

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on November 16, 2022, at 2:00 p.m. in Lane Auditorium on the Second Floor of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA 22902.

BOARD MEMBERS PRESENT: Ms. Ann H. Mallek, Ms. Diantha McKeel, Mr. Jim Andrews, and Ms. Beatrice (Bea) J.S. LaPisto-Kirtley, and Mr. Ned Gallaway (joined the meeting remotely at 4:03 p.m.).

ABSENT: Ms. Donna P. Price.

OFFICERS PRESENT: County Executive, Jeffrey B. Richardson; County Attorney, Steve Rosenberg; and Clerk, Claudette K. Borgersen.

Agenda Item No. 1. Call to Order. The meeting was called to order at 2:02 p.m. by the Vice-Chair, Ms. Bea LaPisto-Kirtley.

Ms. LaPisto-Kirtley noted that Supervisor Donna Price, Scottsville District, was not participating in the meeting and that she would serve as Chair today. She said that Supervisor Ned Gallaway, Rio District, would be joining the meeting at a later time.

Ms. LaPisto-Kirtley introduced Officers Jason Freishtat and Sergeant Angela Jamerson of the Albemarle County Police Department who were present at the meeting.

Agenda Item No. 2. Pledge of Allegiance.

Agenda Item No. 3. Moment of Silence.

Ms. LaPisto-Kirtley asked the Board and the public to hold the moment of silence to honor and remember the victims who lost their lives at UVA and for their families and community. She said that one student was in critical condition, and they hoped he made it out fine.

Agenda Item No. 4. Adoption of Final Agenda.

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

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

NAYS: None.

ABSENT: Mr. Gallaway and Ms. Price.

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

Mr. Andrews said that he wanted to express gratitude to local police departments and state and federal partners who assisted this week with the tragic events. He said their hearts went out to UVA and the entire community for this. He said that they were missing two Board members, but he hoped to hear about VACo (Virginia Association of Counties) at some point and regretted he missed attending the event. He said he had the opportunity to experience the diverging diamond, which worked. He said that he understood the roundabout at Route 250 and 151, at the border of White Hall and Samuel Miller District, was opening today.

Ms. McKeel said that there were a couple of VDOT projects to be tried out over the weekend. She said that she appreciated Ms. LaPisto-Kirtley giving the opportunity to honor those in the community who lost their lives and were injured and traumatized this week. She said that all first responders and officials who worked together showed the model of partnerships, and the resolution of finding and putting the young man in custody was well-done. She said that, however, there were too many moments of silence that were held at events over some violence, and then they moved on. She said there were too many guns in the hands of the wrong people, and it seemed to her that something was terribly wrong in their country when water and food were limited at polling sites, but guns were not limited at polling sites, for example. She said that she was hopeful that at some point, the country would come together and look at significant and meaningful gun reform for the country.

Ms. Mallek greeted the public. She said that she agreed that the one common thread through all of these events was the gun. She said that there were mental health issues that needed to be addressed at all levels of government, but a fist fight was much less lethal than shooting a gun, so she hoped she would be alive to see a solution. She said that she heard about the events at 6:00 a.m. in Richmond while at the VACo conference.

Ms. Mallek said that it was energizing to attend the VACo conference to discuss a broad spectrum of issues with elected officials, and 89 of the 100 counties in Virginia were represented. She said that as expected, there were many divergent opinions about many of those issues, and for some of the issues that she had been working on for 15 years, they were making small steps toward progress, but it was not swift in any circumstance.

Ms. Mallek said that it was the last meeting of the Board of Supervisors before next week's Thanksgiving celebrations, but she also hoped that they would remember who had been on this land for

thousands of years before their ancestors got here. She said that the Monacan people had settlements on four different river sites in Albemarle County, the oldest recognized was the Monasukapanough on Pole Grounds Road, where the sites were more than 2,000 years old. She said that the upper ground on the hardware near Walnut Creek and also in the high ground at Moorman, where evidence of Monacan settlements was found. She said to think about the living descendants of those first nations in Virginia who were state and federally recognized and still lived here. She said that they were not in our past but were in our present as neighbors, and she hoped that they would be kept in people's thoughts as well next week.

Ms. LaPisto-Kirtley said that she agreed with her fellow Supervisors that a tragic situation had occurred and there was more that they should and needed to do. She said that thinking of the lives of those cut short saddened her as she knew it did everyone else. She said that they would pray for them and their families. She said that last Friday, there was a Veterans Day event held at the County Office Building. She said that they should never forget their veterans who kept them safe and protected them, and it was important to honor them.

Ms. LaPisto-Kirtley said that last Saturday, she had the honor of attending another event, which was honoring African-American women who were veterans. She said that something she learned was that during World War II, 80% of African-American women were either domestics or sharecroppers, and a lot of them had the opportunity to make more money and learn skills through the service, so it helped them a lot. She said that there were 600,000 African-American women who were employed in various positions. She said that sharecroppers were still needed at that time because cotton was still so industrious. She said that it was an enlightening and meaningful Veterans Day event she attended.

Agenda Item No. 6. Proclamations and Recognitions.

There were none.

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

Mr. Tom Olivier, Samuel Miller District, thanked the Board for scheduling the work session this afternoon on the County's climate vulnerability and risk report. He said that given the urgent need for forceful climate action, the Board's consideration of the vulnerability and risk report was timely. He said that climate scientists state that even if humanity ceased emitting greenhouse gases immediately, those gases already in the atmosphere would cause further global warming, but, of course, humanity's greenhouse gas emissions were not ceasing or declining. He said that instead, they were increasing, with 2022 now projected to set emission records.

Mr. Olivier said that unsurprisingly, a recent U.N. (United Nations) report indicated that humans were on track to exceed the previously agreed upon global warming target of 1.5 degrees Centigrade. He said that as a result, in the coming decades, human societies will face numerous stresses and disruptions from climate change, and in some cases, the impacts will be catastrophic. He said that if they were wise, people would all acknowledge projected stresses and disruptions and plan to adapt and prepare for them. He said that one complication was that climate impacts vary from place to place, but fortunately, there was an assessment of anticipated local impacts — in the report that the Board would consider a little later this afternoon.

Mr. Olivier said that today, Albemarle County was poised to begin planning adaptations to the anticipated impacts of climate change, and to seize this opportunity, they needed the Board of Supervisors to direct planning staff to address climate vulnerabilities and risks identified in the assessment in the then-being-updated Comprehensive Plan. He said that as Snuffy Smith used to say, "Time's a wastin'!" He continued to say that delaying adapting to climate change jeopardizes the future of their community and their young people's prospects for good lives. He said that they had an opportunity to reject delay, an opportunity today to begin the climate adaptation process in their community, which he asked the Board to take. He thanked the Board.

Mr. John Lowry, Samuel Miller District, said that he was also the Chair of the Albemarle County Republican Party and had been authorized to come before the Board and speak to them today by vote. He said that he was speaking to an item on the agenda, which was called ranked choice voting (RCV), which was on their agenda but did not have anything else there. He said that the Board had been sincere in the past about transparency, so he would like to know what the public would see when they saw that on the agenda. He said that the presentation would be geared toward the 2023 primary elections, which was not far away.

Mr. Lowry said that Republicans would have a picnic in May where the candidates would be invited to speak and be considered by the members, followed by a vote. He said that the winner of each office would be given their endorsement, which they then took to the Elections Office, where they presented it in June to be put on the ballot for November. He said that he wondered if the RCV would be considered only for Democrats, because the election system only dealt with the two parties.

Mr. Lowry said that he heard from the Chair of the Elections Board that it was pushed by the Democratic party to get greater equity in the nomination process. He said that if they had a primary with

three candidates and only two made it, and the second got enough votes to become number one, he wondered if they were making a loser into a winner. He said that he was very concerned about the use of the word "equity," because it was not a verb but a noun. He said that he would suggest that, after hearing the presentation, they should send it back and get it through the proper process. He said that the legal department should have a say, the financial people should make the budget, and they should get a staff person who endorsed the project or said that they had reviewed this, but none of that was in the presentation being given today.

Mr. Lowry said that he was in favor of change if change was progress, which was a more efficient way of doing things. He said that he also thought that they should do things through a normal procedure with transparency.

Ms. Nancy Muir, White Hall District, said that she was the former Chair of the Albemarle County Electoral Board. She said that she was present today to express her disfavor of RCV. She said that there were four issues that she had with it, the first being the complexity for the voter that RCV gave, followed by the error rates in the ballot completion process, the technical inadequacies, legal guidance inadequacies, and the cost.

Ms. Muir said that ballots in RCV elections were more complex than in traditional one-person/one-vote elections. She said that one of the biggest hurdles for voters in the RCV elections was the difficulty of being informed about the candidates, and having a strong knowledge of all candidates on the ballot was a necessary component of active citizenship. She said that RCV created the opportunity for several candidates without party affiliations to run in one race, which may seem manageable when a race was only four candidates and they were prominent, but when there were upwards of 20 candidates running for an obscure local office, knowing all relevant details about the candidates' positions and backgrounds became very difficult.

Ms. Muir said that when making an informed decision at the ballot box became an onerous process, corruption became inevitable. She said that this was because it was difficult for the voter to fill out the ballot. She said that casting a ballot and a vote in an RCV election was difficult, and instructions for RCV ballots were generally cumbersome, often confusing the voters. She said that because the process of filling out the ballot was difficult to understand, error rates for RCV elections remained higher than those of traditional elections, and this often resulted in more citizens having their votes thrown away because of an overly complex system.

Ms. Muir said that her last two items were regarding technical and legal inadequacies. She said that at that time, in Albemarle County, they did not have the technical equipment, nor did they have legal guidance in place from the ELECT at the state level. She said that the last inadequacy was the cost.

Ms. Karen Yanchunis, Rivanna District, said that Wolf Trap Road was a lovely dead-end, curvy lane with no sidewalks. She said that they had lived here for 9 years and many of their neighbors had lived there for more than 30 years. She said that children played on the road, people exercised, walked pets and babies. She said that it was a rural community; however, many homes were close to the road to take advantage of the woods in the backyards, and it had always been peaceful and safe.

Ms. Yanchunis said that a couple of years ago, when logging and dump trucks started moving in and out, the neighbors were tolerant of new construction at the end of the road, and five months ago, an excessive flow of large equipment, dump trucks, and trailers began moving in and out throughout the day.

Ms. Yanchunis said that neighbors noticed, and many commented about having to jump out of the road. She said that this was particularly treacherous on the blind curves, and she had to avoid being hit while getting her mail. She said that after contacting the County, it was discovered that their new neighbor has a company, Marshall and Sons Landscape and Development, LLC., and they had applied for a Home Occupation permit. She said this company with several other locations and numerous employees who were coming in every day to load up trailers and heavy equipment many times daily. She said that the traffic had more than doubled and the workers had no onus to the neighborhood and had traveled at excessive speeds. She said that not only is speed an issue, but the road was not designed to accommodate the number and size of these vehicles. She said that the company had constructed a large pad with a roundabout for easy storage and loading of equipment.

Ms. Yanchunis said that this was not a typical landscaping company, but it was an industrial operation, and definitely not right for a curvy, dead-end road with multiple blind curves and no sidewalks. She said that if a permit were granted, it was feared more equipment would be staged here which would further detract from the quality of life and safety on Wolf Trap Road. She said that another concern was the statute, which stated the number of trips in and out from the far end of this dead-end road, would be increased and allowed 6 days a week from 7 a.m. to 8 p.m., times when many people enjoy being out on the road. She said that this would definitely affect safety and quality of life.

Ms. Yanchunis said that another concern was there was no way for the County to police the employees, the number and size of vehicles, and that they should consider the safety and quality of life of the many and not the drastic changes to this by the one. She said that Marshall and Sons Landscape and Development, LLC is not a limited home-based operation as indicated in the statutes. She said that when she was young growing up in Key West Florida, they had St. Augustine grass and there was pest called a chinch bug that would destroy the grass, so her father would say "give a chinch an inch and it will take a

yard." She asked the Board to not allow Marshall and Sons Landscape and Development, LLC to take advantage and become the cinch bug of Wolf Trap Road, and that if this permit came before them, to please deny the permit. She thanked the Board for their consideration.

Mr. Jim Yanchunis, Rivanna District, said that he was present today to talk about the home occupation permit guidelines and one specific permit application on his road, although not before the Board at that time. He said that Chapter 18 Sec. 5.2A of the municipal code, Home Occupation Permit in Rural Areas (RA), described the purpose and intent in subsection A., to encourage limited home-based economic development. He said that on the County website under "learn more about home occupation" it states that a home occupation was a business conducted out of a home instead of in a workplace, and he believed this should disqualify any such preexisting business with a commercial location.

Mr. Yanchunis said that the case in question on Wolf Trap was a business that had been operating at one or two commercial sites that they operate out of. He said he thinks the wording in this should discourage preexisting businesses from getting this permit that could destroy rural or residential neighborhoods. He requested that the Board would exclude Marshall and Sons Landscape and Development, LLC, and that commercial businesses already in place not be allowed.

Mr. Rob McGinnis, Piedmont Environmental Council (PEC), thanked the Board for scheduling the presentation on climate vulnerability and risk assessment. He said that the PEC was proud to have partnered with Albemarle County, Sobis Inc., and Resilient Virginia on the preparation of the climate vulnerability and risk assessment, which had been supported through a generous grant from the DN Batton Foundation. He said that the PEC agreed with the County's position that the projected impacts outlined in the vulnerability and risk assessment illuminated the importance and urgency of climate adaptation and resilience planning.

Mr. McGinnis said that the County had recently announced that they would complete a climate adaptation and resilience plan that would be informed by the findings of the climate vulnerability and risk assessment. He said that the PEC strongly encouraged the County to provide the public with more information about the full scope, timeline, and public engagement aspects of this work and how the climate adaptation and resilience plan would inform the Comprehensive Plan update. He said that the County had also announced that the County was in the process of developing a tool to undertake assessments of how proposed Comprehensive Plan policies and recommendations would align with equity and climate action.

Mr. McGinnis said that the PEC strongly encouraged the County to provide more detailed information about how the process was developed and how the assessment process would be utilized. He said that the PEC, along with other environmental, conservation, and climate-focused organizations, were present to help with the implementation necessary to meet the County's climate action goals. He said that they looked forward to continued participation in the process and would continue their related efforts in land conservation, promoting smart growth, and advocating for innovative transportation solutions. He thanked the Board for the opportunity to provide his comments.

Ms. Marcia Geyer said that she was a resident of the Scottsville District. She said that her comments were about making use of the climate vulnerability and risk assessment report. She said that for context, she asked if they saw the most recent COP27 report that, instead of being on track to reduce global greenhouse gas emissions by 45% by 2030, the world was on track to increase emissions by more than 10%. She said that the world would not and could not avoid the worst effects of climate change. She said that U.N. Secretary-General Antonio Guterres told the COP27 audience that "the world was on the highway to climate hell with our foot on the accelerator. Climate change was the defining issue of our age."

Ms. Geyer said that they in Albemarle County must put coping with severe climate change impacts on the front burner, which they could do thanks to the climate vulnerability and risk assessment report, which told them in dense detail the level of risks and the probable cost of many climate impacts. She said that the report was a huge gift to Albemarle County and its data must be used to embed climate resilience actions throughout chapters of the new Comprehensive Plan.

Ms. Geyer said that intensive grant seeking must be a main answer for the new climate resilience programs, and at least one full-time staff position for climate grant solicitation and management should be created immediately within the environmental services division. She said that one new federal grant resource directly aimed at equitable climate outcomes was the \$27 billion authorized by the Inflation Reduction Act. She said that last night, Resilient Virginia's managing director, Annette Aso, told the Cville (Charlottesville) 100 climate meeting that Fairfax County had begun working on its Inflation Reduction Act grant application, and they could be a model for Albemarle County. She asked the County to please go for it and thanked the Board for the time and attention.

Agenda Item No. 8. Consent Agenda.

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

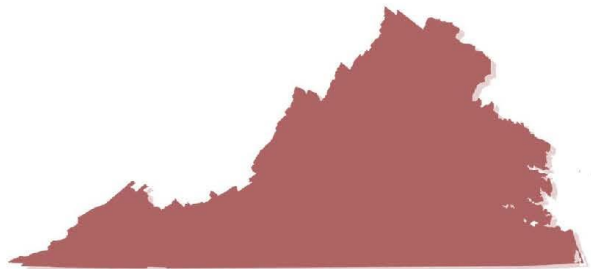
AYES: Ms. Mallek, Ms. McKeel, Ms. LaPisto-Kirtley, and Mr. Andrews.

NAYS: None.

ABSENT: Mr. Gallaway and Ms. Price.

