

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on March 20, 2024, at 1:00 p.m. in Lane Auditorium on the Second Floor of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA 22902.

BOARD MEMBERS PRESENT: Mr. Jim Andrews, Mr. Ned Gallaway, Ms. Ann H. Mallek, Ms. Diantha H. McKeel, and Mr. Michael Pruitt.

ABSENT: Ms. Beatrice (Bea) J.S. LaPisto-Kirtley.

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

Agenda Item No. 1. Call to Order. The meeting was called to order at 1:00 p.m. by the Chair, Mr. Jim Andrews.

Mr. Andrews said two Albemarle County Police Department staff, Lieutenant Angela Jamerson and Master Police Officer Paul Quillon, were present at the meeting to provide their services.

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

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Agenda Item No. 4. Adoption of Final Agenda.

Mr. Andrews said that he had not heard of any suggested amendment to the agenda and said that he was looking for a motion.

Ms. McKeel **moved** to adopt the final agenda as presented.

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

AYES: Mr. Andrews, Mr. Gallaway, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.

NAYS: None.

ABSENT: Ms. LaPisto-Kirtley

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

Ms. McKeel said that she regretted to inform them of the passing of Lorraine Williams, a leader and dedicated community member in their community. She said that she was a retired Charlottesville teacher and a civil rights pioneer who, alongside her husband, Eugene, helped desegregate the City schools during the period known as Massive Resistance. She said that she would be missed and was dearly beloved by many members of their community.

Ms. McKeel said that on more uplifting news, she was delighted to announce that Fran Clark, a teacher at Greer Elementary School, had been awarded the Virginia Department of Education's Ambassador of Kindness Award. She said that the staff at Greer were thrilled about her recognition, and she congratulated Ms. Clark.

Ms. McKeel said that lastly, she wanted to mention that Ms. Mallek and she attended a splendid dinner hosted by Antwon Brinson, the culinary training instructor for Go Cook, which is a Charlottesville and Albemarle organization that teaches cooking skills to members of their community. She said that he works with over 150 restaurants in the area, supplying cooks and chefs to these establishments.

Ms. McKeel said that Ms. Mallek and she attended a graduation event last night, where they enjoyed a lovely dinner. She said that the occasion highlighted the achievements of various individuals who participated in Antwon's program. She said that the initiative helps people in their community learn new skills and even change their careers. She said for instance, there was a nurse who is now training to become a culinary chef, as well as two gentlemen who were out of the Albemarle-Charlottesville Regional Jail on home incarceration and were learning restaurant work skills through the program. She said that it was an inspiring evening, celebrating these graduates and sharing a delightful meal together.

Ms. McKeel said that if they were interested in getting involved or learning more about the program, they should look up Go Cook, a growth opportunity for cooks. She said that their headquarters could be found in a shopping mall near Barracks Road Shopping Center, specifically at the Meadow Creek Pharmacy Shopping Center, even though Meadow Creek was no longer there. She said the program had made a significant positive impact on their community.

Mr. Gallaway said that he wanted to express his gratitude to all the citizens who attended his budget town hall meeting last night, with approximately 20 to 21 attendees. He expressed appreciation for the staff who were present, providing presentations, supporting the event, and answering questions. He said that the meeting took place from 6:00 to 8:00 p.m., during which they received good questions. He encouraged citizens to continue emailing or attending public hearings to ask additional questions about the budget. He said that it was nice to see a good turnout last night for this event.

Mr. Gallaway said that he would also like to share some information regarding a sign he saw on the parkway today. He said there were large signs discussing the kudzu removal program taking place on the parkway. He noted that the parkway certainly served as an example of how this weed had earned its name. He inquired if this was indeed a VDOT (Virginia Department of Transportation) program. He said that out of curiosity, he requested more information about their approach to addressing this issue. He asked anyone who had any information on this matter to share it.

Ms. McKeel asked if goats were involved.

Mr. Gallaway said that he had noticed that the area had been sprayed and they were in the process of removing something. He expressed curiosity about the details of this process and whether anyone could direct him to more information. He clarified that he did not believe it was a County matter, but rather presumed it involved VDOT.

Mr. Jeff Richardson, County Executive, said that staff would take it as a follow-up and share it with the entire Board for general awareness once they could run it down.

Mr. Gallaway thanked Mr. Richardson. He said that the large warning signs, indicating cautious driving due to invasive plant removal activities, had been placed. He said that they should exercise extra care when traveling on the parkway during these operations.

Ms. Mallek said that following up on town halls, Brownsville Elementary School would host the Transportation Town Hall and Budget Town Hall for the Crozet Growth Area on April 10 at 7:00 p.m.. She said that the White Hall Community Building would have theirs on April 13, and Earlysville would hold the third, yet-to-be-scheduled town hall. She asked the public to keep an eye out for announcements regarding this event.

Ms. Mallek said that Antwon Brinson, a graduate of the CIC (Community Investment Collaborative) Small Business Program, had made significant progress by placing 150 workers in jobs, greatly benefiting those individuals and contributing to overall economic development.

Ms. Mallek said that this was a red flag day, and that the power was already out in many parts of the County due to high wind. She encouraged everyone to follow the law, and to not try to burn anything right now because it was incredibly dangerous.

Ms. Mallek said that in regards to invasive species control, Bradford pears were blooming now, and this was a really good time to mark them for dealing with them later because they have to be harvested in a very certain way in order to not make them spread more. She said that that was often hard to do when the leaves and flowers were not there, so marking them now. She said that there was a constant row of them along Meadowcreek Parkway as she drove down there that afternoon, and in addition to making huge allergy issues for many people, they were very invasive and were just taking over everywhere.

Ms. Mallek said that while visiting the local tax drop-off location, she came across several brochures for the Thomas Jefferson Soil and Water District. She said that they offered a variety of programs, including livestock and grazing systems, cropland, tree planting, and stormwater. She said that they offered various initiatives for urban neighborhoods, as well as rural and agriculture. She said that they had funding available for all sorts of different things. She encouraged people to plan ahead for an improvement one might like to do, even in the following year, as it took six months to process requests. She said that they should not expect immediate assistance during spring planting. She said these programs proved highly beneficial for all residents.

Ms. Mallek noted that April 1 was the deadline to renew one's real estate tax relief program if they received relief last year. She said one must submit their application or certification renewal by Monday, April 1. She said that Jennifer Matheny and her staff in the Finance Office would assist the public in this process.

Ms. Mallek said that now was the time for residents to register with the Virginia Cooperative Extension for the annual spring well testing, which was also for Rural Area residents. She said that if one did the tests individually it would cost over \$250, but that for \$70, they would get a wide array of different programs, including iron, manganese, sulfate, hardness, coliform bacteria, sodium, copper, nitrate, arsenic, E. coli, fluoride, pH, total dissolved solids, and lead. She said that one would gain comfort if one received good results from this test, and if one discovered things that needed to be fixed, it was really good to know about it ahead of time and figure out things that could be done to either shock one's well or other to deal with whatever contamination might be happening.

Ms. Mallek said that last Saturday, the Cooper and Wheeler families celebrated the completion of their Habitat ownership program journey and received the keys to their homes in Old Trail. She said that they would reside in two end unit townhouses in the Bishop Gate neighborhood, which was basically right across from Henley School. She said that the neighbors gathered at the celebration to welcome them, and these homes were supported in a partnership with Craig Builders, numerous local businesses, volunteer builders, and hundreds of hours of sweat equity from each of these families to achieve their homeownership.

Ms. Mallek said that the 58th rededication of the Dogwood Vietnam Memorial was taking place on

April 19. She noted that it is the oldest Vietnam War memorial in the United States. She said that special parking in the field would be available near the skate park, and handicapped transportation would be provided from the field to the memorial. She said that the event was sponsored by the Vietnam Memorial Foundation locally.

Ms. Mallek said that lastly, the White Hall Ruritan Club would hold their annual plant sale on April 27, a one-day event marking its 14th year. She said that proceeds from this sale have funded upgrades to the historic building. She said that it would take place from 8:00 a.m. to 1:00 p.m., rain or shine, at 2904 Browns Gap Turnpike. She said that the public was invited to attend and purchase native plants for their gardens.

Mr. Pruitt said that he wanted to address two topics regarding books. He said that the Virginia Festival of the Book was currently taking place and would continue throughout the weekend across both the City and County. He said that various book talks were being held, catering to a wide range of interests, and he encouraged attendees to explore these events over the next few days.

Mr. Pruitt said that he also wanted to recognize the outstanding efforts of the Scottsville branch of the Dolly Parton Imagination Library. He said that in collaboration with the Charlottesville Rotary Club and JMRL (Jefferson-Madison Regional Library), they held an open house this past Saturday to sign up more children for the program. He said that the initiative provided free books to participating children throughout their childhood.

Mr. Pruitt said that the event was successful in not only increasing the number of enrolled children but also raising funds for 150 additional children on the south side of Albemarle to receive books. He said that donations were received from James River Good Works, Quick Start Tennis of Central Charlottesville, Scottsville Chamber of Commerce, Scottsville Lions, Skipper Seniors Club, and SUMC (Scottsville United Methodist Church) Methodist Men. He expressed his gratitude to these contributors for their support of the children in the south side area.

Mr. Pruitt said that the Scottsville Museum would be reopening on April 7 after its winter closure. He said that the first day of the season would feature a talk at the museum at 3:00 p.m., focusing on the history of preserving historically black schools in the region.

Mr. Pruitt said additionally that he wanted to recognize and thank the organizers of IMPACT Cville (Interfaith Movement Promoting Action by Congregations Together) for their recent Nehemiah IMPACT event, which focused on housing equity in Albemarle County and transit equity in the City. He said that the event was quite impressive. He said that for those unfamiliar with IMPACT Cville, it is an initiative involving over 26 different interfaith congregations and thousands of parishioners who come together to rally around important elements of social change that align with their faith beliefs. He said that he was very excited to join them.

Mr. Pruitt said that he would like to draw attention to upcoming town halls that he will be participating in collaboratively with other Supervisors due to the numerous locations of his residents near the border of other districts. He said that Mr. Andrews and he would be at the 5th Street offices at 7:00 p.m. on the following day, March 21. He said that next Monday, March 25, he would be joined by Ms. LaPisto-Kirtley in Pantops at the Martha Jefferson Outpatient Center, located at 595 Martha Jefferson Drive, at 6:45 p.m. He said that lastly, a town hall would take place at Yancey, where he would be joining Mr. Andrews on March 28, next Friday at 6:00 p.m.

Mr. Andrews thanked Ms. McKeel particularly for mentioning Lorraine Williams, a leader in their community who would certainly be missed. He said that he wanted to add a couple of updates. He said that registration for the vouchers for the Saturday, April 20 e-waste drop-off at Ivy MUC (Material Utilization Center) became available online that morning. He noted that they tended to fill up quickly, so if people wished to drop off e-waste, it was advisable to sign up online as soon as possible. He reminded everyone that free mulch was now available at the Ivy MUC. He expressed his appreciation to Ms. Mallek for the announcement on well testing; he had signed up for his own well testing this morning.

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Agenda Item No. 6. Proclamations and Recognitions.

There were none.

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

Mr. Andrews noted that their rules stated they could have up to 10 speakers, but had 11 signed up. He said that with the acknowledgement that this deviated from their rules, with the Board's consent they would allow the 11th speaker to speak.

There was Board consensus to allow 11 speakers.

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Ms. Faith Schweikert, Piedmont Environmental Council (PEC), said that she wanted to thank the Board for taking the time to consider the planning of Albemarle County's Rural Area with recognition that one cannot protect the Rural Area without also making the best use of the Development Areas through an

effective and robust growth management strategy, which had been a significant aspect of past comprehensive planning efforts.

Ms. Schweikert said that PEC's analysis of community surveys in Albemarle County from 1994 to 2023 underscored that residents consistently prioritized environmental protection, preservation, and smart growth policies for nearly three decades. She informed the Board that PEC had created an interactive map sent earlier that week, which visualizes sensitive and significant characteristics within the Rural Area, including water resources, forest blocks, parks, conservation easements, scenic viewsheds, agricultural soil areas, and historic districts and sites. She said the map is available at [www.pecva.org/albemarleluralarea](http://www.pecva.org/albemarleluralarea) for viewing.

Ms. Schweikert explained that they created the map to educate during the AC44 planning process and beyond, hoping it would address questions about the perceived lack of agriculture in the County, what defines a scenic view, and what its importance was. She said that it would also provide contrast to the perception that the 95% that represents the Rural Area was empty space. She said that Albemarle's Rural Area that focused on agricultural working forest and ecosystem services provided a host of economic health, recreational, and environmental services. She said that for example, they were the second highest producing County in Virginia for the fruits, tree nuts, and berries category according to the 2017 USDA census data.

Ms. Schweikert said that they lead central Virginia Counties in the number of people employed in agriculture, forestry, fishing and hunting, and their current tree canopy alone provided \$276.3 million of annual benefits from the reduction in air pollution, stormwater management, and sequestered in carbon dioxide. She said this was listing a few of the benefits they received from the Rural Area and requested that the Board consider the factors in their mapping and analysis sent earlier this week as they made their decisions, with the understanding that the loss or diminishing of these resources would be difficult or impossible to repair, and thanked the Board for their consideration.

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Mr. Paul Haney, Albemarle County Farm Bureau and resident of the Rivanna District, said that in December of last year, they held a chainsaw safety class that went very well. He said they had great attendance and were going to expand the program with the hope of doing it annually. He said they would also add a safety feature to it. He said that Albemarle County Farm Bureau purchased the saw and then donated it after the course to the Stony Point Volunteer Fire Department. He said their intention was to make that an annual event and would decide where the saws should go each time.

Mr. Haney said that excitingly, he met with Mr. Kendrick, Amelia McCulley, Jodie Filardo, and Bart Svoboda to discuss reevaluating and redesigning the clean fill ordinance. He said that the meeting was productive, and they all seemed to be on the same page. He said that they now had to get all the language that satisfied the Board that they had to trudge through.

Mr. Haney said that recently, there had been rhetoric from the Planning Commission (PC) that caused a significant amount of rhetoric troubling the forestry and agricultural community. He said one issue raised was the notion that hay was not farming. He said that this was like saying they did not have to have a basketball to play a basketball game. He said that hay was essential for livestock. He said that if they lacked hay, they were unable to carry animals forward. He said that they referenced bush hogging. He said that it was kind of important; it served as their method of weed control and also helped keep Albemarle beautiful, which everyone liked to see. He said that this practice was integral to agriculture in the County.

Mr. Haney said that the one that really hurt though, was that there was nothing but boutique farming in Albemarle County. He said that was a hard dose, considering Weldon Cooper's statement that that boutique farming generated \$713 million annually and 4,236 jobs within the County. He said that there were 866 farms spread across 170,000 acres in the area, so it was definitely more than a boutique.

Mr. Haney said that with all that being said, he recently shared data indicating that the average farm lost \$16,000 per year. He said that many farming operations relied on additional income from spouses or other sources to stay afloat. He said that as someone concerned about the future of agriculture and forestry in their County, he proposed meeting with the PC to help them better understand these sectors when it was appropriate. He said that it had come to his attention that Bradford pears had been banned in South Carolina.

