

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on April 3, 2024 at 1:00 p.m. in Lane Auditorium on the Second Floor of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA 22902.

BOARD MEMBERS PRESENT: Mr. Jim H. Andrews, Mr. Ned Gallaway, Ms. Beatrice (Bea) J.S. LaPisto-Kirtley, Ms. Ann H. Mallek, Ms. Diantha H. McKeel, and Mr. Michael Pruitt.

ABSENT: None.

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

Agenda Item No. 1. Call to Order. The meeting was called to order at 1:03 p.m. by the Chair, Mr. Jim Andrews.

Mr. Andrews said two Albemarle County Police Department staff, Officers Andy Muncy and Matthew Middleton, were present at the meeting to provide their services.

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

Agenda Item No. 4. Adoption of Final Agenda.

Mr. Andrews said that Item 8.7.1 had been added to the Consent Agenda, which would cancel the April 10 budget work session if the Consent Agenda was adopted.

Ms. LaPisto-Kirtley **moved** to adopt the final agenda as amended.

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

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

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

Ms. Mallek announced that the Local Energy Alliance Project, also known as LEAP, would present Solarize Virginia. She stated that those who were interested in solar panels could sign up for information about free home assessments and reduced costs for converting their residences to utilize more solar power. She said that this was the 10th anniversary of Solarize Virginia, and the application period spanned from April 1 until June 30. She said that for further details, she advised visiting solarizeva.org.

Ms. Mallek announced that the arrival of spring meant the White Hall Ruritan 14th annual plant sale would occur on Saturday, April 27, between 8:00 a.m. and 1:00 p.m. regardless of weather conditions at the White Hall Community Building situated at 2904 Browns Gap Turnpike. She said that she hoped to see everyone there.

Ms. LaPisto-Kirtley commended the staff for organizing the budget town halls that had already occurred. She said that she anticipated further events might take place. She said that she urged everyone to participate or, if they had previously attended, to communicate any questions. She said that staff's presentation regarding the budget process had been very informative for the public.

Mr. Pruitt thanked the staff for their efforts in both the community outreach aspect of the budget and the actual budget development process. He said that this was his first year taking charge of the budget process and witnessing how the budget was created, and the task was a significant undertaking. He thanked staff for their diligent work and also appreciated the active participation of the public in the process. He said that he found it inspiring to observe the community working together.

Mr. Pruitt said that moving forward, he reminded everyone present that there would be in-person early voting starting on May 3 for the primary elections in their district. He said that the elections would cover both the Republican and Democratic primaries, which were expected to be closely contested. He urged everyone to exercise their right to vote, regardless of which primary they chose to participate in.

Ms. McKeel announced that the Jack Jouett District Town Hall was planned for Monday, April 8. She said that this would occur at Journey Middle School's media center, starting at 5:30 p.m., after a brief business meeting for the CAC (Community Advisory Committee).

Ms. McKeel said that she also wanted to recognize the passing of Dr. Daniel Jordan on March 21. She said that he was a significant figure in Monticello who played a crucial role in developing educational programs addressing slavery and race truthfully. She said that his leadership would be greatly missed. She said that throughout his tenure, he consistently supported Monticello High School, often featuring students in the annual 4th of July naturalization program. She acknowledged that this connection held

great meaning, and she said they grieved the loss of Dr. Daniel Jordan while celebrating his contributions to their community.

Mr. Andrews said that he would like to add his appreciation for staff and members of the public who had attended the previous town halls. He said that they had two town halls in Samuel Miller District. He said that the town hall at Yancey had the highest attendance for a single town hall event, and he encouraged everyone to aim for even higher numbers at the upcoming town halls. He said that furthermore, he reminded everyone that Batesville Day was scheduled for May 4, which was always a memorable occasion.

Agenda Item No. 6. Proclamations and Recognitions.
Item No. 6.a. Proclamation Recognizing April 2-8, 2024, as Dark Sky Week.

Mr. Pruitt **moved** to adopt the proclamation recognizing April 2-8, 2024 as Dark Sky Week which she read aloud.

Ms. McKeel **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.

Proclamation Recognizing Dark Sky Week

WHEREAS, the aesthetic beauty and wonder of a natural night sky is a shared heritage of all humankind. The experience of standing beneath a starry night sky inspires feelings of wonder and awe. Many people in Albemarle County, live under a dome of light pollution—excessive artificial lighting at night that disrupts natural darkness—and may never experience the visual wonder or ecological and health benefits of living under a dark sky; and

WHEREAS, light pollution has scientifically-established economic and environmental consequences, which result in significant impacts to the ecology and human health of all communities; and light pollution represents a waste of natural resources amounting to roughly \$3 billion per year of wasted energy in the U.S. and contributes to climate change, and

WHEREAS, Albemarle County has adopted the Biodiversity Action Plan to protect the many species which rely on undisturbed night environments to hunt, mate, and thrive. Albemarle County is home to Fan Mountain Observatory operated by the Astronomy Department of the University of Virginia. The southernmost edge of Albemarle County is less than ten miles from the James River State Park which is one of four Virginia State Parks designated as an International Dark Sky Park by the International Dark Sky Association; and

WHEREAS, the International Dark-Sky Association is the globally-recognized authority on light pollution, and has created International Dark Sky Week to raise awareness of light pollution, and provide free education, resources, and solutions to the public to encourage the protection of and enjoyment of dark skies and responsible outdoor lighting.

NOW, THEREFORE, BE IT PROCLAIMED that we, the Albemarle County Board of Supervisors, do hereby recognize

April 2-8, 2024 as INTERNATIONAL DARK SKY WEEK

and ask each resident to join us, not only in observing and pondering upon this important week, but also in raising awareness and support for protecting our precious dark skies resources.

Ms. Christine Hirsh-Putnam accepted the proclamation and gave remarks. She expressed gratitude on behalf of the Natural Heritage Committee, the Piedmont Dark Skies Group, astronomers, naturalists, and her fellow citizens for their support in addressing light pollution. She stated that light pollution increased by approximately 10% each year, which was quite astounding. She said that this diminishing darkness had more significant implications than just limiting the view of the stars; it also had health implications for every living organism on the planet.

Ms. Hirsh-Putnam said that for billions of years, all biological processes had evolved with the Earth's predictable rhythm of night and day, and this was encoded in their DNA. She said that lighting up the night disrupts this predictable cycle, and in addition, excessive lighting was disorienting and often fatal to migrating birds and nocturnal insects. She said that this week coincided with the peak bird migration in the Northern Hemisphere, and she wanted to highlight this fact. She concluded by looking forward to encouraging everyone to appreciate the beauty of the night sky once the clouds cleared.

Ms. Carol Carter thanked the Board. She said that they could all do something to reduce light pollution, whether it was switching off a light bulb, lowering their blinds, talking to a neighbor or business about over-lighting, or joining Piedmont Dark Skies. She thanked the Board for this proclamation and all they did to protect and conserve that make Albemarle County exceptional.

Ms. Mallek said that she was horrified over the 10% yearly rise in light pollution, because back in the 1980s, when her children were in elementary school, the kids from town would come to her backyard to stargaze because it was the only place they could see the constellations. She said that they all had to do a much better job in this area, and she thanked Ms. Putnam and Ms. Carter for leading the way.

Ms. LaPisto-Kirtley said that she was very appreciative of the Dark Skies Initiative. She said that those who did not comprehend the significance of the initiative should visit a large city. She said that when she lived in Los Angeles County, she could hardly see stars, where they were perhaps a rare sight a few times per year. She said that coming to Albemarle, the night sky had countless stars, and it made such a difference. She said that she believed that this natural beauty was worth preserving and maintaining. She said that she wholeheartedly supported the initiative and thanked Ms. Putnam and Ms. Carter for their work.

Mr. Gallaway thanked Ms. Hirsh-Putnam and Ms. Carter for being present and for their comments and work regarding this issue. He said that his hometown of Wheeling, West Virginia was not devoid of light pollution, but there was a noticeable difference between the light pollution near the town and the rural areas. He thanked them for being here to accept the proclamation.

Mr. Pruitt thanked Ms. Hirsh-Putnam and Ms. Carter for being there and for their work on this issue. He said that he knew that when they most recently brought it to his attention, he had just come back from visiting his father in rural South Carolina, where they had spent time together looking at the stars. He said that he described the night sky to him because his cataracts had made it difficult for him to see the stars.

Mr. Pruitt said that growing up as a child with his parents, they used their night sky atlas to learn all the stars. He said that he worried that future generations might miss out on this simple yet impactful experience. He said that he served on a ship in the Navy, and gazing upon the vastness of the night sky while at sea was truly a majestic and awe-inspiring experience. He said that he feared that this sense of wonder may be lost for those living on land today. He thanked them for accepting this proclamation.

Ms. McKeel thanked Ms. Hirsh-Putnam and Ms. Carter for bringing this forward. She said that she lived in a neighborhood for over 50 years that was home to many astronomers from UVA. She said that every time someone mentioned putting up a streetlight, the response had been a resounding no. She said that she was hopeful that when they update their 25-year-old lighting ordinance that their group would follow it with them and come back at the appropriate time to give advice on the best path forward. She said that updating that lighting ordinance would make a great difference to their community.

Ms. McKeel said that she had been concerned over the past decade with watching the lighting industry move to the dusk-to-dawn post lamps. She said that those automatic lights were a major issue, and she did not know how they would get the industry to recognize that they were a problem. She added that one needed only to drive up to Pantops in their community to see the scatter of light from UVA. She said that it was not only the University's problem, but they were a part of the community and would only get to dark skies if the City and University would work on this initiative together with the County. She thanked them for being here.

Mr. Andrews thanked Ms. Hirsh-Putnam and Ms. Carter for the initiative behind this proclamation. He said that it addressed the issue of dark skies, yet it also pertained to astronomy, which held significance for him as someone who had taught a complete astronomy course and required students to visit the campus telescope at 4:00 a.m. to experience darkness. He said that he genuinely appreciated this aspect.

Mr. Andrews said that given that it was Dark Skies Week and included April 8, he felt compelled to mention an upcoming major eclipse happening in the country. He wished everyone safe travels and safe viewing for those experiencing the event. He emphasized the importance of not looking directly at the sun, even during an eclipse. He thanked Ms. Hirsh-Putnam and Ms. Carter for their attendance.

Mr. Pruitt presented the proclamation to Ms. Hirsh-Putnam.

Ms. LaPisto-Kirtley said that she would be remiss if she did not address the matter of LED lights on vehicles and their blinding effects. She said that she had recently come across an article discussing this topic. She said that the benefits of LED lights encompassed their durability and energy conservation; nevertheless, their intensity could pose issues. She said that in her viewpoint, the illumination was excessive, and she looked forward to an amendment to their lighting regulation.

Ms. Carter stated regarding the matter that the American Medical Association acknowledged that headlight glare posed a safety concern and sent a letter to Detroit authorities in 2016. She said that they were anticipated to implement certain adjustments; nevertheless, Detroit operated at a slow pace.

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

Mr. Carlos Armengol, Samuel Miller District, said that he was grateful for the opportunity to speak regarding the Ragged Mountain Reservoir, which the Board would discuss later this evening. He said that this beautiful location was situated just a few miles away from here. He requested the Board of

Supervisors to consider changing the Albemarle County Code that currently prohibits activities not explicitly permitted at the reservoir to allow additional recreational activities such as running and mountain biking.

Mr. Armengol shared that his two sons, who attended Albemarle County Schools and graduated from Monticello High School in 2022, had fond memories of cycling and hiking around Ragged Mountain during their youth, either with their family or as part of a team. He said that drawing from his extensive experience as a pediatrician at Pediatric Associates of Charlottesville, spanning over 25 years, he approached the matter from a different perspective. He said that throughout his career, he had observed a concerning rise in childhood obesity rates.

Mr. Armengol said that the most recent CDC (Centers for Disease Control) numbers from the National Health and Nutrition Examination Survey paint a grim picture of obesity among America's youth, particularly those belonging to minority groups. He said that consequently, he had made it a priority to advocate for increased physical activity of their community's children and adolescents, as he was coaching various sports, including serving as an assistant for the Monticello High School mountain bike team.

Mr. Armengol said that he believed that physical activity should have numerous benefits. He said that numerous research studies have supported the connection between physical activity and improved health and well-being. He said that as a coach, he was happy to report he observed these benefits manifesting at each training session and event. He said that researchers had identified various barriers to physical activity among children and adolescents, obstacles that adults could influence and mitigate, especially within the built environment. He said that as a coach and pediatrician, his primary objective was to eliminate barriers for young people and provide them with opportunities for physical activity and mentorship.

Mr. Armengol said that the CDC had issued recommendations for communities to adhere to concerning physical activity. He said that accessibility to Ragged Mountain assisted in overcoming some of these barriers, including providing secure and conveniently located facilities for youth to utilize for recreational activities. He said that time was not on their side. He said that the longer the County postponed revising this ordinance, the more challenging it becomes for the youth to access the amenities at Ragged Mountain. He urged taking immediate action.

Mr. Mark Lorenzoni, Jack Jouett District, said that he had lived in the Jack Jouett District since 1978. He thanked the Board for the work they did on an ongoing basis. He said that he was present to speak on recreational use at the Ragged Mountain Natural Area. He said that he lived in the County, but his family owned a business within the City, and its clientele aligned with the demographic he believed should have access to the natural area. He said that their patrons included bird watchers, runners, hikers, walkers, and mountain bikers, ranging from young to old.

Mr. Lorenzoni said that they were always impressed by the proximity of this exceptional resource. He said that he and Cynthia were Parks and Recreation graduates of Michigan State University's, graduating in the early 1980s. He said that their education had focused on the concept of shared usage of public spaces, such as the Ragged Mountain Natural Area. He said that he saw this as an opportunity to create a landmark scenario, something they could be proud of.

Mr. Lorenzoni proposed forming a committee of representatives from various groups, including bird watching, hiking, walking, running, and cycling. He said that they would figure out how to use the facility collaboratively. He said that he had many ideas but decided not to waste time discussing them there. He said that this could potentially be a great project that they could be proud of. He said that some viewed this as divisive and controversial, but he saw it as an opportunity for the County and the community to do something special, creating a shared recreation area. He said that he offered to participate and expressed his willingness to be involved in this endeavor.

Ms. Grace Agnew, Samuel Miller District, said that she spoke on behalf of her friends, family, and the entire mountain bike community regarding the Ragged Mountain Reservoir. She said that if anyone had ever walked or ridden at the reservoir, they would know it was beautiful. She said that before its closure to riders, she and her family visited the site nearly every week. She said that her neighbors and fellow members of the Monticello High School mountain bike team also enjoyed riding there.

Ms. Agnew said that accessibility and proximity were key factors that made Ragged Mountain a popular destination for her and her peers. She said that although they had other options, such as Walnut Creek, transportation limitations often prevented them from visiting those sites. She said that therefore, Ragged Mountain served as a convenient meeting point for them.

Ms. Agnew said that in the past few years, the mountain bike community had grown significantly in size and influence, thanks to the tireless efforts of mountain bikers. She stated that the CAMBC (Charlottesville Area Mountain Bike Club) organization put a lot of effort into the creation of the trails at Ragged Mountain, which they were now banned from riding on. She said that she believed that Albemarle County would not want to be seen as a place that stifles volunteer enthusiasm and raises doubts about why so much effort was put into the trails if they could not be fully utilized.

Ms. Agnew said that she acknowledged that a County requires funds to function. She said that in

Charlottesville, one can cycle roughly 50 miles of trails in an afternoon without needing much road. She said that many view the Ragged Mountain Trail Loop as the highlight of that ride. She said that they had many attractive tourist destinations, such as UVA and Monticello. She said that with 50 miles of trails, Charlottesville could be a mountain biking hub, attracting tourists. She said that this could result in an influx of visitors who are prepared to invest heavily in their sport in Charlottesville. She said that as more individuals visit, more money would flow into Albemarle County.

Ms. Agnew summarized that rather than impeding the mountain bike community, comprised of individuals who value outdoor pursuits and voluntarily maintain the trails surrounding Charlottesville, she proposed promoting it. She said that it would benefit high school students like herself who enjoy cycling after school and would support the whole community by increasing Charlottesville's appeal as a destination.

Ms. Sue Friedman, Charlottesville Area Alliance (CAA), said that she would like to read a statement of support from the organization. She said that CAA supported maintaining the current Albemarle County Ordinances regarding the authorized uses of Ragged Mountain Natural Area as an age-friendly open space. She said that established in 2015, the CAA envisioned Charlottesville as the most age-friendly community in the country. She said that comprising businesses, organizations, and government entities, the Alliance participated in the Livable Communities World Health Organization program, aiming to promote age-friendly communities. She said that she requested the Board to prioritize age-related considerations while discussing the future of Ragged Mountain Natural Area.

Mr. Neil Williamson, Free Enterprise Forum, said that 15 words in the right place could make all the difference. He said that the very heart of planning was the concept of looking ahead. He said that they would be discussing the 20-year forward-looking AC44 Comprehensive Plan today. He said that during the preparation of AC44, the Free Enterprise Forum had repeatedly emphasized the need to expand the Development Areas.

Mr. Williamson said that despite their suggestions, such as the layered approach, the Board of Supervisors had consistently refused to expand the Development Areas within this iteration of the Comprehensive Plan. He said that while they remained convinced that expanding the Development Areas was essential, he acknowledged the need to accept reality. He said that perhaps the Board might consider adding 15 words to the AC44 Community Facilities, Infrastructure, and Services Chapter they would be discussing during the work session today.

Mr. Williamson said that they were at the AC44 Phase 2 of a three-year planning process to revise a plan that is updated every five years. He asked if this would not be the opportune moment to include 15 words on the third page of this chapter. He said that if these 15 words were incorporated and adhered to, they could benefit Albemarle County beyond the present planning limit of 2044.

Mr. Williamson said that under Public Water and Sewer Objective 1.2, it currently stated that they would coordinate with RWSA (Rivanna Water and Sewer Authority) and ACSA (Albemarle County Service Authority) to supply public water and sewer services in the Development Areas in a fiscally responsible and sustainable manner, consistent with the Growth Management Policy. He said that the Free Enterprise Forum proposed adding the following 15 words: "Identify the most fiscally responsible and sustainable areas to potentially expand the current Development Areas."

Mr. Williamson said that these 15 words would direct RWSA and ACSA to examine the potential expansion of their infrastructure to serve the potential expansion of the Development Area. He said that by adopting this language, the 2029 Board of Supervisors, possibly including some of the current members, would have data to drive the decisions regarding development expansion that would definitely be needed when they next review the Comprehensive Plan for the AC50 Plan. He said that the Free Enterprise Forum asked why would they not want to know.

Mr. Rob McGinnis, Piedmont Environmental Council (PEC), said that his comments pertained to the draft solar renewable energy goals and objectives for the Community Facilities Chapter of the updated Comprehensive Plan. He said that Goal 2, Solar Renewable Energy, contained contradictions that might impede Rural Area Chapter goals 1 and 2, which aimed to support working forests and the agricultural economy. He said that Objective 2.1 listed timbered land as a recommendation for where solar facilities should be located.

Mr. McGinnis said that this was not helpful for best practices since it would, in essence, permit solar siting anywhere because almost all land in the County had been timbered at some point in the past. He said that timberland did regenerate, unlike land where tree stumps had been removed and mass grading had taken place, a typical scenario for utility-scale solar projects. He said that Objective 2.2 stated that impacts on forestal resources would be minimized. He said that timbered land was regarded as forest land that was in the initial phase of regeneration.

Mr. McGinnis said that Objective 2.3 failed to incorporate protection of forest cover, so despite priority protections for silviculture soils, the County would not minimize impacts to forestal resources if it removed forest land from production and prevented it from reverting back to forest cover in the future. He said that the draft solar energy facility ordinance required a siting agreement between the County and the developer. He said that the Community Facilities objectives for solar facility siting should include a

recommendation that mitigation of impacts to prime agricultural soils and loss of forest land should be mitigated through the siting agreement. He said that monies received by the County from the developer should be directed to the County's Purchase of Development Rights program.

Mr. McGinnis said that lastly, he had a brief unrelated comment on the County's list of rural roads planned for paving. He said that several roads on the current paving list possessed significant cultural and recreational value. He said that one of the most notable examples was Decca Lane. He said that they hoped the County would explore alternatives to paving.

Agenda Item No. 8. Consent Agenda.

Mr. Andrews noted the addition of Item 8.7.1 to the Consent Agenda, which would cancel the April 10 budget work session of the Board of Supervisors. He said that he was not aware of other amendments and said that the floor was open for a motion.

Ms. Mallek **moved** to approve the amended consent agenda.

Ms. McKeel **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.

Mr. Andrews clarified that the next meeting of the Board of Supervisors would take place on April 17, 2024, at 1:00 p.m. in Lane Auditorium, which he would announce again at the adjournment of this meeting.

Item No. 8.1. Approval of Minutes: June 1, June 15, June 16, and June 29, 2022.

Ms. Mallek had read the minutes of June 1, 2022, and found them to be in order.

Mr. Andrews had read the minutes of June 15, 2022, and found them to be in order.

Ms. McKeel had read the minutes of June 16, 2022, and found them to be in order.

Mr. Gallaway had read the minutes of June 29, 2022, and found them to be in order.

By the above-recorded vote, the Board approved the minutes of June 1, June 15, June 16, and June 29, 2022.

Item No. 8.2. Fiscal Year 2024 Appropriations.

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

The total change to the Fiscal Year 2024 (FY 24) budget due to the appropriations itemized in Attachment A is \$85,000. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

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

Appropriation #2024032

Sources:	Local Revenue	\$65,000
Uses:	Facilities and Environmental Services Operating Budget	\$65,000
Net Change to Appropriated Budget:		\$65,000

Description:

This request is to appropriate \$65,000 in rent revenue from the parking lot leases associated with the Rivanna Futures properties. These funds will be utilized for ongoing operating costs associated with the properties in FY 24, which could include items such as utilities and grounds maintenance contracts, as well as other routine maintenance needs. Ongoing operating revenues and expenditures for the properties in future fiscal years will be included in the County's annual adopted budget.

Appropriation #2024033

Sources:	Local Revenue	\$20,000
Uses:	Parks and Recreation Grant - Dick’s Sporting Goods Public Lands Fund	\$20,000
Net Change to Appropriated Budget:		\$20,000

Description:
This request is to appropriate \$20,000 in local grant revenue for the Dick’s Sporting Goods Public Lands Fund for the implementation of interpretive signage at Biscuit Run Park.

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

**RESOLUTION TO APPROVE
ADDITIONAL FY 2024 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2024032; and #2024033 are approved;
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2024.