Item No. 8.1. Draft 2023 Thomas Jefferson Planning District (TJPD) Legislative Program.

By the above-recorded vote, the Board adopted the 2023 Thomas Jefferson Planning District (TJPD) Legislative Program.



Thomas Jefferson Planning District

2023 LEGISLATIVE PROGRAM

Albemarle County | City of Charlottesville
Fluvanna County | Greene County
Louisa County | Nelson County

DRAFT
October 2022

Ned Gallaway, Chair
Christine Jacobs, Executive Director
David Blount, Director of Legislative Services

TOP LEGISLATIVE PRIORITIES

Public Education Funding

PRIORITY: The Planning District localities urge the State to fully fund its share of the realistic costs of the Standards of Quality (SOQ) without making policy changes that reduce funding or shift funding responsibility to localities.

The State will spend billions of dollars on direct aid to public education in the current biennium. While we appreciate additional state teacher salary and other one-time and ongoing education dollars approved during the current biennium, we continue to believe that the State should increase its commitment to K-12 education in a manner that reflects the true costs of K-12 education. Local governments consistently go “above and beyond” to close this funding gap by appropriating twice as much K-12 funding as required by the state.

We believe localities need an adequately-defined SOQ so that state funding better aligns with what school divisions are actually providing in their schools. This could include recognizing additional instructional positions and increasing state-funded staffing ratios for various non-instructional positions in the education funding formula. Localities and school divisions also should have flexibility in the use of state funds provided for school employee compensation.

Further, we urge state efforts to support 1) adequate pipeline programs for teachers, especially in critical shortage areas; and 2) funding and policies that assist localities in addressing challenges with hiring school bus drivers and mental health professionals.

Budgets and Funding

PRIORITY: The Planning District’s member localities urge the governor and legislature to enhance state aid to localities and public schools, to not impose unfunded mandates on or shift costs to localities, and to enhance local revenue options.

As the State continues to fine-tune revenue and spending priorities for the current biennium, we encourage support for K-12 education, health and public safety, economic development and other public goals. Localities continue to be the state’s “go-to” service provider and we believe state investment in local service delivery must be enhanced. Especially in these critical times, the State should not expect local governments to pay for new funding requirements or to expand existing ones on locally-delivered services, without a commensurate increase in state financial assistance.

We oppose unfunded state and federal mandates and the cost shifting that occurs when the State or the federal government fails to fund requirements or reduces or eliminates funding for programs. Doing so strains local ability to craft effective and efficient budgets to deliver required services or those demanded by residents.

We believe a changed business landscape will necessitate a review of revenue sources to localities, along with new ideas and actions to broaden and diversify local revenue streams. Any tax reform efforts also should examine the financing and delivering of state services at the local level and how revenue is generated relevant to our economic competitiveness. Accordingly, we support the legislature 1) making additional revenue options available to localities in order to

diversify the local revenue stream; and 2) further strengthening for counties, those revenue authorities that were enhanced during the 2020 legislative session. The State should not eliminate or restrict local revenue sources or confiscate or redirect local general fund dollars to the state treasury. This includes Communications Sales and Use Tax Trust Fund dollars, the local share of recordation taxes, and any state-mandated exemptions to the local option sales tax, unless a viable revenue-replacement to local governments is established.

Broadband

PRIORITY: The Planning District's member localities urge and support state and federal efforts and financial incentives that assist localities and their communities in deploying universal, affordable access to broadband technology in unserved areas.

Access to high-speed internet is essential in the 21st century for economic growth, equity in access to public education and health services, community growth and remote work. Localities understand the importance of robust broadband for economic viability; the COVID-19 pandemic further stressed the need for broadband for homes and businesses, and to address K-12 education and telemedicine access without delay. Cooperative efforts among private broadband, internet and wireless companies, and electric cooperatives to ensure access to service at an affordable cost are key. Approaches that utilize both fiber and wireless technologies, public/private partnerships and regulated markets that provide a choice of service providers and competitive prices should be utilized. Accordingly, we support the ability of localities to establish, operate and maintain sustainable broadband authorities to provide essential broadband to communities.

We believe state and federal support for broadband expansion should include the following:

- While we appreciate federal and state actions that have substantially increased funding for the Virginia Telecommunication Initiative (VATI), we encourage continued efforts to offset further funding needs and to address concerns such as easement usage associated with deployment.
- Provisions and incentives that would provide a sales tax exemption for materials used to construct broadband infrastructure.
- Support for linking broadband efforts for education and public safety to private sector efforts to serve businesses and residences.
- Maintaining local land use, permitting, fee and other local authorities.

LEGISLATIVE POSITIONS

Children's Services Act

The Planning District's member localities urge the State to be partners in containing Children's Services Act (CSA) costs and to better balance CSA responsibilities between the State and local governments. Accordingly, we take the following positions:

- We support local ability to use state funds to pay for mandated services provided directly by the locality, specifically for private day placements, where the same services could be offered in schools; additionally, we support rate setting by the state for private day placements.
- We support the state maintaining cost shares on a sum sufficient basis by both the State and local governments; changing the funding mechanism to a per-pupil basis of state funding would shift the sum sufficient portion fully to localities, which we would oppose.
- We support enhanced state funding for local CSA administrative costs.
- We support a cap on local expenditures (with the State making up any gaps) in order to combat higher costs for serving mandated children.
- We support the State being proactive in making residential facilities, services and service providers available, especially in rural areas, and in supporting locality efforts to provide facilities and services on a regional level.
- We oppose state efforts to increase local match levels and to make the program more uniform by attempting to control how localities run their programs.

Economic and Workforce Development

The Planning District's member localities recognize economic development and workforce training as essential to the continued viability of the Commonwealth. Policies and additional state funding that closely link the goals of economic and workforce development and the state's efforts to streamline and integrate workforce activities and revenue sources is crucial. Accordingly, we support the following:

- Enhanced coordination with the K-12 education community to equip the workforce with in-demand skill sets, so as to align workforce supply with anticipated employer demands.
- Continuing emphasis on regional cooperation in economic, workforce and tourism development.
- Continuation of the *GO Virginia* initiative to grow and diversify the private sector in each region.
- State job investment and small business grants being targeted to businesses that pay higher wages.
- Increased state funding for regional planning district commissions.

Education

The Planning District's member localities believe that, in addition to funding the Standards of Quality (as previously noted), the State should be a reliable funding partner with localities by recognizing other resources necessary for a high-quality public education system. Accordingly, we take the following positions:

- Concerning school facilities, we appreciate and support the school construction assistance programs enacted in 2022 and request that they be consistently funded. We also support allowing all localities the option of levying a one-cent sales tax to be used for construction or renovation of school facilities. The State also should discontinue seizing dollars from the Literary Fund to help pay for teacher retirement.
- We believe that unfunded liability associated with the teacher retirement plan should be a shared responsibility of state and local government.
- We support legislation that 1) establishes a mechanism for local appeal to the State of the calculated Local Composite Index (LCI); and 2) amends the LCI formula to recognize the land use taxation value, rather than the true value, of real property.

Environmental and Water Quality

The Planning District's member localities believe that environmental and water quality should be funded and promoted through a comprehensive approach, and address air and water quality, solid waste management, land conservation, climate change and land use policies. Such an approach requires regional cooperation due to the inter-jurisdictional nature of environmental resources, and adequate state funding to support local and regional efforts. Accordingly, we take the following positions:

- We oppose legislation mandating expansion of the Chesapeake Bay Preservation Act's coverage area. Instead, we urge the State to provide legal, financial and technical support to localities that wish to improve water quality and use other strategies that address point and non-point source pollution. We also support aggressive state investment in meeting required milestones for reducing Chesapeake Bay pollution to acceptable levels.
- We support state investment targeted to permitted dischargers to upgrade treatment plants, to aid farmers with best management practices, and to retrofit developed areas.
- We support continued investment in the Stormwater Local Assistance Fund to assist localities with much-needed stormwater projects and in response to any new regulatory requirements. Any such requirements should be balanced, flexible and not require waiver of stormwater charges, and training should be available for local governments to meet ongoing costs associated with local stormwater programs.
- We support the option for localities, as a part of their zoning ordinances, to designate and/or reasonably restrict the land application of biosolids to specific areas within the locality.
- We support legislative and regulatory action to ensure effective operation and maintenance of alternative on-site sewage systems and to increase options for localities to secure owner abatement or correction of system deficiencies.
- We support dam safety regulations that do not impose unreasonable costs on dam owners whose structures meet current safety standards.
- The State should be a partner with localities in water supply development and should work with and assist localities in addressing water supply issues, to include investing in regional projects.
- The State should not impose a fee, tax or surcharge on water, sewer, solid waste or other local services to pay for state environmental programs.
- We support local authority to address choices and impacts associated with utility-scale installation of clean energy resources. As the move to non-carbon sources of energy continues, we support the creation of stronger markets for distributed solar and authority for local governments to install small solar facilities on government-owned property and use the electricity for schools or other government-owned buildings located nearby.

General Government

The Planning District's member localities believe that since so many governmental actions take place at the local level, a strong local government system is essential. Local governments must have the freedom, flexibility and tools to carry out their responsibilities. Accordingly, we take the following positions:

- State policies should protect local governments' ability to regulate businesses, to include collection and auditing of taxes, licensing and regulation, whether they are traditional, electronic, internet-based, virtual or otherwise, while encouraging a level playing field for competing services in the marketplace.
- We oppose intrusive legislation involving purchasing procedures; local government authority to establish hours of work, salaries and working conditions for local employees; matters that can be adopted by resolution or ordinance; procedures for adopting ordinances; and procedures for conducting public meetings.
- The state should maintain the principles of sovereign immunity for local governments and their employees, to include regional jail officers.
- Localities should have maximum flexibility in providing compensation increases for state-supported local employees (including school personnel), as local governments provide significant local dollars and additional personnel beyond those funded by the State. We also support use of a notarized waiver to allow volunteer workers to state they are willing to provide volunteer services and waive any associated compensation.
- We urge state funding to address shortfalls in elections administration dollars, as administration has become more complex and federal and state financial support for elections has been decreasing. Specifically, we request that the State adequately fund costs associated with voting equipment, registrar costs, early voting requirements and election security standards.
- We support expanding the allowable use of electronic meetings for all local public bodies, with flexibility for public bodies to determine how to accommodate public comment and participation. Any changes to FOIA should preserve 1) a local governing body's ability to meet in closed session; 2) the list of records currently exempt from disclosure; and 3) provisions concerning creation of customized records.
- We support the use of alternatives to newspapers for publishing various legal advertisements and public notices.
- We support federal and state funding for localities to acquire and maintain advanced cybersecurity to protect critical systems and sensitive data.
- We support enhanced state funding for local and regional libraries.
- We support expanding local authority to regulate smoking in public places.

Health and Human Services

The Planning District's member localities recognize that special attention must be given to helping the disabled, the poor, the young and the elderly achieve their full potential. Transparent state policies and funding for at-risk individuals and families to access appropriate services are critical. Accordingly, we take the following positions:

- We support full state funding for any local costs associated with Medicaid expansion, including local eligibility workers and case managers, but oppose any shifting of Medicaid matching requirements from the State to localities.
- The State should provide sufficient funding to allow Community Services Boards to meet the challenges of providing a community-based system of care that helps divert people from needing a state hospital level of care, as well as having services such as outpatient and permanent supportive housing available. We also support measures to address census pressures at state hospitals that will enable them to receive admissions of individuals subject to temporary detention orders without delays.
- We support the provision of sufficient state funding to match federal dollars for the administration of mandated services within the Department of Social Services, and to meet the staffing standards for local departments to provide services as stipulated in state law.
- We support continued operation and enhancement of early intervention and prevention programs, including the Virginia Preschool Initiative and Part C of the Individuals with Disabilities Education Act (infants and toddlers).

Housing

The Planning District's member localities believe every citizen should have an opportunity to afford decent, safe and sanitary housing. The State, regions and localities should work to expand and preserve the supply and improve the quality of housing that is affordable for the elderly, disabled, and low- and moderate-income households.

- We support the following: 1) local authority and flexibility in the operation of housing affordability programs and establishment of affordable dwelling unit ordinances; 2) increased federal and state funding, as well as appropriate authority and incentives, to assist localities in fostering housing that is affordable; 3) grants and loans to low- or moderate-income persons to aid in purchasing dwellings; and 4) measures to prevent homelessness and to assist the chronic homeless.
- We support incentives that encourage rehabilitation and preservation of historic structures.

Land Use and Growth Management

The Planning District's member localities encourage the State to resist preempting or circumventing existing land use authorities, and to support local authority to plan and regulate land use. Accordingly, we take the following positions:

- We support the State providing additional tools to plan and manage growth, as current land use authority often is inadequate to allow local governments to provide for balanced growth in ways that protect and improve quality of life.
- We support broader impact fee authority for facilities other than roads, authority that should provide for calculating the cost of all public infrastructure, including local transportation and school construction needs caused by growth.
- We support changes to provisions of the current proffer law that limit the scope of impacts that may be addressed by proffers.
- We oppose legislation that would 1) restrict local oversight of the placement of various telecommunications infrastructure; 2) single out specific land uses for special treatment without

regard to the impact of such uses in particular locations; and 3) exempt additional facilities serving as event spaces from building and fire code regulations.

- We request state funding and incentives for localities, at their option, to acquire, preserve and maintain open space, and support greater flexibility for all localities in the preservation and management of trees.

Public Safety

The Planning District’s member localities encourage state financial support, cooperation and assistance for law enforcement, emergency medical care, criminal justice activities and fire services responsibilities carried out locally. Accordingly, we take the following positions:

- The Compensation Board should fully fund local positions that fall under its purview, to include supporting realistic levels of staffing to enable constitutional offices to meet their responsibilities and limit the need for localities to provide additional locally-funded positions. The Compensation Board should not increase the local share of funding for Constitutional offices or divert money away from them, and localities should be afforded flexibility in the state use of state funds for compensation for these offices.
- We encourage state support for paid and volunteer fire/EMS/first responders, given the ever-increasing importance they play in local communities.
- We support state efforts to assist localities in recruiting and retaining law enforcement personnel.
- We urge state funding of the HB 599 law enforcement program in accordance with *Code of Virginia* provisions.
- We support adequate and necessary funding for mental health and substance abuse services at juvenile and adult detention facilities and jails.
- We support legislation to help law enforcement combat the act of making a hoax call that reports an immediate threat to human life, with the intent of triggering a significant and urgent emergency response, usually involving a SWAT team (known as “swatting”).
- We encourage needed funding for successful implementation of policies and programs that 1) supplement law enforcement responses to help individuals in crisis to get evaluation services and treatment; 2) provide alternative transportation options for such individuals; and 3) reduce the amount of time police officers must spend handling mental health detention orders.
- In an effort to offset future surprises and to fairly share future cost increases, we support indexing jail per diem costs as a fixed percentage of the actual, statewide daily expense average, as set forth in the annual Jail Cost Report. Further, local and regional jails should have a choice as to whether they will keep state-responsible inmates in their facility after the 60-days from the date of the final sentencing order.
- We support the ability of local governments to adopt policies regarding law enforcement body worn cameras that account for local needs and fiscal realities. The State should provide financial support for localities using such camera systems.

Transportation

The Planning District’s member localities recognize that revenues for expanding and maintaining all modes of infrastructure are critical for meeting Virginia’s well-documented transportation challenges; for attracting and retaining businesses, residents, and tourism; and for

keeping pace with growing public needs and expectations. We encourage the State to prioritize funding for local and regional transportation needs. Accordingly, we take the following positions:

- As the State continues to implement the “Smart Scale” prioritization and the funds distribution process, there should be state adequate funding and local authority to generate transportation dollars for important local and regional projects across modes.
- We support additional authority to establish mechanisms for funding transit and non-transit projects in our region.
- We support the Virginia Department of Transportation utilizing Metropolitan Planning Organizations and regional rural transportation staff to carry out local transportation studies.
- We oppose attempts to transfer responsibility to counties for construction, maintenance or operation of current or new secondary roads.
- We support ongoing state and local efforts to coordinate land use and transportation planning, and urge state and local officials to be mindful of various local and regional plans when conducting corridor or transportation planning within a locality or region.

Item No. 8.2. Schedule a Public Hearing to extend the County Police and Fire Rescue Sworn and Uniformed Employee Sign-On Bonus Payments Ordinance.

The Executive Summary forwarded to the Board states that the Board approved County Police and Fire/Rescue uniformed employee sign-on bonus payments at its December 1, 2021, meeting to address workforce stabilization challenges. At that time, staff recommended evaluating the efficacy of sign-on bonus payments as a recruitment tool in November 2022.

