehicles passed through the area 400 times per day. VDOT was not considering whether the cars were making a one-way or round trip through the area. He said that the current 130 trips per day plus the school's anticipated traffic resulted in 590 total projected ADT (Average Daily Trips) along the road.

Ms. Mallek said that regarding the traffic accident map, there were not many accidents along Dudley Mountain Road, but there was a significant number on Old Lynchburg Road. She asked if the accidents were due to conflicts at that intersection.

Mr. Barnes said that the majority of accidents were from vehicles traveling south along Old Lynchburg Road, with many people losing control of their vehicles at the curve of that intersection.

Ms. Mallek asked if the dots on the map did not always represent two-car conflicts.

Mr. Barnes confirmed that was correct; the accidents were not always two-car conflicts.

Ms. Mallek asked if VDOT or anyone else had identified possible solutions to the traffic issues that had been mentioned.

Mr. Barnes said that the topography of Old Lynchburg Road would require a major project to physically fix the curves and sight line issues, and VDOT and the County had not identified it as a high priority at this time.

Ms. Mallek asked if they could consider flashing lights during certain times of day so drivers would reduce their speeds.

Mr. Barnes said that that was an option for those types of alternative safety measures.

Ms. Mallek asked if the references to building height in the staff report only applied to the base camp building. She asked if there were no requirement for the religious assembly building.

Mr. Shoaf said that they would need to comply with the Rural Areas section of the Zoning Ordinance, which was consistent with the conditions. He said that he believed the setback requirement was 35 feet.

Ms. Mallek thanked Mr. Shoaf for the clarification. She said that sometimes VDOT may think differently about a situation depending on whether there was more use. She said that they had seen other applications where VDOT would suggest improvements were unnecessary until the growth necessitated them, and when the growth came, they would make the improvements. She said that while that was often said in the growth area, she was wondering if the same assumption could be made for this road.

Mr. Barnes said that this was a hypothetical question, but it was worth considering. He said that if the Board had directed staff to address this issue, it would simply be a matter of resource allocation. He said that they could prioritize this if it was deemed high enough of a priority. He said that at this time, funding for projects was very limited, and it would be challenging to find the necessary resources to fix a situation like this.

Ms. Mallek asked if there was any data related to cut-through traffic on Dudley Mountain Road to Old Lynchburg Road and Red Hill.

Mr. Shoaf replied that they did not have that information.

Ms. Mallek asked if VDOT had it in their traffic count data.

Mr. Barnes said that the traffic counts were made simply with the tube stretched along the road that counted the vehicles that ran overtop of it. They did not have detailed information about where cars began their trips or where it was going. In that regard, the traffic counts were inclusive of all traffic patterns that traveled through the stretch of road with the counter.

Mr. Andrews said that in previous meetings, the Board had discussed the Rural Rustic Road program, which was mostly intended for paving gravel roads. He said that he understood there was some flexibility in improving gravel roads, so he was wondering if the program could also provide funding to deal with the current issues on Dudley Mountain Road.

Mr. McDermott said that unfortunately, the Rural Rustic Road Program only addressed unpaved roads, rendering it an unsuitable option for their needs. He said that the primary alternatives for improving these roads were through the Smart Scale project, which was highly competitive and unlikely to secure funding for a road like this. He said that while maintenance funds could perform minor upkeep, he did not believe they would be sufficient to address the width and sight distance issues. He said that state of good repair funds were available for roads in disrepair and could help bring them up to current standards. He said that safety money could be utilized if they experienced an increase in accidents in the area, but this funding was contingent upon the accidents occurring first.

Mr. Andrews asked if there was any information available related to the traffic impact of the school's operations at their previous site on Reservoir Road, such as accidents or concerns people had that were attributable to school traffic.

Mr. McDermott said that they did not have the specific details of the operation at the site in question, making it challenging to determine the relevance to this school and the number of students involved. He said that due to the similarities between this project and another project on Reservoir Road, they had considered Reservoir Road as a potential example of what could happen here. He said that they had another school that previously used Reservoir Road, and in his review, he found that accidents were less frequent on Reservoir Road, particularly the section that provided access to that school. He said that when evaluating consistency with recommendations, they had checked this and it appeared that Reservoir Road was slightly wider and may have been built with better design, resulting in fewer accidents, at least in the section closer to that other school.

Mr. Andrews said that he wanted to clarify a point regarding the applicant's requirements. He said that specifically, it was mentioned that a traffic study was not required for the applicant. He said that given that staff's primary concern was the road, he was curious about the decision-making process behind this choice. He asked if the applicant was invited to conduct a traffic study, or if it was something that was considered in light of the issues at hand.

Mr. McDermott explained that when conducting a traffic study, they typically required applicants to demonstrate a trip generation of over 1,000 vehicles per day. However, this project did not meet that requirement. He said that traffic impact analyses usually focused on the effects of traffic on intersections and delays, which was not the primary concern in this case. He said that the issue at hand was the safety of the road. Although the applicant could have chosen to conduct any study they desired, they were informed of the County's concerns regarding safety. He said that the possibility of a safety analysis was indeed considered, as evidenced by the 10 crashes on Dudley Mountain and 5 intersection-related crashes at the intersection of Dudley Mountain and Old Lynchburg Road.

Ms. McKeel asked if Mr. McDermott could address whether the speed limit could be lowered along this road to improve safety.

Mr. McDermott said that one thing to consider was that speed limit reductions were typically determined by VDOT, and the County's concern with lowering speeds to address safety issues was that

lowering speed limits alone did not necessarily lower speeds. He said that people would drive at the speeds they feel comfortable with, and often that was faster than they should be. He said that therefore, simply lowering speed limits did not typically result in lower speeds. He said that instead, VDOT looked for average speeds to be within five miles per hour of the proposed speed. He said that for example, if they wanted to lower the speed limit on Old Lynchburg to 35 or 30, they would need to conduct a study showing that current speeds are at least 35 or below.

Mr. McDermott said that this was because VDOT wanted to set realistic speed limits that were not too low. There were safety concerns with setting too low of a speed, as some drivers would follow the speed limit, while others would ignore it, creating a differentiation in speeds that can lead to safety issues. He said that additionally, when speed limits were too low, it became difficult to enforce, as traffic was unlikely to drive at such low speeds.

Ms. McKeel agreed that in her experience, lowering the speed limits did not solve the speeding issue. She said that it was counterintuitive, but that was what happened. She noted the construction of the Southwood development was not completed yet, and she would assume that traffic from Southwood would likely be going north towards town along Old Lynchburg Road, rather than south.

Mr. Barnes said that generally speaking, they could expect traffic would increase along all travel ways due to the population growth in the County.

Ms. McKeel said that she was considering the future traffic along that road specifically.

Mr. Barnes confirmed there was growth in that area due to multiple new housing developments.

Ms. LaPisto-Kirtley asked if there was a sign on Old Lynchburg Road that indicated drivers should slow down due to the curve, which was near the intersection with Dudley Mountain Road. She said that if VDOT could warn people of the curve, it may improve the safety along that stretch of road.

Mr. McDermott said that at the intersection of Dudley Mountain and Old Lynchburg looking north was where the site distance was a major concern. He said that the south side was somewhat problematic due to vegetation, but it was not as severe. He said that installing signage to warn people of curves or upcoming intersections was a straightforward solution. However, it was not always the most effective approach. He said that they typically evaluated areas with high crash rates in the County to identify potential solutions, and they could consider implementing signage here. Specifically, having a clear warning for drivers heading south on Old Lynchburg to anticipate a busier intersection and blind curve could be a viable option.

Mr. Barnes said that there were some existing signs along the road that indicated to share the road with cyclists and that there were sharp curves; however, there did not appear to be any that warned of the intersection with Dudley Mountain Road.

Ms. McKeel opened the public hearing.

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Ms. Jill Abbey-Clark, Director of Education at Congregation Beth Israel, stated that for the past 27 years, Congregation Beth Israel had proudly supported child care needs in central Virginia. She said that their students ranged in age from 18 months to 4th grade, with 70% under the age of five years old. They represented the youngest members of Albemarle County and also the future of it. She said that in the spring of 2020, when the pandemic shut down their schools, they took a bold step forward. They pivoted to a forest school model, embracing outdoor learning to keep their doors open for families.

Ms. Abbey-Clark emphasized that this was not just about surviving a crisis, but about adapting to the needs of their families and ensuring that children had a safe space to learn and grow. She stated that in partnership with Camp Holiday Trails, which was located on a winding rural road, they became the first Jewish forest school in the United States. This vision of schooling created students who were resilient, joyful, and rooted in the natural world. They were honored nationally in 2021 for their work in Jewish education, recognizing innovation and leadership, and bringing positive attention to their region. In 2022, they sought to lease a property in Ivy, but the costs to set up a school in a rented space were prohibitive.

Ms. Abbey-Clark said that when Dudley Mountain neighbors stepped forward and offered Congregation Beth Israel 155 acres of land, they knew they had to continue on this path. She said that this gift had the potential to be more than just land, it was their future; a future rooted in stewardship, education, and Jewish values. Of the land, 140 acres would remain undeveloped, and once the building plans were complete, all of it will be placed in conservation, aligning directly with Albemarle County's Rural Area Master Plan, achieving both education and preservation. She said Albemarle County also understands the vital role of faith-based institutions in building inclusive, resilient communities.

Ms. Abbey-Clark explained that Congregation Beth Israel had called Albemarle County home since the 1800s. She stated that they were part of the civic, spiritual, and social fabric of this community. However, the fabric had recently been tested. Since 2017, they had seen a disturbing rise in anti-Semitism. They had had to change the way they operated. For many of their families, the idea of a rural off-site campus means something priceless; a sense of security when sending their child to school. Since the Planning Commission meeting, she had had the chance to meet with many of the Dudley Mountain neighbors through meet and greets, coffee dates, and email conversations.

Ms. Abbey-Clark stated that while they may not see eye to eye on every detail, what mattered was that people were coming to the table willing to brainstorm and willing to work together. Some neighbors had even started to see the potential benefits of this project. They were talking about better signage, partnering to keep the road clean, and taking steps to slow down speeders and make Dudley Mountain safer for everyone. This kind of shift from opposition to collaboration gave her hope because real progress did not happen in isolation; it happened when they engaged and look for solutions together.

Ms. Abbey-Clark stated that the bottom line was that without a special use permit, they could not continue the Forest School. She saw tonight as a moment of opportunity. She said that this was a unique opportunity for their County to enhance early childhood infrastructure, foster a strong connection with local religious and cultural communities, and preserve their natural landscape while preparing the next generation to protect it. She said that this land would be cherished. She said that she would turn the discussion over to Kendra Moon, who would provide insight into the technical aspects of this project.

Ms. Kendra Moon, Engineer with Line and Grade, stated that due to time constraints, she would not review all the positive aspects of this project, although there were many. She said that she wanted to make sure to discuss the traffic component of this project. She noted that numerous consultants had been involved in developing this plan, and a great deal of thought had been put into its layout and design, with the goal of minimizing the footprint. They had secured a fully compliant VDOT entrance, which they planned to relocate to the center of the site for the best sight distance. Additionally, they had designed an internal drop-off loop that would keep vehicles queued up for drop-off from Dudley Mountain Road.

Ms. Moon stated that their team had been working closely with County staff and consultants to refine their plans, which had undergone several iterations. Currently, they were proposing to move the fire road out of the stream buffer and widen Dudley Mountain Road to 20 feet in front of the site. The site would be phased, with the initial phase focusing on the main base camp and three classroom cabins, as well as road improvements. They had included precedent images of what they envisioned for the site, featuring earth tones and natural building materials that would blend seamlessly into the natural environment.

Ms. Moon said that a neighbor was donating this land to Congregation Beth Israel and planned to establish a conservation easement over the entire property, which would limit development to a specific location and eliminate the other by-right uses, such as wineries or single-family residences. Ongoing stream buffer restoration was underway, with some work already completed to remove invasive species on the property. To mitigate impacts, they were replanting in front of proposed parking areas to screen them from view and preserve trees wherever possible. Their design incorporated low-impact strategies, including precise grading to avoid mass grading of the site and maximizing stormwater infiltration through the use of permeable pavers and bioretention facilities.

Ms. Moon stated that water use was minimal, comparable to that of one or two single-family homes. For traffic safety, they had conducted a study that found Dudley Mountain Road to be approximately 18 feet wide, which was within the acceptable range. There was precedent through the Rural Rustic Roads program for VDOT to allow roads up to 1,500 vehicles per day in this condition. County staff's opposition was based on concerns about the road's geometry, but crash data showed that 14 accidents occurred on Dudley Mountain Road over the past five years, with 10 of those occurring at night, and the school use would be strictly during the day.

Ms. Moon stated that five of these incidents involved individuals under the influence of alcohol, which was abnormal. Two were related to snowy or icy conditions, and the school would not operate in those conditions. Only one incident was unrelated to alcohol, ice, snow, or darkness. They also examined Reservoir Road, which experienced approximately 600 vehicles per day. Over the past five years, there were seven accidents on this road that were not related to alcohol. This correlation was evident. Additionally, they reviewed two examples of roads that met the minimum standard width and center line striping requirements, yet still experienced the same number of accidents.

Ms. Moon stated that this suggested that the road itself was not inherently unsafe. They also investigated the intersection of Old Lynchburg. She stated that their proposed increase in road usage was actually limited to 498 vehicles per day. This was because 80% of the traffic originated from Old Lynchburg Road. When adding the increased traffic to the existing count, they only considered 80% of the total trip count, while the remaining 20% was only increased by the proposed amount. This proposed increase was significantly lower than the 1,500 vehicles per day precedent set by VDOT.

Ms. Moon said that CBI had collected their own traffic data, which indicated that during peak hour drop-off, there would be less than two vehicles per minute. This was partly due to the implementation of a 20-minute incremental time slot system, which would force traffic to be dispersed over an hour.

Mr. Pruitt asked if the conditions proposed by staff were new to the applicant or would require the applicant to develop new plans in order to meet the requirements.

Ms. Moon said that the hour-long drop-off was a new feature, as CBI had discovered that people tended to stagger their arrivals, so they had not had to implement this before. She said that currently, families had not been required to sign up for these time slots, but they were willing to condition this as part of the program to ensure that the drop-off remained spread out.