* * *

APP#	Account String	Description	Amount
2024032	4-1000-41440-443000-331300-9020	SA2024032 Rivanna Futures Grounds Maintenance	\$65,000.00
2024032	3-1000-41401-315000-150201-9020	SA2024032 Rivanna Futures Lease Revenue	\$65,000.00
2024033	3-5410-71200-318000-189900-9999	SA2024033 Public Lands Grant	\$20,000.00
2024033	4-5410-71200-471000-345700-9810	SA2024033 Public Lands Grant	\$20,000.00

Item No. 8.3. Schedule Public Hearing to Consider the Adoption of Ordinance to Amend County Code Chapter 15, Taxation related to Article 9, Transient Occupancy Tax.

The Executive Summary forwarded to the Board states that during the 2020 General Assembly session, Virginia counties received enabling authority in Virginia Code § 58.1-3819 to increase the taxation amount for the transient occupancy. Under the legislation, the limit on the transient occupancy tax was removed.

Attachment A provides a summary of the proposed amendment to County Code Chapter 15, Taxation, regarding transient occupancy tax. The proposal would increase the rate from 8% to 9% effective July 1, 2024. Pursuant to direction at the Board of Supervisors' March 25 budget work session, a public hearing would be planned for April 24, 2024 and action requested on May 1, 2024.

The proposed ordinance is projected to generate \$871,992 in revenue for FY 25. Pending Board of Supervisors adoption and appropriation, the funding would be allocated according to the County's Allocation of Shared Revenue as defined in the Board of Supervisor's Financial Management Policies, which would be as follows:

- a) 10% or \$87,199 to the Debt and Capital Funds
- b) 54% or \$470,876 to the Public School Operations Fund
- c) 36% or \$313,917 to the General Fund for County Government Operations

This budget impact is anticipated to be included in the Board of Supervisors' FY 25 Proposed Budget, scheduled for action on March 27, 2024, which is after the agenda publishing deadline for this meeting. The FY 25 budget is scheduled for adoption and appropriation on May 1, 2024 after a series of public hearings and engagement.

Staff recommends that the Board schedule a public hearing to consider adopting the attached proposed ordinance (Attachment A).

By the above-recorded vote, the Board voted to authorize the Clerk to schedule a public hearing to consider adopting the proposed ordinance (Attachment A).

Item No. 8.4. Albemarle County Office of Housing Administrative Plan.

The Executive Summary forwarded to the Board states that the Office of Housing serves as a United States Department of Housing and Urban Development (HUD) designated 'public housing agency' responsible for advertising, evaluating, prioritizing, and distributing housing assistance to Albemarle County community members. The Albemarle County Office of Housing (ACOH) manages 435 housing choice vouchers, 105 mainstream vouchers, and 34 moderate rehabilitation vouchers to subsidize housing costs for community members in need. HUD requires that every public housing agency develop, follow, and submit for Board approval an Administrative Plan that provides a comprehensive guide to public housing agency policies, programs, operations, and strategies. The previous Administrative Plan for the Office of Housing was adopted in 2022, with minor revisions to the plan adopted in August 2023.

The 2024 updates to the ACOH Administrative Plan are extensive, with a total of 352 changes to the previous plan. Chapters 6, 7 and 11 have been completely rewritten to incorporate programmatic and regulatory changes associated with the implementation of the Housing Opportunity Through Modernization Act of 2016 (HOTMA). Key changes to the way the Housing Choice Voucher program is administered under HOTMA include new calculations for determining household income and assets, and for completing income recertifications. Full implementation of the HOTMA changes is required by January 1, 2025. A summary of the proposed changes is available as Attachment A and the revised plan is provided as Attachment B. The Administrative Plan continues to prioritize the use of housing vouchers for people who work and live within Albemarle County, people experiencing homelessness, people with disabilities, veterans, and survivors of domestic violence.

There is no budget impact associated with the adoption of this revised plan.

Staff recommends adoption of the Albemarle County Office of Housing Administrative Plan (Attachment B).

By the above-recorded vote, the Board adopted the Albemarle County Office of Housing Administrative Plan as presented in Attachment B (on file in the Clerk's Office).

Item No. 8.5. Resolution of Intent to Amend the Rio29 Form Based Code Zoning Ordinance.

The Executive Summary forwarded to the Board states that the Rio29 Small Area Plan was adopted by the Board on December 12, 2018. The Plan establishes a vision for the Rio29 area that calls for improving multi-modal connectivity, creating a vibrant mixed-use community, and enhancing the area through conservation and public amenities. The Rio29 Form Based Code (County Code § 18-20C) was adopted on September 1, 2021, to help achieve the Rio29 Small Area Plan vision and to allow the desired form of development through a by-right process.

The first two site development plan applications received under the Form Based Code were reviewed beginning in 2022. Those reviews have revealed some problematic ordinance provisions. A Zoning Text Amendment would improve both the Form Based Code, the application review process, and the ultimate development of the Rio29 area.

This planned work will be completed with the assistance of a consultant using funds in the Community Development Department budget.

Staff recommends adoption of the Resolution of Intent (Attachment A) to amend the Rio29 Form Based Code (County Code § 18-20C) and any other Zoning Ordinance sections deemed appropriate.

By the above-recorded vote, the Board adopted the resolution as presented in Attachment A to amend the Rio29 Form Based Code (County Code § 18-20C) and any other Zoning Ordinance sections deemed appropriate:

**RESOLUTION OF INTENT
TO AMEND THE RIO29 FORM BASED CODE**

WHEREAS, on December 12, 2018, the Board of Supervisors adopted the Rio29 Small Area Plan as a component of the Places 29 Master Plan portion of the Comprehensive Plan; and

WHEREAS, on September 1, 2021, the Board of Supervisors adopted the Rio29 Form Based Code (*Albemarle County Code § 18-20C*) to help achieve the Rio29 Small Area Plan vision; and

WHEREAS, review of the first site development plan applications under the Form Based Code have revealed problematic ordinance provisions; and

WHEREAS, revisions would improve both the Form Based Code, the application review process, and the ultimate development of the Rio29 area; and

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to amend *Albemarle County Code § 18-20C* and any other sections of the Zoning Ordinance deemed appropriate; and

BE IT FURTHER RESOLVED THAT the Planning Commission hold a public hearing on this resolution of intent and return its recommendations to the Board of Supervisors at the earliest possible

date.

Item No. 8.6. Resolution Declaring that Local Emergency is Ended (March 2024 Wildfires).

By the above-recorded vote, the Board adopted the resolution declaring that the local emergency (March 2024 Wildfires) is ended:

**RESOLUTION DECLARING THAT LOCAL EMERGENCY IS ENDED
(March 2024 Wildfires)
(Virginia Code § 44-146.21)**

WHEREAS, beginning 20 March 2024, atmospheric conditions, including drastic winds and wildfires (“the Disaster”) caused and threatened to cause significant damage to Albemarle County (“the County”); and

WHEREAS, the Board of Supervisors formally declared a state of local emergency on 20 March 2024; and

WHEREAS, there is no longer a need for the County to provide aid or assistance pursuant to or to exercise the powers conferred by Virginia Code § 44-146.21.

NOW THEREFORE, BE IT RESOLVED, that there are no further emergency actions related to the Disaster to be taken; and

BE IT FURTHER RESOLVED, the declared local emergency is ended.

Item No. 8.7. Proclamation Recognizing Arab American Heritage Month.

By the above-recorded vote, the Board adopted the proclamation recognizing Arab American Heritage Month:

Proclamation Recognizing National Arab American Heritage Month

WHEREAS, the National Arab American Heritage Month is recognized in April and is a time for celebrating the history, contributions, and cultures of Arab Americans; and

WHEREAS, Arab American communities have played an important role in shaping, advancing, and enriching the fabric of our nation and Albemarle County by making immense contributions to all areas of life, including government, business, arts and sciences, medicine, law enforcement, technology, and the military; and

WHEREAS, the history of Arab Americans in the U.S. has been neglected or defaced by misconceptions, harmful stereotyping; and

WHEREAS, Arab Americans join all Americans in the desire to see a peaceful and diverse society where every individual is treated equally and feels safe.

NOW, THEREFORE, BE IT PROCLAIMED, that we, the Albemarle County Board of Supervisors, do hereby honor and recognize Arab American Heritage Month and continue to affirm our commitment to equity and inclusion in Albemarle County.

Item No. 8.7.1. Resolution Cancelling April 10, 2024, Budget Work Session.

By the above-recorded vote, the Board adopted the resolution canceling the April 10, 2024 budget work session:

RESOLUTION CANCELLING APRIL 10, 2024 BUDGET WORK SESSION

WHEREAS, by resolution adopted at its organizational meeting on January 3, 2024, the Board of Supervisors of the County of Albemarle, Virginia established a schedule for its meetings during 2024.

WHEREAS, pursuant to the established schedule, the Board of Supervisors is scheduled to conduct a budget work session on Wednesday, April 10, 2024, at 3:00 p.m.

WHEREAS, the Board of Supervisors desires to cancel its scheduled work session.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia that its budget work session scheduled on Wednesday, April 10, 2024, at 3:00 p.m. be, and hereby is, cancelled.

Item No. 8.8. 2023 4th Quarter and Year End Certificate of Occupancy Reports, **was received for information.**

Item No. 8.9. 2023 4th Quarter and Year End Building Activity Reports, **was received for information.**

Item No. 8.10. Transportation Planning Quarterly Report, **was received for information.**

Item No. 8.11. Virginia Department of Transportation (VDOT) Quarterly Report, **was received for information.**

Item No. 8.12. Board to Board, March 2024, A Monthly Report from the Albemarle County School Board to the Albemarle County Board of Supervisors, **was received for information.**

Agenda Item No. 9. **Action Item:** S.L. Williamson Company, Inc. – Consideration of Claim.

The Executive Summary forwarded to the Board states that on January 16, 2024, the County received a Notice of Claim from Eric S. Lammers, an attorney representing S.L. Williamson Company, Inc. (S.L. Williamson). The claim concerns the Ivy Road Sidewalk Improvements Project contract, entered into on July 17, 2021, between S.L. Williamson and the County. S.L. Williamson requested that the Board of Supervisors schedule a date for its claim to be presented, which occurred on March 6, 2024.

S.L. Williamson claims it is entitled to \$238,207.29 for additional costs incurred in its completion of the project. The Board has been requested to consider the claim.

There may be potential budgetary impact associated with this claim if it is accepted by the Board. Consistent with advice of the County Attorney's Office, staff recommends the Board deny S.L. Williamson's claim.

Consistent with advice of the County Attorney's Office, staff recommends the Board deny S.L. Williamson's claim.

Mr. Steve Rosenberg, County Attorney, said that this matter was concerning a claim presented by S.L. Williamson Company to the Board of Supervisors related to a contract for the Ivy Road Sidewalk Improvements Project that had been entered into between the County and S.L. Williamson Company, Incorporated on July 17, 2021. He said that the contractor's counsel had presented the claim in person to the Board at its meeting on March 6, 2024. He said that on the same date, the County Attorney's Office had also briefed the Board concerning the claim in a closed meeting.

Mr. Rosenberg said that the matter was now before the Board for consideration. He noted that attached to the executive summary were two resolutions. He said that Attachment A was a resolution to accept the claim, while Attachment B was a resolution to deny the claim. He said that the amount claimed was \$238,207.29.

Mr. Rosenberg said that as per the advice from the County Attorney's Office included in the executive summary, staff recommended that the Board deny the claim made by S.L. Williamson Company. He said that as indicated, the Board members had the two resolutions, the staff recommendation based on the advice of the County Attorney's Office, and the matter was now before the Board. He said that it would be appropriate for the Board to simply make a motion, to consider a motion approving or adopting one resolution or the other.

Ms. McKeel **moved** that the Board adopt the proposed Resolution to Deny the Claim Asserted by S.L. Williamson Company, Inc. in the form attached to the executive summary as Attachment B.

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

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

RESOLUTION TO DENY CLAIM ASSERTED BY S.L. WILLIAMSON COMPANY, INC.

WHEREAS, S.L. Williamson Company, Inc. ("SLWCO"), by counsel, has asserted a claim for additional costs incurred in its completion of the Ivy Road Sidewalk Improvements Project in the amount of \$238,207.29 against the County of Albemarle, as specifically set forth in a Notice of Claim dated January 16, 2024; and

WHEREAS, the claim was presented to the Board of Supervisors by counsel to SLWCO at a meeting of the Board on March 6, 2024; and

WHEREAS, the Board of Supervisors finds that the present claim is not supported by the facts or

by law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia denies the claim of S.L. Williamson Company, Inc. in the amount of \$238,207.29.

Agenda Item No. 10. **Work Session:** VDOT/Albemarle County FY 25-30 Draft Secondary Six-Year Plan.

The Executive Summary forwarded to the Board states that this agenda item is intended to present information on the Albemarle County Secondary Six-Year Plan (SSYP) and road paving priorities in advance of action on the FY 2025-2030 SSYP in May 2024.

The SSYP allocates funding for construction, maintenance, and improvement of roads in the state secondary system. The funds allocated to Albemarle County through the SSYP include state and federal funds for a variety of improvement programs. The SSYP for Albemarle County is updated and approved annually and identifies the specific funding source, use, and levels allocated for the immediate fiscal year. The SSYP also identifies projected funding allocations for the next five fiscal years. The Albemarle County Priority List for Secondary Road Improvements, Unpaved Roads (Attachment A.3) is a listing of all Secondary Roads that either the public, a county department, or the Board of Supervisors has requested be paved. This list is reviewed and approved by the Board annually and forms the basis of the SSYP for Albemarle County.

The Secondary Six-Year Plan Report April 2024 (Attachment A) provides more detailed background on the SSYP. This report is used to inform the development of the SSYP Draft. The Draft Secondary Six-Year Plan (Attachment A.1) from VDOT provides cost projections and fund allocations for projects in the SSYP. The report provides recommendations for projects and the methodology for project ranking. The Albemarle County Unpaved Road Policies and Review Process (Attachment A.2) is used to develop the SSYP Draft. The Albemarle County Priority List for Secondary Road Improvements, Unpaved Roads (Attachment A.3), organized by staff, ranks upcoming paving projects. The list includes projects that (a) have been added to the paving list by the Board but still need signature approval and (b) were requested by a community member that received enough signatures and now need Board approval to be formally added to the SSYP. In its discussion, the Board may recommend changes to the Draft SSYP. Working with VDOT, County staff will use the feedback to finalize the SSYP for public hearing and adoption in May.

The SSYP outlines the expenditure of State/VDOT secondary Road construction funds allocated to the County. The SSYP does not require the expenditure of County funds, unless the Board directs additional funding be appropriated to a project.

Staff recommends that the Board review the Draft Secondary Six-Year Plan report and provide feedback in advance of Board action in May 2024.

Mr. Alberic Karina-Plun, Transportation Planner, said that his presentation would cover the draft Secondary Six-Year Plan (SSYP) as well as the draft list of roads planned to be paved under the Rural Rustic Program. He said that the SSYP pertained to the roads in the secondary system and identified funding allocated for the upcoming fiscal year and estimates the funding for the following five fiscal years.

Mr. Karina-Plun said that Telefee funding came from utility companies paying a fee to VDOT for putting lines in the right-of-way. He said that currently, these funds were being utilized to aid in the financing of the Berkmar Drive extension by Airport Road. He said that district grant unpaid funds were employed for both Rural Rustic and other initiatives, including the previous Rio Mills extension.

Mr. Karina-Plun said that this plan was updated and adopted by the Board annually each spring. He said that the SSYP relied heavily on the Albemarle County Priority List for Secondary Road Improvements – Unpaved Roads. He said that it followed the guidelines set forth by the Albemarle County Unpaved Road Policies and Review Process. He said that the document was revised in May of 2022 to now require evidence of support from two-thirds of residential property owners along the road segments.

Mr. Karina-Plun said that presented were the seven roads that had been prioritized for paving as part of this year's SSYP. He said that three had gathered sufficient signatures to proceed. He said that Sutherland Road was approved last year, and substantial drainage work and repaving were taking place this year. He said that both Blair Park Road and Starlight Road were just one signature away from reaching the two-thirds majority. He said that Burton Road and Burton Lane still needed more signatures to meet the required threshold.

Mr. Karina-Plun noted that there had been some confusion regarding what could be paved with these two roads, Burton Road and Burton Lane. He said that all of Burton Lane was eligible for paving. He said that only the southern half of Burton Road, from Burton Lane down to North Garden Lane, was eligible for paving. He said that these two projects were separate from each other, and one did not depend on the other to progress. He said that once signatures and feedback were obtained, staff would come back for resolutions to pave the roads under the Rural Rustic Program in May.

Mr. Karina-Plun said that last year, Stony Point Pass was paved in two segments - a northern

portion and a southern portion. He said that there were requests from citizens at the end of the northern portion to extend paving an additional 0.2 miles south. He said that, however, that segment did not qualify for paving under the Rural Rustic guidelines due to narrowness and other safety concerns.

Mr. Karina-Plun said that if constructed, this would be a more substantial road project requiring right-of-way, vegetation clearing, and some road widening. He said that VDOT has preliminarily estimated the cost of this project to be about \$86,000. He said that funds from the district grant unpaid pot of money could be used to pave this section of the road. He said that assuming that all roads this year receive the necessary number of signatures, there would not be leftover funds this year to complete that paving of Stony Point Pass.

Mr. Karina-Plun explained that the Board may vote to add it to this year's paving list, but it would, again, certainly push one of the roads to this year's list into next year. He said that coordination with VDOT must be done, but if some roads did not receive enough signatures this year by the May 15 public hearing, those funds could maybe be shifted to Stony Point Pass. He said that for Board action, staff will return on May 15 for a public hearing on the SSYP, and the Board would consider a resolution to adopt the FY25-30 SSYP.

Mr. Karina-Plun said that there was still time for roads that did not have enough signatures to get them, but the deadline would be the public hearing. He said that the letters that were already sent out were the only communication they had with landowners. He said that he encouraged both Board members and residents on these roads to reach out to neighbors to make sure that they were aware of the letters and to respond to him to indicate their support or disapproval for paving of these roads.

Ms. Mallek asked for clarification regarding the information about Decca Lane.

Mr. Karina-Plun said that only a part of Decca Lane could be paved under the Rural Rustic guidelines. He said that only a portion of it qualified due to safety concerns with narrowness and steep drop-offs.

Ms. Mallek said that for around twenty years, the geometry of the roadway had been the main reason it failed to qualify. She said that therefore, more details concerning this matter were needed. She said that the road continually appeared on the list, typically due to just one phone call, followed by thirty-five emails expressing that they did not want it paved. She said that this was a problem with not establishing these, so listing them separately would save staff a lot of time.

Mr. Karina-Plun said that Decca Lane was not being considered for paving this year as part of the current year's SSYP. He said that in order for paving to take place and follow the correct protocol, Decca Lane needed to abide by the standard procedure applicable to all other roads.

Ms. Mallek said that for future work, roads that were either completed or did not qualify should be listed separately so there was less confusion when reviewing the entire list.

Mr. Karina-Plun said that he appreciated the suggestion.

Ms. LaPisto-Kirtley asked if a portion of Decca Lane would be paved.

Mr. Karina-Plun said that it was possible that part of Decca Lane could possibly be paved.

Ms. LaPisto-Kirtley asked if that would be due to safety reasons.

Mr. Karina-Plun said that VDOT conducted the feasibility study for these roads to determine whether they could be paved according to the Rural Rustic guidelines. He said that a part of this procedure involved decreasing the actual construction, thus mainly consisting of paving within the existing roadbed and preserving the present road shape without substantially modifying the road.

Ms. LaPisto-Kirtley said that regarding Stony Point Pass, she knew that they had received many emails concerning the 0.2 miles. She said that they had previously discussed it when the roads had been paved back during the fall, which was beneficial. She said that they had agreed to consider it if additional funding was available. She said that she understood the costs and prerequisites for completion. She asked if those on the list with insufficient signatures might permit the allocation of funds toward finishing the 0.2 miles of Stony Point Pass.

Mr. Karina-Plun said yes, potentially. He said that he would have to check and coordinate with VDOT to make sure they were able to do it, but if the listed roads did not get enough signatures, the unused funds could be used for other purposes.

Ms. LaPisto-Kirtley asked if they did get the signatures, that the only other way to pave that 0.2-mile section would be if the Board allocated those funds from another source.

Mr. Karina-Plun stated that the district grant unpaved funds could also be utilized for that purpose. He suggested that it might be something that could be included in the following year's list because each year, the list tends to regenerate itself. He said that if all the roads progress towards paving or obtaining signatures for paving during the current year, Stony Point Pass would likely be considered for the subsequent year's round of paving. He said that the funding would still come from the same source, the district grant. He said that it would be another item that would simply be added to VDOT's list for the

upcoming year.

Ms. LaPisto-Kirtley clarified that if they acquired the signatures and if all the existing projects on the list were paved, then there remained a possibility for Stony Point Pass the following year.

Mr. Karina-Plun said that was correct.

Ms. Tonya Swartzendruber, Planning Manager, clarified that it was ultimately up to the Board to decide if they wanted to include Stony Point Pass on the list of funded projects. She explained that if all of the other roads collected enough signatures, there was a possibility that the Board might choose to prioritize Stony Point Pass over another road.

Ms. LaPisto-Kirtley said that the Board has been very patient regarding Stony Point Pass paving. She said that there has been some progress, but she would defer to their expertise on when to proceed further. She asked for their input on whether this was feasible without disrupting other projects. She said that she believed it was essential to show respect towards ongoing initiatives. She said that perhaps they could consider it as a project for next year if everything went as planned.

Mr. Karina-Plun said that it would be at the Board's discretion to have that segment paved. He said again, it would not be under the Rural Rustic guidelines but would be a more substantial road project. He said that yes, it would likely bump off a project from this year's list if it was added, but it was always possible to do it next year. He said that they did not yet know what next year's list would be, so there was room for it to be included.

Ms. LaPisto-Kirtley said that she would ask for the Board's input on whether another project for the current year should be bumped, or whether it should be included for next year.

Ms. Mallek said that she did not have adequate information to make that decision at this time.

Mr. Karina-Plun said that he recommended waiting until the public hearing with the resolution before considering items for next year.

Mr. Pruitt said that he did not know how they counted votes. He asked if the two-thirds of residents was the total number of respondents or total number of potential respondents.

Mr. Karina-Plun said that he sent out letters to each resident that lived along the segment of road that was considered for paving, according to GIS (Geographical Information System) data. He said that they required two-thirds of all residents along the road. He said that for the roads that had enough signatures, it meant that two-thirds of residents had responded with approval for the paving.

Mr. Pruitt said that there was an interesting note in the Glendower project that it could potentially be split into two projects at Coles Rolling Road. He asked if Mr. Karina-Plun could clarify why that would be done.