Since implementing and advertising the sign-on bonus payments:

- Fire Rescue has received 235 applications to fill 52 vacancies and has successfully onboarded and released 12 new hires, is training 7 recruits in an ongoing recruit school, and will have 22 additional pending recruits for a recruit school beginning in Winter 2023.
- Police has received 150 applications to fill 40 vacancies and has successfully hired 23 officers.

The sign-on bonus payments have been successful in ensuring Albemarle County is competitive among public safety personnel. Based on market conditions, staff recommends extending this program to sustain this positive momentum in workforce stabilization for sworn and uniformed positions in the Fire Rescue and Police Departments.

These initiatives will be funded by State and Federal revenues and previously appropriated FY 23 budgets for Albemarle County Police Department and Albemarle County Fire Rescue. The total cost for

extending the sign-on bonus program, is estimated at \$113,033. Of that total, \$104,155 will be covered through funding remaining from American Rescue Plan Act (ARPA) funds previously received by Albemarle County. These funds were previously appropriated by the Board of Supervisors for this purpose on December 1, 2021. The remaining \$8,878 needed for the program will be funded through the previously appropriated budgets for FY 23 for Albemarle County Police Department and Albemarle County Fire Rescue.

Staff recommends that the Board schedule a public hearing on December 7, 2022, to consider the adoption of the proposed ordinance (Attachment A).

By the above-recorded vote, the Board authorized the Clerk to schedule a public hearing for the proposed ordinance (Attachment A).

Item No. 8.3. Resolution to Accept Road(s) in the Cascadia Blocks I-III, Phase 2 Subdivision into the State Secondary System of Highways.

By the above-recorded vote, the Board adopted the resolution to accept road(s) in the Cascadia Blocks I-III, Phase 2 Subdivision into the State Secondary System of Highways:

R E S O L U T I O N

WHEREAS, the street(s) in Cascadia Subdivision Blocks I-III - Phase 2, as described on the attached Additions Form AM-4.3 dated November 16th, 2022, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in Cascadia Subdivision Blocks I-III - Phase 2, as described on the attached Additions Form AM-4.3 dated November 16th, 2022, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right- of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

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

* * * * *

Report of Changes in the Secondary System of State Highways

Project/Subdivision: Cascadia Blocks I-III - Phase 2

Addition - New subdivision street §33.2-705

Rte Numb er	Street Name	From Termini	To Termini	Length	Num ber Of Lan es	Recordation Reference	Row Widt h
1926	Cascadia Drive	Route 20, Stony Point Road	0.051 Miles East to Rt 1927, Delphi Lane	0.05	2	DB 4732, PG 678	71
1927	Delphi Lane	Route 1926, Cascadia Drive	0.086 Miles South to Rt 1928, Delphi Drive	0.09	2	DB 4732, PG 678	62
1928	Delphi Drive	Knoll Lane (PVT)	0.12 Miles North to Rt 1930, Terrace Lane	0.12	2	DB5009, PG 48	
1928	Delphi Drive	Route 1927, Delphi Lane	0.019 Miles North to Rt 1929, Marietta Drive	0.02	2	DB 4886, PG 660	54
1928	Delphi Drive	Route 1929, Marietta Drive	0.037 Miles North to Knoll Lane (PVT)	0.04	2	DB 4886, PG 660	54
1929	Marietta Drive	Route 1928, Delphi Drive	0.14 Miles Nort to Rt 1930, Terrace Lane	0.14	2	DB 4886, PG 660	56
1929	Marietta Drive	Route 1930, Terrace Lane	0.024 Miles North to ESM	0.02	2	DB 4886, PG 660	56

Item No. 8.4. Resolution of Intent for Zoning Text Amendment(s) Related to Solar Energy Systems.

The Executive Summary as forwarded to the Board states that on June 14, 2017, the Board of Supervisors amended the Zoning Ordinance to define and permit "solar energy systems" in the Rural Areas zoning district by special use permit. On September 21, 2022, the Board of Supervisors discussed the need to consider regulations specific to solar energy systems as part of the ongoing Zoning Ordinance modernization project.

This proposed Zoning Text Amendment would include utilizing the County's existing zoning consultant, the Berkley Group, to advise the County on best practices for the development of Utility Grade Solar Facilities. Specifically, the consultant is expected to develop:

- Siting agreement standards
- Appropriate fees for the review of Utility Grade Solar Facilities, including the potential to hire and pay consultants and other experts on behalf of the County
- Submittal requirements
- Performance standards
- Review criteria
- Review procedures
- Criteria to allow the Board of Supervisors to determine if the County should adopt a revenue share for solar energy projects and energy storage systems, and if adopted, which provision(s) of § 58.1-2636 of the Code of Virginia are most appropriate to include in the ordinance

The proposed project timeline is shown on Attachment A and includes:

- January 2023 - Work session with the Planning Commission (to include public comment)
- February 2023 - Work session with the Board of Supervisors
- March to May 2023 - Drafting
- May 2023 - Public Hearing on Zoning Text Amendment with Planning Commission
- July 2023 - Public Hearing on Zoning Text Amendment with Board of Supervisors

The funding source for the additional scope to address solar energy systems in the Zoning Ordinance Modernization would be the recommended reappropriation of the Board of Supervisors' Strategic Priority Support Reserve to the Community Development Department at the December 7, 2023 Board of Supervisors meeting.

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

By the above-recorded vote, the Board adopted the Resolution of Intent for Zoning Text Amendment(s) Related to Solar Energy Systems (Attachment B):

**RESOLUTION OF INTENT
ZONING TEXT AMENDMENT
SOLAR ENERGY SYSTEMS**

WHEREAS, the Albemarle County Code was amended on June 14, 2017, to define and permit solar energy systems by special use permit in the Rural Areas zoning district;

WHEREAS, the Albemarle County Code does not contain any other regulations or review criteria specific to solar energy systems;

WHEREAS, Albemarle County has received multiple applications for solar energy systems, along with numerous inquiries from potential applicants;

WHEREAS, Albemarle County has received numerous public comments about potential impacts of solar energy systems;

WHEREAS, the Albemarle County Code Board of Supervisors desires to adopt regulations that would address the potential impacts of solar energy systems and provide clarity in the review process; and

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code §§ 18-3, 18-5, 18-10, and any other section(s) of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein.

Item No. 8.5. FY 23 First Quarter Financial Report, **was received for information.**

Item No. 8.6. Albemarle County 2022 3rd Quarter Certificate of Occupancy Report, **was received for information.**

Item No. 8.7. Albemarle County 2022 3rd Quarter Building Permit Report, **was received for information.**

Item No. 8.8. VDOT Monthly Report (November) 2022, **was received for information.**

Agenda Item No. 9. **Presentation:** Climate Vulnerability and Risk Assessment.

The Executive Summary as forwarded to the Board states that Albemarle County's Climate Action Plan, adopted by the Board of Supervisors on October 7, 2020, commits the County to developing a Climate Adaptation and Resilience Plan. The County's Climate Action Plan focuses on mitigation strategies to reduce the severity of global climate change. In contrast, a Climate Adaptation and Resilience Plan will guide the community in preparing for the local impacts of climate change, some of which we are already experiencing. To build local resilience to climate change, it is first necessary to assess how climate change will affect us here in Albemarle County. The Climate Vulnerability and Risk Assessment represents this first step in preparing our community for climate change.

The Assessment was prepared by the Sobis consulting firm with contributions from Albemarle County staff and in partnership with the Piedmont Environmental Council and Resilient Virginia. It was supported through a generous grant from the DN Batten Foundation.

The Climate Vulnerability and Risk Assessment analyzes five areas of information related to how climate change will affect us in Albemarle County. Specifically, the report addresses:

- Major changes to temperature and precipitation by 2050 and 2075 that will drive acute shifts in weather patterns and specific hazards.
- The primary hazards that our community is most likely to face during those time horizons, including extreme heat, drought, wildfire, flooding, pests and disease, and disruptions to seasonal weather patterns.

- The groups and areas of our community that will be most exposed to these hazards, which may vary by hazard (e.g., a drought will affect the whole county, whereas a flash flood might affect a specific area).
- Social, economic, ecological, and infrastructural conditions that may make some community members, businesses, and habitats more vulnerable to these hazards.
- The harmful impacts that are likely to occur when a hazardous event takes place.

The Assessment found that the county will experience more temperature and precipitation extremes in the coming decades, which will lead to adverse social, economic, ecological, and infrastructural impacts. The report quantifies projected impacts for the years 2050 and 2075 and under two future climate change scenarios - low emissions and high emissions - based on research by the Intergovernmental Panel on Climate Change (IPCC).

The following are a sample of the report's major forecasted impacts for Albemarle County for the year 2050 under the high-emission scenario:

- Albemarle County will experience triple the number of days with temperatures above 95°F and five to nine times as many days with evening temperatures greater than 75°F, which can exacerbate heat illness.
- Approximately 37,000 additional people will be exposed to heat island effect and rates of heat illness will double.
- The probability of a major drought occurring will increase sixfold and average annual agricultural losses due to drought will increase more than 2.5 times.
- The number of days when more than two inches of rain falls is expected to double.
- We will experience an additional month per year of mosquito activity, increasing the prevalence of vector-borne illness.

These projected impacts illuminate the urgency and importance of climate adaptation and resilience planning. Understanding the information in the Climate Vulnerability and Risk Assessment will enable staff to facilitate a more equitable and inclusive planning process, and ultimately to create a plan with more effective adaptation and resilience strategies.

There is no direct budget impact associated with receipt of this report.

Staff recommends that the Board of Supervisors receives the Albemarle County Climate Vulnerability and Risk Assessment and the companion overview, *Preparing for Resilience: An Overview of the Albemarle County Climate Vulnerability and Risk Assessment* (attached).

Mr. Gabe Dayley, Climate Protection Program Manager, greeted the Board. He said that he wanted to begin that it was a difficult beginning to the week for the community, and he knew that some of the information that was in this report could also increase stress levels, so he was aware of that. He said that there was a lot that they could do, so the hope was that they could analyze the information and data here and use it to craft strategies to build resilience in the community.

Mr. Dayley said that there were four areas that he would go over in the presentation, which were the overview of the climate vulnerability and risk assessment (essentially what it is, how it's structured, and how to interpret it), the long-term trends of climate change for their local area, predictions of local hazards and impacts exacerbated by climate change, and how staff planned to use the report to prepare the community for the impacts of climate change. He said that there would be time for questions throughout the presentation.

Mr. Dayley said that earlier this year, the County produced two reports, one of them a longer technical report, which was what he would focus on today, as well as a shorter report that was intended to help make the material more accessible for a broad audience, and that overview was a great place to start for anyone in the community for anyone who wanted to understand the topic more, and for those who wanted more information could review the technical report.

Mr. Dayley said that the climate vulnerability and risk assessment was a science- and data-based analysis meant to help the community identify and prepare for climate change impacts, particularly in Albemarle County. He said that the graphic shown on the screen was essentially what the report was speaking to, and it looked at how a number of hazards exacerbated by climate change, shown on the left, would affect different aspects and systems within the community. He said that it looked at how heat, drought, wildfire, precipitation and flooding, pests, and diseases affected people, the natural environment, the built environment, and the economy.

Mr. Dayley said that the report covered five layers of information related to those hazards. He said that it began by looking at long-term shifts to temperature and precipitation that were driven by climate change, which were long-term, year-over-year, and decade-over-decade averages that might not look particularly intense in terms of the average temperature of any given year across all the days of the year, but those long-term patterns then drove or exacerbated the aforementioned hazards.

Mr. Dayley said that the report then looked at who in the community would be exposed to those hazards, who in the community might be more vulnerable to one or more of these hazards if in the exposure area, and the likely impacts that would affect the community when a hazard occurred. He said that an example was that with climate change, they saw rising temperatures, which was a long-term

pattern, and this warming would bring longer and hotter heat waves, which was the hazard exacerbated by the long-term climate pattern.

Mr. Dayley said then, heat waves would affect the entire County, but the urban heat island would be most exposed with less tree canopy and vegetation to provide a cooling effect and with more pavement and building to absorb and reflect heat. He said that the map shown on the screen displayed the current heat island effect and the predicted expansion of that associated with predicted population growth over the coming decades, with the particular-colored edges being 2050 and 2075.

Mr. Dayley said that some people may be more vulnerable to a heatwave when it occurred, such as children, residents without air conditioning, people who worked outdoors, particularly doing physical labor, and those in poorer health. He said that they might expect to see more emergency calls for heat-related illness, which would be an example of the impact.

Mr. Dayley said that he had some clarifying concepts he wished to share with the Board. He said that he understood the Board had recently received a presentation about the update to the Regional Hazard Mitigation Plan that Deputy Fire Rescue Chief John Oprandy gave as part of a collaborative effort with the Thomas Jefferson Planning District Commission (TJPDC). He said that there were a few differences between what they were looking at with climate adaptation resilience planning and hazard mitigation planning, but there was also a lot of overlap.

Mr. Dayley said that broadly speaking, hazard mitigation looked on a shorter time horizon, and immediate emergency response needs to hazards, whereas climate planning looked at a longer timeframe and was preparing for the future trends and impacts, although they were starting to experience them now, although there were certainly areas of overlap. He said that the last piece was that hazard mitigation looked at technological- and human-caused hazards, whereas climate was focused on the natural impacts.

Mr. Dayley said that he had some more clarifying information to better understand the charts of the presentation. He said that the predictions in the report were based on climate models, which had proven to be accurate in predicting observed data. He said that the predictions in the charts reflected the most likely outcome within a range of possibilities, so the lines shown on the charts were averages of the range. He said that most models showed two future trajectories, which were modeling results of a low emissions and of a high-emission scenario. He said that a low-emission scenario assumed robust global climate action toward reducing greenhouse gas emissions, and the high-emission scenario reflected their current global trajectory.

Mr. Dayley said that the dual information communicated that there was real value in implementing their Climate Action Plan (CAP). He said that if they could mitigate climate change in concert with other communities around the world, they would likely see more of that low-emission scenario, but the current trajectory was more in line with the high-emission scenario, so when they did climate adaptation and resilience planning, it was important for them to prepare for those more extreme outcomes.

Mr. Dayley said that the historical trend chart for their local area showed that above-average years for the region had been increasing over the past 40 years. He showed two more charts, which showed average daily maximum temperature predictions and observations over the past 70 years, as well as future predictions over the next 80 years. He said that average daily highs had been increasing and were likely to continue to increase with climate change.

Mr. Dayley said that the same thing was true of average daily minimum temperature, which was the technical term for nighttime lows. He said that the observed average was going up, and the models predicted that it would continue to increase in the upcoming decades. He said that again, these numbers in the Y axis were daily minimums on average of a whole year, averaging all seasons, and the temperatures of 40 and 50 degrees may not look intense, but the long-term trend exacerbated those weather events.

Mr. Dayley said that the first hazard to discuss was extreme heat. He said that the first chart showed daytime highs that exceeded 95 degrees Fahrenheit, which in the past, was not a very common phenomenon, and the average seemed to be around 5 days per year, but those days could increase significantly, particularly in the high-emission scenario, increasingly frequent days where the high exceeded 95 degrees Fahrenheit.

Mr. Dayley said that the next graph was displaying days when the heat index exceeded 100 degrees Fahrenheit, which is the idea when temperature and humidity are combined into a measure of what it feels like out, and those days were also expected to increase in occurrence. He said that finally, he wanted to share a measure of expected or predicted minimum temperatures, the number of days per year where nighttime lows exceeded 80 degrees Fahrenheit, which historically had been nonexistent in the County, but there could be a fairly significant increase in the number of days per year where lows exceeded 80 degrees Fahrenheit.

Mr. Dayley said that a few elements of extreme heat were that it could lead to heat-related illness, which could increase demand on emergency services, and high minimum temperatures could affect the body's ability to regulate and recover from the stress induced during the day from extreme heat. He said that they had spoken with several local pediatricians who had communicated that that could particularly affect children, so children sleeping at night would have a more difficult time if there were higher minimum temperatures.

Mr. Dayley said that by 2050, they expected to see roughly 37,000 additional people exposed to the heat island effect, accounting for projected population growth and the expansion of the urban heat island, and perhaps a month or so per year of days when outside workers would be exposed to unhealthily hot working conditions.

Mr. Dayley displayed a chart that showed current and future predicted average numbers per year of heatwave-related ambulance care required. He said that the gray bar was the current number, the red bars showed the high emissions scenario, and the orange color was the lower-emission scenario. He said that this showed the potential increased need for emergency response services. He continued that extreme heat went beyond health and affected energy usage and could affect employee productivity and crop production.

Mr. Dayley said that staff would consider the broad concepts in much more detail inter-departmentally and with community partner organizations. He said that these ideas included protecting and increasing the urban tree canopy, improving building insulation, establishing cooling centers for those who did not have A/C in their homes, supporting home energy improvements, especially for low-income residents, expanding emergency response capacity, and shifting agricultural production to crops that might be more heat-resistant or require fewer chill hours in the winter.