Mr. Pruitt asked if the specifically prescribed hours of operations were consistent with what CBI

was already doing or prepared to do. He was considering the fact that this would be an outdoor school and weather conditions may affect their operations.

Ms. Moon confirmed that this was consistent with their hours of operation.

Mr. Pruitt asked if the enrollment at the school on Reservoir Road had a lower number of students than this proposed school.

Ms. Moon said that their current enrollment was 93 students, and the maximum they were requesting was 144 students.

Mr. Pruitt said that he understood that the Forest School had grown rapidly since COVID-19. He asked if there was currently a wait list for the school.

Ms. Abbey-Clark confirmed that there was a wait list for the preschool due to the high demand for that childcare service in the County. She said that during the pandemic, they were located downtown and had 70 students. They had since expanded to about 100 children and the number of students had remained consistent since then.

Mr. Pruitt said that in Ms. Abbey-Clark's opening comments, she had placed this project in the context of ongoing anti-Semitism globally and locally, and highlighted the sense of security that this provided. He said that it is also worth noting that this facility was located in a rural area, where the rural area was part of their growth management policy's grand compact, which has resulted in reduced police presence. He said that he wondered if the school was prepared for the implications that this created. He said that he would like to hear about the security plan for this school.

Ms. Abbey-Clark said that since 2017, they had been fairly well-versed in their security measures, and she said that they currently had security guards on campus. She said that they were prepared to continue that practice.

Ms. LaPisto-Kirtley asked if the 20-minute drop-off period was because they anticipated people would arrive late.

Ms. Abbey-Clark said that they had observed there were different groupings of arrival times, and they chose to stipulate the 20-minute intervals in order to ensure they spread out the traffic.

Ms. LaPisto-Kirtley asked if they were amenable to a shuttle service.

Ms. Abbey-Clark confirmed that they were open to a shuttle service. She said that the issue was that car seats posed a challenge. She said that since 70% of their children were under the age of five, it was difficult to implement a shuttle service. However, after discussing this with their neighbors, they found that even if they offered a van shuttle, taking away five or seven cars from the road could make a significant impact. She said that they believed a shuttle service was a possibility if people were interested, but it was not a guaranteed solution, as they discussed with County staff.

Ms. LaPisto-Kirtley asked if their parents would be amenable to a carpool arrangement.

Ms. Abbey-Clark replied absolutely. She said that when they were at Camp Holiday Trails, they had a lot of families carpooling, so they had experience in arranging that successfully.

Ms. LaPisto-Kirtley asked if the applicant could explain the precedent of VDOT allowing 1,500 vehicles per day (VPD) on a road.

Ms. Moon said that this just was an example, and as they had previously discussed, this road was not eligible for the Rural Rustic Roads Program. She said that it illustrated a scenario where roads of similar widths were allowed to remain paved, with certain stipulations. She said that these stipulations included limiting growth, requiring drivers who were familiar with the road, and ensuring that the daily traffic was under 1,500 vehicles. She said that while this was not a standard, it did demonstrate how this type of situation could occur. She said that Reservoir Road was an example of this.

Ms. LaPisto-Kirtley asked if the applicant knew how many trips would be anticipated with the potential shuttle service and carpooling.

Ms. Moon stated that the total trips per day, based on counts from the school, there would be 460 per day and with a peak of 183 trips during the 1-hour drop off, with 28 in each 20-minute increment. She said that they did not account for carpooling.

Ms. Mallek asked if the trip count estimates took into account families traveling, rather than each individual student in a car.

Ms. Abbey-Clark confirmed that they were.

Ms. Mallek asked if pickup happened throughout the day.

Ms. Abbey-Clark said that currently, 60% of their students were picked up at 3:15 p.m. and continued until 5:00 p.m. She said that there would be peak hours in the morning for drop-off and around

3:00 p.m., but they offered after-school care as well.

Ms. Mallek asked if they knew where the majority of parents were coming from when traveling to and from the school.

Ms. Abbey-Clark said that the largest percentage would come from Old Lynchburg Road and I-64; however, there had been a lot of interest from people who lived south of town, who would also be coming from Red Hill.

Mr. Andrews asked if the applicant had ever done a traffic study or traffic counts to estimate how they reduced trips through carpooling.

Ms. Abbey-Clark said that they had not performed a traffic study, but in general, people were frequently carpooling and they knew that it could happen.

Mr. Andrews asked if they were currently using the MACAA site.

Ms. Abbey-Clark confirmed that was correct.

Mr. Andrews said that he understood there was a lot of land at this site. He said that they had proposed to use 15 acres, and he would like to know how it would be used.

Ms. Abbey-Clark said that much of it would involve exploring the creeks and allowing children to explore the land, examining the life that inhabits them. She said that during the springtime, a magnolia tree brought numerous hours of joy as its blossoms were pink, fell, and children would take them home to eat. She said that there were many more experiences like this. She said that this experiential education approach focused on letting children be children, being outside, and learning. She said that one could read a book in a chair, or they could read a book outside in the grass. She said that from 18 months, children began to learn how to use their bodies by traversing logs, picking up rocks, and looking at butterflies, and this experience expanded as they grew older.

Mr. Andrews said that he was more interested in why this location was key to their school's educational program.

Ms. Abbey-Clark explained that in their search for an appropriate space for their school, they had looked at many spaces within the development area and had found none that were acceptable. She said that in order to be in nature, they had to look in the Rural Area of the County. She noted that this land had been donated to their school, which was an important factor as well. She said that in order to run a Forest School, they had to be in the forest, and they could not find the right space in the City.

Ms. LaPisto-Kirtley asked if the school calendar was year-round.

Ms. Abbey-Clark replied that they operated on a school year schedule, and then the Congregation Beth Israel hosted a summer camp. She said that they ran a school from August to June, and during the summer, the synagogue ran the summer camp, which was not the school, but rather a separate program. All of this was under the auspices of Congregation Beth Israel.

Ms. McKeel asked if any members of the public wished to address this item.

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Ms. Melanie Evans, Samuel Miller District, stated that she had been a proud resident of Dudley Mountain Road for 28 years. She said that four generations of her family lived on the parcel of land directly adjacent to the proposed development site. She said that she would like to start by thanking the Board for their service and for hearing from the people most affected by this proposal. She said that her presentation reflected the collective effort of Dudley Mountain Road neighbors. She said that this was not just about traffic or zoning; it was about protecting the place they called home.

Ms. Evans said that their community had come together to speak with one voice, gathering data, signing petitions, and counting cars. They cared deeply about their neighborhood, its character, safety, and future. She said that they appreciated the opportunity to share their concerns and respectfully asked that the Board take them seriously. She said that she would like to highlight what was at stake with this special use permit. She explained that Dudley Mountain Road was approximately one mile outside of the designated growth area, and it was home to 118 property owners and over 300 residents, families who had invested in this County for generations.

Ms. Evans said that altogether, they contributed an estimated \$640,000 annually in property taxes, a stable, ongoing revenue stream for the County's general fund. This was not temporary income; it was a long-term financial anchor, and it came from a community that was deeply invested in this County and unequivocally opposed to this permit. There was strong opposition to this project, with 581 people having signed a petition and 87 opposition signs posted throughout the area. This was a clear, unified message from residents. County planning staff had recommended denial after extensive review, citing significant concerns regarding the existing conditions of Dudley Mountain Road and the potential for increased safety risks if the proposal were to be approved.

Ms. Evans stated that two Planning Commission members, Mr. Clayborne and Mr. Murray, also voted to deny the permit, citing serious safety issues. VDOT had raised similar concerns about traffic

impact and infrastructure strain. In his closing statements, Planning Commission member Mr. Bivins had stated the road was "notoriously dangerous and he had data proving it." He said that he could not support adding a high number of drivers to a road like that; however, seconds later, he inexplicably approved the plan. Finally, this neighborhood's Planning Commission representative, Ms. Firehock, was absent during that meeting, leaving the Samuel Miller District without a voice in a critical decision. Given the public opposition, County staff's recommendation, and serious traffic and safety concerns, they firmly believed that this permit should be denied.

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Mr. Brian Armstrong, Samuel Miller District, said that he was a resident of Dudley Mountain Road. He said that the County's Comprehensive Plan was explicit that any development requiring a special use permit must be suitable for existing rural roads and result in little discernible difference in traffic patterns. He said that the proposal indisputably failed to meet that standard. He said that Dudley Mountain Road already fell short of VDOT's minimum requirements for a rural road serving fewer than 400 vehicles a day. He said that any significant increase in traffic was a red flag, not just a planning concern, but a safety concern with potentially catastrophic consequences.

Mr. Armstrong said that VDOT's letter from April 29, 2025, addressed to Syd Shoaf, stated that the project would move Dudley Mountain Road to the 400 to 2,000 trips per day requirement in the road design manual, which required a minimum pavement width of 20 feet. He noted that at his own driveway, it was only 16 feet. He said that considering the stopping site distance of 305 feet, with the hills and curves of Dudley Mountain Road, there were many places that had that. He said that third, there was a minimum shoulder of three feet for this standard, but there was no shoulder.

Mr. Armstrong said that even the County's Planning staff acknowledged this in their own final report, which stated on page 5 that the increase in traffic on Dudley Mountain Road would have a significant impact on the number of vehicles that used Dudley Mountain Road, changing the character of the adjacent parcels and nearby area. He emphasized that this was not a minor traffic adjustment; it was a fundamental transformation of a rural corridor that was not built for the scale of this use. He said that page 7 of the same report also raised the safety issue discussed about the Old Lynchburg Road-Dudley Mountain interchange.

Mr. Armstrong said that in short, the County's own standards, data, and staff analysis pointed to a clear conclusion: Dudley Mountain Road was not equipped to handle this development safely or sustainably. He said that schools and religious organizations often created some of the worst traffic patterns. He said that the residents of Dudley Mountain Road were not opposed to all development, but they asked that it respect the standards in place to protect their safety, the character, and livability of the rural communities like theirs. He said that this proposal clearly did not meet those standards. He requested the Board to please vote against the proposal.

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Mr. Timothy Wooster said that he would like to reiterate the numbers presented in the slide, which was based on the original projections from the applicant. He said that the proposed special use permit would add 460 vehicle trips per day to Dudley Mountain Road, according to the applicant's new projections. He said that to put this in perspective, in 2018, VDOT recorded just 130 vehicles per day. He said that this meant the total daily traffic would rise to 590 vehicles, a more than fourfold increase on a rural road that was never designed to handle this volume. He said that this was not a small shift; it was a fundamental transformation of the road's character and capacity. He said that what had long been a quiet rural roadway would become overwhelmed with traffic.

Mr. Wooster said that VDOT had expressed serious concerns about the safety risks of this level of traffic on the road and its infrastructure. He said that he had had several conversations with VDOT, and they had stated that if the Board of Supervisors approved the proposal, they were doing so knowing that VDOT had made it clear that their road was inadequate for this kind of development. He said that it was clear that Dudley Mountain Road could not safely or sustainably handle the demands that this development would create. He said that the community believed it was absurd that they were making a decision tonight based on a count from 2018.

Mr. Wooster stated that they had taken action as a community since the applicant or the County had not. On Tuesday, July 1, 2025, they had conducted a community-led traffic count over a 15-hour period from 6:00 a.m. to 9:00 p.m. and recorded 591 vehicle trips, 84 of which were large vehicles. He said that this represented a 4.5-fold increase from the 2018 VDOT figure and was particularly notable since it occurred during summer break when school-related traffic was typically at its lowest. If they added the applicant's new projection of 460 trips, traffic would rise to nearly 1,050 vehicles per day, almost eight times the 2018 level, and nearly double what they were already seeing now. He said that this proposal would drastically accelerate this trend, pushing the road far beyond its safe limits. The numbers told a clear and urgent story, and he respectfully asked that the Board take them seriously and act to protect the safety, the quality of life, and the future of their community.

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Mr. Tate McCracken, Samuel Miller District, said that this noted increase in traffic on Dudley Mountain Road was not just a statistic; it was a serious threat to public safety. He said that more cars meant more conflict points, and more conflict points meant more crashes, rear ends, side swipes, and worse. He said that the road had never been designed for this high volume, and as congestion grew, so did the chaos. He said that the danger was not just to drivers, but especially serious for their more vulnerable road users: pedestrians and cyclists. He said that Dudley Mountain Road, Old Lynchburg

Road, and Red Hill Road were narrow, winding rural roads with no shoulders, sidewalks, or bike lanes, and poor visibility in some areas.

Mr. McCracken said that there was no margin for error. Yet, these roads were a key part of their area's recreational cycling network, with cyclists using them daily, not just on weekends. He said that group rides of 10 to 20 cyclists were common, and popular routes like the Fontaine Riders Choice and the Red Hill Sunday Loop depended on low traffic conditions to stay safe. During their Tuesday, July 1 traffic count, they had recorded 13 cyclists on Dudley Mountain Road in just one day. He said that this was not just about inconvenience; it was about their lives. He said that the added traffic from the proposal would not only increase the frequency of conflicts but also their likelihood and severity.

Mr. McCracken said that on roads like these, a serious injury or fatality was not a matter of if, but when. As a firefighter medic with the County, he had responded to multiple accidents in this area, including motor vehicle crashes, bicyclists, pedestrians, and motorcyclists. He said that the areas he had noted, when they were at the station, Dudley Mountain Road, Ms. Mallek's Road, and other roads in the County, were some of the roads they were extra nervous to respond to. He said that their response times were often decreased by traffic congestion, making it difficult to reach the call. He urged the Board to consider the real human costs. He emphasized that safety must be their top priority.

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Ms. Dawna McCracken, Samuel Miller District, stated that she lived at the same residence as Mr. Tate McCracken on Dudley Mountain Road. She said that it was obvious that Dudley Mountain Road was not suitable for the increased traffic generated by the proposed special use permit. At the May 13, 2025 Planning Commission hearing, Mr. McDermott stated that "the County would need to invest a substantial amount of funding into significant widening." She said that he stated the property on both sides of the road was a prescriptive right-of-way, which meant that acquiring the necessary right-of-way from the property owners would be a costly and complex process.