Mr. Karina-Plun said that some of the longer roads had intersections and were bisected by roads. He said that Glendower was bisected by Coles Rolling Road about halfway in the middle. He said that Glendower Road extends from Blenheim Road on the eastern side to Route 20 on the southwestern side. He said that sometimes when the roads were so long, the road differed in geometry as they progressed, and some portions had residents who wanted them to be paved and others that did not want it to be paved. He said that if there was a high number of residents on the southern side that did not want to pave the road, but residents on the eastern or northern side did want it to be paved, there was an option for VDOT to pave half the road.

Mr. Pruitt asked if there was divergent feedback on the matter.

Mr. Karina-Plun said that he had not encountered differing opinions regarding a split so far, so he had not proceeded with it. He said that if they opted to do so, there was still time available. He said that the deadline was set for May 15, so in the case there was a considerable rise in the residents' interest in this issue, they could possibly move forward with it.

Mr. Andrews said that it appeared there was confusion around Decca Lane because of the way the list was published as part of the agenda. He said that their current policy required two-thirds of residents along the road to approve paving, so he wanted to confirm that the process was currently working in staff's opinion, and whether there was a way to indicate when substantial opposition existed, short of going back to the old way of maintaining No Pave lists in which the supervisors made those decisions. He said that he liked the idea where two-thirds of the residents along the roads were in control of their destinies, and he appreciated their desire to not have a road paved.

Mr. Karina-Plun said that this was his second year participating in the SSYP and the Rural Rustic processes, and in his opinion, he believed that the implementation of the two-thirds rule was advantageous. He said that this rule granted more authority to homeowners and landlords on that specific road, placing responsibility on them whether they wanted the road paved or not.

Mr. Karina-Plun said that the decision was not primarily determined by the Board and others but depended on the preferences of the residents. He said that for example, if Decca Lane did not wish to be paved, it would remain unpaved within the Rural Rustic, and that decision would lie with the individuals

residing on that road. He said that he thought that the system worked well, and although communication could be improved further, overall, the process seemed to be successful.

Mr. Andrews said that he appreciated Mr. Karina-Plun's feedback. He said that he received a request from a member of the Planning Commission to have identified the roads that were most frequently used by cyclists and runners. He said that although he was uncertain if this data could be readily available during future discussions, he proposed it as an idea to consider as these matters arise. He said that he was also interested in Planning Commission feedback but was unsure if it was necessary. He said that lastly, concerning Burton Lane and Burton Road, a notification had been delivered to the nearby residents, and they were currently waiting for their replies.

Mr. Karina-Plun said that he had sent lists of the roads to the residents in mid-January. He said that he had received feedback from most recipients, except for those living on Burton Lane and Burton Road. He said that the status of these roads remained uncertain due to lack of responses from residents. He said that concerning Blair Park and Starlight Road, he required one more letter from each confirming their stance on the paving project to determine if they would be paved. He said that he appreciated the suggestion of incorporating data related to cyclists and pedestrians on these roads, because it might offer significant insights and narrative in determining whether to pave these roads.

Ms. Mallek said that she appreciated the recognition of the concern, as it had been brought up many times before regarding considering users other than just cars. She asked when the appropriate time would be to address this issue for the Board. She asked whether it was during the May hearing, or perhaps a separate meeting to discuss how they could utilize existing software that was already recording all these hotspots for various activities taking place.

Ms. Mallek said that they could use Decca Lane as an example, and Ridge Road had long been a popular spot for running groups. She said that there was limited parking space there, and where parking was available, emergency vehicle access was blocked when vehicles were parked on both sides of the road. She said that consequently, certain running clubs encouraged their members to park at Ivy Elementary.

Ms. Mallek said that nevertheless, if even a small section of Decca Lane was paved, it jeopardized the route's safety. She said that people already went 50 on that road, and that it was horrendous. She said that it had Mechums River at the bottom, which was the break between the White Hall District and the Samuel Miller District.

Ms. Mallek said that she sought guidance on scheduling this discussion and considering rural gravel roads and the other uses. She said that the reason that over a decade ago, Dick Woods Road was included on the Do Not Pave list was due to the residents becoming furious after a new resident moved in, who had been informed during their property purchase process that the road would soon be paved and not to worry about the dust. She said that it was the only safe place that children had access to run on.

Ms. Mallek said that in the same situation, where there were many adults who liked to walk their dogs or be able to get out in places where there were no sidewalks and walk, this was a use that needed to be discussed and figured out how that could be incorporated into this process.

Ms. Mallek said that the district grant was still a zero-sum, so they should not let themselves be fooled into thinking that somehow Culpeper would give them extra money if they added things on. She said that they received X amount of dollars, and they had to figure it out. She said that there was no way to confirm that they would just get theirs next year without that consideration.

Ms. Mallek said that additionally, the fewer the vehicles was not really emphasized very much, but it seemed like there should be substantial traffic in order to even get on the list before the County spent hundreds of thousands of dollars to do anything.

Ms. Mallek said that also, Fox Mountain was on the list, and it said BOS suggestion, and she absolutely did not put it on there. She said that it would be one of the things that she would want to add as a do not pave, because of the fact that there was no way that the County could meet the state requirements to say this would not be an open door to subdivision and development if that road was paved. She said that that would be the end of that whole part of the mountain if that road were paved. She said that she wanted some clarification at an appropriate future time for those kinds of things to be discussed.

Mr. Karina-Plun said that he would determine with staff what the appropriate time was to discuss these issues with the Board and Planning Commission.

Ms. Mallek said that everybody on the Board and the Planning Commission, as well as staff, had received strata maps and things for months, so it is out there and does not require the purchase of software or anything else to get the information that is available.

Mr. Pruitt said that Glendower Road was a popular road for running. He said that he was curious as to when they reached out to the Culpeper District to execute on a request to pave, how much flexibility and direction they had to take measures that might enable more shared use. He asked if they had the ability to request wider margins, or paved margins on the sides or the shoulders of roads that could accommodate alternate forms of use, as well as colored blockers on the edge that might discourage cars, or any other approaches to give flexibility.

Mr. Karina-Plun said that for the Rural Rustic Program, the goal is to maintain the rustic feel by keeping it as rural as possible. He said that when paving, they tried to stay within the existing roadbed width, keeping the same dimensions and adding drainage on each side. He said that this change from gravel to pavement did not constitute an improvement under the Rural Rustic Program.

Mr. Pruitt said that the main way to expand different kinds of uses might not entail the road itself but instead a path running parallel to it. He stated that for example, if frequent travelers used the drainage ditch beside the road, progressively altering it into a feasible trail. He stated that this strategy lies beyond what they could do.

Ms. Mallek said that everyone should see the state-mandated ditching that was going on, which they had not done for 30 years. She said the ditches were right at the edge of the pavement and were three feet deep. She said that if anyone was pushed off, they would get a broken leg at the very least. She said that keeping the speed down was essential.

Recess. The Board recessed its meeting at 2:09 p.m. and reconvened at 2:26 p.m.

Agenda Item No. 11 **Work Session:** AC44 Work Session: Draft Goals and Objectives for Community Facilities.

The Executive Summary forwarded to the Board states that Albemarle County is updating the Comprehensive Plan through the Albemarle County 2044 (AC44) project, which is currently in Phase 2. Deliverables for Phase 2 include draft Goals and Objectives for each Comprehensive Plan chapter and Planning Toolkits for coordinated land use and transportation planning. The draft Goals and Objectives for each Comprehensive Plan chapter are developed through collaboration by an interdisciplinary team of staff, in coordination with partner agencies, by reviewing the current (2015) Comprehensive Plan, incorporating best planning practices, using the AC44 Framework, and incorporating community, staff, Planning Commission, and Board of Supervisors input. The draft Goals and Objectives are provided as Attachment A, with no changes from the earlier draft shared with the Board on the Consent Agenda for February 21, 2024.

At their February 13 and February 27, 2024, work sessions, the Planning Commission provided feedback on draft Goals and Objectives for Community Facilities, in addition to Development Areas Land Use and Transportation, Community Facilities and Rural Area Land Use and Transportation. The staff report on Community Facilities, covering both work sessions, is provided in Attachment B, which includes a topic overview, key themes from community input, and high-level updates from the 2015 Comprehensive Plan.

Staff seeks the Board's feedback on the attached draft Goals and Objectives (Attachment A). The Goals and Objectives attachment also includes a topic report with an introduction, summary of Phase 2 community input, recent data and trends, and connections to the AC44 Framework. The draft Goals and Objectives are listed under the 'Draft Goals and Objectives' section of the topic report.

During the work session, staff will share a brief overview of the draft Goals and Objectives for Community Facilities, along with a summary of the Planning Commission's feedback, and then ask for the Board's input, including any additions or changes based on the Commission's feedback. After this work session, staff will update all Goals and Objectives and move into AC44 Phase 3 (Action Steps, metrics, and Plan prioritization).

There is no budget impact associated with this agenda item.

Staff recommends that the Board provide feedback on draft Goals and Objectives for this Comprehensive Plan chapter (Attachment A), including any additions or changes based on the Planning Commission's input (Attachment C).

Mr. Ben Holt, Senior Planner II, said that he would discuss the AC44 Comprehensive Plan Update on the topic of Community Facilities Draft Goals and Objectives. He said that they would concentrate on the discussion of the draft goals and objectives within the Community Facilities Chapter and the relevant guidance for the Growth Management Policy regarding the matter. He said that following their work session, he would share the upcoming schedule for AC44 after completing their discussion.

Mr. Holt said that the feedback from the public and the Planning Commission on this Community Facilities subject was available in their packets. He said that the staff was seeking the Board's input on these draft goals and objectives, including any additions or proposed modifications. He said that he would provide a brief overview on the topic of Community Facilities and its connection to growth management, hopefully leaving plenty of time for their discussion.

Mr. Holt said that beginning with the Growth Management Policy, this policy offered critical direction for the development, facilities, and infrastructure within the County. He said that this policy provided critical direction for the development of facilities and infrastructure in the County, and directed growth within the designated Development Areas, which currently accounted for roughly 5% of the County land area. He said that the remaining 95% of the County was classified as Rural Area, which

prioritized the preservation of land for agriculture, forestry, and protection of environmental resources. He said that the Development Area was meant for denser and mixed-use development, along with supporting infrastructure, services, and transportation networks.

Mr. Holt said that the County's Growth Management Policy was first established with the 1971 Comprehensive Plan. He said that in relation to Community Facilities, the policy supported efficient and cost-effective infrastructure networks and services, such as public water and sewer, libraries, public schools, and emergency services from Fire Rescue and Police. He noted that there was significant overlap between the Community Facilities chapter and other chapter topics, such as transportation, land use, environmental stewardship, housing, and parks and recreation.

Mr. Holt said that the chapter consists of four primary goals, which include public facilities infrastructure and services, renewable energy, communications and utilities, and community resilience. He said that the language drafted for the goals and objectives was available in Attachment A of the Board packet. He said that these points were also presented in the subsequent slides. He said that he could skip over these slides but would gladly return to them if there was a need to review the specific language during the discussion.

Mr. Holt said that the updated Growth Management Policy would carry forward County equity and climate action priorities according to the framework for an equitable and resilient future. He said that it would also carry forward the established Rural Area and Development Area priorities, as well as promoting efficient usage of County resources, combining the protection of the essential elements of the Rural Area, agricultural and forestry resources, land preservation and conservation, water supply resources, natural resources, and historical, scenic, and cultural resources. He said that the Development Area would be designated for various land uses, facilities, and services to support the County's future growth, emphasizing achieving density and a high-quality design along with new and infill development.

Mr. Holt said that related to the Growth Management Policy was the topic of potential future Development Areas expansion. He said that prior to delving into this matter, he wanted to clarify that the staff was not currently proposing for expanding the Development Areas or seeking guidance from the Board on whether to pursue that at present. He said that nonetheless, this topic has been addressed previously during their planning toolkit discussions, which served to guide land use and transportation.

Mr. Holt said that as a result, the feedback received from the Planning Commission and the Board earlier this year was to provide guidance on expansion criteria and to help guide future decisions when future expansion might take place, as directed by the land use build out analysis to determine the remaining capacity within Development Areas. He said that the existing plan lacked extensive guidance on how and where future expansion may occur. He said that potential factors for guidance may include infrastructure needs, environmental areas to protect, water supply, and public services. He said that additionally, there was a need to coordinate with service providers concerning long-term plans, including infrastructure for public water and sewer.

Mr. Holt said that establishing clear expansion criteria was a common practice used by many jurisdictions within their comprehensive plans to avoid premature expansion, to coordinate efficient infrastructure, and avoid development sprawl. He said that the proposed criteria included ten distinct criteria points. He said that transportation would be evaluated for level of service, safety, and multimodal network.

Mr. Holt said that public schools would entail analysis of current and projected capacity and identified school sites. He said that provision of public water and sewer necessitates coordination with ACSA (Albemarle County Service Authority) and RWSA (Rivanna Water and Sewer Authority) providers and consideration of existing capacity.

Mr. Holt said that other evaluations encompass community facilities and service provisions such as Fire Rescue and Police response, as well as public building such as libraries and community centers. He said that environmental stewardship involved identifying environmental features to protect and analyzing the existing Development Area's boundary.

Mr. Holt said that density, building form, and redevelopment would entail analysis of the density achieved and the inclusion of mixed uses and establishing activity centers. He said that water supply watersheds involved protecting watersheds and avoiding areas with limited existing development as well as well and septic issues.

Mr. Holt said that land use and expected development form entails meeting community design guidelines and locations adjacent to the existing Development Area and city boundaries. He said that parks and recreation evaluation included existing parks, trails, and amenities, as well as future plans. He said that last would be anticipated impacts on adjacent and nearby existing development and neighborhoods, as well as maintaining a hard edge to the Development Area boundaries.

Mr. Holt said that their discussion with the Planning Commission included feedback on coordinating with ACSA and RWSA concerning public water and sewer provisions, as well as considering an objective to consider nature as an infrastructure consideration. He said that also, they discussed using a wildlife risk overlay in the plan, establishing more community centers within the Development Areas, and establishing criteria for potential Development Areas expansions to guide future decisions. He said that the Planning Commission also suggested incorporating a wildfire risk overlay.

Mr. Holt said that staff had several questions for the Board to consider. He said the Board to consider whether the plan should recommend public water and sewer for legacy zoning areas with non-Rural Area zoning adjacent to the Development Areas. He said that these areas already possessed various types of zoning other than rural zoning that exist throughout the Rural Area. He said that examples of these areas were those along Hunter Way, adjacent to Route 250 East of the Development Areas. He said that this was an area they previously discussed in relation to rural interstate interchanges. He said that another example would be the portion between Western Albemarle High School and Yancey Lumber along Route 250 West.

Mr. Holt said that additionally, should they consider water and sewer provision to areas that were adjacent to the Development Area that had failing septic to address health and safety needs while protecting water quality.

Mr. Holt said that the second question was whether they should continue to develop the policy to guide potential future expansion of the Development Areas, and whether there were factors that should be added or changed.

Ms. Mallek said that there was a good process in place already to deal with adjacent properties that had health failures. She said that this was in place since the founding of ACSA. She said that especially regarding the example of the area between Western Albemarle High School and Yancey Mills, the southern section of Route 250 drained directly into the drinking water supply, so that should come off the list. She said that if they were giving credibility to the criteria they had already given to protect the watershed, then that area would not qualify.

Ms. Mallek said that there had been lots of turmoil over the past 30 years, but especially over the last 16 years regarding the uses there that wanted to have public water provided. She said that those had always been Rural Area properties and were purchased with that knowledge. She said that those uses must be defined to what the services that were available. She said that she was supportive of the current process for looking at health expansion. She asked if these were the areas they referred to as having legacy zoning.

Mr. Holt said yes, they were areas that either had Highway Commercial or Industrial zoning.

Ms. Mallek said that anything located at a distance would impose a significant burden on the ratepayers, considering that they would have to run water to those areas. She emphasized the importance of not taking away the responsibility from the owners who knew they were on their own.

Ms. Mallek said that she would say no on the second question right now because encouraging people to believe they could always move on to the next green field might reduce their interest in providing infill to help the existing growth areas succeed. She said that she did not approve of expansion of services to larger geographical areas, given that unmet infrastructure needs still existed within the current growth area.

Ms. LaPisto-Kirtley said that for the first question, she would say no, but would add that the Board should be informed of any public health and safety concerns or issues, regardless of their scale. She said that she did not recommend public water and sewer installation along 250 East. She said that perhaps a small section might be considered if needed for public health and safety.

Ms. LaPisto-Kirtley said that regarding the second questions, she was not in favor of it at this time. She suggested focusing on higher density in the Development Areas. She said that naming specific factors could spur investors. She said that she thought they all kind of knew what the criteria was without explicitly stating them.

Mr. Gallaway asked if question one differed from what they were currently doing with the Comprehensive Plan.

Mr. Holt said that currently, there was no mention of extending water and sewer facilities to certain legacy areas where commercial activities were currently happening. He said that these areas, situated east of town and bounded by Route 250 and Interstate 64, housed industrial and commercial establishments. He said that staff wanted direction on whether it would be advisable to expand water and sewer services to these areas, which might stimulate more economic drivers. He said that second was the issue of dealing with areas that had failing water and septic systems. He said that in both cases, they were regarding areas near the Development Area where they were in proximity to existing water and sewer infrastructure.

Mr. Gallaway said that whether or not it was in the Comprehensive Plan, if they had a failing issue and it was a public health and safety issue, it would come to the Board to decide on it. He asked what the purpose was for elevating it to the Comprehensive Plan. He said that regarding the first question, regardless of a public health or safety issue, since an activity was occurring there, that they should consider allowing them to be hooked up to public water and sewer.

Mr. Holt said that staff believed it was worth at least considering. He said that to guide the substantial investment in water and sewer, it would help to have visibility in the Comprehensive Plan if that was an intention of the Board.

Mr. David Benish, Development Process Manager, said that this was reflective of a recent

decision the Board made in the Hunter's Hall area where they granted water service for fire suppression for a warehouse that was expanding. He said that their current process required documentation of a public health or safety issue. He said that staff's opinion was that it would be a proactive way to ensure safety by providing fire suppression for these properties with commercial and industrial zoning with by-right uses that could be fairly intensive.

Mr. Benish said that water was less of a catalyst for growth, but addressing things like uses generated by higher employment where these properties could develop into fairly intensive uses by right, so it would be better to provide those services to just these zoned properties. He said that it was more about anticipating better treatment of more intensive development in these zoned areas, treating them more closely to similarly zoned properties in their Development Areas. He said that sewer was the one that was more of a catalyst for growth, so they should probably be more careful about that. He said that it was a subtle distinction, but that was the primary distinction.

Mr. Gallaway said that whether or not it was in the Comprehensive Plan, the Board would address these issues as they arise on the properties.

Mr. Benish said yes, the Board had that option under the current policy.

Mr. Gallaway said that he would think about that issue for a moment. He said that meanwhile, he would discuss the second question regarding the Development Area. He said that he had publicly said that this was the third rail in Albemarle County politics, but why they were reluctant to participate in the debate, he was uncertain. He said that at some point, and everyone, including himself, had mentioned that the Development Area would not be filled for 10, 20, or 50 years, so they should not have to discuss the potential expansion.

Mr. Gallaway said that what they probably needed to do, if the discussion allowed them to get there, was find what they believed 100% filled would be. He said that the previous time they addressed this issue a few weeks ago, they estimated 20 years based on anticipated units being built. He said that this presumed they approve at full density levels; if they did not, would that modify the timeline? He said that if 20 years assumed maximum density, and they were approving at 58% of that density level, then 20 years was not the right number.

Mr. Gallaway said that at some point, this Board must recognize the need to engage in the discussion. He said that he was not suggesting that the expansion of the Development Area was inevitable; however, it was inevitable that the Board discuss it, and this planning document allowed for such discussions. He said that if they identified potential areas, he did not see any harm in doing so, but believed the primary focus should be on determining the criteria for triggering the expansion of the Development Area or growth area.

Mr. Gallaway said the conversation would be worth having. He said that during his town hall meeting for the budget, they discussed density in the Development Area and protecting the Rural Area, with no intention of favoring the expansion of the Development Area. He said that although the Rio Small Area Plan involved approved height and density, they could not simply flip a switch and make it happen; the redevelopment must occur. He said that if they calculated all those units, perhaps the expansion of the growth area might be delayed, among other things.

Mr. Gallaway said that he believed it was acceptable to engage in this conversation without automatically assuming that Supervisors were in favor of expanding the Development Area. He stated that this was the reason why some people argued that there was no political will on the Board to pursue it. He said that if one did not wish to expand the Development Area, it was simple to say so. He said that as a representative of a significant portion of the Development Area, he needed to stop telling his constituents that such matters were decades away. He said that he did not know how far away it was. He emphasized the importance of discussing it to avoid being unprepared.

Mr. Gallaway acknowledged Mr. Williamson's prognostication that some members might still be present in 29 years when the discussion did arise, and if they were in fact present at that time and they were unprepared, they did not do their jobs as Supervisors to plan for it in their planning document. He said that he believed that they needed to have a thorough conversation about the issue, considering both pros and cons. He said that before delving into specifics, he suggested establishing a common understanding of the situation. He said that they had to agree on a shared goal regarding when the current Development Area was maxed out.

Mr. Gallaway said that addressing the initial question, he understood the apprehension surrounding expanding water and sewer infrastructure beyond the Development Areas. He said that however, it was not necessarily a drastic change in policy but rather a change in their view of use that was already existing, and that it could be allowed to go there. He said that he would not support extending those services to uses that did not feel they were needed. He said that he agreed that public health or safety issues should warrant action, as he doubted they would extend facilities without a valid reason.

Mr. Pruitt said that he had a difficult time addressing the first question as separate from their current practice and policy. He said that it seemed that public health and safety would prompt action under the current paradigm. He asked if this issue was also related to the rural interchanges, which they had previously discussed.

Mr. Holt said yes, there was substantial overlap. He said that since they looked at those two example areas where there was commercial zoning in place, there was by-right uses already occurring in those areas.

Mr. Pruitt said that if he recalled correctly, the community feedback was generally not very fond of rural interchanges. He said that this might have been the rural land use type with the lowest appetite. He said that he did not remember precisely where they landed. He said that as a body, regarding rural interchanges, he believed they did not delve too deeply into that particular concern. He said that therefore, he sought input from his colleagues as to whether any of them had insights into where they ultimately decided on that matter. He asked if they could potentially deny this request without compromising a prior Board decision within the rural chapter.

Mr. Holt said that there was not unanimous feedback on that subject. He said that what they heard from the Planning Commission and the Board was that there was some appetite for utilizing small area plans in the future at those locations to determine appropriate use and the scale of use. He said that this would also entail exploring infrastructure, so the subject of water and sewer was part of that conversation and was being broached here again for that reason.