Mr. Andrews said that they could discuss the average temperature going up, but it did not capture what was captured on slides 15, 16, and 17, which was how the extremes did not just go up by the averages, but much more than that, so the swings became greater as the averages increased by a degree or a degree and a half celcius..

Ms. McKeel said that she knew the community was anxious and appreciated the report. She said that there was a sense in the community that while it was great to study and discuss this topic, they must move to action. She said Mr. Andrews had made a great point about averages, and certainly that point could be about rainfall and other impacts of climate change.

Ms. LaPisto-Kirtley asked everyone to speak clearly into their microphones.

Ms. Mallek said that she could not wait to get to the stuff that they would be able to wrap their hands around to do this, because it felt like it had been a very long time since the LCAP (Local Climate Action Plan), which was adopted in 2010, and there was a large chapter in that about adaptation, which began her understanding of what was needed. She said that they were ready to begin the work on this.

Ms. LaPisto-Kirtley said that 80 degrees being the average was something that people didn't think was that high, but that's the average, and it did not account for the many days that were much higher than that for 80 degrees to be the resulting average. She said that it made her pause and think about how devastating it would be. She said their previous summer was long and warm.

Mr. Dayley said that the second hazard in the report was drought. He said that some of the hazards had interacting effects, so they could not be completely looked at in silo, although that was how he had divided it in the presentation, and he had made it in the order of the report to help with the track in parallel, but it was important to think of these concepts as interacting with each other, which he would show examples of later on.

Mr. Dayley said that the climate models in the report showed a range of increased likelihood for drought, and while the predictions were not as clear as what they saw for extreme heat, there were some trends worth understanding and preparing for. He said that the main takeaway was that rather than becoming altogether drier or altogether wetter, as some parts of the world are experiencing, Albemarle County was likely to experience greater alternation between wet and dry periods, which had a few implications that he would discuss in the drought section and when they discussed precipitation and flooding.

Mr. Dayley showed a graph that he said was different than the previous ones, which showed current average and future predictions for the average number of dry days per year that were in consecutive order. He said that it looked at a range, compiling the different climate models that they used in the report, and the point to be made was that although the future predictions were a broad range, and they did not have a specific line here, they could see that all the bars were shifted high compared to the black horizontal line that represented the current average.

Mr. Dayley said that that suggested that they would see an increase on average in the number of consecutive dry days per year. He said that the numbers were based on average predictions and were meant to give a general idea. He said that by 2050, there could be close to 150 consecutive dry days per year, and there will be a six-fold increase in the likelihood of major drought. He said that on average, there could be up to a little over 200 dry days per year, up to 17 algal bloom outbreaks per year that could impact waterways and people's recreation, potentially a 35% increase in demand for water due to projected growth and the increasing likelihood of drought, and increased stress on trees and forests.

Mr. Dayley said that some things that could be done to address this would be to use land management and farming practices that built soil health and water retention, to plan for increased water demand and increased variation in capacity to meet that demand in the development areas, assess water restriction policies and procedures that would be in place in the event of a major drought, and coordinate with partner agencies regarding well water.

Mr. Dayley said that the risk of wildfire would increase, but it would remain quite low, and he did not want to take too much time with charts and graphs given that the likelihood in their area, particularly when compared to the western half of the United States, were comparatively low, but there was an increasing risk that was worth planning for. He said that wildfire could be exacerbated by drought, and the concept of the wildland-urban interface (WUI), where the built environment, generally residential buildings, and wildland vegetation met or were interspersed were the areas that posed the greatest risk to people.

Mr. Dayley said that some observed numbers of wildfire incidents that Albemarle County Fire Rescue responded to over the five-year period surprised him, as well as the losses and amount of area burned. He said that it was not to the same scale as that in the western U.S., but it was something to pay attention to. He said that they could respond to this issue by educating residents on best practices for making homes defensible in fire-prone areas, assessing the emergency response capacity needs to the extent that the risk was increasing, engaging partner organizations such as Virginia Forestry on forest management best practices and stewardship of natural areas, as well as the WUI.

Mr. Dayley said that the two climate-exacerbated hazards that had the most intense predictions in the report were extreme heat and extreme precipitation and flooding. He said that the first chart showed a model of predicted total annual precipitation by year for the next 80 years. He said that they might notice that the data looked messier and was not quite as clear as what was seen for extreme heat, but what was interesting to notice about these predictions was the way in which they went up and down, so there was much more variation year-over-year, which meant more variation in what they could expect from year to year in terms of the overall amount of rainfall. He said that there were a couple of trend lines that they could pull out of the data in terms of averages, and although the data went up and down with more variation, the trend lines represented a similar trajectory that they saw for some of the other climate and extreme heat predictions.

Mr. Dayley said that overall, when making assessments of the data, more intense storms were predicted. He said that they arrived at that conclusion because annual precipitation was expected to increase, as seen from the previous chart, but if thinking about the drought section, dry periods were expected to get longer, so rainfall would likely be concentrated in fewer days of the year. He said that taking increased overall precipitation and dividing it by fewer events because of the longer dry spells meant a prediction of more precipitation for each rain event.

Mr. Dayley said that they could expect by 2075 to have a storm that is expected once every 250 years in today's climate to occur every 100 years. He said that another way to say this was that today, a 100-year storm that lasted 24 hours would create 10.4 inches of rain, but the same storm in 2075 would have a greater amount of rainfall, roughly 12 inches of rain. He said that this also meant that today's 100-year storm would be expected to occur more frequently than once a century; The term 100-year means there's a 1% chance of happening in any given year, and that we'd expect it to happen once time per century, but in 2075, a storm of that same level would be more frequent than 100 years. He said that the current slide visualized the growing floodplain of a stream channel, which showed that the current 100-year floodplain would expand by 2075, something that had implications for the built environment in the County.

Mr. Dayley said that the floodplain was growing, and the current map shown was of the County, with red dots that represented buildings in the current floodplain and blue dots that represented buildings that would be within the future floodplain. He said that broadly speaking, it could be seen that there would be a growth in the number of buildings that might be affected by a 100-year flood in the County.

Mr. Dayley said that the potential impacts of a flood that would affect the County's entire 100-year floodplain would be higher in the future relative to today because the floodplain was expanding. He said that it meant that compared to today, the number of potentially displaced households would be larger, as well as the dollar value of property loss from that flood in 2075 than today. He said that the numbers displayed on the slide were if a 100-year flood affected the entire County's floodplain, which may or may not happen in a given storm, rather than a storm that flooded the 100-year floodplain but in a much more specific geographic area, such as with a microburst storm that affect one area very intensely. He said that these numbers were broadly looking at the overall 100-year floodplain, but they helped illustrate a picture of what would be helpful to plan for.

Mr. Dayley showed a visualization of the dollar value of building loss for the current floodplain and for the future 100-year floodplain. He said that for the current 100-year floodplain, the loss would be lower, and the prediction would be that it would increase because of more buildings coming to be within the 100-year floodplain, with the assumption that there would be no future development occurring in the floodplain.

Mr. Dayley said that potential responses to this hazard included using green infrastructure and land management practices to increase rainfall infiltration and slow down drainage in the watershed. He said that they had recently received a grant from the Department of Conservation and Recreation (DCR) at the state level to help the County with flood resilience planning as part of the climate resilience planning process. He said other responses were to avoid future development in the floodplain and expand emergency response capacity. He said that the climate resilience planning process would identify more specific strategies.

Mr. Andrews said that the next-to-last slide had mentioned land use as an important thing to

consider in the future, specifically how their land use planning would be impacted by the changes, not only in flooding and in other areas, such as forest planning management and land use planning adjacent to the forest. He asked Mr. Dayley if his next section of the presentation was about pests and disease.

Mr. Dayley said yes.

Ms. McKeel said that she appreciated that Mr. Dayley had mentioned that the Forestry Department was right in their backyard. She said that it would be great for the Supervisors to discuss with them what their thoughts were about problems in the area. She said she knew Mr. Dayley was talking to them, but she thought it would be very informative for the Supervisors to be able to talk to them also.

Ms. Mallek said that for many years, the Board received an annual update from their State Forester or County Forester, so she would encourage them to reach out to Rob Farrell and David Powell and invite them back for an agenda. She said that the Board could ask the Clerk to begin that process. She said that she appreciated the information Mr. Dayley presented about excessive rain and excessive drought being linked, because the multiplier effect of those two things was so much worse than either by themselves. She said she was very concerned about the potential of 120-150 days without rain, because that had already been experienced in 2003. She said that 36 days of drought at the end of this summer completely changed the pastures at her place as far as their ability to be soft and holding onto dirt and providing the winter nutrient and had only just recovered recently with the rain.

Ms. Mallek said that Mr. Dayley had also mentioned partnering with people who owned wells, and she recalled that in 2004, there were over 6,000 wells that went dry in the Commonwealth, and a 6-8 month wait for contractors to replace wells if people were lucky enough to find more water. She said that the conservation element was important to think about. She said that it was important for the water supply of a well to be taken care of as much as possible. She said that also, remembering that in 2018, there were 72 inches of rain in Albemarle, which she had never seen in her life, but she had researched the number of 100-year storms that had happened in the County, and she was unsure of the accuracy of the storm system rating that the Government uses.

Ms. Mallek said that she would like to learn more about the floodplain graphic, because it looked like there was up to 10 feet of elevation change where there was a steep slope. She said that because of the variety of the topography in the County, there were places in the norther and western parts of the White Hall District where steep slopes with streams rose very quickly. She said that she looked forward to learning more about preventing building in the floodplain, as she was struck by the map showing the buildings that were now perceived to be in flood hazard and the buildings that potentially could join it in the future. She said that in 2012, there was a discussion about the buffers across the County to equalize them with the ones in the watershed, but even then, there were high waters that would cause destruction during large storm events. She said that there was a long impact they were observing, and she looked forward to hearing more about what they should change.

Ms. LaPisto-Kirtley said that there was a chart displayed by Mr. Dayley that showed the areas in the County where it would get much hotter, which were interspersed throughout the County. She said that she had believed some of those areas to be in the rural area, but she realized that there were areas that lacked trees, such as ranches. She said that they had vineyards as well, and she wondered if those plants helped with the heat islands.

Mr. Dayley asked if Ms. LaPisto-Kirtley was referring to the chart that he showed at the beginning of the urban heat island.

Ms. LaPisto-Kirtley said that was correct.

Mr. Dayley said that in developed, urban areas, there was a compounding factor of the lack of tree canopy and tree biology and the pavement that absorbed more heat. He said that his answer was that he was offering a best guess and not a scientific answer that certainly the urban heat island effect would be more intense and there would be a scale as Ms. LaPisto-Kirtley had suggested. He said that forested areas would be least impacted, areas with more open vegetation would be somewhere in the middle, and pavement and concrete areas would be the most intense.

Ms. LaPisto-Kirtley thanked Mr. Dayley.

Mr. Dayley addressed Ms. Mallek's reference to the graphic of the stream channel and said that it was an illustration of what may be possible, and part of what they wanted to do in the resilience planning process was to gain more information and data about particular stream channels and areas in the County to actually model and understand what would happen in that location, as opposed to that graphic, which was meant to illustrate the point.

Ms. Mallek said that when the FEMA (Federal Emergency Management Agency) presentation was given, they had just done a new LiDAR (Light Detection and Ranging) or something in the past few years, but she was fairly certain they had up-to-date information from the Federal Government that would assist them in that process.

Ms. McKeel said that she had heard from several people in the area mention that it was important for the County to assess the data on wells, because there were many in the County. She said that her understanding was that the County did not have the ability to get that information, which was controlled more by the Health Department. She said that she would like to know if there was a way they could get a

baseline on the state and condition of the wells in the rural area.

Mr. Dayley said that he would invite Mr. Harper to address that.

Mr. Greg Harper, Chief of Environmental Services, said that Ms. McKeel was correct that the Health Department regulated wells and had all that data, and there was no one in the County who was measuring depth-to-water to his knowledge. He said that they did that for a period of time in the early 2000s but did not have the capacity to continue doing that, and it was only four wells across the entire County, so there was limited information about the state of the groundwater.

Ms. McKeel said that she had hoped that the Health Department could help them.

Ms. Mallek said that the Louisa County Tyler well was measured to have dropped 600 feet during her youth, and the 6:00 a.m. radio news would announce the height of the Tyler well daily, which went completely dry in 2004. She said that there were these wells in the County, and that it was a Board decision back then to cease the measurement of wells, and those four wells were still in existence, so she encouraged the Board to think about bringing in a volunteer corps of trained individuals to measure the wells. She said that the purpose was originally to have an idea of groundwater and the variety of wells, so if they were to understand anything about how far down to go to hit water for a well, they must have that data. She said that while there was a ten-year gap in data, it seemed like something that they could easily begin again to get useful information.

Ms. McKeel said that she had no idea that those four wells existed. She asked if those were four wells that they had established as a baseline a few years ago.

Ms. Mallek said it was probably 20 years ago.

Mr. Harper said it was about 17 years ago. He said that they had not established them but had found wells that had been abandoned that were open, so a meter could be dropped into the wells. He said that one was at Key West, one at the Miller School, and he could not recall where the other two were.

Ms. Mallek said that one was on the Mechums River, as well.

Mr. Harper said that he believed that the wells all still existed and could be accessed if they had the resources.

Ms. McKeel said that they should not assume that those four wells were representative of all the wells, because there were wells in a neighborhood off of Hydraulic Road, and when someone put water in their swimming pool, the other residents did not have water the next morning.

Ms. Mallek said that it may not be perfect data but was something to start with.

Ms. McKeel said that was right.

Ms. LaPisto-Kirtley said that they must also see if the wells were operational and whether they could be accessed.

Mr. Dayley said that the last hazard was pests and disease. He said that the potential impacts of pests were that by 2050, they expected an additional month each year of additional mosquito activity, three additional weeks or more of additional tick activity, more cases of tick-borne illness, increased risk of pests such as pine beetles and diseases affecting trees, and increased risk of agricultural losses due to pests. He said that pests were discussed differently than the other hazards because it was a composite effect of the interaction between the broad, average trends with climate change and some of the other hazards that had already been discussed.

Mr. Dayley said that it was not so much that climate change was directly making pests worse, but the average warming increased the geographic range of several pests that affected people, animals, and plant life, along with warmer and shorter winters that could increase pest survival rate and prevalence from season to season or year to year. He said that drought also could weaken trees and other plants, thereby inhibiting the natural defense mechanisms that trees and other plants had against pests or fungi that might attack them. He said that in other words, climate change created more favorable conditions for pests.

Mr. Dayley said that there were specific numbers in the report that went into that in more detail, but it was also something they should think about in terms of how they could best look at the resilience of their natural areas and the connection between climate action and biodiversity action.

Mr. Dayley said that he would conclude with how they would use the report, how the report would help staff and partners in climate resilience planning, and what they could particularly draw on. He said that broadly speaking, it would assist with creating a climate adaptation and resilience plan, specifically facilitating an equitable and inclusive planning process with stakeholder input, and creating a plan with effective, data-driven, and project-based strategies that could be implemented and used to apply for funding to implement, following hopeful adoption of the plan.

Mr. Dayley said that he would show an example of how the report might be used for extreme

heat. He said that the temperatures displayed on the urban heat island map shown showed heightened exposure to extreme heat, so the heat waves throughout the County, with areas where there would be greater heat. He noted that the + Fahrenheit numbers in the map were the degrees above the average temperature of the County, and during a heatwave, the extreme would be more intense, and sometimes in urban areas there would be temperatures from 10 to 20 degrees higher than in more vegetated areas.

Mr. Dayley showed a similar map with a couple of data layers on top of each other. He said that the cross-hatched area indicated the heat island, with several poverty indicators increasing from yellow to orange to red in shading that provided information for community outreach and engagement. He said that much of the engagement and outreach planned for the resilience planning process would be community-wide, and they wanted to ensure they were engaging in targeted outreach with people who had greater vulnerability or greater exposure to some of the hazards discussed.

Mr. Dayley said that a key takeaway was to mention the Climate Action Plan (CAP) and the climate resilience planning process in concert. He said that the CAP was important to implement and that doing it in concert with global action would increase the chances of achieving a lower-emission scenario. He said that they were already experiencing the impacts of climate change, and they were going to experience more of them, but if they could take robust climate action as a global community, the impacts would hopefully not be as intense. He said that at the same time, they were on a trajectory for the high-emission scenario, so they needed to be prepared for that, because they had seen the challenges over decades of coordinated global action on climate action. He said that they wanted to plan and adapt for the extreme impacts that the higher line in the charts projected.