Ms. McCracken stated that she also believed that many neighbors would not be agreeable to selling their property for a variety of reasons. She said that Mr. Moore, who voted in favor of this project, said that infrastructure was certainly needed, and they were limited due to the underfunded infrastructure. She said that he wished they could stipulate that the roads be fixed in addition to the school being built, but they could not control that. She said that Mr. Moore voted to approve the plan before ensuring the roads were suitable for the increase in traffic.

Ms. McCracken said that as a taxpayer and resident of this road, she requested that the County secured the necessary road improvements to meet VDOT standards for the average daily traffic on the entirety of Dudley Mountain Road prior to award of this special use permit. The safety of all drivers on this road should be a fundamental priority for the Board of Supervisors. She said that she had been living on this property for a year, and she still experienced difficulties navigating the road, especially when passing other vehicles. She said that there was no shoulder on the road and there was a high risk of going into a ditch.

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Mr. Leo Zhigle, Samuel Miller District, stated that he and his family had been living at the property next to the proposed development for over 20 years. He said that he wished to bring to their attention the conflict between the proposed development and the key approval criteria outlined in Albemarle County's Comprehensive Plan, particularly regarding the scale and character of the development. He said that the proposal suggested that the forest school would limit all developments on the large parcel to a small 15-acre tract and place the rest of the parcel into conservation easement. He said that however, most of the parcel was not suitable for any development due to its designation as a Mountain Protection Area, Water Protection Ordinance buffer, and critical slopes.

Mr. Zhigle said that upon closer examination, it became clear that the only area suitable for development was this 15-acre tract. He said that the proposal claimed that the development would have a minimum impact on the natural environment. He said that when they considered the actual proposal, they saw a high-intensity city-style use that was not compatible with the character of the surrounding community. He said that in contrast, four residential homes shown on the slide illustrated the maximum number allowable under current division rights for this parcel, highlighting the stark difference between the potential impact of the special use permit and the existing division rights. He urged the Board members to consider the severe, negative, and irreversible impact that the approval of this proposal would have on the entire neighborhood of Dudley Mountain Road.

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Mr. Micah Kemp, Samuel Miller District, stated that he appreciated the applicant's efforts in advancing this conversation from its initial presentation in December to its current form. He believed that their community was not opposed to the school itself, nor was there any opposition to the applicant's religious affiliation. This was primarily about concerns for their safety, well-being, and community character. He came prepared to discuss the Planning Commission's discussion, which unfortunately involved a lot of misinformation.

Mr. Kemp said that the suggestion that other by-right uses, such as brewery, winery, religious assembly, or subdivision were misleading and irrelevant. He said that the conversation should have focused on what the proposal actually was. This was a school in an area with no other institutional uses, lacking lights, paved areas, driveways, and generating significant traffic, except for the quarry down the street, which they avoided due to the quarry vehicles' speed. As a private school, there was no

guaranteed benefit to their community.

Mr. Kemp had a young child who attended this school, and they took precautions to ensure her safety by pulling off the road when they saw cars approaching. However, he would love for her to go to this school. He said that if it were approved, he requested the Board to please take their safety concerns seriously and to not let the conversation end once the application went through. He said that there was a real and viable danger to anyone using this road, whether they lived there, walked, or biked there. He also wanted to mention that the zoning and land use issues were irrelevant to some of his neighbors adjacent to the parcels. He noted that an initial pitch of a multipurpose events building had been replaced with a religious assembly building, which was a by-right use.

Mr. Kemp said that meanwhile, it was initially proposed as an event center, and regardless of the zoning designation, would create significant traffic and institutional use, exceeding their road's capacity. This went against the character of their community. With that, he would turn it over to the rest of their community members. He requested the Board to vote based on what they actually saw in the application today. What the Planning Commission actually discussed was not the main point, but rather that this was a safety concern for them and for students who may be on their road.

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Mr. Michelin Hall, Samuel Miller District, said that he would like to address a critical misconception, which was that the conservation easement protected the site. However, as noted earlier, there was no conservation easement in place, and more importantly, there was no documented progress toward securing one. He said that the County should not condition approval of this proposal on the promise of a future easement, as it does not exist. Instead, a vague conceptual easement has been offered, which would only cover areas already protected by existing mountain protection areas, critical slope and riparian buffer regulations. He said that in contrast, the proposal included significant human activity, such as construction, parking, increased water use, light pollution, and extremely heavy vehicular traffic.

Mr. Hall said that these factors will inevitably have a negative environmental impact on both the parcel itself and their surrounding rural area. He asked the Board, if the people who lived here and the County staff were united in opposition, what signal does the County send by ignoring them? He said that VDOT and staff concerns remain critical. He said that this proposal will greatly increase daily traffic on a road already known for safety issues. It was essential to judge this proposal based on the facts, not the label "Forest School." While it may sound low-impact, the actual application shows a much larger, more intensive use than the name suggested. He urged them to consider the facts, not the label.

Mr. Hall said that tonight, he urged the Board to deny the special use permit as it fundamentally conflicted with the goals of the Rural Area Land Use Plan and violated zoning precedent. However, if the Board was not prepared to deny the permit tonight, he strongly recommended a postponement until key requirements are fulfilled, including a full, finalized, completed VDOT traffic analysis and site distance review, a road infrastructure plan with concrete funding commitments from CBI, the County, and VDOT, and a signed, legally binding conservation easement. Approval without these requirements was not responsible governance. If the permit was approved, it must be subject to strict conditions, including an enrollment limit of 50 children maximum and the elimination of any multi-purpose religious assembly building. In short, this proposal was premature, oversized, and out of step with their rural neighborhood.

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Ms. Melissa Cohen, Scottsville District, said that she was excited and honored to be speaking with the Board today about CBI Forest School. As a resident of the Scottsville District for 18 years and a current resident of the Foxcroft community, she was excited to share her perspective. She said that as the board president of CBI, she had worked tirelessly to bring this vision to life. She said that in her role at a local nonprofit for kids and families, she had seen firsthand the impact that quality child care can have on a community. She said that as the mother of a student at Monticello High School, as well as a recent graduate of the CBI Forest School, she could attest to the incredible aspects of the school that the Board had likely heard or would hear about today.

Ms. Cohen said that the CBI Forest School was a wonderful gift to their community, providing kids with the opportunity to be in nature while receiving small classroom sizes tailored to each child's unique needs. She said that the school had strongly supported her son and their family, and she was grateful to be part of this community. In her professional experience, she saw the real effects of a child care crisis. She said that there was a significant lack of high-quality child care in their community. She said that starting and maintaining a center was extremely expensive and difficult. She said that rent was so expensive, partly because only 5% of land in Albemarle County was zoned by-right for child care centers.

Ms. Cohen said that in the remaining 95%, a special use permit was required, which added additional time and cost to an already complex process. She said that staffing was also extremely challenging, and the early childhood system lacked resources. She said that there were only 26 preschools and 28 child care centers in Albemarle County, which was not enough to serve their growing population. She strongly believed that the CBI Forest School Project represented a vital investment in their community's future and addressed a clear and growing need for high-quality, accessible educational spaces for their children. She said that as their population grew, the problem would only worsen if they did not prioritize approving early child care projects. She said that many families did not want a long commute for child care.

Ms. Cohen said that the child care community and economic development sectors shared

common goals, specifically working to create and sustain healthy, thriving communities. She said that the approval of this project would contribute to Albemarle's economic development, improve access to high-quality child care and education, and create a school that was nurturing, loving, and supportive of future generations. She urged the Board to consider all these aspects when making their decision today.

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Rabbi Tom Gutherz, Jack Jouett District, said that he served as the senior rabbi for the Congregation Beth Israel, the only synagogue in the Charlottesville area and the longest continually operating synagogue in Virginia. He said that their Jewish community had been part of this region even before the synagogue was built in 1881. He thanked the Board of Supervisors, County staff, and everyone present tonight for their service and thoughtful attention of their application, which the Planning Commission had recommended for approval. He said that he appreciated the effort they had put into reading the many heartfelt letters they had received and taking them into consideration.

Rabbi Gutherz said that the Board would hear from a few of their community members tonight, but many more were present to support this project. He said that if each of them could speak, they would hear about children who flourished in an outdoor setting, becoming more confident, curious, and resilient. He said that they would hear about families who felt supported and welcomed, and Jewish families who relied on this school to sustain Jewish life in central Virginia, as it was the only Jewish school in the region. He said that they would hear about a low-impact conservation-focused project on 155 acres, featuring a planned conservation easement, reforestation already underway, and students who learned not just to learn in nature but to care for it.

Rabbi Gutherz said that they would also hear about a community that had shown a willingness to listen and adapt, offering traffic solutions and being deeply committed to being responsible neighbors. He said that they had also hosted two meet and greet events for their Dudley Mountain neighbors, which, although modest in turnout, had led to meaningful conversations and connections. He said that opinions were more varied than they may appear on the surface. He said that this was not just a permit application; it was a once-in-a-generation opportunity to build on donated land that was given for the good of children, the environment, and the community.

Rabbi Gutherz said that it was a chance to build a school that benefited not only their own community but also Albemarle County as a whole. He said that they asked the Board to see the full picture. What was at stake was not only a school but a unique and precious model of learning and a commitment to stewardship and community that benefited Albemarle County far beyond their own walls.

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Mr. Richard Fox, Jack Jouett District, said that he was a lifelong County resident and proud parent of three young boys. He said that as a firm believer in religious freedom and a strong proponent of alternative education, he was here tonight to speak in favor of approving the special use permit for the Congregation Beth Israel Forest School. He said that the rural area was the ideal location for an outdoor school, and CBI planned to place 130 plus acres in a conservation easement, addressing a significant void in outdoor education opportunities in the area.

Mr. Fox said that his family, which owned and operated Roslyn Farm and Vineyard, as well as a 300 plus head Angus cattle operation, saw firsthand the benefits of outdoor experience, making it a fun and enjoyable learning opportunity for students. He said that the proposed location was excellent, with its proximity to Walnut Creek Park and the soon-to-be-developed Biscuit Run Park. He said that although there were already schools in the area, the County must ensure that the roads met the necessary standards for rural roads, which may require collaboration with VDOT to bring them into compliance. He said that for the safety of all county residents, no county roads should be out of compliance.

Mr. Fox said that to mitigate traffic concerns, CBI planned to stagger drop-off and pick-up times. He said that the Planning Commission had recommended the approval of the special use permit. He said that the school not only provided the benefits of outdoor learning but also the benefits of a religious-based curriculum, specifically for the Jewish community. He said that as a product of a religious-based curriculum himself, he graduated from the Covenant School in 2008, where carpooling and siblings in one vehicle significantly reduced daily vehicular trips.

Mr. Fox urged the Board to consider the overarching positives of the CBI Forest School in their decision-making process and support the special use permit. He said that it would be a travesty for the area to lose out on this great alternative learning experience and for the local Jewish community to feel as if they had no options in the education of their children. He thanked the Board again, and he wished Ms. McKeel the best of luck in her future endeavors.

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Mr. Andrew Mondschein stated that he wanted to speak in support of the special use permit. He said that he was a member of Congregation Beth Israel and his youngest child attended CBI Forest School for four years while it was located at Camp Holiday Trails. He was also a transportation planner certified by the American Institute of Certified Planners and an Associate Professor of Urban and Environmental Planning at the University. He was speaking as a member of the CBI community, but his perspective was shaped by his experience as a transportation planner and educator. He deeply respected the expertise and attention that the County's planners had given to this application, and he believed that the safety and well-being of all users of the road was of paramount importance.

Mr. Mondschein said that he would like to suggest that the approach to traffic counts and crash

data may obscure the picture. He said that the crash data, as they had already heard, highlighted the issue of nighttime, snow and ice, and DUI-related crashes, which significantly differed from the typical morning rush-hour traffic. This distinction was crucial in understanding the nature of the problem. Parents driving to school, in particular, were not likely to be involved in these types of incidents. The increase in traffic would be concentrated at specific times of day, and these drivers were not typically associated with reckless behavior. What mattered most on a road like Dudley Mountain was that drivers were alert and mindful of their surroundings.

Mr. Mondschein said that this was a driver behavior issue, not a traffic volume issue. Research on traffic and safety showed that concentrating traffic at specific times of day could lead to slowing down drivers, which could be more effective in reducing risks than simply posting speed limits. Establishing clear practices for how the road would be used could also reduce potential conflicts. Furthermore, low-cost interventions, such as those already proposed, could keep the road safe while maintaining the character of Dudley Mountain Road. He believed that the Forest School had presented the County with well-considered options for addressing traffic on Dudley Mountain Road, which would have demonstrable benefits for safety and allow the school to support its community and the County.

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Mr. Manuel Lerdau stated that he would like to follow up on his recent email, which included a longer version of his comments. He said that he was here tonight to share his professional assessment as an ecologist and environmental scientist, currently employed by the University of Virginia, on the environmental impact of converting the Dudley Mountain property into a religious school. He said that he spoke tonight as a local citizen with extensive professional experience, he was speaking tonight to provide his evaluation of the special use permit proposal.

Mr. Lerdau said that Ms. Abbey-Clark asked him to evaluate this proposal because of his extensive experience working in mid-Atlantic and Virginia forests, spanning over 30 years. He had previously served on the Albemarle County Natural Heritage Committee, the Charlottesville Tree Commission, and helped found the Blue Ridge PRISM. He said that the Board may recall his previous evaluation of opening up the Ragged Mountain Natural Area to allow mountain bikes, where he recommended against it due to ecological concerns. In summary, his comments on the ecological and environmental aspects of this proposal align with those of the Planning staff. This proposal will have a largely positive impact on Albemarle County, and his thoughts can be summarized in four key points.

Mr. Lerdau said that firstly, by placing the buildings in the already heavily impacted Area B, the marginal effect will be minimal. Areas A and C, the large mountainous area and the riparian area to the south, would be protected, which was essential. Secondly, the plans to control invasive species in Area B would be highly beneficial. Thirdly, he believed a formal deer management proposal would be beneficial, as deer posed a significant threat to ecosystem integrity. Finally, he would like to thank the Board of Supervisors for this opportunity and for taking the time to hear their perspectives.

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Mr. Ethan Baker stated that he was nine years old. He said that he graduated from CBI Forest School at the end of the last school year. He said that he was here today because he cared deeply about his school, and he wanted to share with them why it was so special to him. He said that he hoped the Board would consider allowing their school to move to the new land that was donated to them. At his school, they spent most of their time learning outside. He said that they studied trees, plants, animals, and how to care for nature and their friends.