Mr. Pruitt said that with that being the case, it appeared that they would be restricting any type of small area plan they could implement, any form of community-driven decision-making or planning procedure they might participate in if they did not endorse the initial question, if they did not approve the potential of extending service and examining service based on feasibility, vicinity, current usage, and health and safety. He said that with that stated, it seemed like the expansion of those services would rely on talks on a later small area plans, and he would vote in favor of this question to prevent limiting future conversations.

Mr. Pruitt said that regarding the second question, it was essentially the central fulcrum of Albemarle County politics. He said that he generally agreed with how Mr. Gallaway framed it. He said that they must have a dialogue. He said that this was not even identifying an area; this was identifying the criteria for identifying an area. He said that this was acknowledging the issue in the Comprehensive Plan and allowed for a more substantial conversation about what that process and identification would look like.

Mr. Pruitt said that he believed this was significant since when he thought about the likelihood of broadening the Development Area, his concerns were always in the specific details particularly because at some point they would be discussing specific discrete square miles and acres. He said that this was a central part of the concept, and that was what he thought made perhaps the bogeyman of this dissolve a little bit when they could truly hold in their hands what they were even speaking about.

Mr. Pruitt said that discussing his concerns about the Development Area and its expansion, there were matters they could not even discuss until they got past this first stage. He said that he was worried about managing the land use map in those areas and figuring out how far ahead decisions would be made available.

Mr. Pruitt said that one of the main public benefits would likely be decreased land value due to increased supply, allowing for the construction of cheaper buildings that could attract desirable commercial uses currently unaffordable in the market. He said that this could also encourage the creation of low-income housing developments. He said that however, this would be complicated when considering zoning implications. He said that they needed to determine whether their goal was to attract mobile capital by deliberately zoning it under their intended use. He said that under their current plan and housing team's direction, this was an important factor in funding affordable housing development.

Mr. Pruitt said that on the other hand, they could opt for higher density zoning, leading to rapid by-right development and possibly increasing land values. He said that these were the conversations that they needed to have, and that to achieve this, they first needed to establish the criteria for when it was wise to extend the Development Area and define what expansion would involve. He said that his answer to both questions was yes.

Ms. McKeel said that she agreed with the comments made by Mr. Pruitt and Mr. Gallaway. She said that there was a challenge of balancing climate action and affordable housing while addressing failing septic systems and protecting groundwater. She said that failing septic systems were undesirable, and they existed in many older areas, both rural and urban. She said that in her district an affordable housing complex was situated near the jurisdictional area boundary within the urban ring. She said that it was an affordable housing complex that they did not want to lose and asked how they marry that.

Ms. McKeel said that if no assistance was given to the complex, it might be sold, resulting in increased housing costs and the loss of affordable housing opportunities for many families. She said that back in the 1970s, she lived there herself. She said that Lambs Road served as an example. She said that with climate change, failing septic systems, and the area being in the watershed, and the Development Area line was put there 30 years before because it was a watershed. She asked how they could identify specific areas that would support existing affordable housing and contribute to climate change initiatives concerning groundwater protection via public sewer systems.

Ms. McKeel clarified that she was not discussing water supply, but rather the public sewer system. She said that she sought input on whether they could consider examining certain areas outside the current jurisdiction, which was near Hydraulic Road and Georgetown Road, close to a high school in

the Rural Area that had affordable housing that they were liable to lose. She said that it also fell within the watershed. She asked if they could look selectively at areas that were not in the jurisdictional area because it was too far.

Mr. Benish explained that according to the current policy for rural properties in the jurisdictional areas, evidence of a documented health or safety issue specific to the site was required, along with adjacency to an existing facility. He mentioned that the Comprehensive Plan did not specify a distance. He said that the Board had the authority to approve amendments to the jurisdictional area policy, which served as a guideline for decision-making.

Mr. Benish noted that exceptions have been made in the past based on the merits of each situation. He gave the example of the Key West Subdivision, where water failure occurred, even though it was a mile away from accessible water; so, the Board granted an exception under those circumstances. He advised that when evaluating cases, consider the guidelines and apply common sense to each scenario while maintaining consistency to avoid setting problematic precedents.

Mr. Benish said that the Board was free to grant exceptions but could not attach conditions to providing services to a property. He said that it was a decision solely to provide the service, but under the current policy the Board had the discretion to apply those standards. He noted that there were other instances where they had not met the proximity issue, but it was based on the circumstances of that site where the Board made the decision to extend the service.

Ms. McKeel said that it was great to hear that it was possible because she had been informed directly that it was too far away, and it would not even be considered.

Mr. Benish said that the standard was based on the fact that what guides control of that land was Rural Area zoning. He said that when providing that service, there was a limit to what can happen to that property. He explained that the difference in these sites they looked at was that those properties had zoning that was not Rural Area that did not restrict activity to a much lower level on those private systems; they could have more intensive activity on those private systems. He said that this was the difference between the areas, and it was very specific to those zoned properties.

Ms. McKeel said that she had been told the area was too far away from the jurisdictional area.

Mr. Benish said that it was according to the strict reading. He said that applying their interpretation of the Board's ultimate decision would allow an amendment.

Ms. McKeel said that she believed it was necessary to examine some aspects through the lens of climate change and groundwater protection, returning to her initial point, and considering it from an affordable housing perspective as well, integrating those perspectives, and exploring potential applications.

Mr. Benish said that Objective 1.5 discussed examining the impacts of septic systems in Rural Areas. He said that the purpose was to consider the broader context, as there were numerous subdivisions that were over 40, 50, or even 60 years old in the Rural Areas. He said that finding a solution would require exploring both public and private systems, although staff recognized that it was a larger issue, and another objective had been created specifically to tackle it.

Ms. McKeel said that the Yancey area had problems with failing septic systems, as did many older neighborhoods.

Ms. McKeel said that she was considering how to balance addressing climate change, protecting groundwater resources, and providing affordable housing within watersheds. She said that Mr. Benish believed they had a plan, but she was unsure. She said that she would be glad to have a broader discussion about the water and sewer question as well.

Ms. McKeel said that regarding the Development Area expansion criteria, she agreed with her colleagues. She acknowledged that people within the community often became upset when this subject was brought up, and she understood that. She pointed out that the same guidelines had remained unchanged for approximately 25 to 30 years. She suggested that it might be prudent to reassess those rules. She said that although she did not advocate for substantial alterations, she believed that certain modifications might be necessary. She expressed her willingness to engage in further discussions on the matter, provided they approached the issue delicately.

Ms. McKeel said that when discussing the expansion criteria, she proposed considering various factors, such as schools, roads, ACSA, and RWSA. She recommended incorporating population, specifically in relation to the Development Area and magisterial districts, as another criterion. She highlighted that this could potentially offer valuable insights for the future. She noted that it was best to have those discussions as soon as possible in order to create the best planning for the future.

Mr. Holt said that he would like to add a few points of clarification regarding some of the comments made earlier. He said that the Planning Commission generally supported exploring this criteria but does not wish to incorporate any mapping at present to prevent land speculation. He said that regarding Mr. Gallaway's reference to the Land Use Buildout Report, it encompassed both high and low projections. He said that even if they continue at the current density, the report currently indicated that there was still capacity. He said that however, if the County began approving rezonings at a higher

density, it would take longer to fill that area.

Mr. Holt said that another point to consider was that the expansion criteria did not necessarily lead to affirmative decisions. He said that it functioned on both sides of the spectrum. He said that the criteria could also justify maintaining the Development Area for an extended duration due to factors such as density and increased building heights. He said that these suggestions were particularly relevant when considering activity centers.

Mr. Gallaway said that defining a full Development Area could aid in protecting Rural Areas. He said that it was necessary to overcome the fear of having the conversation. He said if it was height and units and all of that, then great, they should talk about it. He said that although identifying specific areas might be challenging, the first part of that conversation had to happen before they can go there.

Mr. Andrews said that he would provide some thoughts and would start with number two since they were just on that. He said that he was among those who did not want to expand the Development Areas; however, he acknowledged that this was a matter of criteria, and the criteria could work both ways.

Mr. Andrews said that in previous conversations, they had considered how best to justify their decisions, and sometimes by defending their choices, they found themselves in a stronger position if they had criteria stating that Development Areas expansion should not occur until certain conditions were met. He said that thus, the criteria could help protect the Development Areas. He said that he did not have significant concerns in that regard.

Mr. Andrews said that determining when an area was 100% filled could be challenging. He said that for example, the City of Charlottesville was currently examining how they could grow. He said that they were landlocked and were not going to expand their Development Area; they would merely use other tools. He said that this was something the County would always have to some degree as well. He said that these comments led him to address a fellow Board member's comment. He said that some of their decisions concerning the Development Area were influenced by geography as well.

Mr. Andrews said that sometimes it might be that due to the current magisterial district political boundaries, a particular district may not have sufficient Development Area simply due to the lines being drawn in a way that made their magisterial districts comparable in how much Development Area and how much Rural Area there was. He said that he would never suggest because the ragged mountains between Routes 29 and Interstate 64 were right next to the City, but Samuel Miller did not have enough Development Area so they should develop that. He said that this was the wrong way to look at. He said that they should look at it in terms of changing the political boundaries, but they could not change the geography of the County. He said that some areas that might work if the Development Areas were to be expanded, while others may face difficulties and complications in considering such expansion. He said that he wanted to be able to defend their decisions, and he somewhat saw the idea of having that discussion as helping them defend the decisions they were making.

Mr. Andrews said that he wanted to return to the first question and clarified that he was unsure if there was a significant difference due to the existence of a process for considering certain areas for water and sewer. He expressed concern regarding the definition of a failing septic or failing water system, as the outcome might depend on the property owner's usage. He said that depending on his property's usage, he could potentially cause the septic to fail. He acknowledged that this scenario might not apply to him personally, but he warned against using the "failing" label as a justification for providing services that could lead to increased development.

Mr. Andrews said that he fully agreed with Ms. McKeel regarding how to handle existing properties, such as apartment complexes, especially those designated as affordable housing. He emphasized the importance of addressing their maintenance and repair needs without resorting to going through the Comprehensive Plan. He said that he leaned toward saying no to include it directly in the Comprehensive Plan; however, he believed it was necessary to find solutions to tackle these issues as they emerged. He said that he also noticed that the Board members seemed divided over whether the Comprehensive Plan should recommend water and sewer services for some legacy zoning and adjacent areas to address public health and safety concerns. He said that this stance appeared to vary depending on the context. He said that there were two separate questions, and he was unsure if staff had received everything necessary regarding the first question.

Mr. Holt said yes.

Mr. Andrews said that regarding the second question, he believed there was a clear distinction in opinions concerning the extent to which they could put in with respect to criteria. He said that he thought that perhaps it depended on how they phrased those criteria, whether they were perceived as a permissive step or as a definitive criterion, where unless something happened, they would not consider expanding the Development Area.

Mr. Andrews said that he would ask the Board members to share their opinions on the questions again but first asked if staff had received adequate feedback thus far.

Mr. Holt said yes.

Ms. Mallek said that during the conversation, she took note of several points, including the distinction between "near" and "adjacent." She said that their policy specified adjacency, but that there

had been some various occasions that had allowed other things to happen.

Ms. Mallek said that the availability of significant funding from the Virginia Department of Health (VDH) for septic system repairs was a notable point, as well as the Federal Government's grant opportunities. She mentioned that managing multifamily situations involving septic systems presented challenges. She explained that the slippery slope was that everything was adjacent to something, and that it could keep growing, but that the ACSA held responsibility for those decisions. She said that landowners were required to cover the expenses related to these matters.

Ms. Mallek said that regarding affordability in the expanded growth area, historically, the business community had not prioritized affordable housing. She said that Earlysville Forest was the last to do so with building 200 units in the woods. She said that they started out at \$40,000 and now were selling for \$250,000 and \$300,000. She said that the way the private sector's financing worked meant that they were looking for the top of the market, and unless they did something differently, it would not change.

Ms. Mallek said that regarding the second question, they had discussed this matter a couple of times ago. She proposed separating the growth management discussion and addressing that issue separately from the Comprehensive Plan. She said that it should involve having its own agenda, work session, and deliberation, instead of attempting to fit it within a 15-minute discussion among various other subjects. She said that she did not endorse providing insufficient attention or merely agreeing without careful consideration. She said that she would be interested in putting that back on the table again.

Ms. Mallek said that over the last 20 years, there have been several changes to the growth area. She said that for example, in Crozet, the southern section of the growth area was initially included but later removed due to its proximity to the Mechums River. She said that also, an area near Route 240 on the northern side was added in. She said that those kinds of changes could be done, as could changes and modification to the Comprehensive Plan whenever necessary. She said that the ZMA process had occurred frequently in the last few years. She emphasized that adopting something today did not mean it would remain unchanged forever.

Ms. LaPisto-Kirtley said that she did not disagree with Mr. Gallaway about the necessity for a thorough examination of the matter by the Board. She said that she was unsure of what their decisions would be, but believed it was good to get the facts out there, to have a discussion. She said that she felt they could address the public health and safety needs with what they currently had. She said that Key West was a good example. She said that she thought that if it was approximately a mile away from water and sewer connections.

Ms. LaPisto-Kirtley recalled Ms. McKeel mentioning an affordable housing unit, but she was uncertain of its proximity to utilities. She said that in the case of Key West, a mile seemed like a considerable distance, but they had managed to resolve the issue. She said that she was optimistic that they could handle similar predicaments in the future. She said that expanding too quickly might cause problems.

Ms. LaPisto-Kirtley said that in her opinion, Albemarle County would always be more expensive when compared to neighboring jurisdictions. She said that expanding it may not help, but increasing density and height, as she had consistently advocated for, could help address the current issues. She said that it was the responsibility of the Board to begin maximizing housing. She said that perhaps discussing or considering having more than 58% affordable housing on a development project was possible. She said that as a Board, they could implement this change now.

Ms. LaPisto-Kirtley said that she was against creating a policy to guide potential future expansion. She said that as staff mentioned earlier, no changes to the Comprehensive Plan in that area were being suggested at this moment. She said that she appreciated the chance to discuss these matters. She said that it was the time to deliberate on this and envision the future. She said that it might require several workshops or even a retreat; however, she believed these discussions would be beneficial.

Mr. Gallaway said that regarding the public water and sewer in Objectives 1.2, 1.3, and 1.4, they were mapping all the piping infrastructure where stormwater from sites was coming out, as well as natural channels of water. He said that specifically regarding the open channels, the Board should be planning for the future of the natural channels. He said that his primary concern was that all the stormwater would be eventually draining into the natural channels, so the responsibility of the downstream impacts from upstream. He said that individuals living near the natural channels faced property damage due to increased flow and volume.

Mr. Gallaway said that the downstream impacts had become a significant concern, especially in the Development Areas. He said that he had not paid attention to the issue until the last few years, but he now felt it was necessary to ask related questions about new developments. He said that in the Development Areas, they had some ability to control the capacity going through those channels, especially if they were going through a facility. He said that he would like to see some effort put towards addressing this issue in the Comprehensive Plan.

Mr. Gallaway said that it likely would be included as yet another item for the Public Works Department to deal with. He said that they should be thinking proactively about how the water flow through man-built things that funnel to natural things and what that does to properties as it goes through a very tight area.

Mr. Gallaway said that regarding emergency services, their objective stated that they should provide high-quality and responsive emergency services that adapt to changing communities and emerging best practices. He asked if there could be a staffing level objective based on the population growth. He said that as urbanization increased, the demand for services would also increase.

Mr. Gallaway said that he understood the mention of changing best practices, but he wondered if the Board was thinking of staffing from what the objective was trying to achieve versus what they could afford. He said that he believed that the Comprehensive Plan should state the desired staffing objectives based on the population size and characteristics. He said that adding just one more police officer or firefighter annually would not suffice in terms of meeting the growing demands of the County.

Mr. Gallaway said that regarding Goal 4, he was curious about how resiliency centers fit into the discussion. He said that this topic was previously discussed during the crossroads communities meeting. He pointed out that while they spoke specifically about Rural Areas and rural needs, resilient communities should also be considered throughout the entire County.

Mr. Gallaway said that on page 16, he agreed with the statement regarding future needs for the Police Department, which included training facilities and strategically located smaller offices. He said that he agreed with that, and that he recalled a previous conversation about a regional fire training facility in Albemarle, which could potentially generate revenue. He emphasized his support for strategically located smaller offices, as well as training facilities, which could help offset costs and bring in revenue.

Mr. Pruitt said that he would begin by revisiting two recurring themes from previous sections since they appear in numerous chapters. He said that the first theme was straightforward and could be found in Objective 4.3. He said that he had talked about this before, discussing the prioritization of access for census tracts to have higher social vulnerability indexes. He acknowledged his appreciation for this. He pointed out that tract-level data was insufficient due to the high population density. He said that neighborhoods like Lake Reynovia and Eagles Landing were within the same tract as Southwood currently.

Mr. Pruitt said that almost all of southern Albemarle was one tract. He said that in reality, it was two tracts. He said that the entirety of southern Albemarle's rural area was two tracts and did not allow for granular identification of community needs. He expressed uncertainty about the tools available but was sure that census tracts could not be the solution. He suggested exploring an alternative approach.

Mr. Pruitt said that a concern he had was the use of the term "equitable." He said that this term has become very popular, almost like an invocation. He said that mentioning "equitable" at the beginning of a sentence implied that everything would be fair and supported by the entire Board of Supervisors. He said that however, he thought this was misleading because it was not actually aligned with many of the objectives. He said that for example, Objective 1.5 contained an explicit equity component that was being scrutinized, but no other objectives mentioned incorporating equity concerns, such as social vulnerability, which he had previously discussed, or addressing household median incomes, racial disparities, or other factors.

Mr. Pruitt said that there were also other types of equity measures handled at the local government policy level, such as implementing equity-conscious frameworks and providing affirmative equity solutions based on known disparities. He said that none of these were evident here. He said that if they were going to say they want an equitable framework, he preferred to see specific, tangible objectives that embodied an equity-conscious framework, involved decision-making processes, and proposed and executed equity-conscious frameworks aimed at reducing or eliminating disparities through direct services targeting specific populations.

Mr. Pruitt said that alternatively, they needed to acknowledge that they were not seriously addressing equity issues in this context, or they had to reassess how they integrated an equity lens throughout the document. He said that he considered it a big-picture issue, but that it was a frustration of his. He said that if someone thought his characterization was unfair, he invited them to examine any section they wanted.

Mr. Pruitt said that they had a discussion from the public about Objection 2.1, and he wanted to support the Planning Commission's notice of this right from a very specific or technical perspective. He said that he believed that any land could be timbered. He said that if he was preparing land for sale or lease for a solar project, he could immediately establish this criterion by cutting down all the trees, demonstrating that it was timbered. He said that he thought that replacing that criterion with a consideration of soil quality or a regenerative capacity/regenerative timeline seemed reasonable. He said that he thought that everything had a regenerative capacity if they were willing to look after a hundredth year. He said that however, if it took 20 years, perhaps that was a prudent criterion.

Mr. Pruitt said that regarding Goal 2, they had two discussions, Objective 2.2 and Objective 2.3, around utility-scale solar, which everyone agreed was desirable. He said that he was concerned about the lack of conversation regarding the role of how to incentivize and enable community-scale solar. He said that he believed that community-scale solar, with its smaller footprint, would be more suitable for addressing many concerns about utility-scale solar, such as intrusiveness in Rural Areas. He noted that community-scale solar did less to contribute to broader macro concerns like Loudoun's high-volume megawatt data centers, a concern often raised. He said that he did not want to pay for Loudoun's enormous megawatt expenses. He said that someone had sent a helpful article related to the topic.

Mr. Pruitt said that community-scale solar did not connect to distribution grids due to concerns of scale. He said that this resolved the community's worries. He said that he noticed that community-scale solar was not discussed in their current solar ordinance draft, and he recommended including it in the Comprehensive Plan so that they could address it later, possibly as part of their existing solar ordinance or the next one.

Mr. Pruitt said that he wanted to revisit the idea of providing input on Development Area criteria. He said that if he remembered correctly, there was not a specific, bulleted list of triggering criteria; instead, it was mainly based on land use buildout.

Mr. Holt said that according to the current guidance, the plan referenced land use buildout as determining its ultimate capacity.

Mr. Pruitt said that he was less concerned about criteria for identifying available tracts or prospective regions. He said that he was interested in the criteria used for staff recommendations for the "when," which he believed everyone present was interested in. He said that there was lack of discussion regarding the way that land buildout and their current land usage were affecting market effects, and whether they could no longer realistically have some of the commercial amenities due to their lack of market feasibility, which was true in some parts of the County.

Mr. Pruitt asked if this situation implicated their equity lens. He said that they had reached a point where developers could no longer deliver housing or other amenities based on the current land use buildout and its influence on the supply side of land. He emphasized the importance of considering the broader implications of land use buildout decisions on the community's shape and texture, including the type of people who could live there and the amenities available.

Mr. Pruitt requested a more comprehensive approach to evaluating the broader community and market impact, rather than merely focusing on achieving a specific percentage of land use buildout. He suggested refining the criteria for determining the "when" as it related to land use buildout capacity, not just the "where." He said that key elements included the availability of certain amenities, placemaking, and overall equity concerns related to the cost of living for residents.

Ms. McKeel said that related to Mr. Gallaway's concerns about stormwater runoff effects, she had noticed it channeled down, then went into a pipe, then went back out into channels again. She said that there were multiple areas in her urban community where this was a major concern. She said that analyzing this issue would be greatly beneficial. She said that she read a book a few years ago called "The Drowning of Mathews County," which was about what happened in Mathews County when they did not keep their channels clean. She said that she had a copy if anyone wanted to borrow it. She said that they had to make sure their channels were kept clean. She said that the channels going downhill were also a challenge. She said that when they approved High School Center II, there was a lot of concern from the community regarding the location on school property in a Rural Area. She said that she could not recall the exact details of the concerns raised.

Mr. Benish said that he recalled that the property was zoned Rural Area, and the setback restrictions of that zoning affected where the building could be located on the site. He said that it was rezoned to an urban zoning, but the parcel was in the Rural Area, so it was inconsistent with the Comprehensive Plan. He said that they were contemplating that, and the Board would see possible ways to address that moving forward in the Comprehensive Plan.

Ms. McKeel said that she appreciated staff taking the time to address the issue. She said that regarding solid waste management, bailing facilities, and convenience centers, she agreed with those items, but she needed clarification regarding curbside services.

Mr. Holt said that this was referring to trucks going to properties to pick up trash or recycling.

Ms. McKeel said that the County currently did not provide that service. She asked if staff was contemplating this as a future service.

Mr. Benish said that it was meant to acknowledge the private service, so the convenience centers would augment those services.