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Mr. Tom Olivier, Samuel Miller District, said that he was offering comments on the Comprehensive Plan. He said that first, the new Comprehensive Plan failed to acknowledge the severity of ecological disruptions that lie ahead. He asked if they could fix that. He said that second, Rural Areas within the County were vital contributors to their high quality of life and served as homes for farms, forests, and ecosystems that provided essential materials and services necessary for their existence, such as food, timber, clean air, clean water, and carbon sequestration. He said that however, these Rural Areas and their ecosystems faced threats from various sources like invasive species, climate change, and development proposals.

Mr. Olivier explained that in the midst of ecological crises and constant demands for additional developed uses in their Rural Areas, they required a planning framework that integrated the diverse uses of Rural Areas and their interactions. He said that he supported a Rural Areas chapter in the new plan, and that he believed that a stand-alone Rural Areas plan, as proposed, would meet their planning needs



even better.

Mr. Oliver said that County residents had consistently contributed innovative ideas and constructive criticisms to Comprehensive Plan discussions. He shared an example from 1997 when the County's biodiversity protection commitments originated from a proposal by Citizens for Albemarle, a grassroots organization, to the PC. He noted that in the current update, the AC44 Team proposed a new plan without including a chapter for Rural Areas. He said this oversight was corrected only after receiving substantial criticism from the public.

Mr. Olivier said that at the PC meeting last week, an advertised public comment period before the Rural Areas work session had been canceled at the last minute, would-be speakers were told at the previous work session that public comments had taken up too much time. He said that this cancellation showed disrespect for the time of the members of the public who prepared to come to speak. He said the cancellation also demonstrated a lack of consideration for knowledgeable members of the public in critiquing policy proposals. He urged the Board to direct the Planning Commission to hold public comment periods before future Comprehensive Plan work sessions.

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Mr. Neil Williamson, Free Enterprise Forum, said that prior to discussing his remarks, he would like to recommend the Board examine the PEC map, which is quite comprehensive. He noted that it was noteworthy that the majority of the land depicted was privately owned. He said that this fact should be acknowledged due to the stewardship exhibited by generations of property owners.

Mr. Williamson said that considering this context, he had been reflecting on the year 1979. He said that disco was in, and they would recall that the Bee Gees and Donna Summer had numerous number one hits. He said that in the same year Albemarle established their Development Areas, referred to at that time as Growth Areas, covering more than 5% of the land mass. He said that since then, with the rush to secure rural down zoning, the area has been shrinking continuously. He mentioned riparian buffers, beneficial but reducing available development space, and expanding streetscapes, Biscuit Run Park, and steep slope regulations as factors contributing to less land being available.

Mr. Williamson said that last week, he discussed the NAR (National Association of Realtors) resource that identified the Charlottesville MSA (Metropolitan Statistical Area) as the only MSA in Virginia deemed under-permitted due to not constructing enough houses. He said that was the whole MSA. He said that when observing the rising prices and decreasing numbers of listings in CAAR (Charlottesville Area Association of Realtors) fourth quarter reports, it indicated a tightening market. He said that the housing crisis is now.

Mr. Williamson said that with numerous exciting developments on the horizon accommodating new residents, one must consider where they will reside. He urged considering stringent growth control limits through the lenses established for the Comprehensive Plan, focusing on equity and climate change. He said that if individuals could not live in Albemarle County, they would reside elsewhere, impacting the environment as they commute and depriving the County of sales tax revenue.

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Ms. Nora Seilheimer, Samuel Miller District, thanked the Board for their hard work on updating the County's Comprehensive Plan. She said that as they considered the goals and objectives that would be reviewed in today's meeting, she requested that they take all necessary steps to safeguard the vibrant Rural Areas that characterized their Albemarle County.

Ms. Seilheimer said that the PEC had outlined in their summary of community surveys conducted in Albemarle County from 1994 to 2023, spanning nearly 30 years, County residents had consistently prioritized policies related to environment, preservation, and smart growth. She said that 2024 was no different, and she urged them to implement a comprehensive and effective growth management strategy that protected the Rural Areas and optimized the use of Development Areas. She said that this balance had been maintained in previous comprehensive planning processes and had led to the world-class County they lived in today. She asked the Board to ensure their County was protected and continued to be protected for future generations.

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Mr. Tom Loach, White Hall District, said that he was a resident of Crozet. He said that In 1991, County Executive Rob Tucker published a definitive paper on the subject of land use taxation programs in Albemarle County. He said that in his paper, Mr. Tucker outlined two important points: the reason for implementing the land use taxation program and who pays for it.

Mr. Loach said that regarding Albemarle County's decision to join the state land use program, Mr. Tucker stated that the primary objective was to preserve rural lands for nearly two decades and the benefits of this program were significant for the community at large. He added that Mr. Tucker did not express any additional reasons for implementing the land use taxation program other than rural preservation.

Mr. Loach said that for the financing of the land use taxation program, Mr. Tucker explained that the cost was not hidden since it was inherent in the concept of land use. He said that the burden of taxes was shifted to other taxpayers. He said that in 1991, the annual cost for tax land use was \$4.2 million, by 2005, it had increased to \$13 million and further rose to \$14 million by 2023. He said that using these figures and dates, one can extrapolate that the investment made by County residents in rural protection

since 1975 has exceeded \$250 million. He said that despite the cost of land use and the fact that it does not fully stop rural development, he fully supported maintaining the current land use taxation program.

Mr. Loach said that the passage of AC44 indicated that the future of rural preservation in Albemarle County was on the verge of becoming obsolete. He said that according to AC44, a new Comprehensive Plan would include language outlining criteria for the expansion of Growth Areas. He said that if the Board agreed with AC44's stance on expanding Growth Areas, he was certain that, alongside himself, thousands of other Growth Area homeowners would demand the phasing out of the land use program, because it no longer served its primary purpose of rural protection and certainly not at the cost of tens of millions of dollars annually.

Mr. Loach said that the timeline for the expansion of Growth Areas, whether this year, next year, or ten years from now, held little significance. He said that it also was not significant how little or how much of the land was preserved, as currently preserved land would be converted for development. He said that developing taxpayer-preserved land was an oxymoron. He said that if the Board wished to move towards a Comprehensive Plan that turned Albemarle County into a northern Virginia, that was their decision, but he doubted such a decision would garner much support from either Rural or Growth Area residents.

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Ms. Maria Duster, Community Climate Collaborative (C3), said that she would speak on the topics of housing and transportation in the Development and Rural Areas chapters of AC44. She said that her colleague, Caetano de Campos-Lopez, would later speak on land use and solar development. She said that a municipality's zoning code and Comprehensive Plan had a direct impact on the amount of air and climate pollution produced by the entire community, as well as who in the community bore the burden of addressing climate change and its impacts.

Ms. Duster said that C3 supported an increase in multifamily, multiplex, and missing middle housing in designated Growth Areas. She said that dense housing limited encroachment on green spaces and natural resources, it was more energy efficient and offered more affordable options for low- and middle-income residents. She said that it also allowed for more equitable, sustainable, and affordable transit-oriented development, where mixed-use pedestrian-oriented neighborhoods were built alongside new or existing public transit. She explained that density enabled more efficient transit systems, reducing commute times and transportation costs. She said that housing, energy, and transportation affordability and sustainability were intimately linked. She said that solutions must reflect this.

Ms. Duster said that rural communities should not be left behind either. She said that crossroads communities offer an avenue for support and care in non-Development Areas, taking advantage of already established points of gathering and community building. She said that increased density or development is not the primary goal or expectation here. She said that providing essential services, especially for the most vulnerable in their communities, is the focus.

Ms. Duster said that the 2022 MAP2Health report for Albemarle County and surrounding areas highlighted that access to health care, transportation, and human connection and socializing were key determinants for healthy communities. She said that moreover, in the context of climate change and emergency preparedness, resilience hubs can serve as a key method to assemble and disseminate information, access resources, and coordinate response.

Ms. Duster said that in their engagement with local experts and organizers, C3 discovered that many unhoused individuals in the City of Charlottesville are from Rural Areas, underscoring that issues of housing and energy affordability are not specific to City residents alone. She said that positive individual and community health outcomes are determined by a multitude of factors, most of which the County can work to improve through the AC44 process.

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Mr. Caetano de Campos Lopes, Director of Climate Policy at the Communities Climate Collaborative (C3) a Rio District resident, said that he was there to discuss solar development and land use in both Development and Rural Areas. He said that he would like to begin by addressing Objective 1.5 in the Rural Areas Land Use section, which was the only one mentioning solar, and called for a location-siting policy for utility-scale solar energy systems in Rural Areas. He said that they agreed with developing comprehensive solar policies for large-scale projects but emphasized the importance of acknowledging that utility-scale was not the only type of solar development that could or should occur in these areas.

Mr. de Campos Lopes said that C3 recommended expanding the County's focus beyond utility-scale solar to include smaller-scale and distributed solar projects up to five megawatts. He said that these smaller projects were more flexible and feasible in terms of siting, had less impact on the County's natural and cultural resources, and may have quicker approval processes. He said that at the same time, they believed it was very important for the County to actively support on-site rooftop and parking lot solar in entrance corridors, including those in Rural Areas, by streamlining the permitting processes and allowing them by right.

Mr. de Campos Lopes said that finally, although C3 acknowledged the importance of environmental stewardship in Rural Areas, they emphasized the need for a fair comparison between different farming practices. He said that not all farming uses were advantageous to the environment, as some may even be detrimental. He said that industrial farming could lead to groundwater contamination,

air pollutant production, and carbon dioxide release, while monocultures resulted in excessive fertilizer use, habitat destruction, ecological degradation, and soil fertility loss.

Mr. de Campos Lopes said that when the County evaluated land use decisions and priorities, it should consider the holistic impacts of current practices. He pointed out that it was illogical to reject a solar project due to potential soil health issues while endorsing monoculture pine plantations unconditionally, as an example. He said that C3 advocated for solutions to adequately address the ongoing climate crisis while maintaining a thriving community.

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Ms. Kim Biasioli, PEC, said that her comments were about the AC44 Rural Area chapter. She requested careful consideration of the impacts of Land Use Goal 4 and Objective 4.2 related to legacy zoning and Rural Area interchanges. She said that these proposals perpetuated and expanded land use patterns inconsistent with the County's Growth Management Policy and its longstanding goals for the Rural Area.

Ms. Biasioli mentioned that, during the previous week's Planning Commission work session, undeveloped areas at Shadwell along 250 East had been referred to as empty space that should be filled in. She said that when she examined an aerial photograph, what she saw was forest. She said that this forest, located just north of the Rivanna River, would be jeopardized by the proposed development. She said that not only would it create sprawl but also erode their forest cover and the benefits it provided, such as watershed protection and climate resiliency. She emphasized that this conflicted with the County's own goals for climate action, which aimed to maintain and increase forest cover.

Ms. Biasioli said that the PEC fully supported Land Use Goals 1 and 2, focusing on the protection of the natural and cultural elements of the Rural Area. She said that Objectives 1.1 and 1.2, emphasizing the importance of reducing land conversion and improving the County's land conservation programs, were particularly important.

Ms. Biasioli said that land conversion in the Rural Area created costs for both government and residents, including providing services to outlying areas and mitigating the impacts of climate change. She said that conservation programs helped the County avoid these costs by preserving rural land. She explained that these programs supported working farms and forests, protected public health, water quality, natural habitat, and scenic and historic resources, benefiting their entire community and supporting local tourism.

Ms. Biasioli emphasized that preserving rural land was a nature-based solution to climate change, providing benefits like carbon sequestration and flood resiliency. She said that they were undervaluing these benefits. She mentioned that economic analyses consistently demonstrated a return on investment in land conservation in the form of natural goods and services and by reducing the cost of providing services to Rural Area residents. She said that they thanked the Board for the inclusion of these goals and hoped to see specific action steps in support of conservation programs, which were a critical investment in their community.

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Mr. Holmes Brown, Batesville, said that he had packed peaches at Crown Orchard from the summers of 1957 through 1959. He said that he had been a property holder and taxpayer in this County since 1979. He said that he wanted to start by commending the Community Development staff for attending a community meeting in Batesville on February 24. He said that numerous staff members were present, and it was a big turnout. He said that the event was an ideal way to sound out the community. He said that they served as a pilot program, and they subsequently visited Yancey Mill. He said that he believed both the community and the staff found those interactions highly valuable.

Mr. Brown said that he wanted to address the matter of crossroads communities in AC44. He said that during a recent Planning Commission meeting, there was a discussion regarding what constituted a crossroads community. He said that the conversation focused on crossroads communities, resilience centers, and the resilience features a crossroads community should possess. He said that Batesville was one of the seven original locations designated as a crossroads community according to AC44. He said that upon mentioning Batesville, one commissioner remarked that it was no more than a store. He said that this statement sparked some of the audience members to take offense, as it implied that previous definitions of crossroads communities were too narrow.

Mr. Brown said that the comment suggested that in order to qualify under this category in the future, additional elements of resilience as defined in AC44 would have to be added. He said that he would suggest that Batesville, with its rich history and diverse community aspects, should be explicitly recognized in County documents. He said that Batesville had marked the center of the town's social, commercial, and musical activities over 100 years. He said that Crown Orchard, founded by the Chiles family in 1908, was nationally famous, owner and lessor of thousands of nearby acres, and owner of five local orchards.

Mr. Brown said that another significant landmark was the Miller School, established in 1878, which boasted both international and local students and an internationally renowned bicycle team. He said that in addition to these institutions, Batesville was home to three churches, the Methodist Church, Baptist Church, and Mountview Baptist Church. He said that a walking trail, post office, and two active community clubs, the Ruritans and the Historic Society, also contributed to the vibrant atmosphere of the town. He said that he was suggesting that communities should be analyzed for their activities and not

adding things to it.

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Ms. Paula Pierce Beazley, Samuel Miller District, said she apologized for taking their time, as they had much work to do on the Rural Area section of the Comprehensive Plan. She said that the objective was to plan for the Rural Areas; however, more than half of the goals contained obscure language that seemed to validate commercial, industrial, or amenities development in the Rural Areas.

Ms. Beazley said that she had lived in the area for the past 30 years and that the agricultural-forestral economy had been the economic driver of the County's economy, funding the programs and services provided especially in the Development Areas. She mentioned that while tourism had also provided funding, there could be tension between the two, as in the case of vineyards, cideries, etcetera on rural roads.

Ms. Beazley said that mainstream agricultural, forestal, crop, and equine activities supported other County preservation goals, scenic resources, scenic byways, rural character, entrance corridors, natural resources, mountaintops, and forests. She said that these elements cleansed the air and water to the benefit of Development Areas. She said that rural activities were not significant contributors of CO2 release, contributing less than 5%, but rather sequestered carbon at a rapid rate. She said that Goals 1 and 2, the only goals that might protect and promote the Rural Areas, were written in a static voice, with no requirement or intention to truly preserve, protect, and promote the Rural Areas.