Mr. Baker said that they also learned Jewish stories and traditions, and they celebrated their holidays together. He said that he found it to be a fun and meaningful experience that made him feel connected to his friends and the earth. They built things like forts and fairy houses, searched for animal tracks, and listened to the birds. He said that through these experiences, he had learned valuable skills like working together with others and being kind. He said that he was excited to take the knowledge and skills he had gained with him to public school this year. The new land would provide them with a safe and spacious environment to learn and play.

Mr. Baker said that currently, they often had to share space with others, and having their own place would enable them to care for the land and learn in the forest the way they loved to. He kindly asked that the Board help their school find a home where children could continue to grow and learn. He thanked the Board for listening to his thoughts today.

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**Recess.** The Board adjourned its meeting at 8:35 p.m. and reconvened at 8:45 p.m.

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**Agenda Item No. 19. Public Hearing: SP202400023 and SE202400027 Congregation Beth Israel (CBI) Forest School – Dudley, continued.**

Ms. McKeel asked if any additional members of the public wished to address this item.

Ms. Rebecca Pilipowskyj, Rivanna District, said that she was speaking in support of the CBI Forest School project. She said that she spoke on behalf of her community, her students, both past and present. She said that she also spoke on behalf of her former youth group students and the congregation behind her. She said that she intended to discuss the road, but she would instead focus on community and the curriculum that they were fortunate to have. She said that the people behind her have been a part

of her life for the past 10 years, and they had rallied around her in times of need, success, and when she needed support. She said that they were a community that shows up strong, not just for each other, but for the community at large.

Ms. Pilipowskyj said that as a Jewish community, they were not strangers to hardship, and they welcomed others with open arms. She said that when she reflected on her experience at the Forest School, she was reminded of students who began as 18-month-olds at the CBI location on the synagogue and later joined them in third or fourth grade. She said that regardless of when they joined them, they had welcomed them with open hearts, and it did not matter if they identified as Jewish or not, they were part of their community. She said that she was aware that Ms. Abbey-Clark and the other members of the board and their administration had reached out to the Dudley Mountain community and would continue to work with them, should this project be approved, to ensure that everyone felt mutually benefited.

Ms. Pilipowskyj said that she would also like to discuss the curriculum and its benefits for their students. She said that she had had the privilege of teaching the oak class, which consisted of third and fourth-grade students. She said that these students left their community ready to succeed in public, private, and wherever else their lives led them. She said that she felt incredibly fortunate to provide them with a curriculum that was both forest-based and prepared them to excel in their future endeavors.

Ms. Pilipowskyj said that they were critical thinkers, compassionate, kind, and possessed the skills needed to bring about a brighter future. She said that she was grateful to have her daughter here tonight, and she also had her son at home, who had been part of this community for the past three years and would be starting pre-K this year. She was confident that these children and their families had this community to support them as they moved forward.

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Mr. Aaron Lefkowitz stated that he was here tonight to express his strong support for CBI Forest School. He said that he had been a part of the CBI community as a wild and mischievous three-year-old in their preschool program. He said that despite testing the patience of every teacher, the people at CBI always had a smile waiting for him each morning. He said that as he grew up in this community, he progressed through the religious school program and eventually became a madrichim, a high schooler who assisted the teachers. He said that he also spent every summer attending and eventually working at Camp CBI, now known as CBI Forest School.

Mr. Lefkowitz said that after he aged out of attending as a camper, he began as a counselor-in-training for the preschool, became a counselor, and now serves as a mentor and teacher. He said that CBI Forest School had truly become his second home. He said that to be part of a community that helped raise him was something he would never take for granted. He said that this was a place that showed him compassion when he needed it, taught him the importance of showing up for others, and demonstrated the value of community. He said that he had witnessed this community come together countless times, no matter the circumstance.

Mr. Lefkowitz said that CBI Forest School was a unique and special community that families were willing to travel from great distances to be a part of. He said that he was speaking tonight because he knew firsthand what CBI Forest School could do for children, families, teachers, and their community as a whole. For him, tonight's decision was not just about land use; it was about creating space to nurture the next generation of compassionate, curious, and connected kids in a supportive and inclusive environment. He said that thank you for considering the impact of this decision on CBI Forest School and the future of their children.

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Ms. Leah Baker, White Hall District, stated that as a teacher and a parent of students at CBI Forest School, she had the rare privilege of seeing the school from every angle, guiding the school's tiniest learners as their teacher and watching her own children flourish there as they grew through the grades. She said that one of her sons, a CBI Forest School graduate two years ago, was now preparing to enter sixth grade at Henley Middle School, and her younger son, a most recent CBI Forest School graduate, was planning to begin school this year at Crozet Elementary. She said that both of her sons had ADHD, and both were thriving anyway.

Ms. Baker said that she believed that Forest School learning supported all kinds of brains, and it was a unique method of education that was not widely available. She said that they had been fortunate to experience this school together as a family, and their desire was for others to have the chance to do the same. She said that research had shown that outdoor education improved focus, reduced stress, and significantly boosted academic outcomes, especially for young children, and especially in today's world where technology and a desk-based approach were often prioritized. She said that beyond the research, she saw evidence every day in the joy and laughter of their students, as well as the way they looked each other in the eye when speaking.

Ms. Baker said that these Forest School students were deep thinkers, resilient, confident, and genuinely cared about others and the Earth. She said that their school was a huge success academically, as their students thrived both in their school and when they transitioned out of it. She said that they had had the opportunity to grow within a community of people who loved and supported them at every step of the way and would be there for them even after they outgrew their classes.

Ms. Baker said that this was what CBI Forest School was about, and that was what made the experience so special. She said that they had all heard the phrase that it takes a village to raise children.

She said that it was true, and this beautiful group of people was their village. She said that they wanted to be able to share that village with others, too. She said that their established school was at a crossroads now, facing the demolition of their current space and would need a new location. She said that without the Board's approval, all these families, the Jewish community, and their town would lose this very special place. She said that this is why she was asking the Board to please approve the special use permit for CBI Forest School today.

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Ms. Kerri Heilman, White Hall District, said that she was a lifelong resident of Albemarle County. She said that she was a pediatric occupational therapist with a private practice here in Charlottesville, and she had experience supporting the children and families across this community for over two decades. She said that she was here today to express her strong support for the CBI Forest School, not just in theory, but because she had personally witnessed its life-changing effect on many families. She said that over 60% of the families and children she treated attend private schools in this area, highlighting the need for more schools that offered alternative types of education.

Ms. Heilman said that she has worked with students who, in traditional settings, struggled with anxiety, regulation, connection, and confidence. However, at the Forest School, they began to thrive, being empowered to grow in ways that were impossible before. She said that she had seen hopeless families find hope again through the Forest School. She said that over the past two and a half years, she had collaborated with a non-profit local organization to establish a school that supported neurodiverse children. They were passionate about creating a space where children could learn and develop in a nature-rich and therapeutic environment.

Ms. Heilman said that however, despite their efforts, they encountered numerous barriers, including zoning, funding, and licensing, and it became clear just how challenging it was to make something like this happen. That was why she believed it was crucial that they protected and supported schools like the Forest School, which were already thriving and providing a place where students with unique needs could truly belong and succeed. She said that now, they just needed a permanent location to continue thriving and growing. She urged the Board not to let this vital resource slip through their fingers. The CBI Forest School was not just a school; it was a lifeline in a community for so many families. She said that it deserved the County's full support.

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Ms. Ruth Ellen Outlaw, Samuel Miller District, stated that she was born and raised in Albemarle County, and she and her husband had owned property on Old Lynchburg Road since 1988, and most recently purchased a piece of land on Sweet Hollow Lane off of Dudley Mountain Road. She had been opposed to the Forest School Project primarily due to safety and traffic concerns. She said that the photos presented by the other neighbors were a great representation of the situation in front of her house every day. She said she was dismayed that the school did little community outreach until recently, despite the proliferation of the yellow no-school signs on many properties.

Ms. Outlaw said that however, her thinking had evolved. The original concerns remained, but she now supported the Forest School being built on the Dudley Mountain Road site. As she had learned more about the school, she had come to realize that its purpose was vital. Immersing the next generation in a natural learning environment to grow respect and understanding of the natural world was crucial, especially now. With the donation of this property, they had a rare and unique opportunity to help this school make a profound difference in their community. She asked how could a forest school not be in a rural area.

Ms. Outlaw stated that she believed that the school would maintain, albeit indirectly and over the long term, what herself and her neighbors valued about living here and what had been a primary concern about the project - the preservation of their natural rural environment. She said they liked quiet, mountains, green spaces, wildlife, private wells, and not needing curtains on their windows. The school had put in significant work to come up with an environmentally sensitive project. She would like to better understand some details, such as the school's entrance off Dudley Mountain Road. It seemed worth it to carve out a relatively small area that, once the red dirt sprouted green again, would have a profound impact on teaching children to protect and preserve nature.

Ms. Outlaw stated that the traffic data provided during these hearings may be optimistic or pessimistic, and they would not really know the impact until the school was operational. She said that she noticed that the crash data slide did not include the area north of the intersection of Dudley Mountain and Old Lynchburg Road, but that was the section of the majority of traffic that would be traveling to the school, so it seemed important to take a closer look at it. She did not believe that the parents driving their children to school were the main problem. The specific hazards of the increased traffic on the roads had been described at length by others.

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Mr. Mark Andrews, Samuel Miller District, stated that he and his wife had lived in their home on Dudley Mountain Road for 40 years. He said that during the Planning Commission meeting, many people had expressed concerns and reservations about the safety of travel on Dudley Mountain Road and the adjacent Old Lynchburg Road. He said that the situation was only going to worsen. He urged the Board to seriously consider the impacts of placing a school on a road where people knew it was dangerous. He said that the 2018 statistics were outdated, and new development at Southwood and Biscuit Run would only increase traffic volume on the road.

Mr. Andrews said that this issue was not limited to Route 20; there were proposed entrances off Old Lynchburg Road, including those for the Biscuit Run project. He said that the increased number of trucks, cyclists, and wildlife would only exacerbate the problem. He said that he had personally witnessed 15 deer crossing the road every morning. He said that with the rise in traffic, it was inevitable that something would happen. He said that most of the people who had expressed concerns about the traffic safety of the road had personally had near misses with other cars, and many of the supporters of the school had the same concerns, so it should be clear that road safety was one of the biggest concerns that he hoped the Board would take into consideration when making their final decision.

Mr. Andrews said that they still did not have a complete understanding of the Southwood development and the Biscuit Run proposals, which would further increase traffic volume. He said that he wanted to bring to the Board's attention a specific issue with the proposed entrance to Dudley Mountain Road off Old Lynchburg Road. He said that when drivers approached the blind bend, they tended to increase their speed, taking off from the straightaway and potentially losing control as they approached the turn.

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Mr. William Walsh said that he was not a member of Congregation Beth Israel, did not have any children who attended the school, did not live on Dudley Mountain Road, nor did he own any property on Dudley Mountain Road. He said that he had reviewed the Board of Supervisors meeting agenda and noticed an opportunity to discuss a school. He said that he had examined the County budget, and it appeared that schools were a priority for the County, given the emphasis placed on them. He said that he had lived in this area for a long time, born and raised here. He said that he recalled from his youth that there was not much traffic on any roads in the County, and even ten years ago there was significantly less traffic than there was today.

Mr. Walsh said that since then, they had experienced a steady increase in traffic, and he had witnessed firsthand the challenges it posed, particularly on their local roads with narrow lanes and varying widths. He said that he had lived on dirt roads and gravel roads, and he had navigated the complexities of sharing the road with school buses, bicyclists, and other vehicles. He said that he had seen the frustration that came with being delayed or having to adjust his plans due to traffic congestion.

Mr. Walsh said that he respected the challenges they faced, but as they looked to the future, he firmly believed that a school was one of the most beneficial types of development they could have. He said that it was a decision that required careful consideration, and he encouraged the Board to thoroughly evaluate this proposal and give it their approval.

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Ms. Amanda Sebring said that she was speaking in strong support of granting a special use permit to CBI for a school. She said that this school was more than just a place of learning; it was an inclusive community that welcomed all families, regardless of background, faith, or story. As a Christian and a parent of two at CBI's preschool for the past three years, she had seen firsthand the community's values of kindness, love, and peace. She said that these values transcended religious beliefs and were something they hoped their children would carry forward into the world. Through songs, stories, and food traditions, their lives had been enriched by their Jewish affiliation.

Ms. Sebring stated that every event invitation or newsletter notification from CBI, one would see the words "all are welcome." She said that these three words were not just a phrase or tagline; they were how her family felt in this community every single day. During their first week at CBI in 2022, they had attended an outdoor, kid-friendly Shabbat, their first experience with the holiday. She said that they didn't know the songs or blessings, but they were not alone, and they were greeted with warmth and kindness, along with delicious challah. CBI fostered connection throughout the year, intentionally and across lines of differences, through hikes, camping trips, potlucks, and celebrations. Some of their closest and dearest friendships had risen from the relationships they had built there.

Ms. Sebring stated that CBI did not teach children what to think; it taught them how to think with curiosity and creativity. Their kids were learning how to explore and engage with the world, care for the earth, and care for each other. What had started as a solution for childcare while her husband and she worked had turned into something far more meaningful. She said that nothing about this community felt transactional; it felt like their family. Tonight, the Board had the opportunity to say yes, not just to a school, but to this model of education that embraced diversity, fostered belonging, and helped raise the next generation of thoughtful, caring citizens of Albemarle County in Charlottesville.

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Ms. Phyllis White, Scottsville District, stated that as a Jewish educator for 35 years, she had a substantial background in volunteer environmental and nature education. She also had served on the Rivanna Conservation Society Board for five years and was a Stream Watch monitor. She led various groups, including those at Ivy Creek, youth groups, and school groups. She was well-versed in nature deficit disorder; she highly recommended reading about it. Recently, she drove Dudley Mountain Road back and forth, end to end, and found it relatively quiet. However, she did notice that the road could use improvements. She said Dudley Mountain Road had few blind curves, whereas in contrast, Presidents Road had hundreds more people living on it and many more blind curves.