Ms. McKeel thanked Mr. Benish for the clarification. She said that it would be a major issue for the Board to discuss if the County was to implement that service. She said that regarding data centers, it was shocking to see the map of all the data centers going up around Virginia. She said that it would be worthy to discuss wind power as a resource in the future, although they did not have the same types of wind currents that the coast did. She said that she agreed that the Police would be needing smaller police stations around the County for better connectivity.

Mr. Andrews said that he wanted to confirm that during their initial discussion regarding the two questions about permitting private central or expanding the ACSA jurisdictional area, they had this point about serving crossroads communities if public water and sewer service was not a viable option. He said that he was uncertain about whether they had clearly defined what they meant by "crossroads communities" yet. He said that they needed to clarify this before moving forward. He said that referring to private central water and sewer systems, he found that this point depended on that usage already being in place. He said he wanted to ensure he understood it correctly.

Mr. Andrews said that regarding renewable energy, he believed they would have a comprehensive discussion on the solar ordinance later, where some of these points would be addressed in detail. He added that he hoped they could revisit these topics after the solar ordinance discussion to ensure consistency. He said that he was very worried that some of what had been drafted did not effectively address environmental concerns and that they had not enabled smaller-scale solar installations that did not fit within the currently drafted guidelines. He said that they should ensure they addressed those issues, but it would be preferable to do so when they discussed that specifically.

Mr. Andrews said that regarding data centers, he was not a big supporter of them, but they all used them. He said that unfortunately, along with the ongoing expansion of electric automobiles and other advancements, the demand for electricity was increasing at a quicker pace than their growth of renewable energy sources. He said that although the growth of renewable energy sources had been quite remarkable, it still required improvement. He said that they must take into account this fact as they evaluate their criteria for solar power, particularly by-right solar projects. He said that some of these projects would not be able to happen unless they did not have to go through this whole process. He said that if they did not happen, they would be in trouble.

Mr. Andrews said that regarding Objective 3.6, where he observed proactively working with and communicating with electric and natural gas providers, and acknowledging immediately that natural gas services would be inconsistent with their Climate Action Plan and uneasy about how it aligned with their Climate Action Plan.

Mr. Andrews said that he agreed with Mr. Gallaway's remark that when discussing a healthy, safe, and resilient community, it demanded cross-referencing resiliency centers in Goal 4.

Mr. Andrews said that regarding the expansion criteria, there was much information provided and the Board may have more input about the material. He said that some terms appeared ambiguous, and he would like to know what exactly they meant.

Ms. Mallek said that regarding Objective 1.5, one potential improvement to significantly enhance septic functionality was requiring pump-outs, as many other communities practiced, and providing assistance for individuals who needed financial aid to execute this task. She said that additionally, there were VDH funds available for this purpose, which would also assist in identifying failing systems of which people might be unaware.

Ms. Mallek said that under Objective 1.14, the bailing facilities cost millions of dollars, making them among the most expensive items on the Capital Improvement Program (CIP) for RSWA. She said that these facilities could not be strewn around the County; they must be situated in a single location. She said that "equitably located" did not align with this specific requirement since it could not be fulfilled.

Ms. Mallek said that in relation to Goal 2, solar projects should adhere to the Comprehensive Plan, which went beyond the suggestions proposed in the Climate Action Plan. She said that incorporating land use was crucial for achieving this objective. She said that she was deeply concerned about Objective 2.1, as others had expressed similar concerns, regarding the deliberate destruction or neglect of properties to create the appearance of distress, thereby qualifying them as wastelands eligible for utility solar installations. She said that a significant portion of County property consisted of diverse timber tracts, which contributed positively to climate change mitigation efforts. She said that they must remain vigilant and safeguard these resources.

Ms. Mallek said that she would appreciate seeing language that prioritized solar installation on parking lots, rooftops, and certified urban brownfields that had limited development options, to further that community. She said that one of the issues they must address at the legislature was breaking the stranglehold that Dominion currently held on community solar, allowing the \$75 per month minimum charge for every homeowner who should only pay around \$5 for their energy generation within their neighborhood.

Ms. Mallek said that there had been many chances to tackle this problem, especially in the western region of the County where people at higher elevations could generate considerable wind energy but could not move forward because of insufficient offset capacities due to Dominion's stranglehold. She said that they needed to understand what those risks were.

Ms. Mallek said that regarding Objective 3.1, she was grateful for the third bullet point on personal wireless. She said that the whole thing was pretty well put together and that it respected the other impacted resources.

Ms. Mallek said that Objective 3.3, regarding complete rural fiber broadband appeared to be the emphasis of the Broadband Authority Office, making sure it was not mixed up with other provisions.

Ms. Mallek said that delving into Objective 3.6, to work with communication, electric, and gas companies. She said that others had mentioned about the gas, and that she would agree with that. She said that focusing on community centers and the Rural Areas building that already exist and agencies who could provide resilience hubs. She said that Ruritan members in White Hall had been struggling to get resources to upgrade their ability to generate their fiber broadband capabilities so that people could go there during COVID. She said that strengthening emergency response in Rural Areas was crucial and there were lots of potential partners out there.

Ms. Mallek said that concerning Goal 4.2, she did not know how they would ensure that proper administration and maintenance of private stormwater and flood infrastructure was properly maintained. She said that they must refrain from overpromising without a solid strategy.

Ms. Mallek said that Objective 4.3 emphasized the significance of safeguarding agricultural land and expanding space for small-scale farmers. She said that farmers market participants contributed substantially to local food production and supporting them more would be advantageous.

Ms. Mallek said that finally, even though libraries were valuable assets, they could not just establish them anywhere; they currently had mobile library alternatives accessible to the community.

Ms. LaPisto-Kirtley said that she was very concerned about data centers, which she had discussed at the VACO (Virginia Association of Counties) conference. She said that she was told at that conference that the data centers could buy the land and build the centers by right. She said that the only way out of that situation was to have something in the Comprehensive Plan. She said that she had not seen anything in the drafted material regarding data centers and how to say no to them if the Board wanted to. She said that there may be consensus on the Board to not allow large data centers in the County. She asked how they could prevent this situation if they were allowed by right.

Mr. Benish said that they were currently permitted in the County's Industrial districts, so it would take a Zoning Ordinance amendment to change that. He said that the Comprehensive Plan could offer guidance on decisions and location criteria. He said that in order to control or prohibit them being by right, it would require an amendment to their Zoning Ordinance.

Ms. LaPisto-Kirtley said that she believed it would be worth looking into the matter, otherwise they would inevitably come.

Mr. Pruitt said that he wondered whether they had enough contiguously Industrial-zoned land to support a data center. He said that this was a current functional stop for them. He said that a data center would require a zoning map amendment to operate at an industrial scale. He said that the ones that had been approved in other localities were of massive scale, and he was unsure if Albemarle County had that amount of land available.

Ms. LaPisto-Kirtley said that she had been informed they could be as small as five acres.

Mr. Benish said that they were of various sizes, some as small as a transformer next to a light pole. He said that they had to be careful with the definition, but Mr. Pruitt was correct that the ones of concern tended to be a very large land area. He said that the electrical grid in the County's northern region appeared to be most appropriate for them.

Ms. LaPisto-Kirtley said that she appreciated that they were usually larger land masses, but she had learned they could be as small as five acres.

Mr. Jeff Richardson, County Executive, suggested that if there was Board interest, staff could take up this issue separately from the Comprehensive Plan discussion this afternoon. He said that staff could work with the Community Development team on this issue and find an opportunity to present it to the Board at a later date.

Ms. LaPisto-Kirtley said that regarding Objective 2.1 and solar power, she was glad to see they were including parking lots and rooftops of buildings for solar installations. She asked if this type of use could be emphasized further, because it would be preferable to have them on commercial buildings and other things rather than solar farms. She said that solar shingles for buildings should also be encouraged. She asked if there was a possibility to co-locate police station activities in existing fire stations in the County.

Mr. Gallaway said that they must not be making solar panels on rooftops and parking lots difficult to do because of ARB (Architectural Review Board) guidelines for entrance corridors.

Mr. Gallaway said that he agreed with Mr. Pruitt's point about the data center issue, and he understood staff would address the issue, but he would like to know how it would be prioritized with staff time.

Mr. Pruitt said that regarding incentivizing rooftop solar, he had discussed this issue with ARB staff liaisons, who had confirmed that there was guidance on roof slope direction based on the entrance corridor, which could directly compromise other considerations. He said that they had not formally explored the implications on the new development market of requiring solar readiness on new developments. He said that not all roofs were designed to accommodate solar installations. He said that to require them, it may result in increased construction costs, and this must be analyzed before making any decisions. He said that for public facilities, it would be prudent to require new County-owned facilities to be solar-ready.

Ms. Mallek said that something not currently included but that would be very beneficial in the Development Areas was structured parking. She said that they should move away from large parking lots and investigate how to implement structured parking so that they were making the best use of the space in their Development Areas.

Mr. Andrews said that before they entered into closed session, he wanted to bring up the fact that they had more than ten people signed up to speak at the 6:00 p.m. meeting. He said that in order to allow more than ten people to speak, the Board must make a motion to allow more than ten speakers to speak.

Ms. Mallek said that she understood that doing it on an individual day was not a good idea. She asked if there was a notice for when people could sign up online that showed them that they were not in time to be in the first ten, or if everyone was under the impression they were able to sign up.

Mr. Andrews said that those who signed up in person would know what number they were.

Ms. Claudette Borgersen, Clerk, said that was correct. She said that the online sign-up did say that it was limited to ten speakers. She said that people could still sign up unless they shut it off after ten, but they had not done that.

Ms. LaPisto-Kirtley said that she agreed it was bad to do it the day of. She said that they should continue with the limit of ten since they had already decided it.

Mr. Gallaway said that this issue had come up twice recently, so it was likely that the Board needed to discuss this without focusing on a specific topic in order to unweave it from that. He said that they should stick with what they said they would do and what they defined for the public. He said that since they had the names of the public speakers, they could encourage them to send written communication and make those comments part of the public record without them speaking during the meeting. He said that he did not think there was any prohibition on the ability for those written communications to be included as part of the minutes. He said that he would have to defer to the County Attorney.

Mr. Andrews asked if the comments submitted online were included in the record.

Ms. Borgersen said that they were part of the record but not part of the minutes.

Mr. Andrews asked the County Attorney if emails and written comments were included in the same manner for the record.

Mr. Steve Rosenberg, County Attorney, said that the Clerk had indicated that the practice had been for them to be included as part of the record, which was what Mr. Gallaway was suggesting, but they would not be part of the minutes.

Mr. Andrews asked for clarification regarding the difference between the record and the minutes.

Mr. Gallaway said that his intention was that any supplementary materials from the public be included in the minutes, as part of the record.

Ms. Borgersen said that they would be included in the record.

Mr. Rosenberg said that the minutes were what transpired during the meeting.

Mr. Gallaway asked what the record was.

Mr. Rosenberg said that the record was a combination of the minutes and any separately submitted materials that were received from the public. He said that he could research if this issue was addressed in the Rules of the Board.

Ms. Mallek said that the written materials of the public should be allowed to be included in the record. She asked how someone could find out what the record was.

Mr. Andrews apologized for preemptively bringing up this issue. He asked Mr. Holt if the Board had provided sufficient feedback and if he had anything further to discuss with the Board.

Mr. Holt said that he would discuss the next steps for AC44. He thanked the Board for their feedback. He said that regarding their timeline, the staff intended to commence phase 3 during the spring season, specifically around late April or early May. He said that at that point, they would present draft action steps for each chapter, detailing the specific measures required to fulfill the stated objectives. He said that this should aid in clarifying how certain objectives would be accomplished.

Mr. Holt said that during the summer months, they planned to organize several Planning Commission and Board work sessions to address all chapters, along with activity centers, multimodal plans, and future land use maps. He said that these sessions would involve refining the action steps, thereby moving them towards plan finalization. He said that as autumn arrived, they would concentrate on identifying plan priorities, which they referred to as big moves. He said that numerous priority actions would extend across various plan chapters, functioning as focal points for what they wanted to achieve, especially within the initial five years following plan adoption.

Mr. Gallaway said that there were multiple sessions scheduled. He said that during the preparation for these sessions, when they had reviewed the materials, the materials were published on Thursdays prior. He said that regarding the action steps, which contained more substantial content, this raised the question of whether they would have the opportunity to examine the action step items before the release of the packet.

Ms. Swartzentruber said that their current plan was to release all action steps about a month in advance of the first meeting. She said that the first meeting would likely cover the Development Area and land use transportation, so they would have the draft action steps prior to that meeting for at least one month.

Mr. Andrews thanked Mr. Holt for his presentation and his patience.

Non-Agenda Item. Discussion regarding speaker limit for Agenda Item No. 16, "From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board".

Mr. Pruitt said that he was generally concerned that sometimes their community was not as politically engaged as it could be concerning various issues. He said that he worried about measures that might further discourage political involvement with the government. He said that most days, there was no one in the audience, which he believed served as a warning sign. He said that they should acknowledge that they had already surpassed their threshold twice, suggesting that they had miscalculated.

Mr. Pruitt said that it would be prudent to explore what the appropriate limiting factor was. He said that he appreciated they should have some type of limiting factor to prepare for the inevitable day in which they had 100 attendees and could not conduct business. He said that it was obvious that ten speakers was not the correct number. He said that perhaps they could have additional tools in their rules to allow a non-restrictive cap.

Mr. Andrews said that they would have further discussion on their rules soon.

Ms. LaPisto-Kirtley said that they were holding to their current approach for now, and letting the audience know in advance. She said that it also gave them time during the meeting to write down their thoughts and submit it to the Clerk if they so choose.

Mr. Pruitt said that he believed it would be prudent to waive their current rules today. He said that he had received emails regarding the perception that the Ragged Mountain item under discussion was done without community input and done behind closed doors. He said he recognized that it was a court decision, but this perception that it was done behind closed doors meant that it was important to allow the public to speak and not give any limitations to the public to speak on it. He said that it was a symbolic part of their relationship with the community that they allow full public comment on this topic, so he would support having the rules waived today. He said that this exception should not establish a pattern, because there was general consensus that they needed to revisit this.

Ms. McKeel said that she was very concerned that they had a policy that they had continuously revisited for these ad hoc situations. She said that she read each time that up to ten persons may speak during matters from the public, and there was not a public hearing tonight. She said that for public hearings, she was happy to have everyone speak even if the Board had to stay until midnight, but this was matters from the public not on the agenda, so it was a totally different situation. She said that she was concerned when they had a policy that they occasionally changed. She said that with that being said, she did believe they had to go back and revisit the guidelines and the policy. She said that the Clerk had stated there was a way for people to see this policy on the website.

Ms. Borgersen confirmed that the website stated that the public comment for matters from the public was limited to ten speakers.

Ms. McKeel said that she felt bad about the situation, they had seen it coming and would have to deal with it. She said that she agreed with her colleagues about the exception.

Ms. Mallek said that for decades, they had cut the time allowed for public comment from three minutes to two minutes in order to allow more people to speak within a limited time period, but that had been removed from the rules without her noticing it. She said that this was an oversight on her part. She said that the content neutrality was of concern, because if they chose to do one thing on one day and another thing on another, it was asking for trouble. She said that she was happy to change it because she was unaware of the change last time.

Mr. Andrews said that he heard consensus that they would keep the current policy, meaning that the limit for ten speakers would be maintained.

Agenda Item No. 12. Closed Meeting.

At 4:23 p.m., Mr. Pruitt **moved** the Board of Supervisors convene a 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, Crozet Community Advisory Committee, Historic Preservation Committee, JAUNT Board of Directors, Piedmont Family YMCA Board of Directors, Places 29 (Hydraulic) Community Advisory Committee, Places 29 (North) Community Advisory Committee, Rivanna River Basin Commission, and Albemarle County

Social Services Advisory Board;

- under subsection (8) to consult with legal counsel regarding specific legal matters requiring legal advice relating to the possible exercise of authority under Virginia Code § 15.2-2308 to appoint alternates to the Board of Zoning Appeals; and
- under subsection (29), to discuss the renegotiation of a public contract between the County of Albemarle, Virginia and the Charlottesville-Albemarle Society for the Prevention of Cruelty to Animals involving the expenditure of public funds for the provision of shelter services, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the County and the Board.

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

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

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

Agenda Item No.14. Boards and Commissions:
Item No. 14. a. Vacancies and Appointments.

Ms. McKeel **moved** that the Board appoint the following individuals to boards, committees and commissions:

- **Appoint** Ms. Kate Acuff to the Places 29 (Hydraulic) Community Advisory Committee with said term to expire on August 5, 2026.
- **Appoint** Mr. John Reeher to the Places 29 (North) Community Advisory Committee with said term to expire on August 5, 2025.
- **Appoint** Mr. Peter Thompson to the Citizens Transportation Advisory Committee (CTAC), with said term to expire on April 3, 2025.
- **Reappoint** Mr. Lonnie Murray to the Rivanna River Basin Commission with said term to expire on April 30, 2028.

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

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

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

Mr. Jeff Richardson, County Executive, said he would be giving his regular presentation to the Board at the second meeting for the month, but he did have a few other items he would like to share with the Board and the community this evening. He informed the Board members that there was a County Resolution on the consent agenda for the night, which declared the end of the local emergency that they had declared on March 20, 2024. He said that he would like to share some details regarding the situation. He said that on March 20, the community was aware that there were numerous brush fire incidents throughout Albemarle County.

Mr. Richardson said that he specifically wanted to highlight that between 12:00 p.m. and 8:00 p.m. on Wednesday, March 20, the Albemarle County Fire Rescue (ACFR) Department, a combined fire department consisting of both full-time employees and volunteers across the County, responded to 26 fire-related calls for service within those hours. He said that this was three times the regular average number of dispatches typically seen in an eight-hour period. He said that the calls varied in nature, but some were extremely challenging for the crew members who worked tirelessly through the night and into the following day.

Mr. Richardson said that they eventually reached a point where they were entirely stretched to their limits with both career, volunteer, and call-back staff. He said that the preliminary report indicated that the total amount of overtime paid to staff was approximately \$60,000. He said that he wanted to take

a moment to acknowledge that when they sought the Board's approval for the declaration of emergency and requested state assistance, they received mutual aid resources from Cumberland County, Amelia County, Pulaski County, Carrollton, the Department of Forestry, and VDEM (Virginia Department of Emergency Management). He said that these entities helped them in Albemarle County directly on the scene.

Mr. Richardson said that he would like to express his gratitude publicly to the fire departments and emergency management agencies throughout the Commonwealth who responded promptly within hours. He said that he acknowledged their assistance when they were called upon due to the difficult situation caused by dry weather, strong winds, and various factors that led to multiple fires across the region.

Mr. Richardson said that he wanted to give his appreciation for the leadership and hard work demonstrated by the Fire Department during the challenging period. He said that he also wanted to recognize the valuable contributions made by numerous agencies. He said they had mutual aid with the City and received significant assistance from various departments. He said that the Emergency Operations Center was activated on that day until the following day. He said that they were unfortunate circumstances, and he could not be prouder of the people of Albemarle County, their partner agencies, volunteers, and career staff. He thanked the Board for declaring a state of emergency, which proved necessary on that particular day.

Mr. Richardson said that moving forward, he wished to draw the Board's attention to another matter. He stated that Mr. Trevor Henry, Deputy County Executive, would be presenting a formal Rivanna Station and Rivanna Futures report at their upcoming meeting in April. He said that prior to that, Mr. Henry and his team would be attending an Association of Defense Communities conference in Washington D.C. for three days. He said that he felt it important to inform the Board of this development, as Mr. Henry would share updates upon his return. He emphasized the strong partnerships maintained with both federal and state entities and expressed his gratitude for the Board's unwavering support in their work at Rivanna.

Ms. McKeel asked the Chair if the Board could send a thank-you note to the agencies who helped them during the local emergency.

Mr. Richardson said that those agencies would appreciate that. He said that staff could draft that letter and provide it to the Board for consideration.

Mr. Andrews thanked Mr. Richardson for his efforts.

Agenda Item No. 16. From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.

Mr. Andrews said that Rule 6B of the Board of Supervisors stated that they would accept a maximum of ten public comments at each meeting. He apologized to those who had signed up after they had reached that limit and requested that any written comments from the public be provided to the Clerk to be included in the record.

Ms. Demory Bernard, Charlottesville, said that she was ten years old and a student in the fourth grade. She said that she had been mountain biking her whole life and it was very important to her. She said that she loved the feeling of wind rushing through her hair. She said that mountain biking with her family had led to many outdoor memories and whenever she put on her helmet, she knew it would be an adventure.

Ms. Bernard said that Ragged Mountain trails were perfect for kids like her because they were not too easy and not too hard. She said that it was a perfect place to train for adventure races that include mountain biking. She said that being in nature teaches her new things and had become a part of her.

Ms. Bernard said that when she first heard that they could not bike or run at Ragged Mountain, she felt very nervous that she would not be able to find another place that felt like home. She requested the Board to please change the rules at Ragged Mountain so that kids like her could continue to bike, discover, and learn. She thanked the Board for their consideration.

Mr. Aaron Bernard said that Demory was his wonderful daughter. He said that over the last eight years, Ragged Mountain had become a special location for his family. He said that it was a place where he has experienced numerous incredible moments with his children, including teaching his eldest daughter how to mountain bike, watching her talent, adventurous spirit, and confidence grow as a young woman.

Mr. Bernard said that prior to March 7, on any given weekend, the Ragged Mountain trail system would be filled with hikers, trail runners, picnickers, mountain bikers, and families, all coexisting in a spectacularly beautiful place. He said that while the intentions and objectives of each individual on the path might have differed, they all had a shared purpose, which was to commune with and protect the natural spaces that they loved.

Mr. Bernard said that to clarify, the shared activities he mentioned earlier did not pose a risk to

the water quality that their community rightfully holds so dear, as demonstrated by the Rivanna Water and Sewer Authority's (RWSA's) 2016 memo and their reaffirmed 2024 memo. He said that they were the environmental authority in this matter.

Mr. Bernard said Ragged Mountain was truly a unique biking area that combined proximity to the City and trails suitable for beginners and intermediates. He said that the accessibility for their youth was not the case on several of the challenging parts of the Rivanna Trail, nor was it the case on the narrow, hilly trails of Biscuit Run, and it was definitely not the case on the steep trails of Hayward Forest. He said that Ragged Mountain was unique.

Mr. Bernard said that he respectfully requested that the Board of Supervisors use this tremendous opportunity to collaborate with the community and revise the County Code to permit biking so that the County Code continues to be effective at both preventing pollution of the water supply and not restricting wholesome, non-polluting outdoor pursuits. He asked who was present and supported Ragged Mountain biking.