Ms. Beazley said that these areas provided scenic resources, contiguous landscapes, the viewsheds that tourists came to see, along with historic resources. She mentioned that they were missing protections for their mountaintops, scenic resources, scenic byways, viewsheds, conserved lands, unbroken landscapes, natural and historic resources, and biodiversity. She said there was no language supporting the mothballed ACE (Acquisition of Conservation Easements) program or land use to support agriculture and forestry, which provided local food and timber. She said that the only two other goals appeared to promote suburbanization, commercialization, and industrialization in Rural Areas.

Ms. Beazley said that Rural Areas did not require Development Area amenities; those involved in agricultural, forestry, and equine activities had little time for that. She said that they had plenty of vineyards and cideries for that. She said that they did need broadband, and that 20% of the population lacked it, providing an essential link for work and connection.

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#### Agenda Item No. 8. Consent Agenda.

Mr. Andrews said that before discussing the consent agenda, Mr. Pruitt wished to clarify one of his announcements from earlier.

Mr. Pruitt said that he misspoke; the meeting at the Yancey Center would be next Thursday and not next Friday.

Mr. Andrews, not hearing that Board members wanted to pull anything from the consent agenda, asked if there was a motion.

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: Mr. Andrews, Mr. Gallaway, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.

NAYS: None.

ABSENT: Ms. LaPisto-Kirtley

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#### Item No. 8.1. Fiscal Year 2024 Appropriations.

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

The total change to the Fiscal Year 2024 (FY 24) budget due to the appropriations itemized in Attachment A is \$1,976,056. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

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

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**Appropriation #2024028**

<b>Sources:</b>	Local Revenue	\$25,044
<b>Uses:</b>	Fire Rescue Department	\$25,044
<b>Net Change to Appropriated Budget:</b>		\$25,044

**Description:** This request is to appropriate \$25,044 in funds donated to Albemarle County Fire Rescue, for the purpose of purchasing needed equipment. Purchases could include electric vehicle fire blankets for the hazardous materials unit; technology purchases to support emergency operations, search and rescue, environmental response and mitigations; and furniture/equipment for stations.

**Appropriation #2024029**

<b>Sources:</b>	Charlottesville Albemarle Convention and Visitor's Bureau (CACVB) Fund's fund balance	\$6,585
<b>Uses:</b>	CACVB Operating Fund	\$6,585
<b>Net Change to Appropriated Budget:</b>		\$6,585

**Description:** This request is to appropriate \$6,585 in CACVB fund balance to provide for expenses that were budgeted in FY23 but incurred in FY24. The County is the fiscal agent for CACVB.

**Appropriation #2024030**

<b>Sources:</b>	State Revenue	\$44,427
<b>Uses:</b>	Charlottesville Albemarle Convention & Visitors Bureau (CACVB) Virginia	\$0
	Tourism Corporation (VTC) DRIVE Outdoor Grant	\$44,427
	Offender Aid and Restoration (OAR) Comprehensive Community Corrections and Pretrial Services Act grant	
<b>Net Change to Appropriated Budget:</b>		\$44,427

**Description:** This request is to appropriate the following grant in grant funding:

- Charlottesville Albemarle Convention and Visitors Bureau: This is an administrative appropriation to reflect the updated scope of the Virginia Tourism Corporation (VTC) DRIVE Outdoor Grant to support Rivanna River Company's' adaptive paddling program. The County is the fiscal agent for CACVB.
- Offender Aid and Restoration (OAR): \$44,427 increase in State revenue for the currently appropriated Comprehensive Community Corrections and Pretrial Services Act grant. The County acts as the fiscal agent for this grant.

**Appropriation #2024031**

<b>Sources:</b>	CFA Institute Summer Rental Fund	\$750,000
	Capital Fund's Fund Balance	\$1,150,000
<b>Uses:</b>	Capital Project: Public Schools Land Purchase	\$1,900,000
<b>Net Change to Appropriated Budget:</b>		\$1,900,000

**Description:** This request is to appropriate \$1,900,000 to purchase a strategic land parcel that is adjacent to an existing school and will support future growth needs. The parcel is approximately 10 acres of undeveloped land. The offer from the School Board was accepted by the owner, and Albemarle County Public Schools are currently in the study period for the parcel. This purchase is recommended to be funded by:

- \$750,000 from the CFA Institute Summer Rental Fund. This Fund was established to account for the revenue collected from the CFA Institute for the annual summer rental of Monticello High School. The revenues collected were used for the maintenance of the building due to the wear and tear from use of the facility. The CFA Institute ended their program at Monticello High School facility at the beginning of the COVID-19 pandemic, and no revenues continue to be collected.
  - \$1,150,000 in the Capital Fund's fund balance. This recommended use of fund balance was considered in the context of the Recommended FY 25-29 Capital Improvement Plan.

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

**RESOLUTION TO APPROVE  
ADDITIONAL FY 2024 APPROPRIATIONS**

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

- 1) That Appropriations #2024028; #2024029; #2024030; and #2024031 are approved;
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2024.

\* \* \* \*

APP#	Account String	Description	Amount
2024028	3-8405-51000-351000-510100-9999	SA2024028 Donation Funds Fund Balance	\$25,044.00
2024028	4-8405-33001-493000-931000-9999	SA2024028 Transfer from Donations Fund	\$25,044.00
2024028	3-1000-33001-351000-512008-9999	SA2024028 Transfer from Donation Fund	\$25,044.00
2024028	4-1000-33500-432000-601000-9999	SA2024028 Use of Donations	\$22,544.00
2024028	4-1000-33500-432000-610200-9999	SA2024028 Use of Donations	\$2,500.00
2024028	4-1000-33300-432000-610100-9999	SA2024028 Use of Donations	\$17,244.00
2024029	3-4600-73000-352000-510100-9999	SA2024029 CACVB Fund Balance	\$6,584.27
2024029	4-4600-73000-481000-930023-9999	SA2024029 FY'23 Albemarle Admin Fees for Quarter 4, Invoice FY2023-00000836	\$6,584.27
2024030	3-5440-15001-324000-240440-9999	SA2024030 DCJS-COMMUNITY CORRECTION	\$44,427.00
2024030	4-5440-15001-431000-593000-0007	SA2024030 Pass Thru Grant	\$43,982.73
2024030	4-5440-15001-431000-390004-9999	SA2024030 Administrative Services	\$444.27
2024031	3-3145-63145-351000-510100-6599	SA2024031 sa2024031 School Purchase of Property Project Hornet	\$750,000.00
2024031	4-3145-63145-351000-939999-6599	SA2024031 sa2024031 School Purchase of Property Project Hornet	\$750,000.00
2024031	3-9000-69000-351000-512005-9016	SA2024031 sa2024031 School Purchase of Property Project Hornet	\$750,000.00
2024031	3-9000-69000-352000-510100-9016	SA2024031 sa2024031 School Purchase of Property Project Hornet	\$1,150,000.00
2024031	4-9000-69985-466550-800750-9016	SA2024031 sa2024031 School Purchase of Property Project Hornet	\$1,900,000.00

Item No. 8.2. Rivanna Solid Waste Authority Ivy Materials Utilization Center FY 25 Fees and Charges.

The Executive Summary as forwarded to the Board states that the Rivanna Solid Waste Authority (RSWA) operates the Ivy Materials Utilization Center (MUC) on behalf of Albemarle County and City of Charlottesville. The site includes a solid waste transfer station, which receives Municipal Solid Waste (MSW) from trash haulers and the public. A variety of other materials are collected at the facility, as detailed in the Rate Schedule included with a letter from the RSWA Executive Director dated February 12, 2024 (Attachment A). Albemarle County has full fiscal responsibility for covering all costs associated with the transfer station, after revenue from tipping fees is accounted for. A 2016 amendment to the Ivy MUC Programs Agreement between the County and RSWA was the vehicle by which the transfer station was constructed. The agreement specifies that any changes to tipping or other fees must be requested by the majority vote of the Albemarle County Board of Supervisors, prior to adoption by the RSWA Board of Directors (Attachment B).

In response to a steady increase in annual tonnage received, rising costs for operation of Ivy MUC, and local market rates, the RSWA Executive Director formally proposed in a letter dated February 12, 2024 (Attachment A) and as part of the March 6, 2024 budget work session that the Board of Supervisors consider an increase in tipping fees for MSW (from \$54 to \$58 per ton), Construction Debris (from \$54 to \$58 per ton), and Vegetation/Yard Waste (from \$50 to \$54 per ton). RSWA and County staff have weighed the potential financial implications of the proposed fee adjustments and concur that they would have no substantial impact on the amount of annual tonnage received, and that the proposed tipping fee adjustments reflect a prudent response to increasing costs.

The proposed increase in the MSW tipping fee rate would reduce the anticipated County FY 25 financial contribution for the operation of the Ivy MUC. The amount of the reduction would depend upon tonnage of waste processed through the facility, but is estimated to be \$290,000 in FY 25.

Staff recommends that the Board adopt the Resolution (Attachment C) to request the proposed adjustments of tipping fees and other charges.

**By the above-recorded vote, the Board adopted the resolution of intent as presented in Attachment C, to request the proposed adjustments of tipping fees and other charges:**

**RESOLUTION TO REQUEST THAT THE RIVANNA SOLID WASTE AUTHORITY  
CHANGE CERTAIN FEES AND OTHER CHARGES FOR  
THE IVY MATERIAL UTILIZATION CENTER**

**WHEREAS**, the May 4, 2016 Amended and Restated Ivy Material Utilization Center (MUC) Programs Agreement between the County of Albemarle and the Rivanna Solid Waste Authority (RSWA) provides that the RSWA shall propose any changes to tipping fees and other charges for use of the Ivy MUC for adoption by the RSWA's Board of Directors as requested by majority vote of the Board of Supervisors; and

**WHEREAS**, by letter dated February 12, 2024, the RSWA Executive Director has proposed changes to three fees or other charges for the Ivy MUC; and

**WHEREAS**, the Board of Supervisors finds that it is in the best interest of the County to request that the RSWA adopt the three changes proposed by the RSWA Executive Director.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby requests that the RSWA adopt all changes to fees and other charges for the Ivy MUC that were proposed by letter of the RSWA Executive Director dated February 12, 2024.

**BE IT FURTHER RESOLVED** that the Albemarle County Board of Supervisors hereby directs the Director of the Facilities and Environmental Services Department to forward a certified copy of this resolution to the Rivanna Solid Waste Authority.

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Item No. 8.3. Rivanna Futures Land Use Applications.

The Executive Summary as forwarded to the Board states that on May 24, 2023, the Board of Supervisors announced its intent to purchase 462 acres to protect the security of the existing Rivanna Station and to facilitate development supportive of and consistent with Rivanna Station. On June 21, 2023, the Board conducted a public hearing and adopted a resolution to expressly authorize development of business and industry on the acquired property. In December 2023, Albemarle County acquired the property following a due diligence analysis.

The current zoning of the acquired land (Planned Residential Development and Rural Areas) does not permit the business and industrial development envisioned by the Board of Supervisors. To strengthen the County's efforts to build partners for site readiness and site development, addressing the permissible uses of the Development Area parcels is deemed a critical path on this project. Staff recommends that the Board authorize the County Executive to submit the following applications on behalf of the County (as property owner) to advance the future development of the Development Area portions of the acquired property:

- Rezone to Light Industry (LI) to facilitate the County's economic development efforts and improve the County's ability to qualify for grant funding of improvements.
- Obtain a special use permit for office use, which would allow supportive office uses for Rivanna Station.- Obtain a special exception for residential use, which would allow worker housing to be provided onsite for employees and their family members.

This approach would provide flexibility while the County further develops a conceptual master plan, develops partners, and applies for state and federal funding opportunities to support the project.

The proposed Resolution (Attachment A) authorizes the County Executive to submit certain applications on behalf of the County, as property owner. Those applications would then be subject to review by staff and the Planning Commission (as applicable) and to final approval by the Board of Supervisors.

The Economic Development Fund would support contract services for the development of application materials to make the application, if approved by the Board.

Staff recommends that the Board adopt the proposed Resolution (Attachment A).

**By the above-recorded vote, the Board adopted the resolution as presented in Attachment A:**

**RESOLUTION TO AUTHORIZE THE COUNTY EXECUTIVE TO SUBMIT  
APPLICATIONS BOTH TO REZONE COUNTY PROPERTY AND FOR A SPECIAL  
USE PERMIT FOR COMMERCIAL OFFICE AND FOR RESIDENTIAL USES ON  
COUNTY PROPERTY KNOWN AS RIVANNA FUTURES**

**WHEREAS**, the Board of Supervisors finds that it is in the best interest of the County to authorize the County Executive to submit an application with proffers to rezone County-owned property known as Rivanna Futures from Planned Residential Development and Rural Areas to Light Industry; and

**WHEREAS**, the Board of Supervisors finds that it is in the best interest of the County to authorize the County Executive to submit an application for a special use permit to allow for commercial office use on the proposed Development Area portion of the Rivanna Futures property; and

**WHEREAS**, the Board of Supervisors finds that it is in the best interest of the County to authorize the County Executive to submit an application for a special exception to *County Code* § 18-5.1.21 to allow

residential development associated with employment generating uses;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Albemarle County, Virginia hereby authorizes the County Executive to submit the following applications regarding the County-owned property known as Rivanna Futures: (i) to rezone the property to Light Industry (with proffers), (ii) for a special use permit for commercial office use on the property, and (iii) for special exception(s) to County Code § 18-5.1.21 to allow residential development associated with employment generating uses on the property.

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Item No. 8.4. Proposed Abandonment, Additions, and Corrections of Portions of Rio Mills Road (Route 643).

**By the above-recorded vote, the Board adopted the resolution for the abandonment, additions, and corrections of portions of Rio Mills road (Route 643):**

#### **RESOLUTION**

**WHEREAS**, portions of Rio Mills Road (currently Route 643, to be re-designated as Route 843) have been realigned and new segments constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

**WHEREAS**, the Virginia Department of Transportation has inspected these new street segments and found them to be acceptable for maintenance; and

**NOW, THEREFORE, BE IT RESOLVED** by the Albemarle County Board of Supervisors, this the 20<sup>th</sup> day of March, 2024, that the old segments of Route 643, identified in the "Abandonment" section of the attached Form AM-4.3, are no longer needed as part of the Secondary System of State Highways, as new road segments serve the same citizens as the old segments and are hereby requested to be deleted and/or abandoned by the Virginia Department of Transportation pursuant to § 33.2-912, *Code of Virginia*, 1950 amended.

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Item No. 8.5. VDOT Monthly Report (March) 2024, **was received for information.**

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Agenda Item No. 9. **Action Item:** Public Private Transportation Act Guidelines.

The Executive Summary as forwarded to the Board states that the Virginia Public-Private Transportation Act of 1995 (PPTA), codified in Chapter 18 of Title 33.2 of the Code of Virginia, provides a framework for transportation public-private partnerships (P3s), enabling public entities in Virginia to enter into agreements with private entities to develop and/or operate qualifying transportation facilities. The PPTA's purpose is to encourage investment by private entities by providing more flexible and efficient approaches to finance and operate transportation facilities, to improve safety, reduce congestion, and increase capacity. The PPTA provides alternative financing structures, expedited project execution, and "deal structures" that are beneficial to both parties, when there is a finding of public interest for a transportation project.