Ms. White noted that Old Ballard Road had hundreds of residents who had to use a one-lane bridge over a creek where there had been multiple fatalities. She said that she had already volunteered to join a committee to support improving this road. She had had positive interactions with VDOT staff, who

had helped repair her road after it had been washed out. They had also provided regular maintenance, including tar work and side trimming. She believed that if they could make improvements on Presidents Road, they could achieve similar results on Dudley Mountain Road.

Ms. White said that they should focus on the positive and explore all possible solutions, such as lowering the speed limit, restricting through trucks, and improving road safety. She would like to see a school built on this road, which would be a great asset to their community. She said that a school was a much better development for this area compared to a winery or brewery, which may cause people to drive drunk along this hazardous road. She noted that she had learned to slow down while driving through the countryside, and she appreciated the opportunity to appreciate the beautiful countryside. She said that they should work together to make this a success and create a positive impact in their community.

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Mr. Bruce Hlavin, Samuel Miller District, stated that he lived on Dudley Mountain Road and that he would like to comment on his observations of the comments made tonight. He said that one of the key factors that would likely determine the outcome of this proposal was traffic. He said that he appreciated the effort put into creating a beautiful picture of the applicant's vision. He agreed that they all wanted thriving, nurtured, smiling children. He said that as a parent who raised a couple of children in the County, he wanted more of that. He said that he did not envy the decision that would have to be made by the Board tonight.

Mr. Hlavin noted that the estimated increase in traffic did not account for the additional traffic generated by the special use religious services building. He said that this could lead to inflated numbers and he thought it was worth investigating further considering the building could potentially operate as often as seven days per week. He said that he had also noticed that the applicant's promises seemed overly optimistic, particularly regarding an easement with limited meaning and no verification. He said that the idea of carpooling may help reduce traffic numbers, but cyclists had not been adequately considered.

Mr. Hlavin said that he understood the powerful mission behind this educational model, and he supported it. However, he believed this was the wrong location due to the reasons everyone was aware of. He said that the roads could not support it, and there would be serious consequences to the decision made by the Board. He said that even with the land being gifted by a wealthy landowner, with perhaps a tendent conflict of interest, he did not think this was the right place for the school.

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Ms. Jennifer Richardson said that she was a parent of one CBI Forest School alum and one current preschool student. She wanted to speak today to share the profound impact CBI Forest School had on her two children. She said that her oldest child began preschool at CBI when it was located at Camp Holiday Trails in 2022 off Reservoir Road. They had a poor experience at another Charlottesville area preschool and were apprehensive about starting somewhere new. She was also concerned about the forest portion of the school, wondering if it might be too much for her four-year-old preschooler.

Ms. Richardson said that she was not prepared for was how this school would change their entire lives. She said that they were instantly treated like family. Her child spent the majority of his day playing under the canopy of changing leaves and did his academic work outdoors on picnic tables; it was idyllic. Over the course of a year, her four-year-old child went from complaining about hiking even a half a mile to happily and enthusiastically hiking four miles by the end of the year. He was now better at identifying poison ivy than she was, and he could recognize what type of trees different leaves came from. The two years at CBI had truly instilled a desire in him to be a good steward of the earth.

Ms. Richardson said that the overarching theme of Forest School was a Hebrew concept called tikkun olam, which meant to repair the world. She said that being based in nature had caused these children to learn how to do this. One year, her child won an award for being a litter pick-up superhero, which he took great pride in. He learned to look but not touch foliage, animals, and how to practice safety if a snake or bear were to appear. In addition, Reservoir Road was extremely narrow and windy, as they had found out very quickly. They had to take extra care and caution using the route to ensure the safety of their children, while also being good stewards of the land.

Ms. Richardson said that while they understood the limitations of a rural road such as Dudley Mountain Road, and they knew VDOT was not currently planning to improve the road, VDOT did have a point system for priority improvement lists. The presence of a school on the road gave it more points than the lack thereof. Therefore, the most likely way Dudley Mountain Road would be improved by VDOT was to put a school on it. As the only Jewish school in the County and the only Jewish Forest School in the County, preserving the natural integrity of the forest educational model was paramount. She urged the Board to consider this.

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Mr. Jeffrey Donowitz, White Hall District, said that he was an associate professor of pediatrics at UVA and an NIH-funded researcher with a program on childhood growth and development. He said that he would like to start by thanking each of the Supervisors for their elected service. He said that he was taught that elected service at any level is one of the most difficult and important tasks in American society. He appreciated all their efforts to make this community better, especially Ms. Mallek, who represented him.

Mr. Donowitz said that Mr. Pruitt had asked about the kids outside and whether it would be safe during hot temperatures. He said that he would like to share a personal experience. He recently dropped

off his three-year-old and five-year-old in the freezing rain, wearing minus 20 rain boots that were fully waterproof. They did not complain and loved spending time outside regardless of the weather conditions. These children understood nature, and the data supported this. From a scientific perspective, studies had shown that time outside had a significant impact on children's health and development. For example, a Canadian study found that for every two-hour block outside, a child's adverse neurodevelopmental outcomes decreased by 20%. This was consistent with a vast literature on the benefits of time outside, including improved BMI, health, peer relationships, and adversity management skills.

Mr. Donowitz said that the Forest School program was an example of this type of initiative. He understood there were concerns about the road. However, when evaluating the data, he looked beyond the abstract. The 14 crashes in five years, with only one not related to night, snow, or drinking, was an important factor to consider. With respect to County staff's recommendations, the data did not show a significant risk due to school traffic. He believed they had heard many perspectives on this issue. As a community, they were a tight-knit group, and they all voted. He emphasized that this was a very important issue to their community.

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Mr. Dan Grigas, Samuel Miller District, stated that he resided on Dudley Mountain Road with his wife. As a licensed physician in Virginia, he was board certified in both internal medicine and clinical care medicine. He said that he would like to comment tonight on the public health impacts of the proposed project. He said that while the idea of children playing in the forest may seem idyllic, it was not the case. In the past year, the Virginia Department of Health has issued alerts to physicians about the significant increase in tick-borne diseases and emergency room visits for tick bites in Virginia and the mid-Atlantic. Children are at increased risk.

Mr. Grigas said that tick-borne diseases, such as Rocky Mountain spotted fever, Lyme disease, alpha-gal syndrome, and others, could lead to chronic debilitating conditions. For example, this week, Justin Timberlake announced that he would no longer perform due to complications from Lyme disease. As a physician, he was concerned about the location of this facility. He said that it was not suitable for a school, and it should not be approved. Additionally, motor vehicle accidents were the leading cause of death and disability in preteen children. Dudley Mountain Road, as they were aware, fell below DOT standards.

Mr. Grigas stated that furthermore, this did not account for the increase in weekend and after-hours trips. If Dudley Mountain Road was not brought up to DOT standards, a preventable tragedy would occur, one that would affect the children, their families, his family, friends, and neighbors on Dudley Mountain Road, as well as the many bicyclists who use Dudley Mountain Road for exercise and relaxation.

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Ms. Rebecca Cobbs stated that she was a parent and had been a part of the CBI Forest School community for about a year now. During that time, she had the opportunity to get to know some of the administrators, teachers, and families that make up this welcoming, kind, and thoughtful community. She had also learned about the values that underpin this school, which, although abstract, were deeply rooted. Over the past year, she had been following the Dudley Mountain Road project closely, as it was a very important project not just for her family, but for both the City and the County, given the extreme shortage of high-quality, full-day childcare in the area.

Ms. Cobbs said that she had the chance to attend the Planning Commission meeting in person and also attended the two meet-and-greets with the neighbors earlier this summer. These events had given her the opportunity to listen closely to the thoughts, concerns, and wishes of the neighbors. Based on these experiences, it was clear that everyone wanted to be seen and heard by each other. The neighbors wanted the school and the County to know that they were concerned about speeding on this already narrow road, which had blind turns and was often used by cyclists and pedestrians. They wanted the school to know that many of them lived in this area precisely because of the beautiful landscape and the feeling of seclusion.

Ms. Cobbs said that they were worried about their wells, traffic patterns, and future development along the road and in the area. The school, in turn, wanted the neighbors and the County to know that this was a once-in-a-generation opportunity to permanently capture this unique school. If this permit was not granted, this opportunity would likely be lost, not just for their children, but for the hundreds of children to follow. While almost everyone seemed supportive of the project in theory, the opponents simply did not want the school in this location. However, there was no alternate parcel that met the area's Jewish community needs, was ecologically diverse, and was situated on a perfect road.

Ms. Cobbs said that this project was only possible due to the generous donation made by the owner of this particular tract of land. There was no alternate site. This project was the best hope for them and the County to secure the future of this school, which would benefit not just the hundreds of people who supported this project today, but for all those who would utilize the school in the future. She wanted the neighbors to know that she both heard and understood their concerns; she shared some of them. She said that they wanted to be good neighbors and they also cared about the safety of the road and the ecology of the land. They were eager to collaborate to solve any obstacles that they faced together. She requested the Board to approve the request for a special use permit.

County for the past 48 years. He had witnessed many changes in the County. He said that he would like to compliment the Dudley Mountain Road residents for their presentation. In fact, if he did not know better, it appeared that they had borrowed ideas from the residents along Rio Road, where he lived, who had attempted a similar rezoning process several years ago. He noted that the two-lane portion of Rio Road was curvy, narrow, and prone to heavy traffic. Over the past 10 years, more than 1,000 apartments had been approved by the County, despite concerns about traffic and accidents.

Mr. Schlussel said that when they presented their plans to the Board of Supervisors and the Planning Commission, traffic was not a major concern, as the County had prioritized approving more apartments. He believed the Board of Supervisors should be consistent in that if they approved entrances and exits and a tremendous increase in traffic along a two-lane road in the urban ring, they certainly could approve a minimal amount of traffic along Dudley Mountain Road.

Mr. Schlussel said that as someone who had frequently driven on Dudley Mountain Road, he could attest that it had always been congested, even during the holiday season when it was crowded with people harvesting Christmas trees from local pine tree farms. He could confidently say that traffic had been a persistent issue on this road. Therefore, he strongly believed that traffic was a concern that warranted attention; he thought they could make a significant improvement by working closely with VDOT to enhance the road. He stated that he wholeheartedly supported the CBI special use permit.

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Ms. McKeel asked if the applicant would like to respond to any of the public comments.

Ms. Abbey-Clark said that she would clarify a few points. She explained that the conservation easement was part of their lease agreement, and the lease did not take effect until they obtained a special use permit. She said that once they had that permit, they could then implement a conservation easement over the master plan. She said that this was a layered process, and this was why they could not move forward with it at this juncture. She said that they had heard a lot of valid concerns, and she wanted to assure them that they were committed to building a school that they believed in. She said that as a community, they cared deeply about this land and this community.

Ms. Abbey-Clark said that they recognized that these were rural roads, but their County was growing, and they needed to meet that growth with care and intention. She said that they had listened to the neighbors' concerns about safety, protecting the land, and the process, and they shared those concerns with them. She said that she wanted to assure the neighbors of Dudley Mountain that they did care about the impact of their proposal on the community. She said that they were proposing practical solutions, such as slowing down traffic, extending drop-off times, marking blind driveways, and widening their portion of the road. She said that their footprint would be minimal, and they would protect the land.

Ms. Abbey-Clark said that they were committed to working with the neighbors to make things better for everyone. She said that tonight, she invited them to stand with them and protect their rural lands, using them wisely. She said that they should invest in children and their futures. She said that they should be a community that makes space for Jewish community, for nature, and for learning. She thanked the Board for their time tonight and for their commitment to Albemarle County's future.

Mr. Gallaway asked if staff could provide some more information about the potential by-right development that could occur on this property.

Mr. Shoaf explained that the property was zoned Rural Areas. He would like to remind everyone that the Religious Land Use and Institutionalized Persons Act and the Right to Farm Act, both State laws, prohibited the state and County from regulating certain religious uses and agricultural activities. As a result, the County could not regulate many of these activities. However, in Rural Areas, they allowed certain by-right uses, including agricultural, forestry, and fishery activities, detached single-family dwellings, and religious assembly uses with a capacity of 200 persons or less.

Mr. Shoaf said that if the building referenced tonight had a capacity of 200 persons or less, it would be allowed by-right. The special use permit before the Board was for a private school use. Other by-right uses in rural areas included farm breweries, farm distilleries, and farm wineries, which were subject to additional supplemental regulations. Their ordinance also listed approximately 30 other uses that were allowed by-right in Rural Areas.

Mr. Gallaway asked how many single-family detached homes could be built on the property by right.

Mr. Shoaf said that this property had theoretically four development rights. He said that there were multiple ways in which the property could be subdivided and developed, so a specific proposal would need to be analyzed in order to provide a definitive answer.

Mr. Gallaway asked if it was correct that there were four potential development rights.

Mr. Shoaf confirmed that was correct.

Mr. Gallaway said that he understood the land was donated to the school. He said that there had been some statements that suggested there was no other option for this school. He asked if the school would not try to find another location for the Forest School if this special use permit were denied.

Ms. Abbey-Clark said that they had been searching for a location for the past two years. She said that they had attempted to rent a space in Ivy, but the costs associated with converting the space into a school were prohibitively expensive. She said that consequently, the likelihood of securing another donation of this magnitude was relatively low.

Mr. Gallaway asked if they would try to fundraise or purchase their own property if another piece of land was not donated to them.

Ms. Abbey-Clark said that it was possible. She said that currently, they were renting space to buy time, and it was very difficult in Albemarle and Charlottesville to find a building that could house a school.

Mr. Gallaway said that they had other school applications in front of them, including nature schools like this one. He said that he had a piece where there were modified drop-off times, and Ms. Abbey-Clark had mentioned 20-minute increments in his presentation. It appeared that traffic was a significant issue for this particular item. He said that regarding the internal significance of people needing to adhere to those slots, he was wondering what their approach or consequence would be for those who did not adhere to the established schedule.

Mr. Gallaway said that the County could not necessarily condition that piece; the school would need to take on that responsibility internally. He asked what the consequence would be for those who did not adhere to their slots.