Mr. Jack Holbrook, Scottsville District, said that he had been a member of the Albemarle High School mountain bike team for the past four years. He said that during this time, he had met his closest friends and made wonderful memories. He said that their team provided opportunity for nearly 30 high school students to engage in physical activity and interact with their peers. He said that these activities could enhance academic performance and contribute to overall well-being.

Mr. Holbrook said that Ragged Mountain was a favorite practice location for him and his teammates due to its convenient location, natural beauty, and suitability for riders of varying skill levels. He said that although there were other trails in the area, such as Hayward Forest, they tended to be steep and rocky and farther from densely populated areas.

Mr. Holbrook said that by prohibiting mountain biking at Ragged Mountain, they had essentially closed one of the most popular trail systems for mountain biking in the area. He said that the main justification given to restrict trail usage at Ragged Mountain was related to water quality protection. He said that he fully respected the importance of protecting water quality but said that the RWSA had repeatedly stated that mountain biking near their reservoirs does not affect water quality.

Mr. Holbrook mentioned another argument against modifying the ordinance concerns user conflicts. He said that as an enthusiastic mountain biker and captain of the Albemarle High School mountain bike team, he was deeply engaged in the mountain biking community and had never heard of a single incident of user conflict at Ragged Mountain. He said that in addition, the Albemarle High School mountain bike team emphasized the importance of trail etiquette and yielding to other trail users.

Mr. Holbrook requested the Board to revise the ordinance to incorporate the information from the RWSA so that these trails could be used by everyone.

Ms. Colleen Little said that she had been a resident of the Scottsville District for 17 years. She thanked the Board for allowing her to show her support to amend the code for shared-use trails at Ragged Mountain. She said that she was a hiker, mountain biker, nature lover, and coach of young mountain bikers for over ten years. She said that it was essential to emphasize that bicycles did not contribute to air pollution.

Ms. Little said that she could elaborate on the numerous physical and mental health benefits of cycling throughout one's lifetime. She said that instead, she chose to concentrate on the message conveyed by barring certain user categories on the Ragged Mountain Trail. She said that by limiting usage, the decision directly discouraged healthy lifestyles and limited opportunities for everyone to admire the beauty of Ragged Mountain.

Ms. Little said that throughout the numerous miles she had walked and cycled through the County parks, she consistently encountered positive interactions on the trails. She said that her fellow travelers would often initiate conversations as they passed each other and encouraged her during difficult climbs. She said that CAMBC (Charlottesville Area Mountain Bike Club) promoted safe riding practices, encouraging its members to slow down, greet everyone they met on the path, and use a timber bell to signal their approach. She said that this exemplified the essence of camaraderie and community on their trails.

Ms. Little said that cyclists of varying skill levels, backgrounds, and ages came together to enjoy nature. She said that it was disheartening to observe that such a valuable asset was being restricted. The diverse group of users valued the self-contained loop around Ragged Mountain, as it was one of the few places where many women riders, including herself, felt safe riding alone.

Ms. Little said that establishing a stronger alliance with CAMBC would unlock the full potential of Ragged Mountain's sustainable biking and hiking routes. She said that the organization possessed a wealth of expertise, skills, and manpower. She said that building a solid relationship with CAMBC would allow the County to leverage this knowledge and experience for the long-term advantage of the community. She implored the Board to reconsider their choice and place their faith in the public's ability to utilize the trails responsibly. She said that if they had not had the chance to explore Ragged Mountain's trails, she encouraged them to do so.

Mr. Tom Olivier, Samuel Miller District, said that he was present to speak about Item 19.1, Permitted Recreational Activities at the Ragged Mountain Natural Area. He said that he was surprised, and not in a good way, regarding the inclusion of this item on the agenda. He said that there was a recent agreement between the City and County banning bicycle and horseback riding at Ragged Mountain, which was reached after numerous public and private meetings, deliberations by the City and County governments, and extensive court proceedings. He said that the outcome as heralded by the front page of the Daily Progress, was the right one, and Albemarle County should stick with it.

Mr. Olivier stated that Ragged Mountain was identified as one of the County's most important biodiversity sites in the 2004 Biodiversity Workgroup Report. He said that the 2016 Ragged Mountain Survey by the Center for Urban Habitats detailed the biological richness of the area. He explained that such biodiverse areas attracted people, and Ragged Mountain was no exception.

Mr. Olivier said that the 2016 survey also revealed that human intrusions, including trails, had resulted in the degradation of native populations in some parts of the area. He said that invasive species were identified as a consequence of human intrusions and a threat to biodiversity.

Mr. Olivier said that in 2016, the Albemarle County Natural Heritage Committee wrote to the Charlottesville Parks and Recreation Advisory Board, noting that all forms of human intrusion into wild landscapes had certain negative effects. The letter emphasized that the scale of the activity was important, which could increase significantly with the addition of new trails and uses. He said that the Natural Heritage Committee recognized the application of the precautionary principle in planning uses in the natural area.

Mr. Olivier said they should not be fooled. He clarified that the central dispute concerning bicycling at Ragged Mountain was not about trails, trail erosion, trail maintenance, or free trails in future years. He said that it was about whether the County possessed the resolve to restrict intrusions on a biologically precious place to preserve the biological resources.

Mr. Olivier reminded the Board that they already had an agreement rooted in the due caution that supported Ragged Mountain's biodiversity. He said that he encouraged at this eleventh hour that they not toss this hard-fought agreement away.

Mr. David Stackhouse, Charlottesville, said that he was speaking on behalf of the Charlottesville Area Mountain Bike Club (CAMBC). He said that he was 75 years old and had served as a director at CAMBC for the past 14 years. He said that in addition to mountain biking, he enjoyed maintaining and building trails.

Mr. Stackhouse said that CAMBC had established trail work MOUs (Memorandums of Understanding) with Albemarle County, City of Charlottesville, UVA, Fluvanna, and DCR (Department of Conservation and Recreation). He said that their trail work took place at Pretty Creek, Walnut Creek, Mint Springs, and the future Biscuit Run. He said that he often collaborated with their park staff, particularly Tim Padalino, the chief park planner, and Tucker Rollins, the trails division manager. He said that within the City, they concentrated on the Rivanna Trail, trails at O Hill (Observatory Hill), Hayward Forest, and those at Ragged Mountain Reservoir.

Mr. Stackhouse said that last year, CAMBC raised over \$100,000 through membership dues, donations, and grants. He said that they possessed the required tools, equipment, and volunteers to construct trails for community use. He said that improperly designed trails could result in erosion and siltation, posing a threat to aquatic ecosystems.

Mr. Stackhouse said that CAMBC had learned how to create trails that prevented erosion while enabling everyone to enjoy nature with minimal environmental impact. He said that the tools they used to prevent erosion were contour and grade. He said that the group uses the clinometer to shoot accurate grades. He said that their handbook served as a reference to help them improve their trail building. He said that they applied science to flag trails in all the County and City parks mentioned, including rebuilding the very trails they are discussing in Ragged Mountain.

Mr. Stackhouse said that soon, RWSA would raise the water 12 feet, flooding the lakeside trail. He said that if biking was permitted there, CAMBC was committed to rebuilding those trails and making other improvements, such as hiker-only trails if requested. He said that if the County Code excluded bikes, why would CAMBC do that, and who would rebuild those trails?

Mr. Stackhouse said that more importantly, what would happen to the culture in their community? He said that CAMBC envisioned a brighter future. He said that they believed it was an opportunity to increase collaboration with the naturalists, hikers, and mountain bikers, coming together to build a better system than ever before, one that protected the water. He said that they could work together towards that future if the County Code was amended to allow it. He said that he would appreciate a show of hands for those who supported mountain biking at Ragged Mountain.

Mr. Bobby Casteen, White Hall District, said that he was born in Albemarle County and had lived there his entire life. He said that he was also a CAMBC board member and general outdoor enthusiast.

He said that nine years ago, he started taking mountain biking seriously for his cardiovascular health. He said that he was 65 years old and wanted to clarify that mountain bikers were not just young people; it was an activity suitable for everyone. He said that many people he rode with were over 55 years old or part of the AARP (American Association of Retired Persons) group, as he called them.

Mr. Casteen said that he worked at UVA Hospital near the Ragged Mountain Loop. He said that the proximity allowed him the opportunity to go for a ride after work since it was only a few minutes away. He said that he would like to talk about something different from what they had. He said that he wanted to share how CAMBC promoted responsible trail behavior and community engagement.

Mr. Casteen said that they distributed information to their members about proper trail etiquette, hoping that everyone could act as good ambassadors. He said that examples included cyclists yielding to all other trail users, cyclists slowing down when approaching others, cyclists using bells on bicycles to signal their presence, maintaining control of their bikes at all times, avoiding riding muddy trails, and refraining from cutting switchbacks.

Mr. Casteen said that additionally, they actively participated with various community organizations. He said that for instance, they were currently collaborating with the Shenandoah National Park Trust, Rivanna Trail Foundation, Community Attention Youth Internship Program, and Appalachian Conservation Corps on a program called Trail Blazers. He said that this was a paid youth program aimed at developing diverse outdoor youth leaders in trail maintenance and construction. He said that CAMBC co-funded this pilot program.

Mr. Casteen said that every year, CAMBC members repaired and tuned hundreds of loaner bikes utilized by the City's Safe Routes to School program. He said that this initiative encouraged safe walking and bicycling to school. He said that similarly, CAMBC members contributed annually to assemble roughly 700 bikes for the Toy Lift, a community program providing bikes to at-risk children. He said that personally, he led a weekly beginner ride at Pretty Creek for those new to mountain biking who wished to learn.

Mr. Casteen said that riding was important to his health; it was an activity one could perform throughout their lives while remaining healthy. He said that aiding others in promoting their well-being was also gratifying. He said that they were a club passionate about biking in the woods, but they also advocated for community engagement and health. He requested the Board to change the Code to allow for healthy outdoor activities at Ragged Mountain.

Mr. Rick Randolph, Scottsville District resident and Planning Commissioner, said that two sitting Supervisors may recall that his position was clear and consistent in 2016 and 2017 when he was on the Board and the differences between the City of Charlottesville's efforts to oversee the kinds of public access activities in the RMR (Ragged Mountain Reservoir) clashed with the expressed desire of the County's Board of Supervisors to preserve its jurisdiction over the RMR.

Mr. Randolph said that as a longtime cyclist himself, he understood and appreciated both the desire of the mountain biking community to have a challenging and safe place to enjoy their recreational passion and the concerns articulated to the Board by their own staff and by birding and hiking groups that mixing mountain biking and dogs with more passive and human-centric activities interfered with the quiet and solitude that many people sought when walking RMR's trails.

Mr. Randolph said that his position on RMR led to his receipt of defamatory letters and even a slam video all from mountain biking supporters. He said that one of these letters even included a death threat over riding a bicycle in a park. He asked the author, "Really?" He said that he saw some of the same self-serving and threatening language to permit their uses or cause a rift and ill will in the community, as well as a "my way or the highway" sentiment expressed recently. He said that just because a voluntary organization can build cycling trails in a cost-effective manner did not mean that they should be permitted to do so.

Mr. Randolph said that maintaining that the County should not permit children and families, including members of his own family, from engaging in healthy outdoor activities like cycling in RMR ignored the reality that permitting the use of dogs in the RMR interfered with the more passive activities of children, families, and seniors in the RMR. He said that one of the reasons he committed himself to securing, with State Senator Deeds' support, the County's lease of Biscuit Run Park was to ensure that mountain bikers would have a safe, accessible recreational space to enjoy their sport without infringing on or negatively affecting the enjoyment of that park by other users.

Mr. Randolph said that he saw no mention by mountain bikers of the County's commitment to provide availability for mountain biking there or in the County's Hedgerow Park on Route 29 South. He said that the reality was that mountain biking on public land in Albemarle County was in no way constrained when this Board affirmed its longstanding policy to exclude their use in RMR.

Mr. Len Wolowiec, Samuel Miller District, said that he was not here to debate whether bikers speed, make noise, or exhibit courtesy. He said that instead, he wanted to discuss the number of biking and hiking trails available. He said that in Albemarle County, there were twelve biking trails spanning over 120 miles. He said that there were only two natural hiking trails designed exclusively for hikers, which were Ivy Creek and Ragged Mountain.

Mr. Wolowiec expressed his concern about preserving and protecting one of the two exclusive hiking spots accessible to all County residents. He said that the two areas, which had been designated as natural areas, encompassed only 13 miles of trails. He said that allowing bikers at Ragged Mountain would reduce the figure to just one location, six miles long, providing a natural, serene hiking experience for all County residents. He said that in 1988, the County established a code prohibiting biking within the Ragged Mountain Reservoir.

Mr. Wolowiec said that in 1997, the area was recognized as a natural area by the Ivy Creek Foundation, backed by both the City and the County. He said that this recognition aimed to ensure that citizens could walk and appreciate nature in a serene setting without encountering speeding cyclists on the same trail. He said that in 2016, a new City ordinance was introduced that allowed bikers at Ragged Mountain Natural Area. He said that however, a court judgment in 2022 reversed the City's ordinance, thus supporting the County's ordinance that designated Ragged Mountain exclusively for hikers.

Mr. Wolowiec said that during the appeal process, both the City and the County agreed to allow only hikers at Ragged Mountain. He said that historically, Ragged Mountain had been recognized as one of the two natural areas serving approximately 125,000 residents. He said that recently, Hayward, which was adjacent to Ragged Mountain, Miller School, and Observatory Hill had opened doors to bikers. He said that by the end of the year, Biscuit Run planned to introduce more biking trails for the community. He asked how many more miles of trails the biking community really needed. He said that the question became whether the County wanted to abandon their original ordinance.

Mr. John Lewis, resident on West Park Drive in the Jack Jouett District, said that he was going to speak a little bit about CAMBC, but they had said enough to explain about their organization. He said that he wanted to speak about why it was important to keep shared use at Ragged Mountain. He said that mountain biking was a human-powered recreational activity. He said that it was not about mountain bikes or dirt bikes. He said that they did not damage the trails, they repaired them and continually educated their users on shared-use trail etiquette, such as yielding, et cetera. He said that other speakers had addressed this point.

Mr. Lewis said that Ragged mattered to them in the biking or shared-use community because it was the only trail loop near their urban area that was beginner-friendly and felt safe. He said that its rolling terrain suited beginners, slower riders, families, and children. He said that it was the only trail system with water views within a safe riding distance from their urban area where bikers and runners could appreciate the watershed. He said that the other publicly accessible water area was South Fork Reservoir, but that was restricted to hikers, which they had no problem with.

Mr. Lewis said that riding close to home was climate-friendly and reduced car dependency among urban residents. He said that it was a wonderful space that could be shared with a combination of shared-use trails and hiking-only trails. He said that CAMBC advocated for a separate network of hiking-only trails within the park. He said that they were requesting a single shared loop system that would accommodate runners and bikers in a specific area. He said that in conclusion, CAMBC, speaking on behalf of their mountain biking enthusiasts, sought to modify the Code to include a shared-use loop around Ragged, allowing both cycling and running.

Mr. Lewis said that they also supported hiker-only trails at Ragged, providing a quieter experience. He said that they were willing to help in designing and constructing hiker-only trails alongside the shared-use loop, particularly after the water is raised at the Reservoir.

Mr. Lewis said that he submitted to the Clerk a petition bearing over 1,300 signatures endorsing shared use at Ragged Mountain, CAMBC's proposal detailing their organization's history and future plans, and a brochure offering insight into their identity and constituency representation.

Ms. Kim O'Brian, Samuel Miller District, said that with her was her son Will, and that tonight they were present to represent the homeowners that lived in Ednam Forest who also supported multi-use trails on Ragged Mountain but could not attend this evening. She said that she would like to share her family's story. She said that they recently moved to Charlottesville in 2022, and being avid runners and bikers, their number one priority for choosing a neighborhood was direct trail access without driving.

Ms. O'Brian said that they chose Ednam Forest because of its access to Ragged Mountain. She said that they instantly fell in love with the trails, and she felt that it was a safe place for herself and her kids to ride bikes and hike alone. She said that everyone they encountered on their weekly family bike rides were pleasant and enjoying the multi-use trails. She said that Ragged Mountain reminded her of a restaurant that used to exist on Emmett Street called The Tavern.

Ms. O'Brian said that the roof of The Tavern said where townspeople, tourists, and students came together. She said that it was where the community of Charlottesville was all happy together. She said that she felt the same way about Ragged Mountain. She said that they saw townspeople, tourists, and students all together, enjoying the trails that were multi-use, and everyone could get along without alienating a single group. She requested the Board to not take the joy away from her family or anyone doing what they loved in their backyard trails.

Agenda Item No. 17. **Public Hearing: SP202300011 and SP202300013 Service Dogs of VA.**

PROJECT: SP202300011 and SP202300013 Service Dogs of VA

MAGISTERIAL DISTRICT: Rivanna

TAX MAP/PARCEL: 04800-00-00-061D0

LOCATION: An approximately 38.8 acre parcel located on the south side of Turkey Sag Road (State Route 640), east of Stony Point Road (State Route 20).

PROPOSAL: Special use permit for a private school and a special use permit for a commercial kennel.

PETITION: A special use permit request under Section 18-10.2.2 (5) for a private school dedicated to training service dogs and their recipients, and another special use permit request under Section 18-10.2.2 (17) for a dog kennel needed to house the dogs in advanced training. The special use permit application plan proposes an upper building and parking area that is approximately 2.1 acres and a lower building and parking area that is approximately 1.3 acres.

ENTRANCE CORRIDOR: No

ZONING: Rural Areas – agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)

OVERLAY DISTRICT: None

COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots) in Rural Area 2 in the Comprehensive Plan.

The Executive Summary forwarded to the Board states that at its meeting on February 13, 2024, the Planning Commission (PC) voted 7:0 to recommend approval of SP202300011 and SP202300013 for the reasons stated in the staff report, with conditions.

Attachments A, B, and C are the PC staff report, action letter, and meeting minutes.

During the PC public hearing, many speakers spoke in favor of the proposal and detailed positive impacts from the organization's service dogs. Others expressed concerns regarding the impacts of this use in the Rural Areas, specifically land disturbance and noise. The PC recommended approval without any revisions to the conditions of the proposed special use permits. Following the meeting, staff and the applicant engaged in further discussion to respond to PC discussion and public hearing comments. Also following the meeting, the concept plan (Attachment D) was revised to clarify both the areas to be fenced and the square footage of proposed building areas. Finally, CDD staff drafted several revisions to conditions of approval to clarify fencing requirements and to address in more detail the nature of the proposed private school use (Attachment E).

Staff recommends that the Board approve SP202300011 and SP202300013 Service Dogs of Virginia (Attachments E and F), each with the following conditions:

1. Development of the use must be in general accord with the conceptual plan titled "Service Dogs of Virginia Special Use Permit Application Plan" drawn by Collins Engineering, dated March 13, 2024. 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 building envelopes;
 - b. Location of parking, structures, and facilities within building envelopes;
 - c. Location of entrance and access road;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 height of structures must not exceed 24 feet.
3. Perimeter fencing of outdoor activity areas must be installed prior to the commencement of the uses.
4. All kennel buildings must be sound-proofed.
5. The private school use of the property is limited to service animal instruction, training, and handling.

Mr. Syd Shoaf, Senior Planner, said that he would be presenting the staff's report on Special Use Permit SP202300011 and SP202300013, both for Service Dogs of Virginia. He clarified that these were two separate special use permit requests, where the first one was for a private school, and the second was for a commercial kennel on a 38.8-acre lot in the Rural Areas. He said that the location of the subject property was northeast of the City of Charlottesville, east of Stony Point. He said that it was situated on the south side of Turkey Sag Road, east of Stony Point Road, also known as State Route 20.

Mr. Shoaf identified the tax map parcel as 48-61D. He said that the entire parcel was approximately 38.8 acres and was zoned Rural Areas. He said that it was undeveloped without any subdivision history and had all five of its original development rights. He said that the land was designated as Rural Area 1 of the Albemarle Comprehensive Plan. He noted that the surrounding properties were also zoned Rural Areas. He said that the two properties to the southeast were owned and maintained by the Service Dogs of Virginia's executive director. He said that the parcel to the south and west was a tree farm with no residences on the property, and that across Turkey Sag Road to the north, there was a single-family residence.

Mr. Shoaf said that the site was wooded with a mixture of mature deciduous and evergreen trees varying between 20 feet and 60 feet in height. He stated that the site was hilly and contained critical slopes throughout the site. He said that additionally, the southern and southwestern portion of the site

was designated as Mountain Protection Area. He said that lastly, there was a stream with the Water Protection Ordinance buffer located along the frontage of the site on Turkey Sag Road.

Mr. Shoaf said that for this application, the applicant had requested two special use permits. He said that the first one is a private school dedicated to training service dogs and their recipients, and the second one was a dog kennel needed to house the dogs. He said that on the screen was a screenshot of the concept plan that was provided as an attachment in the staff report.

Ms. Shoaf said that the applicant had limited the clearing of the existing vegetation and land disturbance to the construction of the driveway, parking lots, stormwater management facilities, and building pads, as shown in the lower and upper site building envelopes. He explained that no part of the development would disturb critical slopes or mountain protection areas. He said that the remainder of the 38.8-acre lot would maintain its wooded nature.

Mr. Shoaf said that the proposed lower site was approximately 1.3 acres and would contain the training and administrative building, parking, the client dorm, which would only house four clients at a time, and the puppy center kennel, which would only be used to house new litters for eight weeks at a time. He said that additionally, the proposed upper site was 2.1 acres and would contain the caretaker residence, the dog kennel to house up to 20 dogs at a time, a small pool, a training facility, and a parking area.

Mr. Shoaf said that in sum, the applicant was proposing six buildings to be developed on the site. He said that all buildings would remain screened with existing vegetation outside of the proposed clearing and land disturbance areas. He said that the proposed buildings met the required Rural Area setbacks in the ordinance. He said that the supplemental regulations for a commercial kennel required kennel buildings to be at least 200 feet from any lot if they were soundproofed.

Mr. Shoaf said that the closest kennel building was the puppy center, which was soundproofed and 200 feet away from the closest lot line. He said that additionally, kennel on the upper side was located 500 feet away from any lot lines. He said the applicant had provided that all buildings on the site would be soundproofed, regardless of whether it was a kennel or not.

Mr. Shoaf said that for the special use permit application, it was reviewed under the factors for consideration as outlined in the Zoning Ordinance. He said that staff's opinion was that the proposed special use permits would not be detrimental to adjacent parcels, would not change the character of the nearby area, would continue to be in harmony with the Rural Areas zoning district, and consistent with the Comprehensive Plan.

Mr. Shoaf said that shown were the conditions drafted by staff. He said that the development must be in general accord with the concept plan that was provided. He said that the maximum height of structure was not to exceed 24 feet, that perimeter fencing about their activity must be installed prior to commencement of uses, that all buildings must be soundproofed, and that the private school use of the property was limited to service animal instruction, training, and handling.