Before the County may procure under the PPTA, the Board of Supervisors must first adopt guidelines that articulate the process to be followed by staff, including the establishment of a team to review proposals.

The proposed PPTA guidelines are provided as Attachment A. The guidelines establish procedures for how to receive and review unsolicited proposals as well as how to solicit proposals for County identified transportation projects; the schedule to review proposals; the form that proposals must take; posting requirements for proposals; proposal evaluation and selection procedures; and other areas.

If adopted, the guidelines enable use of the PPTA to meet the County's transportation needs by forming a P3 to deliver a project with significant benefits to residents.

There is no budget impact associated with adoption of the guidelines. The terms of an individual agreement using PPTA would identify local funding obligations.

Staff recommends the Board adopt the Resolution (Attachment B) to approve the Public Private Transportation Act Guidelines (Attachment A).

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Mr. Lance Stewart, Director of Facilities and Environmental Services (FES), said that he would present an option for the Board of Supervisors' consideration regarding their transportation projects. He said that first, he would provide some background on why this recommendation was being made, followed by a detailed explanation of what it was and its potential benefits for their community. He said that he would discuss the recommended guidelines, explaining their importance and why their adoption was being requested. He said that finally, he would present resolution language in case they wished to make a motion to adopt these guidelines and briefly touched upon the subsequent steps.



Mr. Stewart said that they were undoubtedly familiar with the nature of transportation projects and infrastructure projects in general. He said that these projects tend to be slow-moving, expensive, and subject to increasing costs over time. He said that they had witnessed significant increases in construction costs over the past four years. He said that all local governments, including theirs, must make increasingly difficult decisions about investment allocation, striving for efficiency.

Mr. Stewart said that historically, transportation projects had relied on partnerships with the state through VDOT funds. He said that this process was both competitive and slow, with funding often only available in distant years. He said that although these funds were beneficial, they contributed to slower project delivery and higher costs. He said that to address these challenges, staff had been exploring alternative strategies for more efficient operation.

Mr. Stewart said one such alternative strategy was the Public-Private Transportation Act (PPTA), which they had been examining. He said that generally, it was part of the Code of Virginia and had been in place since 1995. He said that this legislation allowed for partnerships between the private sector and the public sector, hence the name Public-Private Transportation Act. He said that typically, it had been used in the past for large projects such as roadway improvements, tunnels, bridges, often toll roads, park and ride facilities, sidewalks, and shared use paths.

Mr. Stewart said that a multimillion-dollar effort on Interstate 66 in northern Virginia was an example of a significant project under this act. He said this act was similar to the P3s that they were more familiar with, which were economic development based. He said that this allowed either localities to seek partners or potential partners to approach localities for investments that were in the best interests of the community and the private sector.

Mr. Stewart said that deal structures could be very different from the traditional process, which involved securing funding, engaging an engineer, designing a project, bidding it out, and constructing it if funds were available. He said that this act allowed for unique opportunities such as building a toll road to increase capacity, for instance on Route 29 North, where someone might cover all costs to construct the road but collect tolls for the next 30 years.

Mr. Stewart stated that there were several key elements to the success of this kind of partnership for localities or state agencies like VDOT. He said that it could enable projects that could not happen without support and participation from the private sector. He said that according to the Public-Private Transportation Act, a project must be in the best interest of the local public good. He said that elected officials, in the case of communities, must make a determination that a specific project was advantageous for the public good but also made sense for the private sector.

Mr. Stewart said that in some instances, this approach could expedite project development and execution. He said that for example, a project that might typically take four or five years to be funded by VDOT, followed by a design process lasting eight to ten years, could instead be completed more swiftly using this model.

Mr. Stewart said that he briefly mentioned that both communities and the Department of Transportation could solicit proposals. He said that they could identify a project they believed may interest others and put out a request for proposals or a request for information, which was slightly different. He said that this asked the private sector to respond, indicating whether a proposed project made sense to them before they invested more time in drafting a detailed statement of their requirements and acceptable deal structures.

Mr. Stewart said that before issuing solicited proposals, they typically presented the project to the Board of Supervisors, explaining its potential benefits from exploring this option. He said that if they received responses, a team of staff members would review these proposals, make a recommendation to the County Executive, and ultimately make a recommendation to the Board of Supervisors, who might agree to execute an agreement for the project.

Mr. Stewart said that they could also accept unsolicited proposals. He said that in cases where the private sector believed they could execute or fund a project less expensively and more quickly while still benefiting from the arrangement, they might submit a proposal without the County initiating any action. He said this would require sufficient information for County staff to assess it effectively. He said that if it appeared worth considering, their subsequent step would likely involve issuing a request for proposals based on the data obtained from the unsolicited proposal. He said that this process ensures they were not exclusively benefiting the initial applicants and helps secure a favorable agreement through competition.

Mr. Stewart said that in order to utilize the state ordinance, they must establish a set of guidelines as per its requirements. He said their research on similar community guidelines reveals that they primarily restate the state code requirements. He said that they also consider the various forms of government, so for the County Executive form of government, it would be the County Executive who determined who would be on the review team. He said that the title of the chief financial officer may also vary from organization to organization.

Mr. Stewart said that their drafted guidelines designate specific members of the selection committees, such as the County Executive or their designee, the Chief Financial Officer, the Planning Director, the Facilities and Environmental Services Director, and potentially other individuals at the County Executive's discretion. He said that additionally, VDOT participants may be invited if deemed

beneficial. He said that these guidelines align well with the state code.

Mr. Stewart said that they have identified several project types that could benefit from this approach. He said that adopting the guidelines allows them to move forward, but that they needed to know what a good project looked like. He said that any project pursued must benefit both their community and the private sector in order to be considered. He said that projects in the Development Areas likely hold the most promise, citing a park-and-ride facility like the one planned near Crozet at the 250/64 intersection as an example.

Mr. Stewart said that he would provide specific examples of projects that could potentially benefit from public-private partnerships. He stated the Rivanna Futures Project involved the extension of a road, connection to Route 29, and extension of utilities, and could potentially benefit from a partnership with developers in the private sector. He said that the Eastern Avenue project had experienced inadequate funding due to rising costs, so staff believed this would also be a viable opportunity for the final extension to have the road, the bridge, and sidewalks added to complete the pedestrian connectivity. He said that Berkmar Drive extension all the way to Airport Road also had interested developers, making it another potential candidate for a public-private partnership.

Mr. Andrews said that he wanted to call attention to the fact that the blue sheet provided to the Board that showed a four-word omission in the draft available online at page 12, part 4C, number 8. He said that the correct sentence should be: "Proposed contingency plans for addressing public needs if the project is not completed on schedule, and how the risk and liability for delays is to be apportioned." He thanked Mr. Gallaway for pointing this out.

Ms. McKeel asked what the role of the Economic Development Authority (EDA) would be with this strategy.

Ms. Stewart said that it was similar to but not the same as the enabling state code concerning the EDA. He said that the EDA possessed powers extending beyond this scope. He said that while they could involve road projects, but generally, those investments must support an economic development initiative for such projects to proceed.

Mr. Stewart said that for instance, Hillsdale Drive's portion adjacent to Kmart was constructed through a public-private partnership. He said that this venture, spearheaded by the Charlottesville Economic Development Authority, demonstrated clear economic benefits and received partial funding from the developer of the Whole Foods property. He said that this strategy provided a separate framework for cases where transportation projects lacked evident economic advantages.

Ms. McKeel said that after reviewing slide 8, she had a question regarding the transparency in the process. She said that given that they adhered to RFP (Request for Proposals) guidelines, there were restrictions around that, but at some point the community would be aware of this. She asked if Mr. Stewart could provide more information.

Mr. Stewart said that by following the state code, staff would initiate the process by presenting a determination and recommendation from the County Executive to the Board of Supervisors. He said that this recommendation would assert that pursuing the matter at hand was in the public's best interest. He said that afterward, there would be a public discussion, resulting in a decision made by the Board to issue a solicitation.

Mr. Stewart said that if attractive proposals are received, subsequent steps would involve presenting the proposed deals, obtaining Board direction, then negotiating a final agreement. He said that this process would be transparent, with the proposal not being posted on the procurement page due to it falling outside the Virginia Public Procurement Act. He said that it would be necessary to prominently advertise the solicitation elsewhere on their website.

Ms. McKeel she noticed a single bullet point on this page that piqued her curiosity. She said that the County must publish notice that the proposal is under consideration and may issue an invitation for others to participate. She asked if the word "may" implied that they were not required to do so.

Mr. Stewart said that was correct. He said that he had misstated it earlier, and they were not required in that condition to issue a request for proposals, but it was an option.

Mr. Gallaway said that it appeared that both department heads and the County Executive could name a designee. He said that he was assuming that the County Executive or their designee from the County Executive's office would always be part of the process as part of the committee. He asked if the intention was to involve the County Executive's Office throughout the entire process, alongside department heads and potentially VDOT.

Mr. Jeff Richardson, County Executive, said that he believed this situation would attract a higher degree of scrutiny and involvement from the County Executive's office due to its rarity. He said that given its elevated profile, it would be customary for individuals such as Ms. Wall, Mr. Henry, or himself to engage at a more routine level.

Mr. Gallaway said that on page 8, a table was presented, showcasing various timelines ranging from one to five months and one to two months. He asked if these timelines were developed by their team or based on best practices derived from other PPTAs in existence. He asked what guided the

development of these timelines.

Mr. Stewart said that he believed the estimate originated from other guidelines they researched that detailed similar processes. He said that they drew upon examples found elsewhere and adapted them to their own limited experience in this type of deal. He also said that their previous involvement in procurement and negotiation processes was certainly beneficial.

Mr. Gallaway said that overall, for getting transportation projects done, this was a shortening, even what was on these tables. He said that one advantage of pursuing this option was the reduced time it takes to get the project up, running, and completed. He noted that some areas had extensive time frames. He said that he was not suggesting any changes but expressed gladness that one-month and two-month deadlines were better than 12-month and 14-month ones in certain sections.

Mr. Gallaway said that staff may need to remind the Board of this table in the future so they could keep track of project timelines. He said that his hope was that staff aimed to expedite projects and use the flexibility provided by these timelines amidst other County matters when necessary. He said that referring to page 12, number one, it requested applicants to conduct both a fiscal impact analysis and a transportation needs analysis. He asked if he understood that correctly.

Mr. Stewart said that some of the details of this proposal were opaque to them at this time. He said that it had been challenging to find similar projects to the scale that they might do locally for comparison. He said that Eastern Avenue was a significant project for their community, long overdue. He said that as an example, the design and outcome for an Eastern Avenue project were relatively straightforward.

Mr. Stewart said that if their comparables included a 20-mile enhancement of Interstate 66 with parking garages, toll lanes, and park and ride facilities, that was quite complex. He said that they had not yet found a completed deal for a community like theirs, involving a project of this type. He said that they still did not have all the answers yet. He said that after securing the approval of the guidelines that day, they intended to reach out to peer agencies and localities to gather more detailed information.

Mr. Gallaway said that it was stated on page 20 that there is a notation requiring it to be certified and a certification was sent to either the Governor and/or the General Assembly. He asked whether those entities could interfere with this type of project.

Mr. Stewart said that he did not recall offhand, so he would have to return to the Board with the answer to that question.

Mr. Gallaway said that he was concerned that their efforts may be halted if they required support from the state legislature and Governor. He asked whether it was a mere formality, a sign-off, perhaps due to its connection with state code, or if there was more to it procedurally. He said that while he did not think many local projects would be objectionable to those offices, he would like to know the potential implications of the certification at the state level. He said that regarding page 21, he saw the days for publicly posted notice and other items related to public notification, but in Section H, number two, it said "may set a public hearing." He asked if a public hearing was required for these projects or not.

Mr. Stewart said that he did not believe that they were required.

Mr. Gallaway asked if it the notice would be similar to their published notice for a public hearing, without the requirement of the public hearing.

Mr. Stewart said that was correct.

Mr. Gallaway said that it seemed to be a great tool and it could be very helpful to get things done in the County, so he hoped that whether they were solicited or unsolicited, they could see something over the next 12 months to make progress and utilize this method for some of their projects.

Ms. Mallek said that she was reassured knowing that the legal experts had taken care of the wording since she found it quite complex in her understanding. She said that it was understandable that not all details were written yet, as they would likely be added as the first project commenced and they learned more, serving as a learning process for everyone involved. She said that she was hopeful that this process may facilitate structured parking, which would be necessary in several Growth Areas around their region. She said that she looked forward to its progress.

Mr. Andrews said that on slide 8, it mentioned that after staff evaluation, the County must publish notice of the proposals being considered and may issue a notice inviting others to submit a proposal. He said that upon examining the text on page five, he noted that if the County wished to proceed with a specific proposal, they will publish a notice inviting others to submit competing proposals.

Mr. Stewart said that there was a competing "may" and "must" in those guidelines, so he would defer to the County Attorney for that answer.

Mr. Andrews said that the language in the guidelines said that "after accepting an unsolicited proposal, the County will publish a notice." He said that it was not inconsistent with this, but there was a difference between the one being considered and one to be accepted. He said that with the one that was to be accepted, then there had to be a published notice. He said that this was how he read this.

Mr. Andrews said that regarding the public hearing process, initially, he had interpreted the public comment period as a 30-day window before entering the agreement during which a public hearing could take place. He said that he was unsure if it was mandatory and would appreciate further clarification on this point. He said that he thought it had to do with the time rather than the requirement.

Mr. Stewart said that staff would provide an answer as a follow-up.

Mr. Andrews said that otherwise, he thought it was a great proposal. He said that they would be able to revise the guidelines if necessary, but at this point, they should get started.

Steve Rosenberg, County Attorney, said that he would like to clarify the distinction Mr. Andrews mentioned regarding the public hearing's requirements and related language.

Mr. Andrews said that on Page 5, under section 5A1, unsolicited proposals permitted. He said that in the initial paragraph's final sentence, it mentioned that upon accepting an unsolicited proposal, the County will publish a notice inviting others to submit competing proposals.

Mr. Rosenberg asked where the language indicating permissiveness, may, was located.

Mr. Andrews said that the text on the slide referred to the context of considering proposals. He said that when a proposal was being considered, they may solicit other proposals, while if a proposal had been solicited and accepted, they will publish a notice. He said that he was attempting to clarify the difference between those statements.

Mr. Rosenberg said that the language adopted in the guidelines by the Board was what would be considered, rather than what the slides stated. He said that as drafted, it provided that after accepting the solicited proposal, the County will publish a notice inviting others to submit competing proposals. He said that this was the procedure that would have to be followed.

Mr. Andrews said that he believed this was consistent with unsolicited proposal fees on page 6, which stated a \$5,000 fee for processing, review, and evaluation of unsolicited proposals. He said that if an unsolicited proposal was accepted for publication, the fee would be refunded. He said that at that point, other competing proposals could be considered, and the \$5,000 would be returned. He said that they did not keep the fee if they accepted another proposal or explored alternative options. He said that this policy applied when no one else was interested, and it remained uncertain whether the proposal was worth reviewing. He expressed satisfaction with the current wording and stated that no further changes were necessary.