Ms. Abbey-Clark said that she believed people would follow rules, so if they stipulated the rule for a certain time slot, people would follow it as long as there was good communication. She acknowledged that people would try to break any rule, but this was about school, trust, and how they operated. She felt that their school was small enough that they had personal relationships and trust and interdependence was essential for their success in the community.

Ms. LaPisto-Kirtley asked if the applicant could still build a by-right religious assembly building for up to 200 people even if they did not build the school.

Ms. Abbey-Clark said that theoretically, they could build a synagogue tomorrow. However, their primary focus was the school on this property. She said that they had envisioned a synagogue and community building, but that was a long-term goal. She said that what they were currently fundraising for was the school.

Ms. LaPisto-Kirtley said that her point was that the by-right use would be a large building located near the road, which could hold up to 200 people. She said that she was not suggesting that this was what the applicant was proposing; her point was that a by-right use of similar or greater impact to the surrounding community was a possibility for this piece of property. She said that the proposed school would likely be less impactful than that building.

Ms. Abbey-Clark confirmed that was correct. She noted that with the special use permit, they were agreeing to limit it to 144 students, which was part of the mission of their school.

Ms. Mallek said that someone had asked about how the school had managed transportation in the past. She said that Alexandria Searls from the Lewis and Clark Exploratory Center shared an email about the successful transportation management of their school programs, which had been running for three years. She said that they served approximately 50 to 60 families, and the children were dropped off and picked up without any issues. She said that this was just one example of effective transportation management.

Ms. Mallek said that there was a discussion about the possibility of a no-through-truck zone due to the heavy traffic generated by the quarry on Old Lynchburg Road. She said that she was unsure if Mr. Andrews had any further information on this matter, but she would like to note that several people expressed concern about the safety of driving past large dump trucks. She said that she was not sure whether the Board would need to make a formal request to make the no-through trucks area happen.

Mr. McDermott said that Mr. Andrews had asked him about the feasibility of that proposal at one point. He said that they would need to go through the VDOT process, which involved analyzing the traffic and then the Board could make a request for a through truck restriction. He added that he thought they should gather more data to determine if this was worthwhile at this point. He said that based on his estimate, he believed there were fewer than 130 vehicles on the road, and he was not sure how significant the through truck traffic was on the road. He said that however, staff was willing to evaluate it further if the Board would like to do so.

Mr. Andrews asked if the four development rights included 21-acre division rights.

Mr. Shoaf replied that development rights were required for parcels of land that were less than 21 acres in size. He said that parcels of 21 acres or more did not require development rights.

Mr. Andrews said that therefore, this site could theoretically be developed with the four development rights and an additional one, although the terrain may limit the ability to do that. He said that he just wanted to point that out. He said that there was a statement made about VDOT's priority list points for a school. He said that he wanted to confirm whether that statement was true or not.

Mr. McDermott said that he was not aware of a point system, but VDOT did take traffic volume

into consideration in terms of maintenance of a road.

Mr. Andrews said that he wanted to clarify a discrepancy regarding the vehicle counts. He said that in 2018, VDOT reported 130 counts, which he normally trusted, but it was seven years ago. Additionally, a resident who lived along this road stated that neighbors recorded 591 vehicles in 15 hours. This discrepancy raised questions about whether the through truck traffic or other general through-traffic had increased significantly. He said that it seemed unlikely that 591 vehicles were solely for the residents on the road. He said that unfortunately, they did not have a way to further investigate this.

Mr. Andrews said that also, by-right uses were discussed, and there was an expectation that with a special use permit, certain uses were mutually exclusive, such as a school and a winery. He said that he was trying to understand whether some of these by-right uses survived this special use process.

Mr. Andy Herrick, County Attorney, clarified that obtaining a special use permit did not eliminate the by-right uses of the property.

Mr. Andrews said that it was unclear whether this was a condition of the permit or if they simply expected that the property would not be used for other purposes. He said that he did have a question for the applicant, which was to address the health risks that were raised by a public comment. He said that he had personally encountered yellow jacket nests on several occasions this summer, and he was reminded that nature could be both beautiful and unforgiving.

Mr. Donowitz said that his research focused on pediatric development, and his clinical practice was in pediatric infectious disease, making ticks and tick-borne diseases a primary topic for him. He said that these illnesses posed a risk to everyone. He said that in Virginia, the risks were minimal. He said that they did have Rocky Mountain Spotted Fever, which was extremely rare. He said that Ehrlichia, another tick-borne disease, was slightly more common, but generally not fatal. He said that Lyme disease was even more common than Ehrlichia. He said that there were Alpha-Gal and a few other minor illnesses to consider.

Mr. Donowitz said that the risks to children from these tick-borne illnesses were generally extremely rare. He said that the one that posed the most concern was Rocky Mountain Spotted Fever. He said that it was present in their area. Despite this, he firmly believed that the benefits of outdoor education far outweighed the risks associated with the rarest of these illnesses. He said that as a member of this community and an infectious disease physician, he made it a point to let his children spend time outside every day.

Ms. Abbey-Clark added that they had protocols in place for safety at school. She said that they ensured that parents knew to perform tick checks and give their children regular baths, and they had not had any issues in the past five years in that regard.

Mr. Andrews said that he wanted to note that a through truck restriction or other safety measures were primarily driven by Supervisors seeking to allocate staff resources or their names to support these traffic safety initiatives. He asked if Mr. McDermott could elaborate on that process.

Mr. McDermott said that if the Board had requests for those items, they could work directly with VDOT to identify potential funding sources, such as low-cost options for signage and flashing lights. He said that while these types of warning signals could sometimes be expensive, depending on the specific types of signals being used. He said that if the Board would like them to reach out to VDOT to discuss these issues, they were happy to do so, and this should be able to be done with minimal cost to the County or staff time.

Ms. McKeel asked if Mr. McDermott could clarify a comment that mentioned a precedent for VDOT improving Dudley Mountain Road.

Mr. McDermott said that he believed there may be a misinterpretation of the VDOT program. He said that he believed they were actually referring to the Rural Rustic Road program, which allowed for paving of unpaved roads. He said that to qualify for a Rural Rustic Road, the daily vehicle volume must be under 1,500 vehicles. He said that this program did allow for some flexibility in standards, but if the volume exceeded 400 vehicles per day, VDOT strived to maintain a minimum of 18 feet with a two-foot shoulder.

Mr. McDermott said that this standard was still in place. He said that in reality, this did not appear to be a Rural Rustic Road, as they would not be able to approve it if it were, given the Board's resolution stating that no new development was occurring on a Rural Rustic Road, and if a school were to be built, the applicant would be aware of it, which would not be the case here.

Ms. LaPisto-Kirtley asked how long it would take the school to reach the maximum 144 students.

Ms. Abbey-Clark said that it would not happen immediately. She said that it was the maximum number they had planned to build to. She said that this was the scale they had envisioned for the next two years. She said that their goal was to reach 144 students, which was also part of their long-term vision, similar to their aspirations for a fifth-grade program. She said that as a small school, they had the flexibility to adjust their plans, so they may not necessarily follow this path. She said that in the short term, they would not expect to see significant growth, and their focus would remain on the long-term plan.

Ms. McKeel closed the public hearing and said the matter rested with the Board.

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Mr. Pruitt said that his husband was a priest, and he recalled attending a dinner at the house of some of his husband's congregants, during which one of them said that hearing sermons that included political statements made some of the congregants uncomfortable. He said that he was offended that this parishioner was telling his husband how to do his job as a priest, but his husband disagreed and felt it was important to receive that feedback because it was part of the experience of church. He said that even if they did not agree, it was that person's experience and spoke to the hardship he was encountering in his life; therefore, it was a real critique.

Mr. Pruitt said that he had tried to apply that same type of thinking to his own job as a Supervisor, which he did because he heard some of the Dudley Mountain neighbors ask the Board to hear their concerns as a bare minimum. He said that he wanted to ensure the public that he had listened carefully and seriously to the concerns raised regarding this special use permit request. He said that he believed Dudley Mountain Road was in poor condition due to its narrowness and curves, and that was distinct from the hazard of traffic accidents. He said that that he had to weigh that concern against the value of the Forest School, and he saw the school as outweighing those concerns.

Mr. Pruitt said that he would also consider that the school's presence on this road may give them a stronger position to request VDOT to improve the road safety with signage or other improvements. He would not want to excuse the conditions of the County's rural roads, as it was unacceptable for there to be any safety concerns due to the road conditions, but he did want to acknowledge that their community currently had many rural roads that could be hazardous.

Mr. Pruitt said that he also wanted to address the concern regarding the scale of this use on this site in comparison to by-right uses. He said that while there would be multiple buildings as part of this school development, he did not think they would be significantly impactful because there would be minimal tree clearance. He expressed his support of the application. He also agreed with Mr. Andrews' suggestion the Board draft a letter to the Culpeper District of VDOT to request additional signage to make the intersection safer.

Mr. Gallaway noted that the Board had reviewed some other applications that had similar characteristics to this one, so this was not a completely new scenario for them to consider. He said that recognizing that people would be disappointed by either the approval or the denial of this project, he was considering how the Board could approve the project while mitigating the impacts of concern. He said that he felt it was their local government's responsibility to determine whether it was an appropriate place for something to happen, and if it was not ideal from an infrastructure standpoint, what they could do to make it as ideal as possible.

Mr. Gallaway agreed with the speaker who suggested there was no better place to put a Forest School; he did not think a school like this should go into the development area. He said this was not just because of the availability of the forest, but also because this was not the highest and best use of the land in the development area based on how they had chosen to utilize that part of the County. Therefore, the Rural Area was the most amenable place for this type of development to occur. He said that in past public hearings for nature schools, he had noticed that some residents spoke in opposition of the schools due to their impact on the rural area, but he felt it was ironic since the schools were meant to instill in their students a respect for the beauty of nature.

Mr. Gallaway said that he would offer that nature programs such as this were beneficial in that they offered something that reinforced the ideals they attributed to the County's Rural Area and helped people understand it and appreciate it from a young age. He said that he agreed with Mr. Moore, his District's representative on the Planning Commission, that oftentimes infrastructure only was developed after growth had occurred in a certain area. He said that he had seen multiple times with past developments that it was not until major growth occurred, such as along Rio Road or at Southwood, when road improvements were seriously considered by the State.

Mr. Gallaway said that whether this particular application moved forward or not, there existed serious issues on Dudley Mountain Road, the first being the actual daily trip count on the road. He was concerned that the daily trip counts had never been requested or achieved in any specific way as it related to this application. He said that to mitigate impacts of this project, he believed it was essential to understand the actual conditions of the road. He said that he would support researching the conditions and potential improvements to Dudley Mountain Road in order to mitigate the impacts of this project.

Mr. Gallaway noted that at the Board's prior meeting, he had emphasized that as part of their legislative agenda for the year, they needed to discuss how the State funded road projects with their General Assembly representatives. He said that the state was only funding a very small portion of the project that had been submitted this year, and he would encourage anyone concerned about road conditions to speak to their state representatives so they could solve these problems.

Mr. Gallaway expressed his support of the application. He said that he had consistently supported these types of schools in the County's Rural Area, even those that had similar road concerns. He felt that the road concerns could be mitigated, although it would take some effort on the Board's part, and he would be willing to support that as part of approving this project. He said he consistently voted for these type of education programs in the rural area, including those with more concerns about roads. He said he felt that the current concerns could be mitigated and he would be willing to support the project.

Ms. LaPisto-Kirtley acknowledged that transportation problems were a major concern throughout the County, and she agreed that state intervention was essential to adequately fund their road improvements. She noted that she was not convinced that even if the road were 18 feet or 20 feet wide that all the residents would be supportive; however, she supported the Board requesting VDOT to look into improving the road. She said that the school would not be fully built out for at least a few years, so they had the opportunity to make some improvements to the road during that timeframe.

Ms. LaPisto-Kirtley stated that the Board listened attentively to all public comments and appreciated their constituents' input on all issues. She expressed her gratitude to everyone who attended tonight's public hearing and voiced their opinions on the situation. She said that she felt these types of educational opportunities in the Rural Area were very important for their children and she wholeheartedly supported the application.

Ms. Mallek thanked everyone who came out to speak honestly and thoughtfully about this application. She acknowledged the challenges of traversing narrow, windy roads, and she was always trying to find solutions to improve safety for all users. She said that they had some great opportunities to achieve improvements through collaboration with County staff, VDOT, and residents. She noted that they had identified the problem areas, so they knew where to apply the solutions. She said that the comparative impacts of by-right uses of this property were compelling. Furthermore, she knew firsthand the benefits of children experiencing life in the rural area of the County, and those values contributed to the success of the overall community. She believed they had solutions to the existing issues of this application and she was supportive of it overall.

Mr. Andrews said that as an educator from a family of educators, especially those who were passionately dedicated to outdoor education, he knew how tremendous the benefits were from nature-based learning. He said that however, it was difficult to look at this situation, and his inclination was to support staff's recommendation based on the safety concerns. He noted that staff would not recommend the Board to commit additional resources to solving the existing problems of the area simply due to one special use permit application, so their recommendation was appropriate.

Mr. Andrews said that this made him want to condition his support on a moral commitment from his fellow Supervisors that they would request VDOT to perform additional studies for improvements, install flashing lights on the road, and make safety improvements to that intersection. He believed the Board was supportive of pursuing improvements as they were able to, so with that recognized, he would support the application.

Ms. McKeel said that she was supportive of the application because it addressed an urgent need for quality childcare in their community. Additionally, as a former teacher and School Board member, she appreciated the quality education and curriculum that this school would offer. She said that however, her daughter lived down Old Lynchburg Road, and she knew firsthand how terrifying that drive was. She emphasized that the parents and their children would need to be extremely safe while driving down this road, as there were few shoulders and the curves were severe. She drove this road very often and her concern grew each time she drove it.

Ms. McKeel noted that she had to stop for pedestrians, while at another point some trucks almost took off her side mirror because they passed by so closely. She said that their County did need great schools, but she felt this was the wrong place for it. Additionally, she felt the Board's duty was to make decisions on land use, and she did not feel this was the proper location for this school due to the condition of Old Lynchburg Road and Dudley Mountain Road. She added that in terms of a through-truck restriction, she knew that they only worked if a police officer was stationed on the road to ticket the trucks, and otherwise the trucks would ignore the signage.