Mr. Dayley said that the next steps for the climate adaptation and resilience planning process were being designed with the CAPE (Communications and Public Engagement) Office and would involve community engagement, engagement with people across the departments of the County organization, and engagement with partner organizations and agencies around the community. He said that with CAPE's design, they had offered the "five D's" of a creative design process that had a lot of community engagement and the bringing of technical expertise. He said that they were in the "discover" phase, which fostered shared knowledge of the challenge in the community and created resources to support community engagement.

Mr. Dayley said that they wanted to gather the lived experience of community members, so that the report's large data analysis could be complemented with an understanding of lived experiences, particularly in vulnerable areas. He said that the next four steps of the overall design process would occur in the next 12-18 months, defining the scope and goals of the plan, working with community partners to design what kinds of strategies could go into the plan to help them build resilience, ultimately coming to decisions about what came in the plan, and then finally presenting the plan to the Board for feedback, and ultimately implementing the plan in concert with the CAP. He said that there were many strategies that were helpful for both adaptation and mitigation and were relevant to both the CAP and the adaptation and resilience plan.

Mr. Andrews said that he recognized some aspects of this community engagement were similar to what they are doing with the Comprehensive Plan, and he believed it should be part of the same process, so he encouraged staff to take that approach when looking at these climate issues. He said that following up on some previous comments, he had a conversation the previous week with their Senior Forester, Mr. Powell, who said that he wanted to give the Board a presentation on the health of their forests, so he hoped they could make time for that at some point. He said that concerning wells, they should potentially reach out to private well-drillers, because as they went through the process, they must have a better sense of what they were seeing and whether there were changes.

Mr. Andrews said that he had the privilege of working with some national parks, and all of the national parks were looking at adopting a framework for climate change that was called RAD, for Resist, Accept, Direct, and it particularly became important in the context of pests. He said that it was important to recognize that when there were times they tried to do everything they could to resist a particular pest from becoming an invasive issue for the area, there were other things that they had to accept with the rising heat index, such as the new temperate boundaries for plants. He said that the Park Service was seeing that they needed time to direct change, recognizing that it was inevitable that they must help establish things that would survive better in the changed environment.

Ms. McKeel said that she agreed with Mr. Andrews' comments. She asked Mr. Dayley if this plan would be implemented in 18-24 months.

Mr. Dayley said that would be 12-18 months.

Ms. McKeel said that there was a sense of urgency with this work. She understood that there was a lot of work involved. She asked what they could do now and immediately when looking at this over the next year so that short-term efforts could be made. She said that some of the things they were to do meant changing ordinances and how they worked in the County, so she would like to hear recommendations of actions that could be done quickly to impact some of Mr. Dayley's work.

Mr. Dayley said that he would like to look through his list and identify some of the more achievable items. He said that a colleague in the community, a presenter at one of the past public engagement events on this topic, made the point that the best adaptation and resilience strategy was mitigation, which was to reduce greenhouse gas emissions, so staff was working on implementing the CAP that the Board had already adopted. He said that there were large-scale ways of reducing emissions

such as increasing the solar energy generation capacity of the County that were absolutely helpful for this.

Mr. Dayley said that the extent that they could act on the CAP was a key one. He said that also what came to mind were ways to preserve, protect, and increase green infrastructure, such as tree canopy in urban areas, rain gardens, and different forms of biodiversity so that they were more resistant to shocks to the system. He said that to the extent that there were actions before the Board that related to those intersecting topics, that was work they could be doing now even before the resilience plan was fully prepared and packaged.

Ms. McKeel said that she had spent all of the fall smelling two-cycle engines from leaf blowers that had been going constantly because of the leaves. She said that some communities had already addressed two-cycle engines and reduced that pollution, and she wondered if the County could do things like that to quickly make a difference.

Mr. Dayley said that he would encourage people in the community who were interested to check out the environmental stewardship hub in the County, which he worked on with colleagues to create, and contained various information about environmental programs and a section on what citizens could do at home, in the community, or on one's land. He said that it was a great resource and could be accessed at Albemarle.org/stewardship.

Ms. McKeel said that she was specifically referencing large complexes, like apartment complexes, that were doing clean up. She said that there were things that could be done short-term to make a difference, no matter how small it might be.

Ms. Mallek said that she appreciated the optimism, which she held as well, because there were pathways forward in which they could engage the community to make a difference, and if they all did their small parts, they would make a difference. She said that some of the recent new grasses on her land were toxic and had to be removed, and others were permanently there, and they had to deal with them. She said that the Thomas Jefferson Soil and Water Conservation District (TJSWCD) had tremendous resources available and could help strengthen the soil for strong plant life without pest control from a can and help for long-range survival. She said that Anne Coates was the Director there and had been involved in California before she came to Albemarle. She said that all the work being done for stream buffers would be helpful for biodiversity and places for other species to survive would help humans survive, too. She said that she hoped to hear updates about the process of plan design.

Ms. LaPisto-Kirtley said that maybe providing incentives for businesses for battery-operated leaf blowers was something that could be done. She said that they should utilize machines that did not use gas or oil. She asked Mr. Rosenberg if they needed to take a vote on the report.

Mr. Rosenberg said that he did not believe they needed to take a vote, as it was for informational purposes only.

Ms. LaPisto-Kirtley thanked Mr. Dayley for his presentation.

Agenda Item No. 10. **Discussion Item:** Electoral Board Implementation Requirements for Ranked Choice Voting.

Ms. Lauren Eddy, General Registrar and Director of Elections, said that also present at the meeting were Mr. Michael Rodemeyer, Vice-Chair of the Electoral Board, and Ms. Sylvia Flood, Chair of the Electoral Board. She said that she would be presenting to the Board what it would take for their County Registrar's Office to implement ranked choice voting (RCV). She said that in 2023, the elections that would be eligible for RCV would be the magisterial district elections in Rivanna, Scottsville, and White Hall. She said that the possible primary election would be on June 20 and a general election would be held on November 7. She said that RCV would come into play if there were three or more candidates. She said that other local races that would be on the ballot in 2023 would not be eligible for RCV, and under the current law, the next election after those that would be eligible for RCV would be the three Supervisor elections in 2025.

Ms. Eddy said that currently, the only other Virginia locality that was considering RCV was Arlington, and on the previous Saturday, the Arlington County Board approved using RCV as a pilot for their June 2023 primary. She noted that Arlington County had discussed RCV for two years and had recently completed the round of public comment.

Ms. Eddy said that the technical and logistical requirements for the County were an election system that one could scan and record the ranked choices on a ballot, up to the number of choices permitted, then export the ballot data to a cast vote record, then tabulate the results of the multiple rounds, reallocate those votes to the remaining candidates, until one person got a majority. She said that currently, their election system could only do the first part, which was to scan and record the ranked choices on a ballot up to the number of choices permitted.

Ms. Eddy said that the second item was exporting the ballot data to a cast vote record. She said that there was an available upgrade from their vendor that would enable current equipment to produce the cast vote record that was required for further tabulation, which would require an initial purchase and a recurring annual licensing fee. She said that this was only sufficient for one-round of RCV, and additional

tabulator software would be required for further rounds. She said that to tabulate the results and reallocate the votes to the remaining candidates until a majority vote winner was identified, there must be additional tabulation software, and their current vendor did not offer it, but recommended an open-source software called RCTab (Ranked Choice Tabular), which was available for free from a non-profit group that advocates for the adoption of RCV, but which had some issues that she would explain. She said that RCTab had been used in multiple jurisdictions and met federal standards.

Ms. Eddy said that the issue was that RCTab was not currently certified for use in Virginia elections and there was no clear path to the certification under current ELECT (Virginia Department of Elections) procedures. She said that ELECT certified vendor systems and not stand-alone third-party software, and there were no other state-certified election systems that had the capability of tabulating results past the first round of an RCV election. She said that ELECT was working on guidance that should address the lack of a certified election system capable of second-round RCV tabulations, with a timeline of the next few months.

Ms. Eddy said that there were also issues with cost. She said that the law required the cost of new technology needed for RCV to be paid by localities, and localities may be required to pay the cost of certification of systems using RCTab, since there was no vendor willing to pay. She said that ELECT had advised that localities would not have to pay a share of the state's cost of implementing RCV-capable systems, and ELECT was finishing documents to provide more detail on what costs localities can be expected to pay.

Ms. Eddy said that the timeline for the County's successful implementation of RCV was unknown, because even if the cost of certification was minimal, there was no clear timeline for when RCTab would be certified for use. She said that certification of election systems typically took months, although certification of RCTab could be considerably shorter since it was less complex. She said that there is no guidance from ELECT on what the timeline would be. She said that once RCTab was approved, staff believes it would take a minimum of three months for the County to integrate, test, and validate it on their current system.

Ms. Eddy said that for legal issues, SB80 was passed in the last General Assembly session, which was legislation approved last year that prohibited the office from accepting RCTab at no cost even though it was offered as an open-source, free application. She said that they could enter into a services contract with the group offering the application to address this issue. She said that the law required that they report election results on election night using the state-wide voting database, VERIS. She said that VERIS currently had no capability to receive RCV results and the results of each round. She said that a replacement for VERIS was expected to roll out in 2025, and ELECT was working on guidance on this issue.

Ms. Eddy said that the law also required them to report ballots cast by mail or early in-person by the precinct at which those voters were registered. She said that it was unclear how this law would apply to RCV elections. She said that it was not known if they were required to report all rounds by precinct and reallocate votes at the precinct level.

Ms. Eddy said that another issue for them was voter education for the new process. She said that it would be a key to the success of an RCV election, and the law required an RCV voter education of at least 60 days before an election. She said that their office viewed this as a minimum. She said that the cost of voter education campaigns depended largely on how much they could leverage internal County communication resources and use some of the educational materials developed by other jurisdictions that had adopted RCV.

Ms. Eddy said that the political parties had the power to determine the process by which they nominated their candidates, and a primary was only one of several choices available, so if a party decided to use a primary process, the primary must be conducted according to state law and other requirements that the County may require. She said that if the Board were to adopt RCV, that was how they would have to run a primary or general election.

Ms. Eddy said that the implementation deadline for 2023 if this was adopted by the Board and they wanted to do an RCV election for the primary, March 7, 2023 was the deadline for parties to select the primary as their method of nomination, April 6, 2023 was the deadline for party certification of primary candidates, April 21, 2023 was the deadline for the voter education campaign to begin, early voting would begin on May 6, 2023, and the primary election would be held on June 20, 2023. She said that for the general election, the key dates were August 19, 2023 as the filing deadline for candidates, September 8, 2023 as the deadline for the RCV voter education campaign for the general election, September 24, 2023 when early voting would begin, and November 7, 2023 would be Election Day.

Ms. Eddy said that the budget of the known costs was the election-ware upgrade and dedicated laptop for just that software, estimated by the vendor to be an initial cost of \$13,000 and annual licensing fee of just below \$7,000. She said that they did not know how much a service contract with the RCV Resource Center would be. She said that she had talked to the Budget Office, and it was something that they would have to negotiate with the RCV Center. She said that money for integration, testing, and validation increased the cost for ballots because the ballots would be much larger and cause front-and-back printing, and the cost of voter education programs.

Ms. Eddy said that in summary, there were significant unresolved technical and legal issues that affected the implementation of RCV for the 2023 elections. She said that the resolution of those issues

depended on guidance from ELECT, which hopefully would be coming soon. She said that the Department of Elections could begin to upgrade its election system to generate the cast vote record regardless of these unresolved issues. She said that the Registrar's Office or the Board could begin to plan a voter education campaign that would lay the groundwork for RCV elections in 2023 or later if 2023 could not be met.

Mr. Andrews thanked Ms. Eddy for her office's work on the recent election and for making time to bring this information to the Board. He said that this issue was one that he thought was important to the Board. He said that RCV was not new and had been successfully tried and used in other jurisdictions and would still be at a trial level if they were to use it because it was only for local elections. He said that three of them were on the ballot one year ago with no other candidates, so RCV would not have been an issue.

Mr. Andrews said that at the same time, they had already heard in previous discussions and presentations of the many advantages of having RCV in terms of not only recognizing that if there were more than two candidates, people could appreciate wanting someone less divisive and rank the choices so that a majority favored a candidate versus having a minority win the election.

Mr. Andrews said that there were suggestions that they might possibly attract candidates who might see RCV as an election that would be less divisive with less reason to use artificial divisiveness to distinguish themselves since they wanted someone else's vote. He said that there were many reasons why pursuing this was something they should continue to do, but he recognized that they had raised a lot of questions that they would need answers and guidance for from the state, and he hoped they would still pursue it. He said that they should educate the public about the issue because it was not particularly difficult, especially in the small local races. He said he wanted to continue to look into this.

Ms. McKeel noted that there were a number of hurdles in the way. She referred to the slide entitled "2023 Elections Eligible for RCV" and restated that there were possible magisterial district primary elections on June 23, 2023, and RCV would only take effect if there were three or more candidates. She noted that other local races on the ballot in 2023 were not eligible for RCV. She stated that under current law, the next election eligible for RCV would be for three Supervisors in 2025.

Ms. McKeel requested that the presentation be shared with the Board.

Ms. Eddy stated that Ms. Borgersen had a copy of the presentation.

Ms. McKeel noted that Delegate Hudson recently came to speak to the Board in regard to RCV. She said that the Board could continue to study it, but it did not appear ready for prime time.

Ms. Eddy said that in staff's opinion, it may not be ready. She said in discussions with the Budget Office, it may be hard to pull the funding for FY 23.

Ms. McKeel said that they could continue to study it and figure out what needed to be done, and follow what the laws were as far as the changes and implementation. She said that in a way, the City had used RCV for years because they did not have magisterial districts.

Ms. LaPisto-Kirtley said that it was not the same.

Ms. Mallek asked if voters in the City made a second and third choice on the ballot.

Ms. Eddy responded that they did not.

Ms. McKeel said that they get the top three winners. She said it was a different take, but it was kind of a form of RCV. She asked when they expected to have more information for the Board. She asked if there would be more information by the next General Assembly session.

Ms. Eddy explained that the Department of Elections had a workgroup that was currently working to produce guidance. She stated that guidance was forthcoming, but they did not have a clear timeline as to when they would receive it.

Ms. McKeel noted that they may know more by the next legislative session. She thanked Ms. Eddy for a very successful election, and all the good hard work with the challenges. She also thanked the community because everybody worked together, and there was a peaceful, respectful atmosphere at the polls.

Ms. Mallek clarified that some electoral races could be eligible while others could not. She asked if there was information regarding the capability to have two kinds of election categories on one ballot.

Ms. Eddy explained that the vendor who printed the County's ballots said they would be able to do it.

Ms. Mallek asked if it was just a graphical or layout issue.

Ms. Eddy said yes.

Ms. LaPisto-Kirtley said that RCV was an item the Board wanted to continue to explore. She said that they were not ready to implement it yet, and there were unanswered questions regarding costs, and

how long the software would take. She said that they needed to start out longer than 60 days for education.

Mr. Jeff Richardson, County Executive, noted that Ms. Eddy was not often before the Board, and he thanked her and her staff for their excellent work and customer service in the community, and for the presentation. He clarified that Ms. Eddy would continue working with the state for guidance. He stated that in terms of internal operations, they would not be doing any additional work and would stand by. He noted that Ms. Eddy and her staff would appear before the Board again to continue the discussions. He clarified that the item would return for future discussion and that the Board would not take any action.

Ms. LaPisto-Kirtley said she agreed.

Ms. McKeel said she agreed.

Mr. Andrews said he agreed.

Ms. Mallek said she agreed.

Ms. McKeel clarified that the General Assembly would not be passing any more bills about this; it would be administrative work within the General Assembly. She said she was interested in following the work as it happened.

Ms. LaPisto-Kirtley noted that it would still require more work for the County to implement. She thanked Ms. Eddy and her staff.

Ms. McKeel noted that their discussion with Sally Hudson about RCV was on the Board's website for those who were interested.

Agenda Item No. 11. **Closed Meeting.**

Ms. LaPisto-Kirtley noted that Mr. Gallaway had requested to participate in the meeting remotely in accordance with applicable Board Rules of Procedure 8B-1D, enacted pursuant to the Freedom of Information Act.

Ms. LaPisto-Kirtley requested that Mr. Gallaway state his reason for remote participation and his location.

Mr. Gallaway joined the meeting at 4:03 p.m. He stated that he was in Arlington, Virginia, attending the Virginia Governor's Housing Conference.

Ms. Mallek **moved** to approve Mr. Gallaway's remote participation for the remainder of the meeting. Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Gallaway, Ms. Price.