Mr. Rosenberg said that he believed that the fee would be refunded. He said that he understood that there was a decision made upon receipt of an unsolicited proposal to either further consider it or not. He said that if they chose to further consider it, the publication would be made and the fee would be refunded.

Mr. Andrews said this was his understanding as well. He said if there were no further comments, the floor was open for a motion.

Ms. McKeel **moved** that the Board adopt the proposed Resolution (Attachment A) approving the guidelines, as amended.

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

AYES: Mr. Andrews, Mr. Gallaway, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.

NAYS: None.

ABSENT: Ms. LaPisto-Kirtley

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#### **RESOLUTION TO ADOPT GUIDELINES FOR THE IMPLEMENTATION OF THE PUBLIC-PRIVATE TRANSPORTATION ACT OF 1995**

**WHEREAS**, the Virginia General Assembly has enacted the Public-Private Transportation Act of 1995 (the "PPTA") (Virginia Code § 33.2-1800 *et seq.*); and

**WHEREAS**, the PPTA provides Albemarle County and other responsible public entities with the opportunity to create public-private partnerships for the development of a transportation projects for public use if the County determines there is a need for the project and that the use of PPTA procedures may provide the project to the public in a more timely or cost-effective fashion; and

**WHEREAS**, Virginia Code § 33.2-1802 requires that the Board adopt guidelines before the County may request or consider a proposal for a qualifying project under the PPTA; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Albemarle County, Virginia that the PPTA Guidelines are hereby adopted and the Chair of the Board of Supervisors is directed to sign the same.

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Agenda Item No. 10. **Action Item:** Brookhill License Agreements for Improvements on County Property.

The Executive Summary as forwarded to the Board states that the Ashwood Boulevard Connection (future Archer Avenue) was proffered (Attachment A) with the approved ZMA201800011 Brookhill property rezoning on July 17, 2019. There have been various other approvals for this project, including a Special Use Permit (SP201500025), Site Plans, Subdivisions, and Water Protection Ordinance applications. This connector road is shown as an optional roadway network addition included in the Comprehensive Plan and is proposed to provide connectivity parallel to US 29 from Polo Grounds Road to Ashwood Boulevard.

Portions of the proposed roadway connection, grading, stormwater management, and landscaping improvements are located on County-owned Parcel ID 046B5-00-00-001C0. Non-exclusive revocable license agreements would grant legal access to the developer to construct and maintain the improvements, as proffered. This action is to request that the Board authorize the County Executive to sign three revocable license agreements on behalf of the County.

The developer of the Brookhill development proffered to construct this connection, which is designed as a two-lane, divided roadway that would be parallel to US 29 and provide connectivity between Polo Grounds Road and Ashwood Boulevard, both of which are signalized. Extension of Ashwood Boulevard to the Berkmar Drive Extension is included in the Comprehensive Plan.

Construction of the connector road would require clearing and grading of the site and construction of the roadway, including sidewalks, drainage pipes and structures, stormwater management facilities, and planting of new landscaping to buffer the adjacent Forest Lakes neighborhood. Once the road is completed, the Virginia Department of Transportation (VDOT) would assume long-term maintenance responsibilities of the roadway and improvements located within the public right of way. However, long-term maintenance of improvements located outside the right of way would need to be maintained by the developer or Brookhill Master Association. All improvements will be bonded by the developer as required by County Code § 18-32.7.

Proposed improvements are shown on the Landscaping Plan (Attachment B) and the proposed license areas are shown on the Subdivision Plat (Attachment C).

Rather than encumbering County property with permanent easements, staff determined that license agreements would provide the developer with sufficient access to complete and (as applicable) maintain the required improvements. The proposed licenses may be revoked by the County at any time, for any reason, with a 60-day notice.

Three separate license agreements were drafted to address the different types of improvements: grading and roadway, stormwater management, and landscaping.

1. Non-Exclusive Revocable Grading and Road Construction License (Attachment D): This license would grant access to the developer to establish, install, maintain, and repair the roadway improvements, including fill, grading, pavement sections, sidewalks, curb and gutter, drainage pipes and structures, striping and signage, street trees, and other improvements within the license area. All improvements must be constructed to VDOT standards and must be accepted by VDOT into the State Secondary Road System before the developer's bonds are released. This license would terminate upon VDOT acceptance of the road.
2. Non-Exclusive Revocable Stormwater Facility License (Attachment E): This license would grant access to the developer to establish, install, construct, maintain, and repair all grading, drainage and stormwater management facilities, including a stormwater management basin, level spreader, pipes, riprap, drainage structures, a vegetated filter strip, and other improvements within the license area. All improvements must be constructed to County and Department of Environmental Quality (DEQ) standards before developer bonds are released. Though revocable, this license is intended to allow maintenance of the stormwater management facilities by Brookhill Town Center, LLC (or its successors) indefinitely.
3. Non-Exclusive Revocable Landscaping License (Attachment F): This license grants access to the developer to establish and maintain all buffer landscaping within the license area. Again, though revocable, this license is intended to allow maintenance of the landscaping area by the Brookhill Master Association indefinitely.

Staff time associated with this request is already factored into the approved development plan. There is no additional budget impact.

Staff recommends that the Board adopt the attached Resolution (Attachment G) authorizing the County Executive to sign proposed license agreements with the developer to construct and maintain the Ashwood Boulevard Connection and associated improvements on County property, once the licenses have been approved to form and substance by the County Attorney.

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Mr. Frank Pohl, County Engineer, said that he was presenting a proposal for authorization for the County Executive to sign license agreements for improvements on County property. He said that the parcel in question, ID 46-B51C, was located at the corner of Ashwood Boulevard and US-29, as depicted

on the right-hand side of the provided photo.

Mr. Pohl explained that this road was part of the Brookhill project, situated in the lower right-hand corner of the photo. He said that Archer Avenue, also known as the Ashwood Connector, extended from Polo Grounds Road to Ashwood Boulevard. He said that the project required several approvals, including ZMA 2015-7 and 2018-11 with proffers, a special use permit, various site plans, road plans, subdivision plats, WPO (Water Protection Ordinance) applications, and numerous building permits already.

Mr. Pohl said that the completion of the connection was conditioned on two different thresholds for building permits: 500 single-family detached home permits or 800 permits for any dwelling type, whichever came first. He said that currently, there were approximately 630 total permits and 230 single-family detached permits. He said that the builder or developer aimed to stay ahead of their production of units and start constructing the connector road. He said that a portion of Archer Avenue had already been accepted into the secondary system of state highways.

Mr. Pohl provided more details on the licenses concerning the County parcel, which was highlighted in red on the exhibit. He said that the parcel included a VDOT stormwater management facility constructed as part of the widening of Route 29. He said that proposed stormwater management facilities were proposed for on-site treatment to be constructed on each side of the road, both of which would be on County property.

Mr. Pohl said that there was a landscape buffer between the Forest Lakes subdivision and the roadway. He said that the roadway would consist of two lanes including a median, bike lanes, street trees, and 5-foot pedestrian sidewalks on each side. He said that the project also includes a stream crossing and the previously mentioned landscaping buffer between Forest Lakes and the roadway.

Mr. Pohl highlighted that there was another point pertaining to the licensed areas. He pointed out the line shown on the plat that he said was included in the packet and said that the area to the north on the page and to the south for grading, landscaping, and a more permanent type of license agreement. He said that everything in the center section within the right-of-way would be temporary until the road was accepted by VDOT.

Mr. Pohl explained that the three distinct licenses cater to different timeframes and bonding requirements. He said that the first two require bonds; the third does not. He said that the first license covers grading and road construction, encompassing all activities within the right-of-way until improvements are accepted by VDOT, with a detailed list of included tasks provided on the screen.

Mr. Pohl said that the second license pertains to stormwater management facilities, which will be permanent fixtures. He said that instead of entering into a typical stormwater management agreement with the developer, they developed this license to take its place. There will be ongoing maintenance responsibilities, which would be passed onto the developer, then to the HOA (Homeowners Association). He said that lastly, the landscaping license for the buffered area would also involve long-term maintenance obligations.

Ms. McKeel said that she appreciated the presentation and was supportive of connectivity. She said that their goal in the County had been to facilitate moving people around in different ways. She asked for more insight into the specifics of handing over responsibility to an HOA. She mentioned that historically, she had observed issues in her district where HOAs had neglected maintenance, resulting in community dismay when the County became involved later on. She requested Mr. Pohl to clarify how this process would be transparent and mandatory for all residents within the HOA.

Mr. Pohl said that the developer would sign the license agreements, and as part of the turnover process from the developer to the HOA for stormwater management facilities, they would meet with the future HOA board or their representative to explain the responsibilities for maintenance moving forward. He said that this occurred on every project built by developers because the County did not maintain private facilities.

Mr. Pohl said that the facility could be considered a public one as it served a public roadway. He said that the Board had the option to change its mind later, as these were revocable licenses that allowed for the County to take over maintenance responsibility in the future. He said it was uncertain whether this put the Board in an awkward position or not; but the decision was made to use licenses instead of easements on County property to ensure maintenance moving forward but would allow some flexibility on the County side.

Ms. McKeel said that what she specifically referred to were not stormwater issues, but rather other types of concerns, such as maintaining roads and infrastructure, and things like that.

Mr. Pohl said that there had been inquiries regarding this specific matter concerning the upkeep of stormwater facilities from the beginning. He said that ultimately, this was the decision reached. He said that the proposed buffer was also voluntarily proffered by the developer.

Mr. Gallaway said that while this point was not related to today's agenda item, it had recently been brought up in the executive summary regarding the future connection of Ashwood to Berkmar. He said that he did not believe there was any movement on that that would require construction across the road. He said that this topic was prompted by a constituent's question, but no response is necessary at this time. He said he was merely seeking clarification on whether there were any plans currently being

considered for this connection, as their Comprehensive Plan did mention it. He said that Mr. Pohl had mentioned signalization. He asked if he was discussing the signalization of Ashwood and Polo Grounds at 29.

Mr. Pohl said yes.

Ms. Mallek said that she would like to clarify the maintenance of the stormwater feature. She asked if there would be written schedules outlining the tasks required on a regular basis. She added that this should be discussed with the HOA representatives as well.

Mr. Pohl said yes.

Ms. Mallek said that instead of just someday, it was essential to establish a recurring schedule, such as every three years, for completing X, Y, and Z responsibilities to ensure its continued functionality.

Mr. Pohl said that there were guidelines in the regulations for that, and they were incorporated into the approved plans. He said that subsequently, they adhered to the state guidelines for the maintenance.

Ms. Mallek said that it would be best to provide civilians with a list instead of the information from the plan, as they likely would not receive the details of the plan.

Mr. Pohl said that the maintenance schedules would be included on the plans, as per their requirement. He said that they must be present on the plans provided to ensure compliance.

Mr. Andrews asked if there was a motion.

Mr. Gallaway **moved** that the Board adopt the Resolution attached to the staff report as Attachment G.

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

AYES: Mr. Andrews, Mr. Gallaway, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.

NAYS: None.

ABSENT: Ms. LaPisto-Kirtley

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**RESOLUTION TO AUTHORIZE THE COUNTY EXECUTIVE TO SIGN REVOCABLE LICENSE AGREEMENTS FOR CONSTRUCTION OF THE ASHWOOD BOULEVARD CONNECTION AND ASSOCIATED IMPROVEMENTS WITHIN COUNTY PROPERTY AS PART OF THE BROOKHILL DEVELOPMENT**

**WHEREAS**, The Ashwood Boulevard Connection was proffered with the approved ZMA2018000111 Brookhill property rezoning on July 17, 2019; and

**WHEREAS**, legal access by non-exclusive revocable license agreements is needed in order for the developer to construct and maintain the proffered roadway and associated improvements;

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors authorizes the County Executive to sign revocable license agreements on behalf of the County for construction of the Ashwood Boulevard Connector road, stormwater management, and landscaping improvements on County-owned property located in the Brookhill development, once the licenses are approved as to form and substance by the County Attorney.

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This document was prepared by:  
Albemarle County Attorney  
County of Albemarle  
401 McIntire Road  
Charlottesville, Virginia 22902

Parcel ID Number 046B5-00-00-001C0

This instrument is exempt from taxation under *Virginia Code* §§ 58.1-811(A)(3) and/or 58.1-811(C)(4) and from Clerk's fees under *Virginia Code* § 17.1-266.

**NON-EXCLUSIVE REVOCABLE LANDSCAPING LICENSE**

March 26 **THIS NON-EXCLUSIVE REVOCABLE LICENSE** (the "License") dated March 26, 2024, is by and between the **COUNTY OF ALBEMARLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (hereinafter referred to as the "County" or "Licensor") and **BROOKHILL MASTER ASSOCIATION, INC.**, a Virginia non-stock corporation (hereinafter referred to as the "Association" or "Licensee").

**WHEREAS**, the County is the fee simple owner of Parcel ID Number 046B5-00-00-001C0, located in Albemarle County, Virginia.

**WHEREAS**, the County desires to grant to the Association a non-exclusive revocable license to use certain portions of Parcel ID Number 046B5-00-00-001C0, described below as the "Licensed Premises," for the purposes hereinafter set forth, subject to the terms and conditions set forth in this License.

**WITNESS:**

**NOW, THEREFORE**, for and in consideration of TEN DOLLARS (\$10.00), cash in hand paid and in consideration of the mutual premises stated herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the County and the Association hereby agree as follows:

**1. Grant of License.** Subject to the terms and conditions set forth herein, the County hereby grants to the Association a non-exclusive revocable license within the Licensed Premises to establish and maintain landscaping. The Licensed Premises consists of those certain areas shown as "New V/W Temporary Grading and Construction Area" and "New V/W Temp. Grading & Construction Area" on that certain plat of Roudabush, Gale & Assoc., Inc., dated October 17, 2022, last revised February 2, 2024, and titled "Plat Creating Various Public Easements and Boundary Line Adjustments Creating an Extension of Archer Avenue on Tax Map Parcels: 46E-9-A, 46E-10-E, 46B5-1C, and 46E-A, Rivanna Magisterial District, County of Albemarle, Virginia."

**2. Establishment and Maintenance of Improvements.** As a condition of subdivision approval, the Association must establish and maintain, at its sole cost and expense, all landscaping specified in the road plans/site plan approved with SUB202200142 (collectively, the "Improvements") within the Licensed Premises.

All Improvements within the Licensed Premises will be and remain the property of the County.

**3. Maintenance of Licensed Premises and Improvements.** The Association must maintain, at its sole cost and expense, the Licensed Premises and Improvements. The County has the right, but not



the obligation, to maintain the Licensed Premises and/or any Improvement(s) in the event that the Association fails or otherwise refuses to do so, and, thereafter, the County will be entitled to reimbursement from the Association for the reasonable costs associated therewith.

4. **Rights of the Association Associated with Maintaining the Licensed Premises.** The Association its agents, employees and contractors may enter the Licensed Premises under the following terms:

A. **Right of Ingress and Egress.** The Association may enter the Licensed Premises at any time for the purpose of establishing, installing, constructing, inspecting, maintaining, and/or repairing the Licensed Premises and will be solely responsible for inspecting, maintaining, and repairing the Licensed Premises and any Improvements thereon.