Ms. McKeel acknowledged that this application had support from the other Board members, so she would be glad to look into a through-truck restriction to mitigate traffic concerns, but she wanted to share her experience with the ineffectiveness of the through-truck restrictions on other roads in the County. She noted that through-truck restrictions did not apply to trucks with destinations along the road, so those local trucks would still be present. She said that she was not convinced that flashing lights or speed limit signage would be effective enough to mitigate the hazards of these roads. She expressed her appreciation to all the members of the public who had been engaged with this issue, and she certainly understood the importance of this school. However, this ultimately was a land use decision, and she felt this was located in the wrong place.

Ms. McKeel added that she could not imagine their VDOT projects being reprioritized in a way that would allocate funding to Dudley Mountain Road improvements; it would require another project to be taken off their list. She reiterated that her own experience with Old Lynchburg Road, the current state of the County's transportation and infrastructure priorities, and this being a land use decision were the factors that led her to be unsupportive of the application. She said she didn't want to lead people on that there would be VDOT funding. She added that she had several friends who had contracted tickborne diseases. She stated that she appreciated all the community members who came out to speak, however, she did not believe that the school was in the right location.

Mr. Andrews reiterated that his support depended on his fellow Supervisors' willingness to advocate for safety improvements. He acknowledged that this may not be part of the County's budget to acquire easements to expand the shoulders of the road, but he did believe that flashing lights and other safety improvements may be helpful in reducing the danger of the road. He believed they should be

looking at Old Lynchburg Road regardless of this project and consider the improvements that should be made on it. He said he wanted to make sure the Supervisors agreed that it was important to pursue these improvements before approving this school.

Mr. Gallaway said that all of the Supervisors had dealt with projects in their own Districts that they had not supported while other Supervisors had approved of them. He said that this created transportation impacts that they must contend with through their Transportation Priorities list. He said that this particular road would never be raised to the level of a Smart Scale project, as rural roads did not have the traffic that would be seen as comparable.

Mr. Gallaway said that they still did not have updated data regarding the usage of this road, and if there was an existing issue with this road, it was unrelated to this project. He said that there had been past issues where VDOT projections were inaccurate but had been used to gauge whether a development was appropriate or not. He said that he would be supportive of the Board addressing what safety improvements can be made to this road when they discussed their Transportation Alternatives Program and Transportation Priorities projects, and he reiterated his support for this application.

Ms. McKeel said that one of the issues with this project was that VDOT said they did not think this road would work for this project, and she could not remember in her 12 years on the Board where VDOT had said no when the County asked for help. She clarified that she would be supportive of seeking transportation improvements along this road if the special use permit was approved; they would be necessary in that case.

Mr. Andrews expressed that he appreciated Mr. Gallaway's comments. He said he hoped the school would take up advocacy to ensure that the road was safe.

Ms. Pruitt **moved** that the Board adopt the Resolution attached to the staff report (Attachment F) to approve SP202400023 with staff's conditions, finding the benefits of the project outweighed staff's concerns. 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, and Mr. Pruitt.  
NAYS: Ms. McKeel.

Ms. LaPisto-Kirtley **moved** that the Board adopt the Resolution attached to the staff report (Attachment G) to approve SE202400027, finding the benefits of the project outweighed staff's concerns. 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.

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**RESOLUTION TO APPROVE SP202400023  
CONGREGATION BETH ISRAEL (CBI) FOREST SCHOOL-DUDLEY**

**WHEREAS**, upon consideration of the staff report prepared for SP202400023 Congregation Beth Israel (CBI) Forest School, Dudley, the recommendation of the Planning Commission and the information presented at the public hearing, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-10.2.2(5) and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

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

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves SP202400023 Congregation Beth Israel (CBI) Forest School - Dudley, subject to the conditions attached hereto.

\* \* \*

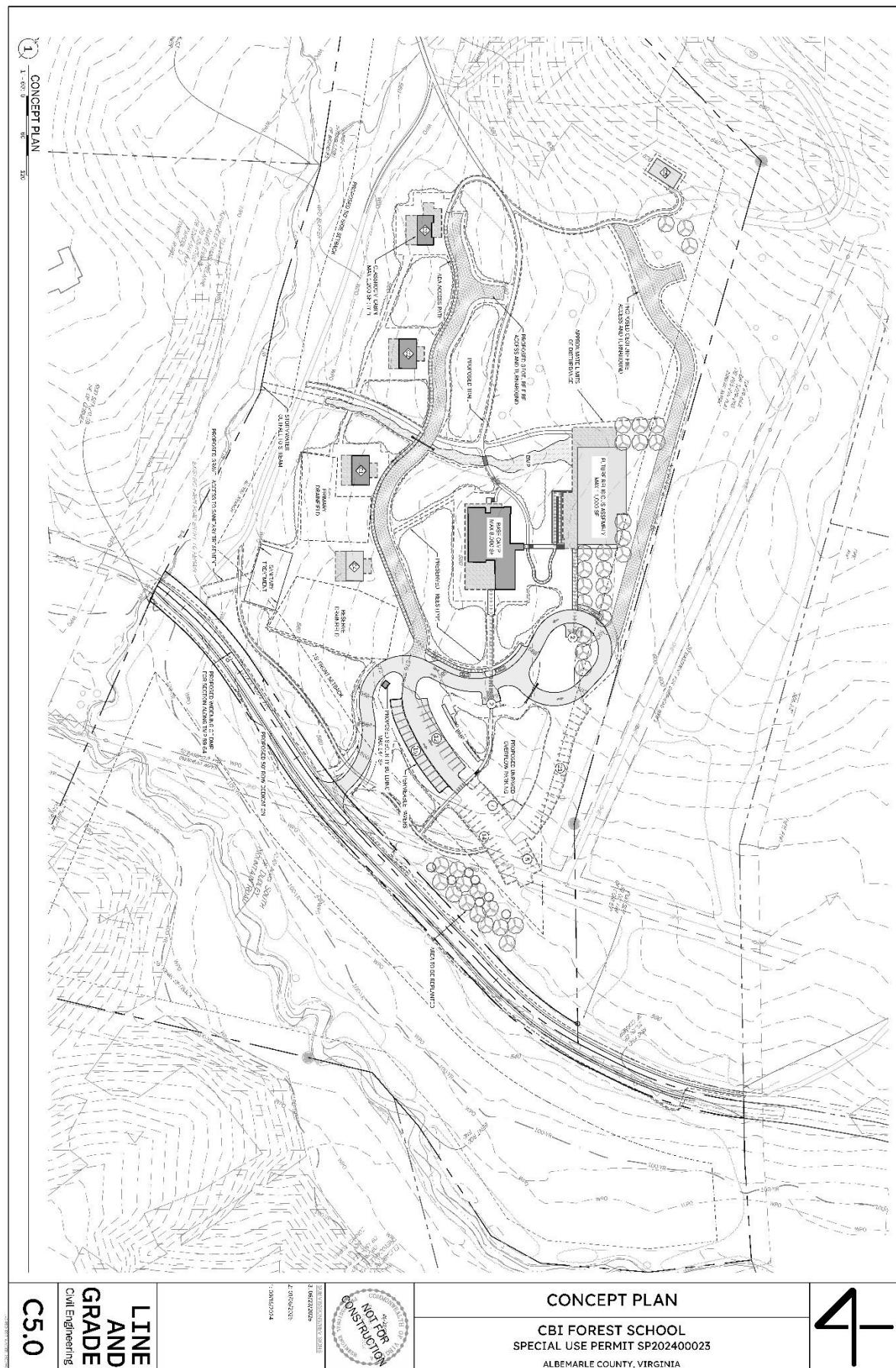
**SP202400023 Congregation Beth Israel (CBI) Forest School, Dudley – Conditions**

1. Development of the use must be in general accord with the conceptual plan titled, "Concept Plan: CBI Forest School Special Use Permit SP202400023" drawn by Line and Grade Civil Engineering dated September 16, 2024, last revised June 23, 2025. To be in general accord with the Conceptual Plan, development must reflect the following major elements essential to the design of the development:
  - a. Location of proposed buildings;
  - b. Location of proposed parking areas;
  - c. Limits of disturbance;
  - d. Maximum building footprint of the admin/base camp building of 8,000 square feet;

- e. Maximum building footprint of each classroom cabin of 1,200 square feet;
- f. Establishment of a 50-foot side building setback;
- g. Additional screening must be provided along the property's boundary where vegetation does not exist to meet the requirements of Section 32.7.9

Minor modifications to the plan that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

- 2. The maximum student enrollment must not exceed one hundred and forty-four (144) students.
  - 3. Classroom instruction must not begin before eight o'clock a.m. (8:00 a.m.) and must not continue later than five o'clock p.m. (5:00 p.m.). Classes shall not be held on Saturday or Sunday.
  - 4. The school morning drop off period must be between eight o'clock a.m. (8:00 a.m.) and nine o'clock a.m. (9:00 a.m.).
  - 5. The maximum height of structures must not exceed 35 feet in height.
  - 6. Upon demand of the County, the owners must dedicate to public use the right-of-way shown on the Concept Plan as "Proposed 50' ROW Dedication."
  - 7. The applicant must improve Dudley Mountain Road within the bounds of their property to a minimum width of 20 feet with a graded shoulder that is a minimum 3' wide, to the extent practicable and subject to the Agent's final approval.
  - 8. Stream buffers of 100 feet must be established and maintained consistent with section 17-601 of the Albemarle County Code along all streams.
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**RESOLUTION TO APPROVE SE202400027  
CONGREGATION BETH ISRAEL (CBI) FOREST SCHOOL-DUDLEY**

WHEREAS that, upon consideration of the staff reports prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, all of the comments received, and all of the factors relevant to the proposed special exception in Albemarle County Code §§ 18-4.12.15(g) and 18-33.9(A), the Albemarle County Board of Supervisors finds that modifications to the curb and gutter requirements in the parking areas are not contrary to the purpose and intent of the Zoning Ordinance to at least an equivalent degree as the applicable requirements.

NOW, THEREFORE, BE IT RESOLVED, the Albemarle County Board of Supervisors hereby approves SE202400027 the Congregation Beth Israel (CBI) Forest School – Dudley special exception application.

Agenda Item No. 20. From the Board: Committee Reports and Matters Not Listed on the Agenda.

There was none.

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Agenda Item No. 21. Earlysville Truck Traffic.

Ms. Mallek said that in their previous Board meetings, they had heard from Earlysville residents that the conditions on the ground over the past year did not accurately reflect the scope of operations as presented at the public hearing on February 15, 2023. She said that she would like to bring to the Board's attention a chart that was included in their staff report, which to her, highlighted the significance of the data in determining the impact of the proposal. Today, County corroborated neighborhood truck traffic counts over the last several months had ranged from a few to 80 trucks per day, with at least one day exceeding 100 trucks.

Ms. Mallek said that according to VDOT, this would result in approximately 200 trips of those 100 trucks. After reviewing the documents again, from the applications to the minutes and staff reports, she supported asking questions to their staff and County Attorney. She said that she would like to know if there were three other Board members who would join her in asking for more information at a future date. She was making a formal request that this matter be discussed for possible action or direction at the August 20, 2025 meeting, under Matters from the Board. While compliance was an operational responsibility, the County Attorney advised the Board of a policymaking role.

Ms. Mallek said that she would like to ask the County Attorney and staff to explain the requirements to proceed with hearing neighborhood concerns at a future meeting. She also would like to propose considering whether the information presented at the hearing would have resulted in the current circumstances, or if the circumstances over the past several months had been presented, would there still have been support. Lastly, she would like to consider what additional information was needed to address any possible issues. She said that given the 200 families in the Earlysville Forest and the many families along the access roads whose lives had been turned upside down for the past three years, she believed it was essential that they think about these matters and consider formally including them on the agenda for August 20, 2025, if possible.

Mr. Pruitt said that he was initially supportive of Ms. Mallek's proposal, but he was unsure what was still within the Board's power over this issue. He asked if there was a vested right that the Board could not take away at this point. In that case, he did not feel he needed an additional presentation on it.

Mr. Herrick stated that under County Code Section 18-33.9c, the Board of Supervisors had the authority to revoke a special exception if they determined, after a public hearing, that the permittee or any successor had failed to comply with any of the conditions of the special exception. He said that the Board of Supervisors could revoke a special exception after a public hearing if they found that the permittee had not met the conditions of the special exception.

Mr. Herrick said that if concerns arose about the owner's compliance with the Zoning Ordinance, that would be handled by the zoning administrator to enforce. He said that if the applicant had not met the conditions of the special exception, that would be a matter for the Board of Supervisors to consider, potentially leading to the revocation of the special exception.

Mr. Pruitt said that it sounded like what Ms. Mallek was presenting did not necessarily constitute a non-compliance with a condition, but rather a material misrepresentation in the data the Board had been given to base the decision on. He said that if it was not a specific term of the special exception, it appeared to be a different question altogether.

Mr. Herrick confirmed that was correct. There was no basis for the Board to reconsider the special exception. He said that the Board's sole action in this regard was to revoke the special exception if the permittee failed to comply with the conditions already approved.

Mr. Pruitt said that in that case, the key issue they needed to address was whether the concerns raised by neighbors were compliant with zoning regulations. He said that they had already discussed this and Mr. Svoboda had confirmed that they were. However, there appeared to be a strained interpretation of what constituted a truck per day. He said that the next question was whether this usage was consistent with the terms of the special exception. He said that this was an open question because they did not have the approved special exception in front of them, and they were unsure whether this usage was included as a term of the exception or simply supplementary material.

Ms. Mallek said that was just one aspect of the presentation for the Board to consider.

Mr. Pruitt said that he would be open to staff consideration of whether there were any allegations, proven or unproven, that a term of the exception was violated. He said that this sounded like an easy enough thing to support.

Mr. Herrick said that he was able to assist the Board in understanding the criteria for revocation of a special exception and related matters. He said that he believed that the zoning administrator's enforcement of the Zoning Ordinance was more of an operational decision. He said that he did not intend to overstep by discussing how the zoning administrators enforced the existing provisions of the Zoning

Ordinance. He said that if there was a consensus among the Board majority to hear more information about the situation and the amount of truck traffic, and so forth, it would be the zoning administrator who would be able to provide that information.