At 4:04 p.m., Mr. Andrews **moved** that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under subsection (7), to consult with legal counsel and receive briefings by staff members pertaining to:

- Actual litigation concerning the Ragged Mountain Natural Area, in the case styled Board of Supervisors of the County of Albemarle, Virginia v. City Council of the City of Charlottesville, Virginia;
- Actual litigation concerning alleged violations of the Virginia Freedom of Information Act and State and Local Government Conflict of Interests Act, in the case styled Schilling v. Albemarle County Board of Supervisors; and
- Actual litigation concerning Scottsville Volunteer Rescue Squad, in the case styled Board of Supervisors of the County of Albemarle v. Scottsville Volunteer Rescue Squad, Inc.;

Where consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the County and the Board.

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

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

NAYS: None.

ABSENT: Ms. Price.

Agenda Item No. 12. **Certify Closed Meeting.**

At 6:00 p.m., Mr. Andrews **moved** that the Board of Supervisors certify by a recorded vote that, to the best of each supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting, were heard, discussed, or considered in the closed meeting.

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

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

NAYS: None.

ABSENT: Ms. Price.

Agenda Item No. 13. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Jeff Richardson, County Executive, thanked the Board for taking a moment of silence to recognize the University of Virginia and the shooting that recently took place. He shared his deepest condolences on behalf of the County to the families of Devin Chandler, Level Davis Jr., and D'Sean Perry, who were killed Sunday evening in Albemarle County. He wished a swift and speedy recovery to the people wounded in the incident. He expressed prayers for the University community and the broader community.

Mr. Richardson said that they were grateful to the law enforcement personnel across the Commonwealth for their efforts to locate and apprehend the suspect. He said that their thoughts were with the men and women of the University Police Department, Albemarle County Police Department, and the state and federal agencies who worked Sunday through Monday on the search process. He noted that the incident would continue to be investigated in the coming weeks.

Mr. Richardson said that the community had shown time and again resilience in the face of tragedy. He stated that he had encouraged the staff to check in with each other and encourage the community to check in with each other and to take advantage of the available resources if they were struggling.

Mr. Richardson explained that the League of Government Attorneys (LGA) Edward J. Finnegan Elizabeth D. Whiting Award for Distinguished Service recognized an individual in the Commonwealth of Virginia who had made significant contributions to local government law. He announced that Mr. Greg Kamptner received the reward in 2022.

Mr. Richardson stated that Mr. Kamptner's local government attorney career was spent entirely in Albemarle County, and he noted that Mr. Kamptner imparted expert guidance and advice while serving as County Attorney. He stated that Mr. Kamptner's service did not stop in the County; and he had a stellar reputation across the Commonwealth in many areas, but no more so than his knowledge of land use law. He congratulated Mr. Kamptner and expressed appreciation to the Commonwealth for recognizing Mr. Kamptner for a very worthy recognition.

Mr. Richardson announced that the historic marker for River View Farm was unveiled at the Ivy Creek Natural Area. He said that descendants of the Carr-Greer family were present at the event. He explained that the Albemarle County Community Remembrance Project was a Board initiative to support the sharing of County history, and it was specifically intended to broaden the scope of publicly told histories and to be more inclusive of the complete community.

Mr. Richardson said that as part of the Community Remembrance Project, the Office of Equity and Inclusion invited members of the Historic Preservation Committee to assist in efforts to increase the number of roadside markers in the County recognizing women and people of color whose stories and contributions had historically been excluded from County markers. He noted that River View Farm was one of the historic locations selected. He added that it was a beautiful afternoon with an excellent turnout.

Mr. Richardson stated that Community Day at Simpson Park was a success. He thanked the Parks and Recreation staff, the Police Department, Fire Rescue, Social Services, and Communications and Public Engagement. He said that over 250 people attended for fun, games, community, and a film showing. He thanked the Board for their support.

Mr. Richardson announced that Destinations International had launched a Tourism for All pilot program for equity, diversity, and inclusion program created in partnership with the Charlottesville Albemarle Convention and Visitors Bureau (CACVB) to support the efforts in becoming more inclusive and more accessible.

Mr. Richardson said that the pilot program would focus on creating an action plan and a DEI (Diversity, Equity, and Inclusion) pledge for the CACVB's initiatives of developing inclusive tour products, supporting tourism partners, becoming a more welcoming destination, and educating traditionally excluded businesses on how to participate and benefit from tourism.

Mr. Richardson explained that the pilot program launched in the City, but it will launch to all willing destination participants by early 2024, powered in part by TripAdvisor. He said that the CACVB was a leader in the space, and he congratulated the CACVB staff and Board for their efforts.

Mr. Richardson announced that the local Economic Development Office (EDO) had partnered with the City's office on a bi-local campaign in time for the holiday season. He said that residents should consider shopping local for the holiday. He stated that shopping at independent businesses captured 3.5 times as much money in the local economy than shopping at a chain store. He said that the local businesses provided local jobs, reinvested in the community, and added to the unique character of the community.

Mr. Richardson stated that the campaign sought to highlight County- and City-based businesses and aimed to highlight businesses owned by women, veterans, and people of color. He stated that if locally owned, independent businesses with a brick-and-mortar presence in the City and the County were interested in being featured in the bi-local campaign, they should visit <www.showlocallove.org> or contact <info@showlocallove.org>.

Mr. Richardson said that before the meeting, he had the opportunity to go downtown and visit Ragged Mountain Running Store. He said that store was as local as there was—the store had been in the community for 40 years. He said that all of the people working in the store were UVA students. He said the business was a family. He said there were so many similar businesses in the community.

Mr. Richardson announced that the Fall Drug Takeback was held in October, and the officers collected 775 lbs. of pharmaceuticals. He said that the program kept drugs out of the wrong hands and out of the waterways. He noted the event was done in partnership with Wegmans and Sentara Martha Jefferson Hospital.

Mr. Richardson stated that the 2022 second-half real estate and personal property tax bills had been mailed, and taxes were due Monday, December 5. He stated that residents did not have to come into the County Office Building to pay their taxes. He explained that in addition to online payments, the payment kiosk on the Preston Avenue side of the building had been upgraded.

Mr. Richardson stated that the kiosk was available 24 hours a day and accepted checks, cash, and credit cards. He said that the new system returned cash change in whole dollar increments. He explained that any overpayments through the kiosk would be applied to a future bill. He said that credit card payments at the kiosk and online carried an additional convenience fee. He stated that e-check payments could be made at no additional fee.

Mr. Richardson stated that employee wellness was a priority of the County. He stated that Firefighter Suzanne Herndon distributed a daily workout to firefighters each week and organized special workout opportunities throughout the year to encourage and motivate firefighters to stay fit.

Mr. Richardson noted that Kate Kaminski, Police Foundation Director, organized runs twice a week for different officer shifts at locations throughout the County. He stated that the runs helped to build comradery and showed officers different parts of the community that they served.

Mr. Richardson stated that Albemarle County Fire Rescue trained all of its personnel each year on live fires. He said the County had a burn building—a multi-story building that training staff used to create scenarios to challenge the firefighters to overcome challenges and practice techniques that were critical to saving lives in the field. He stated that that year, the burn building simulated a multi-story, multi-family structure requiring forced entry at multiple points, strong communication with dispatch, and quick thinking about how to make strategic decisions about multiple units to ensure the best possible outcomes.

Mr. Richardson announced that the County offices would be closed beginning noon on Wednesday and extending through Friday for the Thanksgiving Holiday.

Agenda Item No. 14. From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.

There were no speakers from the public.

Agenda Item No. 15. **Public Hearing: ZMA202100003 Clifton Inn and Collina Farm Expansion.**

PROJECT: ZMA202100003 Clifton Inn & Collina Farm

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL(S): 079000000023F0

LOCATION: On the southeast side of Rt. 729 (North Milton Rd.) across from Stone-Robinson Elementary School

PROPOSAL: Rezone the parcel from Planned Residential District, which allows residential (3-34 units/acre) with limited commercial uses, to Rural Areas, which allows agricultural, forestal and fishery uses, residential density (0.5 unit/acre in development lots) in association with a proposed expansion of Clifton Inn and Collina Farm to include improvements such as drainfields and an entrance road to Collina Farm that would be located on this parcel. Reference SP202100004.

PROFFERS: No, this request will remove the proffers and application plan associated with ZMA201500006

OVERLAY DISTRICT(S): Entrance Corridor; Flood Hazard; Monticello Viewshed

COMPREHENSIVE PLAN: Rural Areas - preserve and protect agricultural, forestal, open space,

and natural, historic and scenic resources; residential density (0.5 unit/acres in development lots).

The Executive Summary forwarded to the Board states that, at its meeting on August 23, 2022, the Planning Commission (PC) held a public hearing to review the proposed applications and voted unanimously to recommend approval of each. The staff report, PC action letters, and PC minutes are provided as Attachments A, B, C and D. Staff did not recommend approval of the special use permit due to concerns regarding the proposed size and scale of events along with the potential noise impacts.

During the public hearing, some members of the public expressed support for the proposal, while others expressed concerns. During its discussion, the PC considered not only the positive aspects of the proposal identified in the staff report, but also the following:

- The property's development rights and how many single-family dwellings could be constructed if the property were not used for the inn
- The proposal's support of tourism and economic development goals
- The property's uniqueness and location, including adequate roads, on-site buffering, and the number of neighboring non-residential uses

The PC recommended (a) clarification of the condition that requires archeological resources and (b) allowing outdoor amplified music, consistent with other Rural Areas uses that allow outdoor amplified music.

The applicant has not revised the scope of the proposal since the PC meeting, however a few minor corrections were made to the Concept Plan (Attachment E). Staff remains concerned about the size and scale of events and potential noise impacts, and did not recommend outdoor amplified music for this reason. However, because the PC recommended approval, including allowing outdoor amplified music, staff has revised the following recommended conditions of approval both (a) to allow for outdoor amplified music with limitations consistent with agricultural operations and (b) to clarify major elements of the Concept Plan:

1. Development and use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the Conceptual Plan. To be in general accord with the Conceptual Plan, development and use must reflect the following major elements, as shown on the Conceptual Plan and described in the Narrative, that are essential to the design of the development:
 - a. Location of buildings and structures
 - b. Location of parking areas
 - c. Limits of disturbance
 - d. Landscape screening
 - e. Right-of-Way reservation area for Route 250 improvements
 - f. Proposed new Greenway Easement for County trails, parking, and other amenities for the Rivanna River greenway and Milton Boat launchMinor modifications to the Conceptual Plan that do not conflict with these major elements may be made to ensure compliance with the Zoning Ordinance.
2. The number of guest rooms must not exceed 71.
3. The number of restaurant seats must not exceed 100.
4. Attendance at special events at Clifton Inn must not exceed 75 persons.
5. Attendance at special events at Collina Farm must not exceed 200 persons, provided that special events of up to 300 persons are permitted up to 12 times per year.
6. No additional building permit(s) may be issued for any structures on the Clifton Inn property until the building plans have been reviewed by the Virginia Department of Historic Resources to confirm that no plan(s) would result in de-listing from the State and/or National Register.
7. No final site plan may be approved unless and until a plan prepared by a professional archaeologist (for the identification, protection, preservation and mitigation of archaeological resources and on-site cemeteries within areas of disturbance) has been reviewed and approved by the Virginia Department of Historic Resources. The plan must account for the possibility of archaeological testing in sequential phases depending on the results of previous phases of study.
8. Sound generated by outdoor amplified music will be subject to the same standards as are applicable to agricultural operations under *County Code* § 18-5.1.58(g).
9. In the event that the use, structure, or activity for which this special use permit is issued is not commenced within sixty (60) months from the date of Board of Supervisors approval, it will be deemed abandoned and the permit terminated. The term "commenced" means "construction of any structure necessary to the use of the permit."

Staff and the Planning Commission recommended approval of the proposed zoning map amendment from Planned Residential District (PRD) to Rural Areas (RA) (ZMA202100003). An ordinance to approve ZMA202100003 is provided as Attachment F.

Though staff recommended denial of the proposed special use permit, the PC recommended approval. As a result, staff has prepared separate alternate resolutions to approve (including recommended conditions of approval) and deny, provided as Attachments G and H, respectively.

If the special use permit is approved, staff recommends approval of the associated critical slopes special exception. A resolution to approve is provided as Attachment I.

Following the public hearing, the Board may approve or disapprove the proposed rezoning, or may defer action. Based on County Code § 18-33.4(O)(2), Board action is not required on this application until March 1, 2023.

The public hearings for Agenda Items No. 15 and No. 16 were held concurrently.

Ms. LaPisto-Kirtley requested that the vote on both items for public hearing be delayed until the December 7 agenda. She said it was important to delay the vote because Ms. Price was not present, and the projects were located in Ms. Price's district.

Ms. LaPisto-Kirtley **moved** to defer action on ZMA202100003 Clifton Inn and Collina Farm Expansion, SP202100004 Clifton Inn and Collina Farm Expansion, and SE202200014 to December 7, 2022. Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

ABSENT: Ms. Price.

Ms. Rebecca Ragsdale, Planning Manager, stated this included two items that require public hearing; the rezoning request and the special use request, and explained that the special exception request for a critical slopes disturbance was associated with the proposed concept plan. She stated that one public hearing could be held on the items, but when the Board took action at its next meeting, it would have to take action on each item separately.

Ms. Ragsdale explained that there were four subject properties of the proposals that totaled about 94 acres. She stated that Clifton Inn was central to the properties, and a parcel separated the Inn from Collina Farm. She stated that there was a large parcel located along the Rivanna River frontage.

Ms. Ragsdale noted that the surrounding properties were a mix of residential and other non-residential uses. She stated that there were residents in proximity to Collina Farm to the north and to the east. She said there were large, undeveloped properties that were wooded. She noted that the parcel along the river was in a floodplain. She noted that the Shadwell Market, commercial zoning, Luck Stone Quarry, and Stone Robinson Elementary School were nearby.

Ms. Ragsdale stated that the four parcels included critical resources, including critical slopes, stream buffer, and flood plain. She said that all of the parcels except for the Collina Farm parcel were located in the Southern Albemarle Rural Historic District, and the parcels were also within the Monticello viewshed.

Ms. Ragsdale explained that the parcel located between Collina Farm and Clifton Inn was zoned Planned Residential Development (PRD), was 28 acres, and was the parcel proposed for rezoning. She stated that the remainder of the parcels were zoned Rural Areas (RA). She noted that there was some residential potential in terms of by-right development for the RA parcels that would be covered later.

Ms. Ragsdale explained that at Clifton Inn, there were 15 guest rooms, and it was approved for a 52-seat restaurant. She explained the special use permit for the Inn limited all activity for events, the restaurant, and guests to 200 people. She explained that Collina Farm had approval for five guest rooms within the existing farmhouse.

Ms. Ragsdale explained that the proposal was to increase the number of guestrooms at Clifton Inn to 50 accomplished primarily through an addition to one of the structures and allowing for a 100-seat restaurant. She stated that the proposal included the construction of an enclosed events building for up to 75 people. She stated that up to 200 people would be allowed until event structures were built at Collina Farm.

Ms. Ragsdale explained that at Collina Farm, there were an additional 16 cottages proposed, which would increase the guestrooms to 21. She noted that there would be 71 guestrooms across the two parcels. She said that events would be moved away from Clifton Inn and the historic property, and the majority of events would occur at Collina Farm with up to 300-person events 12 times per year, and then 200-person events all other days without limitation. She stated that the events would take place within a 10,500-square-foot events building.

Ms. Ragsdale stated that it was necessary to rezone the PRD parcel in the middle of the site to RA to allow for the special use permit to apply to that parcel. She said that staff believed that downzoning the parcel to RA was consistent with the Comprehensive Plan. She stated that the application plan that had been approved recently with that PRD allowed for seven lots between Collina Farm and the lake. She said the lots would be served by a new road off of North Milton Road.

Ms. Ragsdale stated that the proposed concept plan indicated that the existing entrance from North Milton Road would continue to be used. She indicated on the concept plan where a building already had a pad area with a tent where events were held, and where the 35 room additions would be. She explained that there would be associated parking and drain fields which would be designed at the site plan stage.

Ms. Ragsdale stated that a major element of the concept plan was a proposed greenway easement along the parcel adjacent to the Rivanna River within the flood plain. She said the easement included the Milton Boat Landing.

Ms. Ragsdale noted the location of the events building and the cottages, and that the addition was included in the application plan package to provide the historical context. She noted that the greenway easement would be beneficial to the boat launch planning of Parks and Recreation.

Ms. Ragsdale noted that the proposed greenway easement was critical for continuing the greenway along the Rivanna River and having an improved boat launch. She noted that it had been a longstanding top priority. She stated that within the Comprehensive Plan, the parcel was strategically important for the greenway corridor.