B. **Right to Disturb, Maintain and Repair the Licensed Premises.**

(i) While establishing, installing and constructing any Improvements, the Association may trim, cut or remove from the Licensed Premises any trees, brush or shrubbery and other natural vegetation; remove and relocate fences, structures or other obstructions within the Licensed Premises; and take other similar action reasonably necessary in its good faith judgment to establish, install and construct any required Improvement(s); and

(ii) After establishing, installing and constructing any Improvements, the Association may trim, cut or remove from the Licensed Premises any trees, brush or shrubbery; remove and relocate fences, structures or other obstructions within the Licensed Premises; and take other similar action reasonably necessary to maintain, operate, use and manage the Licensed Premises.

C. **Obligation to Remove Trash and Other Debris.** The Association must remove from the Licensed Premises all trash and other debris resulting from or otherwise accumulating due to the establishment, installation, construction, maintenance, or repair of the Licensed Premises and/or Improvements.

5. **Termination.**

A. Either the County or its successors may revoke this License at any time and for any reason by giving sixty (60) days' written notice to the Association or its successors of the terminating party's intent to terminate, and this License will automatically terminate without any further action of either party hereto on the date specified in such notice (but not earlier than 60 days after such notice) and may not thereafter be reinstated without the express consent of the County.

B. Within thirty (30) days of the termination of this License or as soon thereafter as practical, if so requested by the County, the Association must promptly remove, at its sole cost and expense, any improvements installed by the Association in the Licensed Premises. If the Association does not promptly complete such removal, the County may either (i) complete such removal and thereafter the County will be entitled to reimbursement by the Association for reasonable costs associated therewith, or (ii) accept ownership of any Improvements and thereupon the County will be the sole owner of said Improvements, which will be deemed a part of the real property and improvements comprising Parcel ID Number 046B5-00-00-001C0, free and clear of any claims, liens, encumbrances or the like of any party.

6. **Non-Exclusivity; Restrictions.**

A. This License is non-exclusive; provided, however, that the County will not grant any license, right, permission, consent or any interest in land that allows the grantee thereof to occupy or enter the Licensed Premises in a manner inconsistent with the terms of this License.

B. Each party will use reasonable best efforts to ensure that no party interferes with the peaceful enjoyment of the other party in the rightful use of the Licensed Premises.

C. The Association may use the Licensed Premises and any Improvements only for the purposes set forth in this License and in accordance with this License. The County may enter the Licensed Premises or any Improvements at any time and from time to time for any purpose that is not inconsistent with the terms of this License. The Association must maintain the Licensed Premises and any Improvements in a neat and orderly fashion at all times, free of refuse and debris and anything that might reasonably pose a hazard or danger to the safety of any person thereupon.

D. No Improvements may be substantially relocated or expanded by the Association within the Licensed Premises without the County's prior written consent in each instance.

7. **Liability.** The County has no affirmative obligation to maintain the Licensed Premises (or any Improvement(s) thereon). Notwithstanding anything to the contrary set forth herein, the County has no liability or obligation with respect to the Licensed Premises, except as related to the gross negligence or malfeasance of the County.

8. **Liability Insurance.** The Association must add the County to the Association's general liability insurance policy as an additional insured with respect to the License granted herein to the Association. The Association must maintain at all times general liability insurance coverage reasonably satisfactory to the County that names the County as an additional insured thereon. The County will not be liable to the Association or the Association's employees, agents, patrons, visitors, or any other person whomsoever, for any injury to person or damage to property, or for any loss, liability, damages or claims resulting on or about or otherwise arising in connection with the Licensed Premises from the use thereof or of any Improvements by the Association, its agents, servants or employees, or any other person. Such insurer, by endorsement upon the policy or policies issued by it or by independent instrument furnished to the County, must give the County thirty (30) days' prior written notice of the effective date of any alteration or cancellation of such policy. If such insurance policy does lapse, with or without notice to the County, this License will automatically terminate without any further action of either party hereto and may not thereafter be reinstated without the express consent of the County.

9. **Hold Harmless.** Notwithstanding any other provision in this License, the Association will protect, defend and save harmless the County from and against any and all liabilities, obligations, losses, claims, damages, demands, penalties, causes of action, costs and expenses (including, without limitation, attorneys' fees and expenses and court costs) of any kinds imposed upon, incurred by, or otherwise asserted against the County on account of (a) any loss or damage caused by the Association or its agents during construction of the Improvements to the Licensed Premises, or (b) any injury to, or death of, any person that may be occasioned by any cause whatsoever pertaining to or otherwise associated with this License or any Improvements, except the gross negligence or malfeasance of the County. The terms of this Section 9 including the Association's indemnity obligations hereunder will survive the expiration or termination of this License.

10. **Reimbursement of Costs.** The Association must reimburse the County for any cost or expenses incurred by the County in maintaining this License or the Licensed Premises, or any Improvements, within thirty (30) working days after receiving a written request from the County for such reimbursement.

11. **Title, Access and Authority.** The County covenants and warrants to the Association that it presently owns the fee simple interest in and to Parcel ID Number 046B5-00-00-001C0, and that the County is duly authorized and empowered to grant this License.

12. **No Dedication.**

A. The Association certifies, represents and declares that it has no title in or to the Licensed Premises nor to the fee or any portion thereof and has not, does not, and will not in the future claim any such title nor any easement (or other rights except as expressly set forth in this License or any future written agreement with the County) on all or any portion thereof.

B. Notwithstanding any other provision in this License, the License herein granted is not intended to and will not effect or constitute a dedication to the Association of the Licensed Premises, and the rights created hereunder are and will remain for the benefit only of the authorized and permitted persons designated herein, including the Association.

13. **Governmental and Other Requirements.** The Association will (a) faithfully observe all applicable laws in the use of the Licensed Premises, (b) bear all costs incurred in the performance of any permitted activities set out herein, and (c) complete all such activities in accordance with, all municipal and county ordinances and codes and all state and federal statutes, rules and regulations, and reasonable rules and regulations established by the County, now in force or which may hereafter be in force.

14. **Miscellaneous Provisions.**

A. **Modifications.** This Agreement may not be modified, except in a writing signed by the County and the Association.

B. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties and supersedes any prior understandings or oral or written agreements between the parties respecting subject matter herein contained.

C. **Assignment.** The Association may not assign or allow another party to assume its interest in this License without the prior written approval of the County in each such instance. Permission to any single assignment will not operate as a waiver of such right to approve any subsequent assignment. This License is not appurtenant to and does not run with the Licensed Premises.

D. **Successors and Assigns.** The covenants, promises, conditions, licenses and agreements contained in this License are binding upon, apply and inure to the parties hereto and their respective heirs, executors, administrators, successors and permitted assigns.

E. **Governing Law.** This License is governed by and construed in accordance with the laws of the Commonwealth of Virginia, principles of conflicts of law notwithstanding.

F. **Recordation; Release.** In the event of recordation of this License, the County and the Association agree to deliver upon the termination of this License an executed document or instrument (in form reasonably acceptable to the County and recordable in the in the Clerk's Office of the Circuit Court of Albemarle County, Virginia) acknowledging the termination of this License and that the Association, for itself, its successor and assigns, expressly relinquishes any and all rights and interest in the Licensed Premises arising under this License, and the Association expressly authorizes the County to record such document or instrument in the aforesaid Clerk's Office upon receipt of same.

The County, acting by and through its County Executive, duly authorized by the Board of Supervisors of Albemarle County, Virginia, does hereby consent to the terms of this License.

The Association, acting by and through its duly authorized agent, does hereby consent to the terms of this License.

WITNESS the following signatures.

LICENSOR

COUNTY OF ALBEMARLE, VIRGINIA,  
a political subdivision of the Commonwealth of Virginia,

By:   
Jeffrey B. Richardson, County Executive


COMMONWEALTH OF VIRGINIA  
CITY/COUNTY OF Charlottesville:

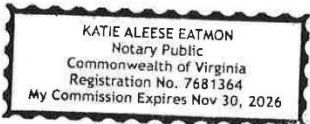
The foregoing instrument was acknowledged before me this 26 day of March,  
20 24 by Jeffrey B. Richardson, County Executive on behalf of the County of Albemarle, Virginia.

  
Notary Public

My Commission Expires: 11/30/2026

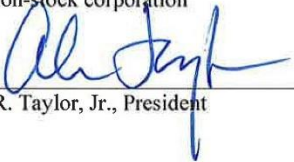
APPROVED AS TO FORM:

  
County Attorney



LICENSEE:

BROOKHILL MASTER ASSOCIATION, INC., a  
Virginia non-stock corporation

By:   
Alan R. Taylor, Jr., President

COMMONWEALTH OF VIRGINIA  
CITY OF CHARLOTTESVILLE:

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of February,  
20 24 by Alan R. Taylor, Jr., President on behalf of Brookhill Master Association, Inc.

  
Notary Public

My Commission Expires: Oct. 31<sup>st</sup> 2027



This document was prepared by:  
Albemarle County Attorney  
County of Albemarle  
401 McIntire Road  
Charlottesville, Virginia 22902

Parcel ID Number 046B5-00-00-001C0

This instrument is exempt from taxation under *Virginia Code* §§ 58.1-811(A)(3) and/or 58.1-811(C)(4) and from Clerk's fees under *Virginia Code* § 17.1-266.

**NON-EXCLUSIVE REVOCABLE GRADING AND ROAD CONSTRUCTION LICENSE**

March 26 THIS NON-EXCLUSIVE REVOCABLE LICENSE (the "License") dated March 26, 2024, is by and between the COUNTY OF ALBEMARLE, VIRGINIA, a political subdivision of the Commonwealth of Virginia (hereinafter referred to as the "County" or "Licensor") and BROOKHILL TOWN CENTER, LLC, a Virginia limited liability company (hereinafter referred to as "Licensee").

WHEREAS, the County is the fee simple owner Parcel ID Number 046B5-00-00-001C0, located in Albemarle County, Virginia.

WHEREAS, the County desires to grant to Licensee a non-exclusive revocable license to use certain portions of Parcel ID Number 046B5-00-00-001C0, described below as the "Licensed Premises," for the purposes hereinafter set forth, subject to the terms and conditions set forth in this License.

**WITNESS:**

NOW, THEREFORE, for and in consideration of TEN DOLLARS (\$10.00), cash in hand paid and in consideration of the mutual premises stated herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the County and Licensee hereby agree as follows:

1. **Grant of License.** Subject to the terms and conditions set forth herein, the County hereby grants to Licensee a non-exclusive revocable license within the Licensed Premises to establish, install, construct, maintain, and repair a road until the Virginia Department of Transportation (VDOT) accepts maintenance thereof. The Licensed Premises consists of the following areas shown on that certain plat of Roudabush, Gale & Assoc., Inc., dated October 17, 2022, last revised February 2, 2024, and titled "Plat Creating Various Public Easements and Boundary Line Adjustments Creating an Extension of Archer Avenue on Tax Map Parcels: 46E-9-A, 46E-10-E, 46B5-1C, and 46E-A, Rivanna Magisterial District, County of Albemarle, Virginia" (SUB202200188):

- (a) "Archer Avenue V/W Public R/W Hereby Dedicated to Public Use 1.745 Ac.,"
- (b) "New V/W Temp. Grading & Construction Area," and
- (c) "New V/W Temporary Grading and Construction Area."

2. **Establishment and Maintenance of Improvements.** As a condition of subdivision approval, Licensee must establish, install, construct, maintain, and repair, at its sole cost and expense, the following improvements (collectively, the "Improvements") required by and shown on the approved "Brookhill – Archer Avenue Extension Road Plan" (SUB202200142) within the Licensed Premises, until VDOT accepts maintenance of said Improvements:

- All road and associated improvements that meet all specifications of both the road plans approved with SUB202200142 and VDOT, and is accepted for maintenance by VDOT, including but not limited to fill, grading, pavement sections, sidewalks, curb and gutter, drainage pipes and structures, riprap, striping and signage, and other improvements

All Improvements within the Licensed Premises will be and remain the property of the County.

3. **Maintenance of Licensed Premises and Improvements.** Until VDOT accepts maintenance of the Improvements, the Licensee must maintain, at its sole cost and expense, the Licensed Premises and Improvements. The County has the right, but not the obligation, to maintain the Licensed Premises and/or any Improvement(s) in the event that Licensee fails or otherwise refuses to do so, and, thereafter, the County will be entitled to reimbursement from Licensee for the reasonable costs associated therewith.

4. **Rights of Licensee Associated with Maintaining the Licensed Premises.** Licensee, its agents, employees and contractors may enter the Licensed Premises under the following terms:

A. **Right of Ingress and Egress.** Licensee may enter the Licensed Premises at any time for the purpose of establishing, installing, constructing, inspecting, maintaining, and/or repairing the Licensed Premises and will be solely responsible for inspecting, maintaining, and repairing the Licensed Premises and any Improvements thereon until VDOT accepts maintenance of the Improvements.

B. **Right to Disturb, Maintain and Repair the Licensed Premises.**

(i) While establishing, installing and constructing any Improvements, Licensee may trim, cut or remove from the Licensed Premises any trees, brush or shrubbery and other natural vegetation; remove and relocate fences, structures or other obstructions within the Licensed Premises; and take other similar action reasonably necessary in its good faith judgment to establish, install and construct any required Improvement(s); and

(ii) After establishing, installing and constructing any Improvements, Licensee may trim, cut or remove from the Licensed Premises any trees, brush or shrubbery; remove and relocate fences, structures or other obstructions within the Licensed Premises; and take other similar action reasonably necessary to maintain, operate, use and manage the Licensed Premises.

C. **Obligation to Remove Trash and Other Debris.** Licensee must remove from the Licensed Premises all trash and other debris resulting from or otherwise accumulating due to the establishment, installation, construction, maintenance, or repair of the Licensed Premises and/or Improvements.

5. **Termination.**

A. Either the County or its successors may revoke this License at any time and for any reason by giving sixty (60) days' written notice to the Licensee or its successors of the terminating party's intent to terminate, and this License will automatically terminate without any further action of either party hereto on the date specified in such notice (but not earlier than 60 days after such notice) and may not thereafter be reinstated without the express consent of the County.

B. Within thirty (30) days of the termination of this License or as soon thereafter as practical, if so requested by the County, Licensee must promptly remove, at its sole cost and expense, any



improvements installed by Licensee in the Licensed Premises. If Licensee does not promptly complete such removal, the County may either (i) complete such removal and thereafter the County will be entitled to reimbursement by Licensee for reasonable costs associated therewith, or (ii) accept ownership of any Improvements and thereupon the County will be the sole owner of said Improvements, which will be deemed a part of the real property and improvements comprising Parcel ID Number 046B5-00-00-001C0, free and clear of any claims, liens, encumbrances or the like of any party.

**6. Non-Exclusivity; Restrictions.**

A. This License is non-exclusive; provided, however, that the County will not grant any license, right, permission, consent or any interest in land that allows the grantee thereof to occupy or enter the Licensed Premises in a manner inconsistent with the terms of this License.