Mr. Pruitt said that he was not concerned about receiving additional information regarding the level of truck traffic, as he had already been provided with that information and the situation seemed miserable. He said that he was seeking clarification on whether the Board had the authority to revoke the special permit due to a clear violation of its terms. He said that he had not heard a specific, concrete allegation of this violation yet. He said that he was unclear about the terms of the special permit, as he was not present during that process. He said that the analysis he was seeking would inform their actions, as it would determine whether they could take any steps.

Ms. Mallek said that there were exceptions to three or four of the criteria, but there were a dozen others. She said that this was where the assistance they needed with the legal understanding of the situation. She said that the issue was not with what was happening with the trucks, but rather whether that was the intended outcome.

Mr. Herrick said that he did not believe that it was strictly a legal opinion, but rather one that would need to be informed by the actual conditions on the ground at present.

Ms. LaPisto-Kirtley said that she believed they needed to know the specific conditions and whether they were being met. She said that if they were not meeting the conditions, then it was clear they needed to remedy the situation, but if they met the expected conditions, she did not see what else they could do.

Ms. Mallek said that was the question she was asking as well.

Ms. LaPisto-Kirtley said that she thought staff should provide a review of the special exception document and the conditions, and if they were violating the conditions what could be done about it. She did not want to revoke something without informing the permit holder that there had been a violation, so they could be given the opportunity to correct it. However, if there were no violations, she did not see any reason to revisit it.

Mr. Andrews agreed that they needed to see if there had been any violations of the conditions. If there were violations, something needed to be done, and if there were not, then they were done.

Ms. McKeel said that she would support receiving a staff report on the issue.

Mr. Pruitt said that he did not believe the Board needed an agenda item on this issue.

Mr. Gallaway said that he agreed with Mr. Andrews and Mr. Pruitt. He said that he did not want to interfere with how the zoning administrator would typically handle these types of operations, but if there was an issue with the special exception, he would be willing to review that because it fell under the purview of the Board of Supervisors.

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Agenda Item No. 22. Petitions from the Crozet Community Association.

Ms. Mallek said that she presented for the record the adopted petitions of the Crozet Community Association (CCA), which were introduced earlier today. She said that speakers today highlighted the role of the CCA over the past 40 years in bringing together people from different neighborhoods to discuss issues affecting life in western Albemarle. She said that in her personal experience, the issue of stream protection and water protection was a Countywide concern and had been a top priority for at least the past 40 years, as reflected in citizen surveys and Comprehensive Plan representations.

Ms. Mallek said that the CCA's concern was not specific to a particular development, but rather stream protection across the County. She said that she would now read through these petitions. She said that they had received drafts of these four or five weeks ago, and she was glad to put them into the record now.

Ms. Mallek read the following Crozet Community Association's petitions into the record:

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**CROZET COMMUNITY ASSOCIATION**

**RESOLUTION**  
July 10, 2025

Whereas the Crozet Community Association (CCA) was established in 1985 to be a non-partisan and representative advocate for communicating areas of concern for the community of Crozet;

Whereas the mission of Albemarle County (the "County") is to enhance the well-being and quality of life for all community members through the provision of the highest level of public service consistent with the prudent use of public funds;

Whereas the County's Water Protection Ordinance (WPO) was established to prevent the unreasonable degradation of stream channels, waters, and other natural resources;

Whereas in September 2021, at the request of a developer, the County erased one of Crozet's protected intermittent streams (the "Montclair stream") from GIS maps and the Crozet Master Plan;

Whereas in November 2021, the developer proposed that the County rezone the property so that he could build a high-density residential development ("Montclair") on top of the stream site;

Whereas in October 2022, at the urging of Crozet citizens, the County confirmed that the Montclair stream was protected by its WPO and added it back to its GIS maps;

Whereas in February 2023, the County held a judicial hearing affirming that the Montclair stream was protected by its WPO in response to the developer's appeal of its October decision;

Whereas in late 2024, the developer, without notifying the County or getting the permit required by the WPO, still buried 546 linear feet of the stream and now plans to build a parking lot on top of it;

Whereas the County now claims that its WPO no longer applies to the stream and can't be enforced;

The CCA urgently requests the County Executive, Jeff Richardson, who is appointed by the elected Board of Supervisors to manage the County's administrative operations, to take the following action by no later than July 31, 2025:

- Enforce the County's WPO by directing the developer to "daylight the Montclair stream" while denying him the land disturbance permits necessary to begin work on the Montclair residential development until this is accomplished to the satisfaction of the County and Department of Environmental Quality (DEQ).

BE IT SO RESOLVED,  
Crozet Community Association

RECEIVED AT BOS MEETING  
Date: Aug 10, 2025  
Agenda Item #: 22  
Clerk's Initials: CKB

Crozet Community Association  
P.O Box 653, Crozet, VA 22932

<https://crozetcommunity.org>  
crozetcommunity@gmail.com

Ms. Mallek said that concern across the Crozet Growth Area that there was still an effort to increase the size of the growth area they wanted recognition in the Comprehensive Plan draft that this was following the State law based on their research.

CROZET COMMUNITY ASSOCIATION

RECEIVED AT BOS MEETING

RESOLUTION  
July 10, 2025

Date: Aug 6, 2025  
Agenda Item #: 22  
Clerk's Initials: CKB

Whereas the Crozet Community Association (CCA) was established in 1985 to be a non-partisan and representative advocate for communicating areas of concern for the community of Crozet;

Whereas the purpose of Albemarle County's (the "County") Water Protection Ordinance (WPO) is to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources resulting from a land-disturbing activity;

Whereas we believe the County has misinterpreted its WPO and allowed our streams to be piped, filled in, and buried across the County by failing to enforce its legally established stream buffers<sup>1</sup>;

Whereas we strongly assert that the County's WPO is in fact applicable to every single stream in the County and that it clearly requires landowners to get an approved permit from the County prior to beginning any activity that would disturb any and all streams on their property<sup>2</sup>;

Whereas Section 17-600 of the WPO further describes the exact landward extent of stream buffers in the rural area, the development area, and the water supply protection area and requires landowners to retain those buffers if already present and establish them where they do not yet exist<sup>3</sup>;

Whereas the WPO measures the landward extent of stream buffers from the top of the banks of "natural streams"<sup>4</sup>, which Virginia defines as "a tidal or nontidal watercourse that is part of the natural topography"<sup>5</sup>;

<sup>1</sup> WPO Section 17-103 makes it clear that the ordinance is applicable in any one of five distinct circumstances. One of the five circumstances is "C. Stream buffers. Any area within the County and the Town of Scottsville designated as a stream buffer under this chapter." The WPO goes on to define, establish, and designate "stream buffers" in 17-205 as "an area of land at or near the tributary of a stream bank". Note that the exact landward extent of a stream buffer is not required to establish a stream buffer as the phrase "at or near" sufficiently describes that physical stream buffer exists.

<sup>2</sup> Section 17-104 requires an approved permit prior to beginning any "land disturbing activity" which it broadly defines as "a manmade change to the land surface that may result in soil erosion or has the potential to change its runoff characteristics...". There is no requirement for a VESMP or for the land disturbance be 10,000 square feet or greater.

<sup>3</sup> An example of when landowners must establish a new stream buffer is when they discover a stream on their property that is not reflected in the County GIS or otherwise known to the County.

<sup>4</sup> The WPO ties the term "natural stream" to the definition of an "intermittent stream" as a natural stream or portion of a natural stream that has a defined bed and defined banks within which water flows in response to precipitation, through near surface groundwater flow, or from springs, and which is not a perennial stream.

<sup>5</sup> <https://law.lis.virginia.gov/admincode/title9/agency25/chapter875/section20/> - "Natural stream" means a tidal or nontidal watercourse that is part of the natural topography. It usually maintains a continuous or seasonal flow during the year and is characterized as being irregular in cross-section with a meandering course. Constructed channels, such as drainage ditches or swales, shall not be considered natural streams; however, channels designed utilizing natural channel design concepts may be considered natural streams.

#### **CROZET COMMUNITY ASSOCIATION**

Whereas manmade changes to the natural topography do not cause “natural streams” to lose their inherent identity, including in situations where streams are piped, filled in, and buried underground;

Whereas the landward extent of the County’s stream buffers can and should continue to be measured from the top of the banks of “natural streams” as they existed before there was any manmade change to the natural topography, including when streams are piped, filled in, and buried underground;

The CCA urgently requests the County Executive, Jeff Richardson, who is appointed by the elected Board of Supervisors to manage the County’s administrative operations, to take the following action by no later than July 31, 2025:

- Publish a legal memorandum to clarify, for the avoidance of all doubt, that buffers established by the County’s WPO remain in effect even on streams that have already been piped, buried underground, filled in, disturbed, or otherwise unnaturally altered.
- Re-establish stream buffers in the County’s GIS system and on all its maps (including those in the AC44 Comprehensive Plan) on all streams to the extent described in the WPO, including on streams that have already been piped, filled in, buried underground, filled in, disturbed, or otherwise unnaturally altered.

BE IT SO RESOLVED,

Crozet Community Association

CROZET COMMUNITY ASSOCIATION

RESOLUTION  
July 10, 2025

RECEIVED AT BOS MEETING  
Date: Aug 6, 2025  
Agenda Item #: 22  
Clerk's Initials: CKB

Whereas the Crozet Community Association (CCA) was established in 1985 to be a non-partisan and representative advocate for communicating areas of concern for the community of Crozet;

Whereas Albemarle County's ("the County") Comprehensive Plans and Crozet's Master Plans have consistently recognized the Eastern Avenue Connector ("the Connector") as critical infrastructure to the orderly development of the Crozet growth area;

Whereas, for decades, the County has not fully funded, adequately planned for, or completed the Connector while allowing Crozet's population to quadruple by encouraging its rapid development;

Whereas an otherwise useless initial segment of the Connector is now needed by a residential developer to gain access to the proposed site of a new high-density development (Oak Bluff);

Whereas the County is now finally attempting to build the Connector, but through a complex public-private transportation agreement (PPTA) that it hasn't ever used before and at a total budget that is roughly 1/3<sup>rd</sup> the cost estimated by the Virginia Department of Transportation;

Whereas the PPTA's design requirements for the Connector's bridge over Lickinghole Creek do not include a pedestrian path or a wildlife corridor, a basic standard of the County's Biodiversity Action Plan (BAP) to maintain habitat connectivity for all road and waterway crossings;

The CCA urgently requests the County Executive, Jeff Richardson, who is appointed by the elected Board of Supervisors to manage the County's administrative operations, to take the following actions by no later than July 31, 2025:

- Recommend through the County staff report that the Board of Supervisors deny the proposed Oak Bluff rezoning (and any similar requests) until the County fully executes a finalized agreement to build the entire Connector including a \$10M penalty clause if the project is not completed on budget by December 31, 2028.
- Add a high-quality pedestrian path and wildlife corridor to the bridge design requirements in the County's RFP to build the Connector through a public private partnership.

BE IT SO RESOLVED,

Crozet Community Association

**CROZET COMMUNITY ASSOCIATION**

**RESOLUTION**  
July 10, 2025

Whereas the Crozet Community Association (CCA) was established in 1985 to be a non-partisan and representative advocate for communicating areas of concern for the community of Crozet;

Whereas Albemarle County ("the County") is currently updating its Comprehensive Plan titled "AC44" which will guide its land use decisions over the next 20 years;

Whereas the County's growth management policy aims to direct population growth and residential development to specific areas ("growth areas") within the County as permitted by Virginia law<sup>i</sup>;

Whereas that same Virginia law also limits the maximum geographical size of these areas to what is necessary to accommodate the County's projected population growth over the next 20 years;

Whereas the size and boundaries of the County's growth areas, including Crozet, are far greater than what is needed to accommodate 20 years of population growth<sup>ii</sup>, in conflict with that Virginia law;

The CCA urgently requests the County Executive, Jeff Richardson, who is appointed by the elected Board of Supervisors to manage the County's administrative operations, to take the following action by no later than July 31, 2025:

- Insert language in the Growth Management and Development Area chapters of AC44 to clarify that the County's growth area is larger than necessary, that the boundaries of any existing growth area shall not be expanded, nor shall any new growth area be created, until the County is in full compliance with Virginia Code.

**BE IT SO RESOLVED,**

Crozet Community Association

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<sup>i</sup>See § 15.2-2223.1. Comprehensive plan to include urban development areas, which in part reads:

"The urban development areas designated by a locality may be sufficient to meet projected residential and commercial growth in the locality for an ensuing period of at least 10 but not more than 20 years, which may include phasing of development within the urban development areas. Where an urban development area in a county with the urban county executive form of government includes planned or existing rail transit, the planning horizon may be for an ensuing period of at least 10 but not more than 40 years. Future residential and commercial growth shall be based on official estimates of either the Weldon Cooper Center for Public Service of the University of Virginia, the Virginia Employment Commission, the United States Bureau of the Census, or other official government projections required for federal transportation planning purposes."

**RECEIVED AT BOS MEETING**

Date: August, 2025

Agenda Item: 122

Clerk's Initials: CKB

<https://crozetcommunity.org>

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**CROZET COMMUNITY ASSOCIATION**

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<sup>ii</sup> According to the County's Land Use Build Out Analysis found on its website, the Weldon Cooper Center for Public Service at the University of Virginia projects that by 2044 the Albemarle County's population will grow by approximately 26,000 people. The same report estimates that, on average, there are 2.4 people living in each house. Consequently, the County projects that it will require approximately 11,000 new homes to be built by 2044.

The County's housing development pipeline report, which is also found on its website, shows that 10,000+ new homes have already been approved but remain unbuilt while another 4,000+ new homes are currently being proposed, all but 53 of which are in the County's growth areas. Before even taking into account the additional number of homes that could be built in the current growth areas, the County's growth areas are far larger than what it requires over the next 20 years.

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Ms. Mallek said the good news was that the bridge design was now on piers and it will have ample wildlife and pedestrian access. She said she was not aware of the status of the application.

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Agenda Item No. 23. Adjourn.

At 11:10 p.m., the Board adjourned its meeting to August 13, 2025, 4:00 p.m. in Room 241, Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA, 22902. Ms. McKeel said that meeting would be a joint meeting with the Albemarle County Economic Development Authority.

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Approved by Board
Date: 01/21/2026
Initials: CKB

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Chair