Mr. Shoaf said that staff found this favorable because it was consistent with the review criteria for special use permits contained in the Zoning Ordinance. He said that there was one factor that was unfavorable, and that was the proposed access being in the stream buffer. He said that however, there were no other means of access to the site, and disturbance was limited to the minimum necessary. He said that staff recommended approval with the conditions recommended in the staff report.

Ms. Mallek asked if the stream buffer access crossing would be required if there were a house built on the lot.

Mr. Shoaf said that was correct.

Mr. Andrews opened the public hearing and asked the applicant to make their presentation.

Ms. Peggy Law, applicant and Executive Director and founder of Service Dogs of Virginia, said that when they purchased this property, it was with the intention of building a permanent facility for their organization. She said that to properly do their work, they needed a dedicated facility that met their needs. She said that over the past 24 years, they had operated in retail spaces and had struggled and had finally reached a capacity where they were in dire need of a dedicated facility that met their needs.

Ms. Law said that the chosen property adhered to the County's 500-foot setback requirement. She said that although they did not need 38 acres for their operations, they required this space to accommodate the necessary setbacks. She said that they also planned to establish a greater buffer zone since the land area exceeded the 500-foot setback. She said that neighbors would experience no disturbance due to their presence on the property. She said that they intended to utilize merely 2% of the 38-acre plot for constructing the intended structures.

Ms. Law said that she would like to briefly explain the nature of their organization's activities. She said that two individuals who were in wheelchairs had benefited from their assistance dog program. She said that their organization specialized in training dogs for children and young adults diagnosed with autism. She said that other individuals faced significant health challenges, and they trained dogs to assist them with three distinct medical alerts: type 1 diabetes, mast cell activation syndrome, and low cortisol.

She said that she had photographs showcasing two clients alongside their life-saving dogs.

Ms. Law said that they operated a PTSD (Post Traumatic Stress Disorder) program specifically designed for military personnel and first responders. She said that finally, they collaborated with trauma centers catering to children, teenagers, and young adults who had experienced significant trauma. She said that they called this initiative the facility dog program, and these dogs yielded remarkable benefits wherever they went. She said that she humbly requested the Board's assistance in enhancing their capabilities and efficiency, thereby enabling these dogs to aid more people.

Mr. Gallaway said that with any kennel facility, barking was raised as a concern. He said that these service dogs were trained so that they barked for a specific purpose. He asked if Ms. Law could explain how the dogs were trained to not bark.

Ms. Law said that these dogs were specifically trained not to bark for any reason. She said that instead, they were trained to bump people with their nose to communicate. She said that she agreed that barking was a nuisance and something that she did not like. She said that she would not say that the dogs did not bark, because all dogs barked.

Ms. Law said that there would definitely be some barking, but these dogs would likely be tired from training and working, so they would not bark from boredom. She said that they were bred to have loving temperaments, but they would bark. She said that they would have soundproof panels and would be inside during the hours of 10:00 p.m. to 6:00 a.m. She said that in her experience, barking would not be a big issue, but she appreciated the concern. She said that there were six dogs there currently, and they had been very quiet.

Mr. Gallaway said that the soundproofing was an extra step, so if these buildings were used as kennels after the service dogs, the buildings would continue to be soundproofed for other dogs that may not be trained.

Ms. Law said that was correct. She said that the special use permit was for service dogs only, and if someone else was to use the property for a different use, they would have to apply for their own special use permit.

Mr. Gallaway asked if that was true for the private school as well.

Ms. Law said that was correct. She said that the private school's purpose was to train the clients to work with their dogs. She said that they had been considered a school for the past 24 years in the County.

Mr. Andrews said that he acknowledged that there was a kennel with up to 20 dogs, giving them an understanding of its capacity. He said that the document also contained information regarding the traffic. He said that he was uncertain about the previous experiences related to the frequency of arrivals and departures.

Ms. Law said that they had five employees, so there was not a huge amount of traffic. She said that there were five building rights on the property, so there would likely be much more traffic if there were five individual residences.

Mr. Andrews asked if there were any members of the public who wished to speak on this item.

Ms. Megan Weeks, White Hall District, said that in 2016, she was diagnosed with PTSD and discharged from the military in 2018. She said that for two years, she spent in-patient due to being at risk of taking her own life. She said that she was not seeking the Board's sympathy; rather, she wanted the Board to understand what PTSD does to one's mind.

Ms. Weeks said that PTSD led her to believe that she no longer mattered, that the pain she felt would never cease, that she was worthless to her community, and that ending her life was the best course of action for herself. She said that desperate, she sought assistance from Service Dogs of Virginia (SDV). She said that upon witnessing numerous soldiers accompanied by dogs at Walter Reed Military Medical Hospital, she applied for admission. She said that receiving her acceptance letter from SDV marked the first time in two years that she felt hope.

Ms. Weeks said that once paired with Moby, she understood that she mattered. She said that regardless of how cliché or sentimental it may sound, this dog made her life meaningful. She said that Moby, and thus, SDV, are why she was present today and alive today. She implored the Board to support Service Dogs of Virginia and grant them their permit. She said that the proposed construction plans for SDV signified a substantial opportunity to improve the training capabilities of service dogs for veterans and first responders in need. She said that this Board's support of SDV's building plans would contribute significantly to an investment in the empowerment of individuals living with disabilities, including those like herself.

Mr. Marty Silverman, White Hall District, said that he was a volunteer for Service Dogs of Virginia, and he would like to reiterate some of the points he mentioned in his written comments. He said that Peggy Law was an exceptional individual who had achieved much through her involvement with the

organization. He said that however, she tended to be rather humble.

Mr. Silverman said that he wanted to underscore that Service Dogs of Virginia stood out as one of only three accredited service dog agencies in the state. He said that it was the sole provider in Virginia that specialized in training medical alert dogs. He said that these dogs served not only the local community but also the broader population of the state. He said that the need for service dogs continued to escalate, as did their utility. He said that to meet the demands, Service Dogs of Virginia required a permanent base of operations. He affirmed that the proposed site was well suited for this purpose.

Mr. Silverman said that the only concerns that neighbors had were reasonable and they appreciated those. He said that throughout the discussion, these apprehensions were adequately addressed. He said that he wished to underscore that these animals were notably quiet. He said that Ms. Law said that the dogs did bark, during his tenure raising two puppies and two adolescent adult dogs over a period of four years, none of them have ever barked. He said that it was amazing how calm the dogs were. He said that living in a rural area, he heard packs of beagles baying and other noises. He said that these dogs would likely be quieter than their counterparts in the vicinity. He said that this was a simple fact.

Mr. Silverman said that only other concerns related to the facility's compatibility with the neighborhood, and he hoped that the architect would address them. He said that the organization was making great efforts to assuage neighbors' worries, and he believed they would succeed.

Mr. Danny Graham, Rivanna District, said that he was present to talk about the permits for this application and not the jobs that would be done with the permits. He said that the boundary of the zoning on the property had already changed the property to be something it was not. He said that people in the community had purchased properties in the area knowing that the zoning was what it was. He said that they were mostly agricultural activities.

Mr. Graham said that they had stated that they were looking for a site, and they had a site in Nelson that they had abandoned and sold last year in July. He said that the property was bought at \$50,800 and was reassessed at \$213,200 upon sale. He said that this meant that the taxes and the comparisons in the area went up \$150,000 just in two years. He said that from that standpoint, the other properties now had to deal with higher comparisons for taxes. He said that the 2024 assessments were not out yet, but \$150,000 within two years was unspeakable. He said that now, with the information that they applied for special use permits abandoned last year with Nelson County Board of Supervisors, the situation was here with all the information never used in this situation here where there were unanswered questions about studies regarding hydrology, soil, and other items.

Mr. Graham said that regarding the water runoff from the mountain, the work done on the property in the past 100 years had rocks laid in those valleys by farmers to control erosion. He said that bulldozing those out meant there would be more water in the creek. He said that the pictures available online right now showed there was standing water in the road. He said that the Board should take note of the same situation that had happened with this in Nelson County last year.

Mr. Andrews stated the applicant had five minutes for rebuttal.

Mr. Eric Ross, Rio District resident and local architect, said that he would discuss the architecture of the proposal. He said that the site was chosen due to its compliance with several requirements outlined in the Zoning Ordinance, specifically the 500-foot setback requirement for the kennel. He said that the pink and blue building in the center of the site represented their proposed structure. He acknowledged the concerns of the neighbors regarding potential demolition and construction of a large building.

Mr. Ross said that that was not their intention in any way. He said that they aimed to prioritize energy use, reclaimed and efficient use of water, and preservation of the landscape. He said that their designs would incorporate disassembly capabilities and follow a circular design philosophy. He said that to achieve this, they planned to utilize prefabricated building systems to minimize on-site waste and expedite construction.

Mr. Ross said that through their work with the Planning Commission, they determined the maximum height of the buildings would be limited to 24 feet, adhering to a residential scale for all new structures. He said that a total of six buildings would be constructed, none exceeding 24 feet in height. He said that they would employ resilient materials, such as metal roofs and non-combustible sidings, given the recent brush fires in the area. He said that these buildings would be designed to withstand such natural events.

Mr. Ross said that furthermore, all structures would be soundproofed. He said that in accordance with the Code, they would also construct soundproof enclosures for the dogs outside the 500-foot setback zone. He said that this included installing a six-foot soundproof fence around the outdoor runs associated with the kennels. He said that then the dogs will be inside from 10:00 p.m. to 6:00 a.m., as mandated by the Zoning Ordinance.

Mr. Ross said the next slides discussed the general characteristics of the proposed development. He said that their goal was to preserve nature as much as possible. He said that the buildings would be constructed to blend seamlessly into the landscape. He said that they planned to use metal roofs and

cement board siding. He said that this project utilized a prefabricated building system that would be assembled off-site. He said that installation on-site would take approximately two weeks. He said that the residential scale of the structures would be limited to a maximum height of 24 feet.

Mr. Ross said that to minimize impact on the environment, they would elevate the buildings off the ground rather than constructing a slab on grade. He said that this approach allowed natural vegetation to continue growing beneath the structures. He said that buildings would be integrated into the landscape. He said that provided were some images showcasing the scale of the proposed buildings, with eaves measuring eight feet in height.

Mr. Ross said that these photos also depicted the prefabricated building system they proposed. He said that it included designs for floors, walls, and roofs. He said that additionally, the design incorporated disassembly principles. He said that all materials used would be natural and have a long service life. He said that the buildings would be constructed to a high standard in the factory setting. Connections within the structure would be reversible. He said that furthermore, the buildings could be disassembled and removed if necessary.

Ms. LaPisto-Kirtley asked if Mr. Ross could address the concern raised from the member of the public regarding standing water.

Mr. Ross said that his understanding was that there was poor drainage along the edge of the road, so as part of the development they would improve what they were required to. He said that he believed that was an ongoing issue along Turkey Sag Road.

Ms. LaPisto-Kirtley asked if the applicant had plans to mitigate it.

Mr. Ross said that they would control the runoff associated with their project by building bioswales and other mitigative measures.

Mr. Scott Collins, Civil Engineer, said that there was a stream running parallel to Turkey Sag Road that did have a stream buffer. He said that when it rained, there was a fair amount of water that seeped out of the drainage ditches and flooded the road in the area. He said that their plan was to install a stormwater retention facility in the gully that would collect the water coming off the hillside of their property, slowing down and detaining the water for some time to help slow the release of water. He said that this would help with the situation along Turkey Sag Road by not contributing to the water alongside the road.

Mr. Gallaway said that because it was a special use permit, any stormwater mitigation would only pertain to their site. He said that they would be controlling the release of stormwater from their site after their development.

Mr. Collins said that was correct.

Ms. McKeel asked if Mr. Shoaf could address the concern about water and how staff would work with the applicant during this process.

Mr. Shoaf said that if the special use permit was approved that evening, subsequently, the proposal would become subject to a site plan and a Water Protection Ordinance (WPO) Plan. He said that these plans would be reviewed by County engineers for the WPO plan, while the site plan would be evaluated by Planning and their partners. He said that this process would ensure that there were no issues related to water or anything similar.

Ms. McKeel asked if Mr. Shoaf could address how this approval would affect the future of the property since the special use permit would be applied to the land itself.

Mr. Shoaf said that regarding the approval conditions, if the special use permit was authorized, indeed, it would attach to the property. He said that the conditions staff drafted tied into the private school and the commercial kennel. He said that as a result, should those organizations withdraw, anybody succeeding them would also need to adhere to the conditions and all of the requirements contained within their Zoning Ordinance.

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

Ms. Mallek said that she thought this would be similar to many other gathering places where people taught riding or had other rural uses and had a limited amount of visitation, and that she thought this would work out just fine.

Ms. LaPisto-Kirtley said that she thought this was a good application and that they had mitigated any concerns, and that she liked the project.

Mr. Gallaway said that he would be supportive, and that the buildings would be soundproof. He said that the County had a dog barking ordinance and a noise ordinance if needed. He said that he appreciated that the applicant pointed out that this kennel was specific to this type of dog training, which limited just a dog kennel, similar to the school, which was specific to training for folks that go and stay there. He said that he did not think the water usage would not be more intensive than if residential were

put into place, and he clarified that the zoning of this property would not change, as the application was for a special use permit. He said that he appreciated those who spoke during the public hearing, and that he would vote to approve.

Mr. Pruitt said that he thought the applicant had done a good job mitigating the community concerns and the environmental concerns. He said that he knew veterans who relied upon these dogs and that it was a tremendously important resource, and that he supported this.

Ms. McKeel said that she was in favor of this proposal, and that she appreciated the work that they do.

Mr. Andrews said that he was supportive of the project.

Ms. LaPisto-Kirtley **moved** that the Board adopt the Resolution to approve Special Use Permit SP202300013 as attached to the staff report as Attachment F.

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.

There was no separate presentation from staff or the applicant on SP202300011 Service Dogs of Virginia Kennel.

Mr. Andrews asked if there was any member of the public who wished to speak regarding SP202300011. Seeing none, he asked if there was a motion.

Ms. LaPisto-Kirtley **moved** that the Board adopt the Resolution attached to the staff report as Attachment E for Special Use Permit SP202300011.

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

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

**RESOLUTION TO APPROVE
SP202300011 SERVICE DOGS OF VIRGINIA
PRIVATE SCHOOL**

WHEREAS, upon consideration of the staff reports prepared for SP 202300011 Service Dogs of Virginia - Private School and all of their attachments, including staff's supporting analysis, the information presented at the public hearings, 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 Rural Areas 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 SP 202300011 Service Dogs of Virginia - Private School, subject to the conditions attached hereto.

* * *

SP202300011 Service Dogs of Virginia Private School Special Use Permit Conditions

1. Development of the use must be in general accord with the conceptual plan titled "Service Dogs of Virginia Special Use Permit Application Plan" drawn by Collins Engineering, dated March 13, 2024. 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 building envelopes;
 - b. Location of parking, structures, and facilities within building envelopes;
 - c. Location of entrance and access road;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 height of structures must not exceed 24 feet.
3. Perimeter fencing of outdoor activity areas must be installed prior to the commencement of the uses.
4. All kennel buildings must be sound-proofed.

5. The private school use of the property is limited to service animal instruction, training, and handling.

**RESOLUTION TO APPROVE
SP202300013 SERVICE DOGS OF VIRGINIA KENNEL**

WHEREAS, upon consideration of the staff reports prepared for SP 202300013 Service Dogs of Virginia - Kennel and all of their attachments, the information presented at the public hearings, any comments received, and the factors relevant to special use permits in Albemarle County Code § 18-10.2.2(17) and § 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

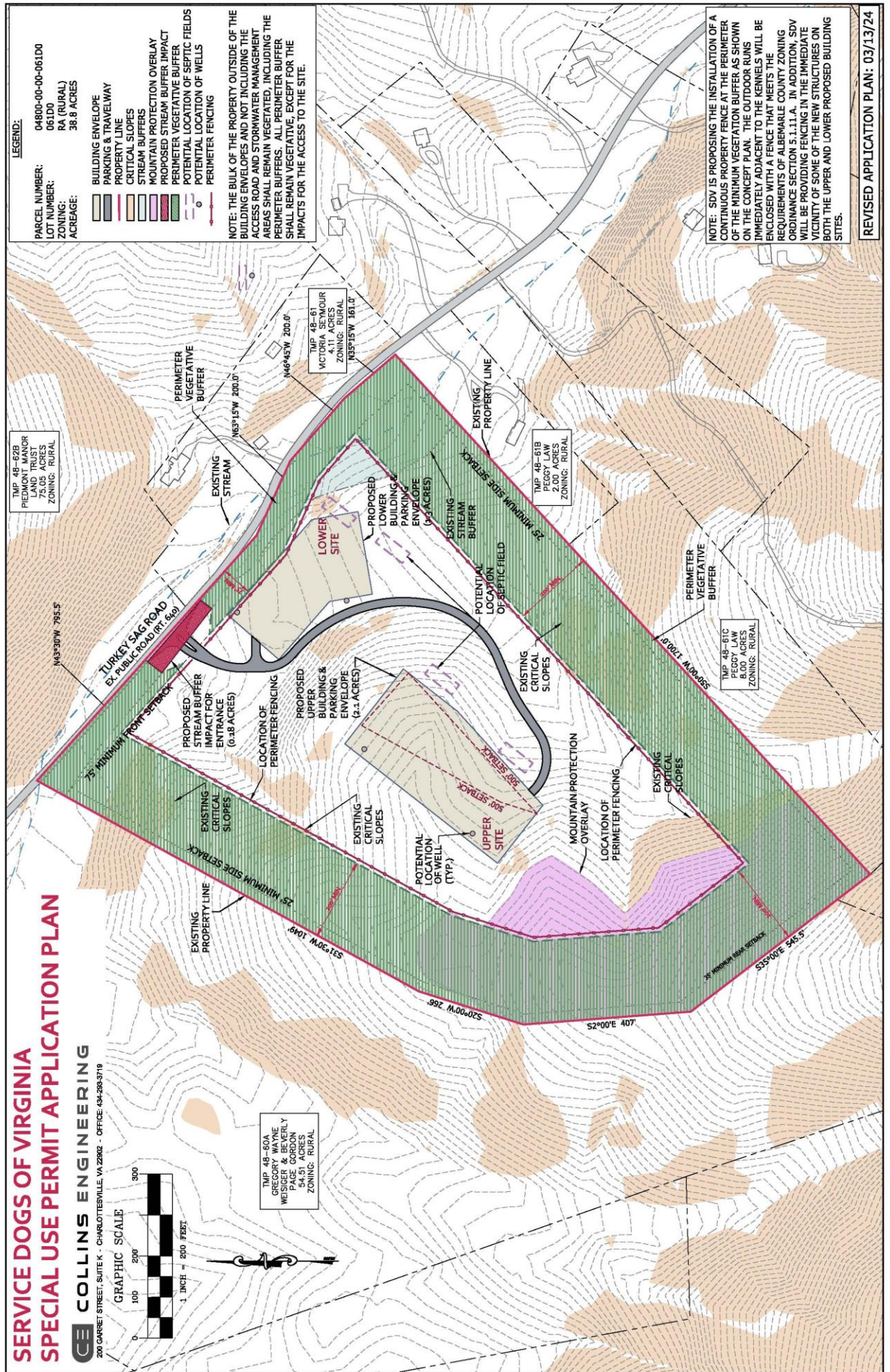
1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Rural Areas zoning district, with the applicable provisions of Albemarle County Code § 185.1.11, 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 SP 202300013 Service Dogs of Virginia - Kennel, subject to the conditions attached hereto.

* * *

SP202300013 Service Dogs of Virginia Kennel Special Use Permit Conditions

1. Development of the use must be in general accord with the conceptual plan titled "Service Dogs of Virginia Special Use Permit Application Plan" drawn by Collins Engineering, dated March 13, 2024. 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 building envelopes;
 - b. Location of parking, structures, and facilities within building envelopes;
 - c. Location of entrance and access road;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 height of structures must not exceed 24 feet.
3. Perimeter fencing of outdoor activity areas must be installed prior to the commencement of the uses.
4. All kennel buildings must be sound-proofed.
5. The private school use of the property is limited to service animal instruction, training, and handling.





Agenda Item No. 18. **Public Hearing: SP202300012 Kenridge Landscaping Amendment.**
PROJECT: SP202300012 Kenridge Landscape Amendment
MAGISTERIAL DISTRICT: Samuel Miller
TAX MAP/PARCELS: 060K0-00-00-000A1; 060K0-00-00-000B1, B2, B3; 060K0-00-00-00100 through 060K0000006000 (Lots 1-60)
LOCATION: North side of Ivy Road (Route 250 West across from Birdwood Golf Course) Approximately 1/2 mile west of the intersection of Ivy Road and the 29/250 By-pass.
PROPOSED: Amendment to SP201200013 to change the approved conditions related to required landscape buffers, primarily along the eastern, western, and northern property line behind residential units. Approved uses remain unchanged and no increase in residential is proposed.

ZONING CATEGORY/GENERAL USAGE: CO Commercial Office - offices, supporting commercial and service uses; and residential use by special use permit (15 units/acre)
SECTION: 23.2.2(9) R-15 residential-15 units/acre
ENTRANCE CORRIDOR: Yes
COMPREHENSIVE PLAN LAND USE/DENSITY: Office Service - office uses, regional scale research, limited production and marketing activities, supporting commercial, lodging and conference facilities, and residential (6.01-34 units/acre) and Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/acre in development lots) in Neighborhood 7.

The Executive Summary forwarded to the Board states that at its meeting on December 12, 2023, the Planning Commission (PC) voted 5:0 to recommend approval of SP202300012 Kenridge Landscape Amendment, for the reasons stated in the staff report and with the staff-recommended update to Condition 6.

Attachments A, B, and C are the PC staff report, action letter, and meeting minutes.

At the PC meeting, staff recommended the following update to Condition 6:

6. Screening adjacent to the railroad right-of-way and along the west and east sides of the project must be provided and maintained in general accord with the concept plan titled "Kenridge Amendment Application Plan", dated August 21, 2023, prepared by Collins Engineering. To be in general accord with the Conceptual Plan, development shall reflect the following major elements within the development essential to the design of the development.
 - a. Location and width of required screening buffers
 - b. Continuous buffer of evergreen trees installed in a staggered row along the western property boundary,
 - c. Either a single row or staggered row of evergreen trees along the eastern and northern property boundary.
 - d. Spacing of the perimeter buffer may be adjusted along the eastern and western boundary lines to accommodate existing conditions and proper landscape spacing from the existing perimeter landscaping on the adjacent properties.

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance, improve safety, or landscape design or health of trees, subject to approval by the Director of Planning.

Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve SP202300012 Kenridge Landscape Amendment, with amended Condition 6 recommended by staff and the Planning Commission.

Mr. Cameron Langille, Principal Planner, said that Rebecca Ragsdale, Planning Manager, had also reviewed this application before the Board tonight, but was unable to attend. He said that he would be giving the staff presentation for SP202300012 Kenridge Special Use Permit Landscaping Amendment.

Mr. Langille said that he would start by discussing the site context, showing Route 250, and the line above it was not a road but a railroad. He said that the Kenridge neighborhood was located in this area, opposite the Birdwood Golf Course. He said that the White Gables neighborhood was to the east, and the Boxwood Estate, housing clinical offices and commercial uses, was to the west. He said that across from Kenridge, over the railroad, lay the Farmington Golf Club.

Mr. Langille said that this property was zoned Commercial Office, and a special use permit was approved for this property in 2005, allowing for residential development on the property, amounting to 66 dwelling units, which had been built. He said that conditions were imposed, one of them relating to landscaping buffers around the property's perimeter, along the western, northern, and eastern borders.

Mr. Langille said that the special use permit request was to modify the single condition dealing with the landscaping within those buffers. He said that originally, condition number six dealt with this issue, but over time, it caused difficulties because it was too specific about the plant species, their size, and spacing. He said that despite installing the buffer, it faced challenges over the last 15 years. He said that the roots had faced problems in various parts of the buffer located on the east, west, and north. He said that in the attached document three, the project narrative, the applicant provided a thorough analysis of the areas within the buffers that have essentially perished completely.

Mr. Langille explained that this request aimed to modify the previously established condition to introduce more flexibility for landscaping within the buffer. He said that he would not bore the audience by reading the slide verbatim, but on the left side was the original condition as stated, while the right side displayed the proposed condition.

Mr. Langille said that key changes involved the removal of the prerequisite for subterranean irrigation systems in each of those buffers. He said that it permitted additional buffers within the residential lots, which would supplement the evergreen tree species presently found in the buffer. He said that property owners could even undertake landscaping directly adjacent to the buffer area.

Mr. Langille said that additionally, it offered leeway in landscape design, allowing for either a single or double row of plantings in the eastern, northern, and western buffers. He said that lastly, there was flexibility in species selection, and if this special use permit amendment is approved, staff would collaborate with the applicant during the site plan phase to ensure that any species they propose aligned with the accepted landscaping list maintained by Community Development. He said that they enforced it whenever a development project was being reviewed in the County.

Mr. Langille said that staff had not identified any factors unfavorable associated with this request. He said that they believed that this modification would lead to improved landscaping and screening buffers for the project. He said that during the December 13 hearing, the Planning Commission recommended approval and staff recommended approval.

Mr. Andrews asked if staff was confident that they were imposing conditions that made sense and would not require modification in the future.

Mr. Langille said that they had learned a lot over time, and staff members were subject matter experts in landscaping and natural resources, not only within Community Development but in Facilities and Environmental Services who helped create the current plant list. He said that speaking on behalf of staff, he believed they were confident that moving forward with any types of development proposals would ensure that landscaping species, spacing, and sizing were feasible and sustainable for the long term.

Mr. Andrews opened the public hearing and asked the applicant to begin their presentation.

Mr. Scott Collins said that he did not have a presentation. He said that he believed the request was straightforward, but he would like to discuss one topic Mr. Andrews had raised. He said that this project was a very sensitive project when approved in 2006, and it was interesting that when the project began during the special use permit process, Charles Sticks prepared the landscape design as a mix of deciduous and evergreen trees for the planted buffer, but over time of the approval process for the special use permit, the buffer turned into a hedgerow of staggered Leyland cypress trees with tighter and tighter spacing.

Mr. Collins said that it worked well as screening during the construction activity, but it had not worked out in the long term. He said that this was the reason for the request for changing the condition for landscaping. He said that they sought to install landscaping that would work for the next 50 to 100 years now that the construction was completed, and they would blend it in with the existing property owners' landscaping.

Mr. Gallaway asked if the community was involved in deciding what the new buffer would be.

Mr. Collins said yes, they were working with the Kenridge Homeowners Association and the adjacent property owners. He said that they had obtained their input regarding the desired landscaping on both sides of the property.

Mr. Andrews asked if there were any members of the public who wished to speak on this item.

Mr. Paul Sullivan, president of the Kenridge Homeowners Association and Samuel Miller District resident, said that a few other neighbors were present tonight as well. He said that the Kenridge community had been around for almost 20 years and was mostly built out, except for possibly two more buildings.

Ms. Sullivan said that they knew what they needed and valued their community, working hard to preserve its beauty. He said that one important consideration was the varying topography, which included areas prone to water collection and others elevated with different sunlight exposure. He said that therefore, Mr. Collins' statement held true, and one size did not fit all.

Ms. Sullivan said that to address the neighbors' suggestions, they came up with a flexible plan tailored to individual situations. He said that their main goal was to ensure the effectiveness of the screen, recognizing its importance. He said that this proposal aligned with the preferences of the property owners in Kenridge. He said that they also consulted with neighboring communities, including White Gables, Boxwood, and across the street, who shared valuable insights. He said that a common question concerned the enforcement mechanism.

Mr. Sullivan said that as a response, they revised their covenants two years ago to better suit their needs, so now their covenants included provisions for approving and monitoring any modifications to the screen proposed by their neighbors. He said that they valued the County's input and appreciated their involvement in the process. He said that he was confident in saying that it was the right solution at the perfect time, and they were happy to reach this point.

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

Ms. Mallek said that she was grateful that everyone was learning about the appropriate species for landscaping. She said that she appreciated the efforts made to find the best plants for landscaping and avoiding Leyland cypresses.

Ms. LaPisto-Kirtley said that she was supportive and thought this was a good thing to do. She said that she was happy that they were using their native plants list.

Mr. Gallager said that he was supportive.

Mr. Pruitt said that he was supportive, and that he appreciated the HOA looking out for the residents.

Ms. McKeel said that she was supportive, and that she thought it was great how they had all worked together.

Mr. Andrews said that he was supportive, and that he was grateful for the cooperation between the County and the HOA.

Mr. Andrews **moved** that the Board adopt the Resolution (Attachment D) to Approve SP202300012 Kenridge Landscaping Amendment for the reasons stated in the staff report and with the staff conditions presented.

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

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

**RESOLUTION TO APPROVE
SP 202300012 KENRIDGE LANDSCAPE AMENDMENT**

WHEREAS, the Kenridge Homeowners Association submitted an application for an amendment to a special use permit that was previously approved (SP 2012-13), and

WHEREAS, the amendment application is identified as SP202300012 Kenridge Landscape Amendment (“SP 2023-12”); and

WHEREAS, on December 12, 2023, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of an amended SP 2023-12; and

WHEREAS, upon consideration of the staff reports prepared for SP2023-12 and all of their attachments, including staff’s supporting analysis, the information presented at the public hearings, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-23.2.2(9) and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the amended 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 Commercial Office (CO) zoning district, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan.

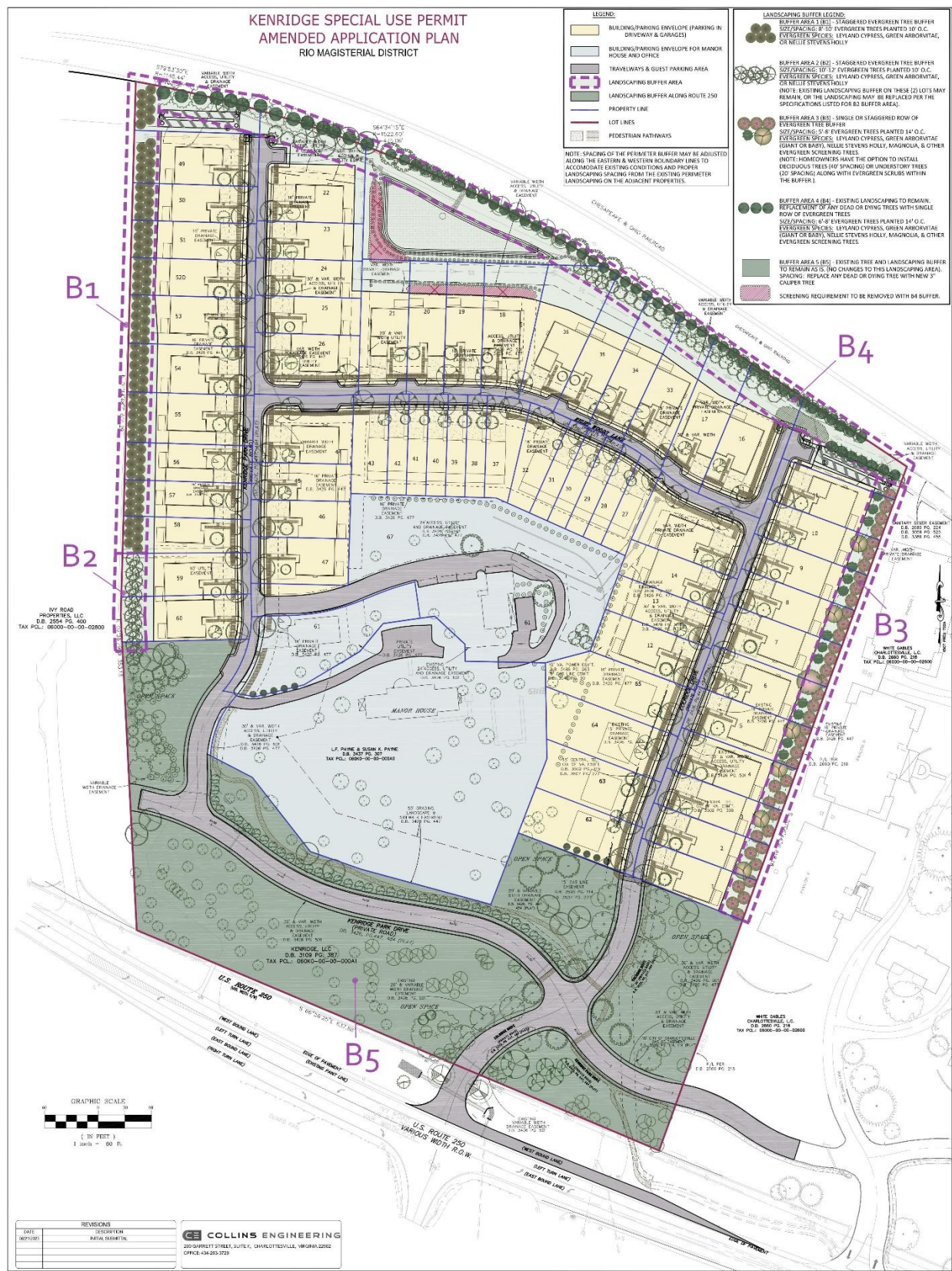
NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP 202300012 Kenridge Landscape Amendment, subject to conditions 1-5 and 7-17 of existing SP201200013, and the amended condition 6 attached hereto.

* * *

**SP202300012 Kenridge Landscape Amendment Special Use Permit
Amended Condition 6**

6. Screening adjacent to the railroad right-of-way and along the west and east sides of the project must be provided and maintained in general accord with the concept plan titled “Kenridge Amendment Application Plan,” dated August 21, 2023, prepared by Collins Engineering. To be in general accord with the Conceptual Plan, development shall reflect the following major elements within the development essential to the design of the development.
- a. Location and width of required screening buffers
 - b. Continuous buffer of evergreen trees installed in a staggered row along the western property boundary,
 - c. Either a single row or staggered row of evergreen trees along the eastern and northern property boundary.
 - d. Spacing of the perimeter buffer may be adjusted along the eastern and western boundary lines to accommodate existing conditions and proper landscape spacing from the existing perimeter landscaping on the adjacent properties.
- Minor modifications to the plan which do not conflict with the elements above may be made to ensure

compliance with the Zoning Ordinance, improve safety, or landscape design or health of trees, subject to approval by the Director of Planning.



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

Item No. 19. b. General Items from the Board.

Ms. Mallek asked if Board members had received the information about housing. She said that if not, she would distribute them. She said that she also received a mailing about promotion of solar installation on private properties, which she would also share with the Board. She said that it was important that they move expeditiously on their solar ordinance to bring order to what could possibly happen.

Mr. Gallaway said that there were two fire-related initiatives in the budget that had yet to be finalized. He said that when Mr. Richardson mentioned that they were maxed out during the local emergency in terms of staffing, it raised the question of how to address this in the future. He said that he would like to find an appropriate time to discuss the matter so they could better understand whether it involved just Fire, Fire and Police, and Emergency, as well as the implications on their budget relative to the positions they had been discussing and on their Comprehensive Plan.

Mr. Richardson said that staff should have that information available before the week was over. He said that he had seen some preliminary information from the Fire Department related to the specific calls, apparatus, and staffing for that day.

Mr. Gallaway said that he would like to see the non-fire related calls that were also being handled that day in order to get the full picture.

Mr. Richardson said yes, that could be provided.

Mr. Pruitt said that he would like to draw the Board's attention to the fact that they recently approved a series of extensive amendments to their housing policy, specifically regarding the administration of Housing Choice Vouchers according to recent federal rule changes. He mentioned that in a few weeks, a sweeping and important rule change would take effect from the administration, altering the regulation on how they affirmatively further fair housing. He explained that this had substantial implications for local governments and their approach to fair housing, which differed from affordable housing.

Mr. Pruitt said that this was directly related to his work, focusing on ensuring non-discrimination in housing practices and examining how local governments structured their built infrastructure to either enable or combat patterns of discrimination. He said that he found it to be an exciting development. He stated that furthermore, it would significantly impact how this County engaged with this issue.

Mr. Pruitt said that they must address it through their regional partners since they operated as a unified consolidated region for HUD purposes. He expressed that it would be fascinating to observe how they tackled this challenge. He emphasized this topic because it was personally significant, and it may come into effect shortly, perhaps even before the next meeting when the rule would officially be enacted.

Ms. McKeel said that she really appreciated Mr. Gallaway bringing up the topic regarding the firefighters and the emergency response. She said that the other issue she believed needed to be addressed was their vulnerability to wildfires. She said that the County had a lot of trees. She said that many trees had been lost, but there were many invasive species that caused fires in unexpected ways. She said that she wondered if they could hold a work session to discuss preventative measures or actions they could take.

Ms. McKeel said that they should examine anything in the Code or anything else to aid homeowners in making their properties safer from fires. She said that they had the Department of Forestry available, and they also had knowledgeable staff on this subject. She said that during the wintertime, someone came to her property and cleared out the debris behind her house because she was worried about fires, as people walked through the woods behind her home and sometimes smoked.

Ms. McKeel said that she wondered if there might be anything they could do, if perhaps it could be seen more as an educational opportunity. She asked if there were any preventative measures they should consider in light of the fact that fires were becoming more common due to climate change. She said that although they hoped there would not be too many in their area, they should be prepared. She asked if staff would keep this in mind.

Item No. 19. a. Permitted Recreational Activities at the Ragged Mountain Natural Area.
(Discussion and consideration of possible action directing the County Attorney, with input from County staff as appropriate, to develop revisions to Chapter 11, Section 11-303 of the County Code and/or other code sections, if appropriate, for the Board of Supervisors' review.)

Mr. Andrews said that the Board had listened to many thoughtful members of the public, both in favor and against the County Ordinance, which limited activities at the Ragged Mountain Reservoir Natural Area. He said that they had also heard some innovative suggestions for moving forward. He said that there also seemed to be misunderstandings about the implications of the recently settled lawsuit addressing jurisdiction over the City-owned land, encompassing the limitations on the County's rules against running, cycling, pet walking, horseback riding, and any other actions not explicitly authorized.

Mr. Andrews said that he appreciated the input from individuals on this matter and apologized for his inability to reply personally to the numerous emails he received. He said that he particularly appreciated those who attended their meeting, spoke up, and stayed on to listen to the Board. He said that any change of the status quo with respect to the permitted activities would require a majority Board action.

Mr. Andrews said that based on recent conversations with staff, his understanding of the City's authority as the owner of the property, as well as the County Attorney and his staff, he believed that the Board's discretion and scope of authority to address the issues in a more nuanced manner, as some had proposed that day, would call for further legal counsel work and staff work. He said that this would allow them to be fully informed before considering alternatives.

Mr. Andrews **moved** that the Board direct staff to come back at a subsequent meeting to provide a presentation regarding the litigation results, the settlement terms, what these mean in terms of the County's authority, and also possible ways forward if additional activities are to be considered.

Ms. LaPisto-Kirtley **seconded** the motion.

Mr. Andrews said that the motion was open for further discussion.

Ms. Mallek said that she appreciated the hard work of volunteers, regardless of their roles, such as firefighters, trail builders, or bird watchers, within the community. She said that she identified herself as one of the numerous County residents who appreciated the natural treasure, which is Ragged Mountain Natural Area. She said that it was one of only two natural areas that was open to the public in the County, providing opportunities for walking, sitting, bird watching, and resting. She clarified that it was a natural area and a reservoir and not a recreational area; therefore, she would vote no on the resolution.

Ms. LaPisto-Kirtley said that she appreciated everyone coming out today and she understood that the Board was not in a position to make a decision this evening. She said that she supported the motion because it should be looked at in totality with staff, the County Executive, the County Attorney, and the City of Charlottesville. She said that she supported the motion because it was reasonable to look at everything in totality.

Mr. Gallaway asked if it was the Chair's intention to direct staff to do the historical work on the original ordinance and the rationale behind those historical decisions.

Mr. Andrews said yes. He said he thought they could include questions that they would want staff to answer as part of that presentation.

Mr. Gallaway stated that he did not want anyone on the Board or in the public to misinterpret that if he supported the motion, it would be to be fully informed to make a decision. He said that supporting this motion tonight should not be misconstrued as where he would end up on the action. He said that it would be unfair to everyone involved. He said that comprehending the history of the original ordinance was important. He said that there had been allegations made that appear to have occurred well after the ordinance was implemented. He said that he had not conducted the research to delve into the ordinance and grasp its context.

Mr. Gallaway said that consequently, he wished to learn the history of the ordinance, why it was enacted, the concerns about the water quality that were raised, and why those activities were limited. He said that this data would be significant in relation to the other things, and that he had no problem discussing this openly. He said that in the spirit of that, he would endorse the motion, acknowledging that it did not denote where he stood on the matter.

Mr. Pruitt said that he wanted to reiterate his understanding of the situation. He explained that today they were deciding whether or not to receive information, which would lead to making a decision to create a document on which they could make a final decision. He emphasized that this was three tiers removed from the actual action. He sought to clarify the process for the public, stating that it would result in the delivery of information and a description of their available options.

Mr. Pruitt acknowledged that if they did not make a straightforward decision about what to do, it would become complicated and require significant additional work with community partners on structuring it legally. He expressed his support for this approach, and believed there were a lot of ways that they could discuss how to adequately deconflict uses, which he believed was the path forward for this. He said that he believed it presented an opportunity to strengthen relationships with other parts of the community, including Charlottesville, the mountain biking community, and the hiking community.

Mr. Pruitt stated that the first step for that was receiving more information and having a proper public forum to create this. He said that he recognized that a common theme in the initial feedback he received was that this was a deeply impactful decision made behind closed doors. He said that there were complicated reasons why he would say that was unfair, because the decision had been the result of ongoing litigation but understood the public's sentiment. He said that he thought it was essential to create a space where the community could understand what the Board was thinking and how they were approaching the issue.

Mr. Pruitt said that he acknowledged his personal inclination towards moving forward and restoring some level of bike access. He said that all Americans shared a belief in John Stuart Mill's philosophy, accepting that liberties should not be infringed upon unless they interfered with others' liberties. He said that in his view, the choice between completely restricting and complicating someone's liberty was clear. He said that therefore, he supported the motion.

Ms. McKeel thanked the public for their attendance and engagement regarding this matter. She said that she appreciated all the emails sent and although she read all of them, she could not respond to all of them. She said that she respected the work and the opinions of the public. She said that Ragged Mountain Natural Area would be undergoing construction to raise the level of the reservoir by 12 feet beginning in the summer of 2025. She said that this change was due to concerns around climate change and the availability of water for the residents currently served by public water, which did not include every resident of the County.

Ms. McKeel said that it would significantly change the shoreline and result in changes to the topography and land usage in certain areas of Ragged Mountain. She noted that Biscuit Run was scheduled to open this fall, so it would become available as a new park for passive and high-impact recreational uses.

She said that she appreciated Mr. Andrews’ motion, but she currently supported keeping Ivy Creek Natural Area and Ragged Mountain Natural Area open as two parks for public engagement for more passive activities, as described in the existing ordinance.

Mr. Andrews said that he proposed the motion due to his belief in it as a way forward. He said that he acknowledged that recent discussions had revealed the necessity of understanding the City’s authority as an owner, along with the County’s discretion, and what the litigation implies with respect to that. He said that he also agreed that they should be aware of the implications of raising the water level. He said that to ensure thorough understanding, he believed that a presentation was necessary. He said that at that moment, he invited either the County Attorney or Mr. Deloria, Senior Assistant County Attorney, to provide their input.

Ms. Mallek asked how this request would impact the work plan timeline and allocation of staff time. She requested that everyone devote some time to examining the urban habitat analysis of the property and identifying what was at risk there. She requested that they integrate this data into the educational and presentation materials, which should be part of their learning in public.

Mr. Andrews said that it would also give them a chance to have a more public debate on the merits.

Ms. LaPisto-Kirtley said that if passed, this was not something that would appear quickly before the Board and would take staff a while to work on this issue. She said that they should be honest about taking the time to see the history and understand what their options were before the Board made a decision.

Mr. Andrews requested that a roll call vote be taken on his motion to direct staff to present information regarding the Ragged Mountain Reservoir Natural Area.

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

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

Item No. 19. b. General Items from the Board, *continued*.

Mr. Pruitt requested to add an additional, unrelated motion.

Mr. Pruitt **moved** to approve entering the e-mail from Amanda Brookman of the Scottsville District that was received by the members of the Board at 6:41p.m. (on April 3) into the official record.

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.

By the above recorded vote, the email from Amanda Brookman of the Scottsville District that was received by the members of the Board at 6:41p.m. (on April 3) was added to the permanent record of the meeting.

Agenda Item No. 20. Adjourn to April 17, 2024, 2024, 1:00 p.m., Lane Auditorium.

At 7:58 p.m., the Board adjourned its meeting to April 17, 2024, 1:00 p.m., Lane Auditorium. Opportunities for the public to access and participate in this meeting are posted on the Albemarle County website on the Board of Supervisors home page and on the Albemarle County calendar. Participation will include the opportunity to comment on those matters for which comments from the public will be received.

Chair

Approved by Board
Date: 08/06/2025
Initials:CKB