B. Each party will use reasonable best efforts to ensure that no party interferes with the peaceful enjoyment of the other party in the rightful use of the Licensed Premises.

C. Licensee may use the Licensed Premises and any Improvements only for the purposes set forth in this License and in accordance with this License. The County may enter the Licensed Premises or any Improvements at any time and from time to time for any purpose that is not inconsistent with the terms of this License. Licensee must maintain the Licensed Premises and any Improvements in a neat and orderly fashion at all times, free of refuse and debris and anything that might reasonably pose a hazard or danger to the safety of any person thereupon. The County acknowledges and agrees that the Licensed Premises is an active construction site and will be maintained by Licensee as such.

D. No Improvements may be substantially relocated or expanded by Licensee within the Licensed Premises without the County's prior written consent in each instance.

**7. Liability.** The County has no affirmative obligation to maintain the Licensed Premises (or any Improvement(s) thereon). Notwithstanding anything to the contrary set forth herein, the County has no liability or obligation with respect to the Licensed Premises, except as related to the gross negligence or malfeasance of the County.

**8. Liability Insurance.** Licensee must add the County to Licensee's general liability insurance policy as an additional insured with respect to the License granted herein to Licensee. Licensee must maintain at all times general liability insurance coverage reasonably satisfactory to the County that names the County as an additional insured thereon. The County will not be liable to Licensee or Licensee's employees, agents, patrons, visitors, or any other person whomsoever, for any injury to person or damage to property, or for any loss, liability, damages or claims resulting on or about or otherwise arising in connection with the Licensed Premises from the use thereof or of any Improvements by Licensee, its agents, servants or employees, or any other person. Such insurer, by endorsement upon the policy or policies issued by it or by independent instrument furnished to the County, must give the County thirty (30) days' prior written notice of the effective date of any alteration or cancellation of such policy. If such insurance policy does lapse, with or without notice to the County, this License will automatically terminate without any further action of either party hereto and may not thereafter be reinstated without the express consent of the County.

**9. Hold Harmless.** Notwithstanding any other provision in this License, Licensee will protect, defend and save harmless the County from and against any and all liabilities, obligations, losses, claims, damages, demands, penalties, causes of action, costs and expenses (including, without limitation, attorneys' fees and expenses and court costs) of any kinds imposed upon, incurred by, or otherwise asserted against the County on account of (a) any loss or damage caused by the Licensee or its agents during

construction of the Improvements to the Licensed Premises or Archer Avenue, or (b) any injury to, or death of, any person that may be occasioned by any cause whatsoever pertaining to or otherwise associated with this License or any Improvements, except the gross negligence or malfeasance of the County. The terms of this Section 9 including the Licensee's indemnity obligations hereunder will survive the expiration or termination of this License, until such time as the Improvements are accepted for maintenance by the County or VDOT, as applicable.

**10. Reimbursement of Costs.** Licensee must reimburse the County for any cost or expenses incurred by the County in maintaining this License or the Licensed Premises, or any Improvements, within thirty (30) working days after receiving a written request from the County for such reimbursement.

**11. Title, Access and Authority.** The County covenants and warrants to Licensee that it presently owns the fee simple interest in and to Parcel ID Number 046B5-00-00-001C0, and that the County is duly authorized and empowered to grant this License.

**12. No Dedication.**

A. Licensee certifies, represents and declares that it has no title in or to the Licensed Premises nor to the fee or any portion thereof and has not, does not, and will not in the future claim any such title nor any easement (or other rights except as expressly set forth in this License or any future written agreement with the County) on all or any portion thereof.

B. Notwithstanding any other provision in this License, the License herein granted is not intended to and will not effect or constitute a dedication to the Licensee of the Licensed Premises, and the rights created hereunder are and will remain for the benefit only of the authorized and permitted persons designated herein, including Licensee.

**13. Governmental and Other Requirements.** Licensee will (a) faithfully observe all applicable laws in the use of the Licensed Premises, (b) bear all costs incurred in the performance of any permitted activities set out herein, and (c) complete all such activities in accordance with, all municipal and county ordinances and codes and all state and federal statutes, rules and regulations, and reasonable rules and regulations established by the County, now in force or which may hereafter be in force.

**14. Miscellaneous Provisions.**

A. Modifications. This Agreement may not be modified, except in a writing signed by the County and Licensee.

B. Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes any prior understandings or oral or written agreements between the parties respecting subject matter herein contained.

C. Assignment. Licensee may not assign or allow another party to assume its interest in this License without the prior written approval of the County in each such instance. Permission to any single assignment will not operate as a waiver of such right to approve any subsequent assignment. This License is not appurtenant to and does not run with the Licensed Premises.

D. Successors and Assigns. The covenants, promises, conditions, licenses and agreements contained in this License are binding upon, apply and inure to the parties hereto and their respective heirs, executors, administrators, successors and permitted assigns.

E. Governing Law. This License is governed by and construed in accordance with the laws of the Commonwealth of Virginia, principles of conflicts of law notwithstanding.

F. Recordation; Release. In the event of recordation of this License, the County and Licensee agree to deliver upon the termination of this License an executed document or instrument (in form reasonably acceptable to the County and recordable in the in the Clerk's Office of the Circuit Court of Albemarle County, Virginia) acknowledging the termination of this License and that Licensee, for itself, its successor and assigns, expressly relinquishes any and all rights and interest in the Licensed Premises arising under this License, and Licensee expressly authorizes the County to record such document or instrument in the aforesaid Clerk's Office upon receipt of same.

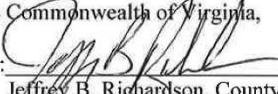
The County, acting by and through its County Executive, duly authorized by the Board of Supervisors of Albemarle County, Virginia, does hereby consent to the terms of this License.

Licensee, acting by and through its duly authorized agent, does hereby consent to the terms of this License.

WITNESS the following signatures.

LICENSOR

COUNTY OF ALBEMARLE, VIRGINIA,  
a political subdivision of  
the Commonwealth of Virginia,

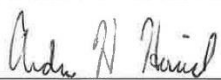
By:   
Jeffrey B. Richardson, County Executive

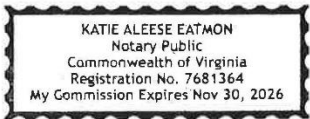
COMMONWEALTH OF VIRGINIA  
CITY/COUNTY OF Charlottesville:

The foregoing instrument was acknowledged before me this 26 day of March,  
20 24 by Jeffrey B. Richardson, County Executive on behalf of the County of Albemarle, Virginia.

  
Notary Public


My Commission Expires: 11/30/2026

APPROVED AS TO FORM:  
  
County Attorney



**LICENSEE:**

**BROOKHILL TOWN CENTER, LLC,**  
a Virginia limited liability company

By:   
Alan R. Taylor, Jr., President

COMMONWEALTH OF VIRGINIA  
CITY OF CHARLOTTESVILLE:

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of February,  
2024 by Alan R. Taylor, Jr., President on behalf of Brookhill Town Center, LLC.



Notary Public

My Commission Expires: Oct. 31<sup>st</sup> 2027



This document was prepared by:  
Albemarle County Attorney  
County of Albemarle  
401 McIntire Road  
Charlottesville, Virginia 22902

Parcel ID Number 046B5-00-00-001C0

This instrument is exempt from taxation under *Virginia Code* §§ 58.1-811(A)(3) and/or 58.1-811(C)(4) and from Clerk's fees under *Virginia Code* § 17.1-266.

**NON-EXCLUSIVE REVOCABLE STORMWATER FACILITY LICENSE**

March 26 THIS NON-EXCLUSIVE REVOCABLE LICENSE (the "License") dated 2024, is by and between the COUNTY OF ALBEMARLE, VIRGINIA, a political subdivision of the Commonwealth of Virginia (hereinafter referred to as the "County" or "Licensor") and BROOKHILL TOWN CENTER, LLC, a Virginia limited liability company (hereinafter referred to as "Licensee").

**WHEREAS**, the County is the fee simple owner Parcel ID Number 046B5-00-00-001C0, located in Albemarle County, Virginia.

**WHEREAS**, the County desires to grant to Licensee a non-exclusive revocable license to use certain portions of Parcel ID Number 046B5-00-00-001C0, described below as the "Licensed Premises," for the purposes hereinafter set forth, subject to the terms and conditions set forth in this License.

**WITNESS:**

**NOW, THEREFORE**, for and in consideration of TEN DOLLARS (\$10.00), cash in hand paid and in consideration of the mutual premises stated herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the County and Licensee hereby agree as follows:

1. **Grant of License.** Subject to the terms and conditions set forth herein, the County hereby grants to Licensee a non-exclusive revocable license within the Licensed Premises to establish, install, construct, maintain, and repair all required erosion and sediment control measures and drainage and stormwater management facilities. The Licensed Premises consists of those certain areas shown as "New V/W Public SWM Facility Area" on that certain plat of Roudabush, Gale & Assoc., Inc., dated October 17, 2022, last revised February 2, 2024, and titled "Plat Creating Various Public Easements and Boundary Line Adjustments Creating an Extension of Archer Avenue on Tax Map Parcels: 46E-9-A, 46E-10-E, 46B5-1C, and 46E-A, Rivanna Magisterial District, County of Albemarle, Virginia" (SUB202200188).

2. **Establishment and Maintenance of Improvements.** As a condition of subdivision approval, Licensee must establish, install, construct, maintain, and repair, at its sole cost and expense, the following improvements (collectively, the "Improvements") as required by and shown on the "Brookhill – Archer Avenue Extension VSMP Plan" (WPO-2022-00040) within the Licensed Premises.

- All grading, drainage, and stormwater management facilities, including but not limited to the stormwater management basin, level spreader, pipes, riprap, structures, vegetated filter strip, and other improvements, and

- All temporary and permanent erosion and sediment control measures, including but not limited to sediment trap, silt fence, baffles, pipes, structures, riprap, dust control, inlet/outlet protection, diversions, and other measures.

All Improvements within the Licensed Premises will be and remain the property of the County.

**3. Maintenance of Licensed Premises and Improvements.** As provided in the separate Stormwater Management Agreement between the parties, the Licensee must maintain, at its sole cost and expense, the Licensed Premises and Improvements. The County has the right, but not the obligation, to maintain the Licensed Premises and/or any Improvement(s) in the event that Licensee fails or otherwise refuses to do so, and, thereafter, the County will be entitled to reimbursement from Licensee for the reasonable costs associated therewith.

**4. Rights of Licensee Associated with Maintaining the Licensed Premises.** Licensee, its agents, employees and contractors may enter the Licensed Premises under the following terms:

A. Right of Ingress and Egress. Licensee may enter the Licensed Premises at any time for the purpose of establishing, installing, constructing, inspecting, maintaining, and/or repairing the Licensed Premises and will be solely responsible for inspecting, maintaining, and repairing the Licensed Premises and any Improvements thereon.

B. Right to Disturb, Maintain and Repair the Licensed Premises.

(i) While establishing, installing and constructing any Improvements, Licensee may trim, cut or remove from the Licensed Premises any trees, brush or shrubbery and other natural vegetation; remove and relocate fences, structures or other obstructions within the Licensed Premises; and take other similar action reasonably necessary in its good faith judgment to establish, install and construct any required Improvement(s); and

(ii) After establishing, installing and constructing any Improvements, Licensee may trim, cut or remove from the Licensed Premises any trees, brush or shrubbery; remove and relocate fences, structures or other obstructions within the Licensed Premises; and take other similar action reasonably necessary to maintain, operate, use and manage the Licensed Premises.

C. Obligation to Remove Trash and Other Debris. Licensee must remove from the Licensed Premises all trash and other debris resulting from or otherwise accumulating due to the establishment, installation, construction, maintenance, or repair of the Licensed Premises and/or Improvements.

**5. Termination.**

A. Either the County or its successors may revoke this License at any time and for any reason by giving sixty (60) days' written notice to the Licensee or its successors of the terminating party's intent to terminate, and this License will automatically terminate without any further action of either party hereto on the date specified in such notice (but not earlier than 60 days after such notice) and may not thereafter be reinstated without the express consent of the County.

B. Within thirty (30) days of the termination of this License or as soon thereafter as practical, if so requested by the County, Licensee must promptly remove, at its sole cost and expense, any improvements installed by Licensee in the Licensed Premises. If Licensee does not promptly complete such

removal, the County may either (i) complete such removal and thereafter the County will be entitled to reimbursement by Licensee for reasonable costs associated therewith, or (ii) accept ownership of any Improvements and thereupon the County will be the sole owner of said Improvements, which will be deemed a part of the real property and improvements comprising Parcel ID Number 046B5-00-00-001C0, free and clear of any claims, liens, encumbrances or the like of any party.

**6. Non-Exclusivity; Restrictions.**

A. This License is non-exclusive; provided, however, that the County will not grant any license, right, permission, consent or any interest in land that allows the grantee thereof to occupy or enter the Licensed Premises in a manner inconsistent with the terms of this License.

B. Each party will use reasonable best efforts to ensure that no party interferes with the peaceful enjoyment of the other party in the rightful use of the Licensed Premises.

C. Licensee may use the Licensed Premises and any Improvements only for the purposes set forth in this License and in accordance with this License. The County may enter the Licensed Premises or any Improvements at any time and from time to time for any purpose that is not inconsistent with the terms of this License. Licensee must maintain the Licensed Premises and any Improvements in a neat and orderly fashion at all times, free of refuse and debris and anything that might reasonably pose a hazard or danger to the safety of any person thereupon. The County acknowledges and agrees that the Licensed Premises is an active construction site and will be maintained by Licensee as such.

D. No Improvements may be substantially relocated or expanded by Licensee within the Licensed Premises without the County's prior written consent in each instance.

**7. Liability.** The County has no affirmative obligation to maintain the Licensed Premises (or any Improvement(s) thereon). Notwithstanding anything to the contrary set forth herein, the County has no liability or obligation with respect to the Licensed Premises, except as related to the gross negligence or malfeasance of the County.

**8. Liability Insurance.** Licensee must add the County to Licensee's general liability insurance policy as an additional insured with respect to the License granted herein to Licensee. Licensee must maintain at all times general liability insurance coverage reasonably satisfactory to the County that names the County as an additional insured thereon. The County will not be liable to Licensee or Licensee's employees, agents, patrons, visitors, or any other person whomsoever, for any injury to person or damage to property, or for any loss, liability, damages or claims resulting on or about or otherwise arising in connection with the Licensed Premises from the use thereof or of any Improvements by Licensee, its agents, servants or employees, or any other person. Such insurer, by endorsement upon the policy or policies issued by it or by independent instrument furnished to the County, must give the County thirty (30) days' prior written notice of the effective date of any alteration or cancellation of such policy. If such insurance policy does lapse, with or without notice to the County, this License will automatically terminate without any further action of either party hereto and may not thereafter be reinstated without the express consent of the County.