Ms. Ragsdale said the concept plan for Collina Farm indicated the existing conditions, including the tree line, farmhouse where guestrooms were located, outbuildings, and a prior tennis court. She said the parcel as developed according to the concept plan would include a new, safer entrance that had been reviewed by VDOT and was a recommended improvement. She stated that new parking areas would be added.

Ms. Ragsdale stated that the cottages would be arranged along the edge of the floodplain and stream buffer. She noted that the concept plan indicated potential locations for drain fields. She said that the properties were not designated for water and sewer service because they were in the rural area, so if the proposal were approved, a central system would likely need to be approved by the Board at the site plan stage.

Ms. Ragsdale said that at Collina Farm, there would be a 10,500-square-foot events building that would allow up to 12 events per year with a 300-person capacity, and then events could be held with 200-person capacity other days of the year.

Ms. Ragsdale said that all of the parcels were within the rural area, and the parcel within the flood plain was adjacent to the Village of Rivanna development area with lots in Glenmore. She noted that there were a number of specific strategies and objectives in the Comprehensive Plan that were included in the staff report.

Ms. Ragsdale stated there was a lot of discussion about and comments from the Planning Commission informing staff to discard from the staff report the Comprehensive Plan discussion about the importance of finding ways to make historic properties financially viable for property owners. She stated that the Clifton Inn was an individually listed resource that contributed to the historic district.

Ms. Ragsdale stated that they discussed opportunities and activities that built upon the County's assets, such as tourism. She stated that there were specific strategies relevant to special events in terms of the level of activity, number of attendees, and frequency of the events. She stated that the Comprehensive Plan indicated that in other places, events should be limited to 150 people and 200 people for farms, wineries, breweries, and distilleries.

Ms. Ragsdale explained that events for more than the permitted attendees had been approved on a case-by-case basis, but they had typically been on an occasional basis rather than for regular large events. She said that the frequency and size of the proposed events gave staff some concern due to the proposed level of activity.

Ms. Ragsdale said that the special use permit criteria used by staff to analyze the proposal included no substantial detriment to abutting properties; the character of the area not changing; and harmony and consistency with the Zoning Ordinance and the Comprehensive Plan. Ms. Ragsdale noted that residents across Richmond Road expressed concerns about noise impacts and outdoor amplified music. She noted that it is currently at Clifton Inn in a tent, and that there would be a higher level of activity on the Collina Farm property. She said that staff believed the frequency and scale of events could be out of character with the rural area.

Ms. Ragsdale noted the supportive language in the Comprehensive Plan related to supporting tourism and economic vitality for historic structures. She said that there was also language related to events.

Ms. Ragsdale said that the use category for the proposed special use permit was historic restaurants, taverns, and inns. She said that the provision in the ordinance was updated to allow those existing structures to expand. She said that there were supplemental regulations to ensure the historic

integrity of the property was not jeopardized by the expansions. She said that the concept plan had been designed to tuck away the buildings in certain places so that they are sensitive to the historic nature of the site.

Ms. Ragsdale stated that if the proposal were approved, the Department of Historic Resources would review the plan and the building plan.

Ms. Ragsdale explained that the critical slopes waiver was related to improvements listed on the application plan. She explained that there was an area of critical slopes of about 300 square feet that would need to be disturbed for parking and access for the new buildings at Clifton. She noted there would also be necessary critical slope disturbance at the location of the new proposed entrance and parking areas.

Ms. Ragsdale said that the application plan highlighted the locations of the areas to be disturbed along with the areas of disturbance. She explained that there would be 369 square feet of disturbance at Clifton Inn and about 5,665 and another 1,945 square feet of disturbance at Collina Farm.

Ms. Ragsdale said that if the special use permit were approved, staff recommended approval of the critical slopes waiver. She stated that staff believed there would not be any impacts on environmental resources, and the slopes were in fragmented locations and potentially manmade.

Ms. Ragsdale noted that there were concerns in regard to the commercial nature of the property, the size and scale of events, and the changing character of the Collina Farm property. She stated that there had been concerns about noise and traffic impacts on neighboring properties with events.

Ms. Ragsdale noted that staff had identified several positive aspects of the proposal, including the strategies in the Comprehensive Plan that supported tourism and historic resources. She stated that the concept plan provided for a future shared-use path right-of-way reservation. She noted the importance of the greenway easement for the Old Mills Trail and Milton Boat Launch.

Ms. Ragsdale stated that the Planning Commission recommended that the proposals be approved. She said the discussion included the number of single-family dwellings that could be constructed, how the proposal was supportive of tourism and economic development, and the growing need for guestrooms and event spaces in the community. She said that the Commission recommended approval given this location's characteristics in terms of surrounding roads, commercial activity nearby, and the majority of the wooded areas and buffering that would remain in place.

Ms. Ragsdale said that in the Planning Commission discussion, staff suggested a potential condition to prohibit outdoor amplified music, and the Commission thought that the events could be allowed to have outdoor amplified music subject to the same conditions as other RA uses, including agricultural operations, with outdoor amplified music.

Ms. Ragsdale said that the conditions presented to the Board were reflective of the Commission's recommendations which included the allowance for outdoor amplified music. She stated that there was an update at the Commission meeting to clarify where archaeological studies would be required to document historic resources and ensure there were no additional impacts.

Ms. Ragsdale said that the time for the use to commence would be 60 months. She stated that other conditions required the concept plan and limited the proposal to what the applicant had requested in terms of number of guest rooms and events.

Ms. Ragsdale explained that the noise provisions would potentially allow outdoor amplified music, but there was a separate clearance process with the Zoning Division to establish a sound management plan and sound monitoring to make sure that they have that plan in place not to exceed the maximum sound levels in the Ordinance. She explained that there was a curfew and a neighbor notification component, so that if there was a noise concern, complaints could be directed to the applicant. She explained that the applicant had provided a sound study to demonstrate that they believe they would be able to stay within the outdoor amplified music decibel level provisions for daytime and nighttime noise levels.

Mr. Andrews said that his questions generally related to noise and traffic, water and sewer, and size and scale. He clarified whether guests would park their vehicles at Stone Robinson Elementary.

Ms. Ragsdale explained that according to the current special use permit, the operations allowed for potential parking at Stone Robinson Elementary if needed. She said with the new proposal, the majority of the parking would be provided with the new parking areas. She said the additional parking at Stone Robinson was in case it was needed, and it had already been in place from prior special use permits.

Mr. Andrews said that the Clifton Inn entrance was close to a curve and appeared tight. He asked if it were determined that modifications would be needed for the Clifton Inn entrance.

Ms. Ragsdale responded that the entrance had been reviewed by VDOT and the transportation planning group, and they did not identify any improvements. She said with the level of review, if an entrance improvement were identified, it would be required with the site plan.

Ms. McKeel stated that the Planning Commission minutes from the meeting where the proposal was previously heard were helpful and clarifying in answering her questions.

Ms. McKeel said that there were nine conditions for the special use permit. She asked which of the criteria would be hard or impossible to enforce. She noted that there were several criteria, but none of them may be difficult to enforce. She said she wanted to ensure that staff was not in a position of having to enforce an unenforceable condition.

Ms. Ragsdale stated that a number of the conditions were easy to enforce because they would have a site plan and a building permit. She said that there would be a zoning clearance for the sound management plan. She stated that staff would be able to approve the number of guestrooms. She said if the applicant exceeded the specifications set out in the controlling documents, then the County was complaint-based. She noted that many of the conditions were easy to enforce, and many were typical conditions of approval related to the subject uses. She noted that Mr. Bart Svoboda, Zoning Administrator, was available and could answer any questions the Board may have.

Mr. Gallaway asked how many by-right units would not be constructed if the PRD downzoning to RA was approved.

Ms. Ragsdale stated that it was seven units.

Mr. Gallaway asked if parking at Stone Robinson Elementary School would involve shuttles to transport people from the offsite parking to the venue.

Ms. Ragsdale responded yes.

Mr. Gallaway clarified that no one would be walking across traffic to access the venue from parking.

Ms. Ragsdale responded no.

Ms. LaPisto-Kirtley noted that Condition 8 stated sound generated by outdoor amplified music would be subject to the same standards applicable to agricultural operations. She asked if it would be a high level of noise.

Ms. Ragsdale responded that the condition referred to the outdoor amplified music that was allowed at agricultural operations, and it was limited to 55 decibels in the evening and 60 decibels during the daytime.

Ms. LaPisto-Kirtley asked whether the event structure was enclosed.

Ms. Ragsdale explained that if a wall of the structure was open or a window was open, then it could classify as outdoor amplified music.

Ms. LaPisto-Kirtley asked Ms. Ragsdale to repeat herself.

Ms. Ragsdale reiterated that if the structure were not fully enclosed, and if a wall or window were opened, then the sound was considered outdoor amplified music.

Ms. LaPisto-Kirtley asked if the event structure would be fully enclosed.

Ms. Ragsdale said that the applicant did not know. She stated that they have ideas, and they would like the option due to seasonal needs for events.

Ms. LaPisto-Kirtley asked if partially exposing a structure would impact the permitted decibel levels.

Ms. Ragsdale explained that the standard was the same, so opening the walls or windows would not impact the standard. She continued that the noise from the structure would be subject to the ordinance if the walls or windows were opened.

Ms. LaPisto-Kirtley opened the public hearing. She read the rules for public hearings.

Ms. Kelsie Schlein, Shimp Engineering, requested that additional time be granted to their presentation if they ran over the 10-minute limit since the presentation covered both public hearings.

Mr. Steve Rosenberg, County Attorney, explained that the public hearings were combined and heard as one, so the time limitation applied, but it was the Board's prerogative whether to permit additional time for the applicant.

Ms. LaPisto-Kirtley asked how much extra time the applicant would need.

Ms. Schlein said they would only need an additional minute or two.

Ms. LaPisto-Kirtley noted no dissent from the Board, so she granted the extended time to the applicant.

Ms. Schlein said that she represented the owners and applicants of the subject properties and applications before the Board—Clifton Inn LLC. She stated they had contracted with sound consultants, wastewater consultants, groundwater consultants, architects, landscape architects, and civil engineers to bring this to the Board, and to evaluate the anticipated impacts of the expansion. She said they were excited to bring this proposal to the Board tonight, to discuss the thoughtful proposal design, and the benefits of the expansion. She said they believed they were in a place with all of the studies that were done and with all of the conditions proposed by staff, that anticipated impacts from the proposal would be sufficiently mitigated.

Ms. Schlein explained that Clifton Inn had operated as an inn since the 1980s and had hosted weddings and other special events on the property. She said that for the majority of the property's use as an inn, it was owned and operated by one owner, and in 2017, the property was acquired by Clifton Inn LLC.

Ms. Schlein said that since acquiring the property in 2017, Clifton Inn had made significant improvements to the property, largely in response to long-deferred maintenance issues. She stated that an interior renovation had been completed, and many of the deferred maintenance issues had been rectified. She explained that the core structure of the farmhouse was more than 200 years old.

Ms. Schlein stated that there were many reasons why an expansion was appropriate and necessary. She said that one reason for the request was due to the burden placed on the manner home during special events. She said that special events were the main economic driver of Clifton Inn and were critical for the operation's success. She said that within the bounds of the existing special use permit, ownership was limited to where and how events could be hosted. She stated that the restaurant often had to close to the public to support events, so the entire kitchen operation was supporting the staffing and servicing of private events.

Ms. Schlein explained that the current event tent was an inconvenient operations location for staff. She stated that to get to the tent from the kitchen, staff had to cross several hundred feet of the property along with steep terrain. She said that a permanent event structure would be ideal for the operations.

Ms. Schlein reviewed the Clifton's context, and stated that this was critical in evaluating the appropriateness of this request, and how the expansion would not be out of character with the surrounding context. She said that the site was located between two development areas; the Village of Rivanna development area further east and the Pantops development area further west. She noted the location of the Hunters Hall commercial and industrial development on Route 250 and the location of Stone Robinson Elementary across the road from the subject site. She noted that Luck Stone quarry and Keswick Hall were nearby. She noted that the character north of the river was fundamentally different than the character south. She said the context contributed to the appropriateness of the request.

Ms. Schlein said that the site had adequate access to major transportation corridors. She said there was frontage along Route 250 and North Milton Road. She noted that Route 250 was classified as a major roadway, and it was about 2.2 miles from the subject site to I-64, so very accessed from major transportation corridors in the region. She noted that the roads were adequate to serve the traffic generated from the use.

Ms. Schlein stated that the former owners of Clifton Inn had acquired an additional three properties which were all subject to the special use permit request, and one of the properties was subject to the rezoning request. She said the current ownership currently controlled the properties.

Ms. Schlein explained the Clifton Inn was added to the Virginia Landmarks Register in 1988 and to the National Register of Historic Places in 1989. She said that there were four contributing structures and two contributing sites, and all were central to the manor house. She said that Clifton Inn owners saw themselves as stewards of the land, and that preservation of the contributing historic site was important to the owners, and important and fundamental to the proposal, and the enabling zoning language.

Ms. Schlein explained that the proposed room expansion was proposed as an addition to one of the garden cottages. She explained that no contributing structures would be removed or compromised, and the addition of the rooms was proposed to enclose the courtyard.

Ms. Schlein said that the first special use permit was applied for in 1987, but the former owners had been using the property as a tourist accommodation, a by-right use in the RA during the 1980s. She said that the owners were hosting private events before applying for the initial special use permit in 1987. She noted that there had been incremental expansions over the years.

Ms. Schlein stated that ZTA2015-13 permitted expansions at historic taverns, inns, and restaurants. She explained that the ZTA was initiated by former Clifton Inn ownership, and the approval of the ZTA noted that expansions and modifications to historic structures, operating restaurants, and inns could enhance the economic viability of the structures and improve tourism by preserving and protecting the County's historic and scenic resources.

Ms. Schlein noted that the ZTA language was approved to specifically accommodate Clifton Inn. She said that Clifton Inn was currently the only property that operated under that section of the Zoning Ordinance. She stated that Keswick Hall operated under the same ordinance but under subsection B, and Michie Tavern would be subject to the same ordinance if they were to apply for an expansion. She said that the nature of this request is fundamentally different from some other agricultural operations, and they understand that there is some sensitivity to events in the RA, but they feel that the nature of this request, the Zoning Ordinance section that it operates under, and especially the context, make it incredibly unique.

Ms. Schlein explained that seven lots were subject to the PRD, and the request was to rezone the parcel to RA. She said the PRD development rights on the parcel would be diminished with the rezoning request. She said that the Clifton Inn expansion included proposed additional parking, and the new event structure and spa were proposed on the existing pad that currently served special events.

Ms. Schlein explained that a tent was currently on the pad. She stated that the new event structure would be limited to hosting 75 people maximum, and the structure would also serve as a spa.

Ms. Schlein noted the location of the new special event structure and additional parking along the existing travel way at Collina Farm. She noted that enough parking was provided on-site to serve events, however, there was a longstanding relationship between Stone Robinson and Clifton Inn regarding offsite parking.

Ms. Schlein said that the property was a total of 94 acres, but the area of the Clifton Inn expansion was largely limited to 1.6 acres, and the area of the Collina expansion was largely limited to 3 acres.

Ms. Schlein said that the greenway easement was a key component of the application.

Ms. Schlein noted that there were concerns to staff regarding the size and scale of events and traffic and noise, as limiting impacts are overarching themes, which makes sense in the RA for a compacted growth policy. She stated further that this is a specific request for a specific proposal on a property that she believes is the sole property currently functioning under Zoning Ordinance section 10.2.2.2.7.a. She noted that there were specific provisions in the Comprehensive Plan that explicitly supported the proposed expansion because the plan recognized the value that some commercial enterprise brings to the RA and to the County as a whole. She said that the applicant believed the proposal was harmonious with the purpose and intent of the Zoning Ordinance, and that the impacts have been mitigated through conditions.

Mr. Elliot Estes, owner of and asset manager for the subject properties, reiterated that the owners wanted to be good stewards. He noted that the property had several needs regarding deferred maintenance. He noted that they had a large investor who was a prominent family in Virginia. He said that they wanted to move development away from the pond while still pursuing economic viability.

Mr. Estes said they reached out to neighbors and local stakeholders for feedback. He said that through the feedback process, they came up with the need for the Rivanna River trail. He said that Monticello had stressed the importance of the viewshed and the historical context of the area.

Mr. Estes said that there was a need to reduce the amount of traffic in the manor house. He said that to host weddings on weekends, they had to close the Inn Friday through Sunday to accommodate the traffic.

Mr. Estes said that trees had been planted to help with light pollution from the property. He explained that presently, the event tent was entirely exposed. He said that both proposed event structures would be entirely enclosed, but they would have the ability to open certain walls like garage doors or accordion doors.

Mr. Estes said that the location of the current event tent was at a higher elevation than that of the proposed event structure. He said that the lower elevation would mitigate sound impacts. He stated that they were considering using newer audio and visual technology, such as targeted sound projection technology offered by Bose, to further mitigate sound impacts.

Mr. Estes said that hotels were generally designed to operate between 75 to 150 rooms because of fixed operations costs. He noted that there were fixed expenses associated with the restaurant. He said that the room inventory was limited to recoup the expenses. He said that the request would increase the room inventory for use.

Mr. Ricky DeJesus, Clifton Inn General Manager, explained that if an event was held at the property, they had to shut down the entire property to outside guests. He said that the Clifton Inn would not be possible without the support of County residents. He said that the proposal would have a significant economic impact through job creation. He said that the most valuable team members had worked for the Inn for decades.

Mr. DeJesus said that mitigating the amount of foot traffic and vehicles would help them handle the property delicately and act as good stewards. He said that he lived in the City on the downtown mall. He said that he wanted to open the Clifton Inn restaurant to the public. He said that they had taken steps to make the restaurant more approachable to locals.

Mr. DeJesus said that they made the restaurant more approachable by moving to an a la carte menu. He said they also wanted to allow restaurant guests seven days a week. He said that they wanted to continue to support the community, and the proposal was an appropriate way to do so.

Mr. Charles D'Angelo, Clifton Inn, said that the historical nature of the property was stunning, but that its best days were probably behind it, and they saw an opportunity to do something with it. He said it was important to him to move the event traffic away from the manor house. He said that moving the events to Collina Farm would serve as a benefit to the historical nature of the property and help the viability of the business. He said that the proposal was beneficial to current and future employees, the historic preservation of the property, and being able to offer more to Charlottesville residents.

Mr. Peter Krebs, participating remotely, said he was part of the PEC (Piedmont Environmental Council). He stated that for 50 years, the PEC had worked to protect the rural area for farming, forestry, and natural systems while also advocating for highly livable communities and access to nature where people lived. He said that he had not studied the complete proposal, but they were excited about the potential conveyance of riverfront land for a greenway.

Mr. Krebs explained that the Old Mills trail was an exciting opportunity for the County. He said the trail would include 8 miles of riverfront greenway connecting Darden Towe Park to Clifton Inn and beyond to Glenmore. He said that the asset would be transformative for the community. He said that the trail would potentially connect to Pantops and to the City via a pedestrian bridge.

Mr. Lori Hackney, participating remotely, said that she was representing her family, the Michies. She said that her family lived across from Collina Farm on Shadwell Station Lane. She said that her father had lived there and owned a farm for approximately 26 years. She said they kept the farm rural and used it for land use. She expressed concerns regarding the Clifton Inn proposal.

Ms. Hackney said that they were able to clearly hear the activities at Clifton Inn from their front doors and windows. She said that they were able to hear conversations from guests staying at Collina Farm. She said they had to file a police complaint regarding noise issues with Clifton Inn in August because noises continued until 1 a.m.

Ms. Hackney said the sound would travel regardless because of the terrain. She said the proposal would have an impact on her family's lifestyle. She said they were concerned about the proposed parking. She stated that currently, they were able to see a number of lights from the American Legion at the Shadwell Store, and they had put in a request to have that changed. She said they would be able to see lights from traffic due to the location of the proposed parking. They are concerned about how the County would police that.

Ms. Hackney said that the character of the area would change because of the proposal. She said that the subject properties were in the middle of residential properties, and the surrounding residents would hear and see the activities.

Ms. LaPisto-Kirtley stated the applicant had the opportunity for rebuttal.

Ms. Schlein responded that for the proposed new building, the sound levels had been evaluated with the sound study. She noted that Ms. Hackney lived her experiences every day because she was a resident. She noted that the sound engineer had looked at it very closely, and that proposed sound measures would be put in place, such as the condition stipulating the sound monitoring system and sound governor to limit decibel levels.

Ms. Schlein noted that there was currently no infrastructure in place to manage the sound levels. She said the expansion was an improvement with the available technology. She said that the conditions incorporated with the proposed special use permit would help further mitigate the sound impacts.

Ms. Schlein said that by moving the location of the event structure to a lower elevation, they would further limit sounds. She explained that Ms. Hackney's house was at an elevation of 396 feet, and there was about 775 feet between her house and the event structure. She said that the proposed finished floor of the Collina event structure was 25 feet below that. She said that fully enclosing the structure would further mitigate sounds.

Mr. Andrews clarified that Ms. Hackney could hear activity from the Clifton Inn. He said that the Collina Farm did not have extensive activity at this point that she would hear.

Ms. Schlein clarified that Ms. Hackney had made a comment regarding Clifton Inn and Collina Farm. She stated that Collina Farm currently had five guestrooms. She noted there were comments regarding events that took place at Clifton.

Mr. Andrews clarified that a building was proposed where the sides could open.

Ms. Schlein said that was correct.

Mr. Andrews asked if the structure with opening sides would be at Clifton Inn or Collina Farm.

Ms. Schlein responded that the event structure would be at Clifton Inn. She explained that the event structure would be able to open and close the walls to take advantage of the property.

Mr. Andrews clarified the structure would be located at the existing tent site.

Ms. Schlein clarified that she meant to say Collina Farm was where the event structure would be located and where weddings would primarily take place.

Mr. Andrews asked which direction the structure would open toward.

Ms. Schlein responded that the structure would open toward the lake as conceptually designed.

Mr. Andrews noted that the property had been operating as an inn and was listed as a historic property. He asked what the history of the Inn was.

Ms. Schlein explained the historical significance of the site was that it was deeded to Thomas Jefferson's son-in-law, Thomas Rumen Randolph.

Ms. McKeel noted that there was a family graveyard on the site. She asked if it would be maintained.

Ms. Schlein indicated where the graveyard was believed to be located. She said the archaeological study would likely reveal the exact location, and any findings may shift the location of the structures to ensure historic resources were not compromised.

Ms. Mallek noted that in the Planning Commission minutes, Ms. Schlein stated that, "the Health Department would have a report on water and sewer, and capacity would be informed by that." She asked for an explanation as to what that meant.

Ms. Schlein explained that the question had been raised by Mr. Murray, Planning Commission member, and they were discussing wastewater usage. She said that the question related to how the permitting would move forward. She said that it was to construct the alternative, on-site sewage system. She said that wastewater engineers were involved to design the system, and it went through Virginia Department of Health review. She said that they needed to evaluate the capacity of the system, which was linked to the proposal and the building permit.

Ms. Mallek asked if that process would happen before the building permits and any construction would happen, that would determine what the real capacity would be. She said that the proposal was the biggest installation she had heard of with an alternative on-site sewer system.

Ms. Mallek said that there had been a lot of discussion regarding the archaeological study. She said that the County had a state obligation to protect cemeteries, but they did not have a reliable way to identify them. She asked for further clarification as to how the archaeological study would be approached, and how much land would be disturbed.

Ms. Schlein said that the condition was reformatted to directly tie to the limits of disturbance as shown on the site plan. She said the limits of disturbance on the site plan were staked out by a surveyor, and that informed the erosion and sediment control measures. She said that since the archaeological study was tied to the site plan, the area within the limits of disturbance would be subject to the study. She noted that the condition had been reworded between the Commission and the Board meeting.

Ms. Mallek clarified that any of the travel ways for construction equipment and any kind of compaction that would happen in construction would be surveyed first.

Ms. Schlein said that was correct.

Ms. Mallek clarified that if things were found, then the survey would expand its scope to determine what the real locations were.

Ms. Schlein said that was correct. She said the study would inform if structures had to be relocated.

Ms. Mallek noted the benefit of the Milton Boat Landing for the community, and asked if the improved boat landing and trail would be beneficial to the applicant.

Ms. Schlein said it would be a beneficial asset to the applicant.

Ms. Mallek noted that light pollution had been mentioned in previous discussions. She asked if there was a dark sky provision for guests or if the applicant was considering dark sky experiences.

Ms. Schlein said that the 94-acre enclave was surrounded by several different uses, but on the property, it felt rural and the night sky contributed. She said that the majority of lighting they considered was pathway lighting and low to the ground.

Ms. Mallek said she appreciated the discussion regarding amplified music. She said that Keswick Hall had successfully used directional speakers successfully for outdoor amplified music. She said the best option for amplified music was to close the building. She said that Ms. Ragsdale had stated that at Castle Hill Cider, it took several years for success to be achieved, and it was determined that to allow the neighbors to have piece, they had to have the northside closed, and suggested thinking about that would save them a lot of management problems.

Mr. Estes responded that the structure replacing the tent at Clifton Inn would be entirely enclosed and would be the equivalent of a pool house. He said the structure was intended for spa services and smaller retreats. He explained that the back of the Collina Farm event structure would be a permanent structure, and it would be some type of steel or concrete wall and would be the service side.

Mr. Estes said there may be a loading dock to allow the delivery of food, linens, and other materials. He indicated the locations of potential openings in the structure, which would face away from the Michies' property, but it would be able to be entirely enclosed. He said they intended to close the building at the required hours to comply with sound requirements.

Ms. Mallek asked if trees would be removed between the lake and the new building to achieve a scenic vista or did that already exist.

Ms. Schlein responded that the vista was one of the least wooded areas, and that it sloped down. She said they were only permitted to remove any invasive species.

Ms. Mallek asked for more information regarding the topography of the cottages along the floodplain. She asked if it was on the high ground or down slope.

Ms. Schlein responded that the topography gradually increased in elevation toward the high point of the house. She said that the cottages were downslope of the house and the event structure but upslope from the bank. She said that the cottages would be light on the land like pier structures and would have small footprints.

Mr. Estes said that through the prior special use permit, they had the ability to build five or six 3,000-square-foot residential structures, but they had no interest in doing so. He noted that a 3,000-square-foot house provided four bedrooms, so they considered achieving the same room yield with a significantly lower environmental impact through the cottages.

Ms. Mallek noted that there was no roadway indicated to the cottages. She asked if guests would access the cottages by golf cart or similar transportation.

Mr. Estes said that was correct. He said they intended to act as a lodge or resort destination experience.

Mr. Gallaway asked if the parking would be defined spaces or if the lot would be open and people could park as they wished.

Ms. Schlein responded that the intent was to maintain the existing gravel roadway and expand the parking area along the roadway. She said the travel way would be expanded to serve the cars. She said that a waiver at the site planning stage would be required since parking areas were required to be paved surfaces with curb and gutter. She said that the look of a paved lot with curb and gutter was

inconsistent with the character of the property, so the intent was to keep the areas gravel.

Mr. Gallaway asked if the parking were managed and whether there would be an attendant directing people during the events. He noted that without attendants, people did not park efficiently and ended up leaving unused space that created overcrowding and necessitated the use of overflow parking. He asked what would be put in place to direct people to use the designated parking areas efficiently.

Ms. Schlein responded that several methods could be used to define the space. She said they could place markers at 9-foot intervals to designate spaces. She said an effective tactic was to use a 9-foot log to function as a curb stop. She said they hadn't fully fleshed out those details, but that it was in their best interest to operate an efficient event.

Mr. Gallaway noted that the restaurant would be able to remain open while events were held. He asked if there were estimates as to how many new jobs the proposed use would create.

Mr. Estes responded that on an expanded basis on the weekends, they would need about 40 to 80 additional employees, ranging from banquet staff to managers, four to five full-time employees, and 30 to 40 expanded employees.

Mr. Gallaway clarified that the new full-time employment rolls would increase by four to six.

Mr. Estes responded that the four to six positions would be full-time, and they would be banquet managers. He said with the expansion, they would be able to host more corporate retreats, and activities and events. He said when someone was a part-time employee, it was still possible to have 30 hours of work per week due to corporate retreats and special events throughout the week.

Ms. LaPisto-Kirtley said she was concerned regarding the noise level of events. She said that there needed to be a responsible party present at events to control the noise level. She said she would not be in favor of an open event space if there were not a responsible party to ensure the decibel levels were adhered to.

Ms. Schlein responded that the Clifton Inn had been hosting events for 40 years. She said that there was not a documented history of noise complaints other than the complaint from August. She said that a fully enclosed building specifically designed for events allowed them to exercise complete control over mitigating impacts.

Mr. Estes responded that presently they were not allowed to keep permanent equipment under the event tent because it was exposed to the elements. He said that they had employees constantly monitoring the behavior and performance of an event. He said they intended to have permanent equipment in place, and when someone's disc jockey plugs in, a permanent governor in place, but currently, they were dependent upon guests bringing their own A/V experts and equipment.

Ms. LaPisto-Kirtley noted that the public hearing was closed.

Ms. LaPisto-Kirtley stated that prior to the commencement of this evening's public hearing, the Board adopted a motion not to take final action on items 15 and 16 until its next meeting. She continued that with the public hearing now having been concluded, for procedural clarity, she would make the motion again.

Ms. LaPisto-Kirtley **moved** to defer action on ZMA202100003 Clifton Inn and Collina Farm Expansion, SP202100004 Clifton Inn and Collina Farm Expansion, and SE202200014 to December 7, 2022. Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

ABSENT: Ms. Price.

Agenda Item No. 16. **Public Hearing: SP202100004 Clifton Inn and Collina Farm Expansion and SE202200014.**

PROJECT: SP202100004 Clifton Inn & Collina Farm

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL(S): 079000000023B0, 079000000024B0, 07900000003600 and 079000000023F0

LOCATION: 1296-1320 Clifton Inn Drive, 3055-3097 Collina Farm, and property on the southeast side of Rt. 729 (North Milton Rd.) across from Stone-Robinson Elementary School and adjacent to the Rivanna River

PROPOSAL: To amend the historic inn and tavern special use permit SP200200019 by adding approximately 83.28 acres and increasing total number of guest rooms to 71. The total guest rooms includes a proposed 35 room expansion at Clifton for a total of 50 and 16 proposed rooms

in future cottages at Collina, for a total of 21 on that property; revision to SP200200019 to allow for more than 200 guests and to allow for an 100 seat restaurant at Clifton; add a 5,000 sf structure to accommodate a spa and event area for up to 75 persons at Clifton; continue to allow 200 person events at Clifton until proposed event structure at Collina is operational; add an approx. 10,500 sf event structure at Collina to hold events for up to 300 persons 12 times/year and in addition, allow other events of up to 200 persons; to establish new parking areas; and to close the existing entrance at Rt. 729 and establish a new entrance to Collina Farm. This request is associated with ZMA202100003, a request to rezone parcel 79-23F from PRD to RA in association with the expansion under this SP request. A critical slopes waiver (SE202200014) has also been requested.

PETITION: To amend an existing Special Use Permit to allow expansion of an historic inn under Sections 10.2.2.27(a) and 5.1.61 of the zoning ordinance.

ZONING: Parcels 079000000023B0, 079000000024B0, 07900000003600 are zoned RA Rural Areas – agricultural, forestal and fishery uses; residential density (0.5 unit/acre in development lots); Parcel 079000000023F0 is zoned PRD Planned Residential Development - which allows residential (3-34 units/acre) with limited commercial uses and is requested to be rezoned to RA Rural Areas (ZMA202100003).

OVERLAY DISTRICT(S): Entrance Corridor; Flood Hazard; Monticello Viewshed

COMPREHENSIVE PLAN: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential density (0.5 unit/acres in development lots).

The public hearings for Agenda Items No. 15 and No. 16 were held concurrently. The Board voted to defer action on SP202100004 Clifton Inn and Collina Farm Expansion and SE202200014 to December 7, 2022.

Agenda Item No. 17. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Andrews congratulated Ms. Mallek for being elected President-elect of VACo (Virginia Association of Counties).

Ms. McKeel said she had sent the Supervisors her takeaways from the Greenville, South Carolina trip.

Mr. Gallaway said he would deliver at the next meeting updates from VACo and the Housing Conference he was attending at that time.

Ms. Mallek said she would share her notes from the VACo sessions she attended with the Board over the next few days. She noted that there were agenda items related to solar ZTA (zoning text amendment) work going forward. She said she would get links to the recording of the solar session the energy committee received. She explained that Delegate Keith Hodges talked about siting agreements and how it was a predictable source of revenue for counties. She stated that this was the time of year that Board members and staff could sign up for VACo committees. She encouraged everyone to consider that, and said forms were available online or she could provide them.

Agenda Item No. 18. Adjourn to December 7, 2022, 1:00 p.m., Room 241.

At 7:49 p.m., the Board adjourned its meeting to December 7, 2022, 1:00 p.m., Room 241, Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA 22902. He said information on how to participate in the meeting would be posted on the Albemarle County website Board of Supervisors home page and on the Albemarle County calendar.

Chair

Approved by Board
Date: 10/02/2024
Initials:CKB