**9. Hold Harmless.** Notwithstanding any other provision in this License, Licensee will protect, defend and save harmless the County from and against any and all liabilities, obligations, losses, claims, damages, demands, penalties, causes of action, costs and expenses (including, without limitation, attorneys' fees and expenses and court costs) of any kinds imposed upon, incurred by, or otherwise asserted against the County on account of (a) any loss or damage caused by the Licensee or its agents during construction of the Improvements to the Licensed Premises or Archer Avenue, or (b) any injury to, or death



of, any person that may be occasioned by any cause whatsoever pertaining to or otherwise associated with this License or any Improvements, except the gross negligence or malfeasance of the County. The terms of this Section 9 including the Licensee's indemnity obligations hereunder will survive the expiration or termination of this License.

**10. Reimbursement of Costs.** Licensee must reimburse the County for any cost or expenses incurred by the County in maintaining this License or the Licensed Premises, or any Improvements, within thirty (30) working days after receiving a written request from the County for such reimbursement.

**11. Title, Access and Authority.** The County covenants and warrants to Licensee that it presently owns the fee simple interest in and to Parcel ID Number 046B5-00-00-001C0, and that the County is duly authorized and empowered to grant this License.

**12. No Dedication.**

A. Licensee certifies, represents and declares that it has no title in or to the Licensed Premises nor to the fee or any portion thereof and has not, does not, and will not in the future claim any such title nor any easement (or other rights except as expressly set forth in this License or any future written agreement with the County) on all or any portion thereof.

B. Notwithstanding any other provision in this License, the License herein granted is not intended to and will not effect or constitute a dedication to the Licensee of the Licensed Premises, and the rights created hereunder are and will remain for the benefit only of the authorized and permitted persons designated herein, including Licensee.

**13. Governmental and Other Requirements.** Licensee will (a) faithfully observe all applicable laws in the use of the Licensed Premises, (b) bear all costs incurred in the performance of any permitted activities set out herein, and (c) complete all such activities in accordance with, all municipal and county ordinances and codes and all state and federal statutes, rules and regulations, and reasonable rules and regulations established by the County, now in force or which may hereafter be in force.

**14. Miscellaneous Provisions.**

A. Modifications. This Agreement may not be modified, except in a writing signed by the County and Licensee.

B. Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes any prior understandings or oral or written agreements between the parties respecting subject matter herein contained.

C. Assignment. Licensee may not assign or allow another party to assume its interest in this License without the prior written approval of the County in each such instance. Permission to any single assignment will not operate as a waiver of such right to approve any subsequent assignment. This License is not appurtenant to and does not run with the Licensed Premises.

D. Successors and Assigns. The covenants, promises, conditions, licenses and agreements contained in this License are binding upon, apply and inure to the parties hereto and their respective heirs, executors, administrators, successors and permitted assigns.

E. Governing Law. This License is governed by and construed in accordance with the laws of the Commonwealth of Virginia, principles of conflicts of law notwithstanding.

F. Recordation; Release. In the event of recordation of this License, the County and Licensee agree to deliver upon the termination of this License an executed document or instrument (in form reasonably acceptable to the County and recordable in the in the Clerk's Office of the Circuit Court of Albemarle County, Virginia) acknowledging the termination of this License and that Licensee, for itself, its successor and assigns, expressly relinquishes any and all rights and interest in the Licensed Premises arising under this License, and Licensee expressly authorizes the County to record such document or instrument in the aforesaid Clerk's Office upon receipt of same.

The County, acting by and through its County Executive, duly authorized by the Board of Supervisors of Albemarle County, Virginia, does hereby consent to the terms of this License.

Licensee, acting by and through its duly authorized agent, does hereby consent to the terms of this License.

WITNESS the following signatures.

LICENSOR

COUNTY OF ALBEMARLE, VIRGINIA,  
a political subdivision of  
the Commonwealth of Virginia,

By: [Signature]  
Jeffrey B. Richardson, County Executive

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF Charlottesville:

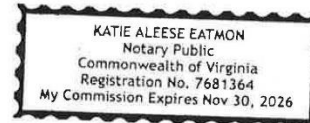
The foregoing instrument was acknowledged before me this 26 day of March,  
20 24 by Jeffrey B. Richardson, County Executive on behalf of the County of Albemarle, Virginia.

[Signature]  
Notary Public

My Commission Expires: 11/30/2026

APPROVED AS TO FORM:

[Signature]  
County Attorney



**LICENSEE:**

**BROOKHILL TOWN CENTER, LLC,**  
a Virginia limited liability company

By:   
Alan R. Taylor, Jr., President

COMMONWEALTH OF VIRGINIA  
CITY OF CHARLOTTESVILLE:

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of February,  
2024 by Alan R. Taylor, Jr., President on behalf of Brookhill Town Center, LLC.

  
Notary Public

My Commission Expires: Oct. 31<sup>st</sup> 2027



**Recess.** The Board recessed its meeting at 2:37 p.m. and reconvened at 2:51 p.m.

Agenda Item No. 11. **Work Session:** AC44 Work Session: Draft Goals and Objectives for Rural Area Land Use and Transportation and Development Areas Land Use and Transportation.

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

At their February 13 and February 27, 2024, work sessions, the Planning Commission provided feedback on draft Goals and Objectives for the following Comprehensive Plan chapters: Development Areas Land Use and Transportation, Community Facilities, and Rural Area Land Use and Transportation. The staff report for both work sessions is provided in Attachment C, which includes the following

information for each Plan topic: a topic overview, key themes from community input, and high-level updates from the 2015 Comprehensive Plan.

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

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

There is no budget impact associated with this agenda item.

Staff recommends that the Board provide feedback on draft Goals and Objectives for these two Comprehensive Plan chapters (Attachments A - B), including any additions or changes based on the Planning Commission's input (Attachment D).

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Ms. Tori Kanellopoulos, Principal Planner, said that she was joined by a number of her colleagues this afternoon to assist in answering questions as needed. She said that today's work session focused on two chapters of the Comprehensive Plan, addressing goals and objectives for the Rural Area and the Development Area. She said she would begin by providing a brief overview of the current status in the AC44 process, explaining how they drafted goals and objectives, and outlining the purpose of this work session.

Ms. Kanellopoulos said that they would then engage in a Board discussion for each chapter. She said she would present a concise review of each chapter and summarize the Planning Commission's (PC's) feedback. She said that they would pause for Board discussions and questions on each topic. She said that each discussion was allotted about a short amount of time, after which they would wrap up with the next steps.

Ms. Kanellopoulos said there were eight plan chapters, each of which had goals, objectives and actions. She said that goals were where they wanted to go, objectives were outcomes or targets to help them accomplish the goals, and actions were the steps to make the plan happen. She said that they were wrapping up the goals and objectives with phase two and would be kicking off phase three later next month, beginning with sharing drafted action steps and planned priorities, as well as sharing metrics to measure their success.

Ms. Kanellopoulos said that there were three steps in phase two. She said that in the first step of this phase, they gathered community priorities by plan chapter, creating a solid foundation for drafting plan recommendations. She said that the second step involved seeking input on planning toolkits for coordinated land use and transportation. She said that this included activity centers, developing procedures for potential future Development Areas expansions, rural crossroads communities, and rural interstate interchanges. She said she would elaborate further on the direction received from the PC and Board regarding these topics. She said that finally, in the third step, they had been sharing draft goals and objectives by each plan chapter.

Ms. Kanellopoulos said that in phase two, various opportunities for community input were provided, including online questionnaires, pop-ups, open houses, Rural Area meetings, community advisory committee meetings, and meetings with their other County committees, including the Economic Development Authority (EDA), Natural Heritage Committee, Architectural Review Board (ARB), Historic Preservation Committee, and Solid Waste Alternatives Advisory Committee (SWAAC).

Ms. Kanellopoulos said that goals and objectives were drafted through an iterative and collaborative process by an interdisciplinary team of County staff in coordination with partner agencies and departments. She said that this involved reviewing the current Comprehensive Plan, incorporating best practices, and using the AC44 framework. She said that refinements and updates were made based on community, County committee, PC, and Board input. She said that the draft goals and objectives incorporated the feedback received during phase two, including insights on challenges, opportunities, priorities, and planning toolkits.

Ms. Kanellopoulos said that the subsequent slides summarized the direction provided by the PC and Board regarding the four planning toolkit topics. She said that it was suggested they update activity center, locations and place types throughout the Development Areas to promote walkable and mixed-use development while supporting growth management policy.

Ms. Kanellopoulos said that additionally, there was a need to prioritize efficient use of Development Areas land over potential expansion, including through redevelopment and encouraging mixed-use centers, and also to draft a process for evaluating and considering potential future Development Areas expansions if deemed necessary in the future. She said that efficient use of Development Area land is a topic on which they sought the board's direction today.

Ms. Kanellopoulos said that for the Rural Area, opportunities were identified to explore small-scale, and community-serving uses and services as well as community resilience hubs. She said this was a topic they would also ask for the Board's input on today. She said that they had been tasked with identifying recommended land uses for Shadwell and Yancey Mills rural interstate interchanges in future small area plans, prioritizing a plan for the Shadwell interchange. She said that the draft Objective 4.2 involved exploring land uses that could support agriculture and silviculture industries.

Ms. Kanellopoulos said that the purpose of this work session was, based on community input to date and the PC's feedback on these topics, to have the Board provide direction to staff on any changes or additions to the draft plan recommendations, allowing staff to proceed with drafting action steps.

Ms. Kanellopoulos said that the draft goals and objectives presented today were identical to those shared through online questionnaires and with the PC. She said that revisions would be made after this meeting to incorporate feedback from the community, County committees, the PC, and the Board.

Ms. Kanellopoulos said they began with their first chapter, which was Rural Area Land Use and Transportation. She said that this highlighted the Rural Area priorities heard throughout the Comprehensive Plan update process and incorporated into the Rural Area chapter.

Ms. Kanellopoulos said that many of these priorities aligned with the current Comprehensive Plan, emphasizing environmental protection and having usable land for agriculture and forestry in the Rural Area. She said that there was a need to consider small-scale land uses in some areas and multimodal transportation for Rural Area community members because about 45% of the County's population lived in the Rural Area. She reiterated that staff sought the Board's feedback on the land use and transportation topics where there was less consensus before moving into action steps.

Ms. Kanellopoulos said that the Rural Area chapter was organized into the following land use and transportation goals, and she wanted to clarify a few of these goals to ensure better understanding of their implementation. She said that the third goal focused on increasing community resilience and equitable access to services and resources in the Rural Area.

Ms. Kanellopoulos explained that this included the concept of resilience hubs, which could be publicly owned facilities or businesses, or community organizations, such as the Yancey Community Center, which had community programs and resources, and could serve as an emergency shelter. She said that resilience hubs in the Rural Area would primarily utilize existing buildings. She said that the goal included the concept of crossroads communities, which would be covered in more detail in the following slides.

Ms. Kanellopoulos explained that the primary purpose of Goal 4 was to use proactive planning for areas with by-right non-Rural Area development potential or existing development based on current zoning, such as properties that were zoned Light Industrial or Highway Commercial. She said that implementation would primarily occur through future small area planning efforts for these areas, which might not require any changes. She said that furthermore, Objective 1.3 aimed to develop and adopt a Rural Area land use plan that focused on protecting and supporting working farms and forests, the natural environment, important areas identified in the Biodiversity Action Plan, and rural landscape context for historic resources.

Ms. Kanellopoulos said that she would skip over the draft goals and objectives language because they had received these in their packets, but she was happy to return to any of these if it was helpful to have the language on the screen.

Ms. Kanellopoulos said that the concept of crossroads communities was included in the 2015 Comprehensive Plan but did not have significant guidance. She said that with AC44, the draft definition of crossroads communities stated that they provided access to essential public services and basic service needs for rural populations more distant from designated Development Area, and could also serve as community resilience hub locations. She said that the draft definition noted that the purpose of this designation was to determine essential services and needs for rural populations.

Ms. Kanellopoulos said they had received substantial input from the community regarding the need for healthcare facilities, gathering spaces, and programs such as job training in the Rural Area. She said there had been interest in certain small-scale uses within these communities, including small medical offices. She said that these communities were not Development Areas designated for economic development. She said that the purpose of identifying crossroads communities was to identify places with active businesses, services, and community spaces that provided goods, services, and places to gather for surrounding community members, to then set up a process for future engagement and planning for these communities. She said that no land use changes, or by-right zoning changes would be recommended during AC44, and it was possible that no land use changes would be desired through future engagement.

Ms. Kanellopoulos said that this was an area where they were asking for the Board's direction on how to proceed with providing more equitable services in the Rural Area while adhering to the Growth Management Policy and rural site constraints. She said that the summary of feedback from the PC and the specific questions for the Board aimed to highlight areas of less consensus and where specific guidance was needed before proceeding with Phase 3. She said that they would appreciate the Board's feedback on any of the draft goals and objectives for this chapter, particularly in addressing the following

questions.

Ms. Kanellopoulos said the first was that at their most recent work session, the PC supported allowing additional small-scale and community-serving uses such as doctors' or dentists' offices and professional offices by special use permit in the Rural Area, specifically in locations with existing businesses and services, and prioritizing adaptive reuse of existing buildings. She said they sought the Board's direction on this recommendation. She said the second question asked whether they should continue with the crossroads community concept and identify specific communities with the Comprehensive Plan update to set up a process for future engagement.

Ms. McKeel said that she appreciated the hard work of the PC and staff thus far. She said that she fully supported the focus on small-scale, community-serving uses for residents, especially in the Rural Area. She said that the concept of crossroads communities included discussion of a small area plan, and she agreed that it was an excellent idea to move forward with this concept. She noted that while she generally favored these plans in theory, it was very important to pay attention to the details. She asked if staff was requesting feedback on the transportation section as well.

Ms. Kanellopoulos said yes, staff was especially seeking feedback on the first two points, but would be glad to have the Board's comments on the other two bullet points provided.

Ms. McKeel said that regarding transportation in the Rural Area, she recalled mention of bicycle and pedestrian transit; however, she was unsure about the feasibility given their limited financial resources. She said that she did not imply that there were not any transportation priorities they could look at, but realistically, they faced challenges with alternative transportation options in the Development Area. She said that she understood walking and biking, and asked if that was recreational biking.

Ms. Kanellopoulos said that the inclusion could encompass recreational biking or walking on rural roads and trails, whether private or public. She said that some of these paths were community-built. She said that staff believed that potential improvements might involve considering wider shoulders when feasible, especially during projects. She said that it was not necessary for these improvements to be large scale.

Ms. McKeel said that limited resources were a concern and her focus was on ensuring people could safely reach necessary destinations such as grocery stores or doctor's offices. She said that this priority arose due to their resource limitations. She said she supported the idea of trails, exploring public-private partnerships and utilizing private land to make it happen. She said that she believed that VDOT had previously agreed to extend pavement while widening Garth Road, as feasible, during paving processes. She said that perhaps Mr. McDermott should verify if this had already been implemented.

Ms. Mallek said that it had been included in the plan since 2002.

Ms. McKeel said that Garth Road was a great example of where there was a small shoulder on both sides, and as VDOT had paved it, they extended the shoulder as far as possible. She said that however, if they tried to extend it into the existing ditches, the costs would rise greatly.

Ms. Jessica Hersh-Ballering, Principal Planner, said that unfortunately, she did not have extensive information regarding Garth Road specifically. She said that within the constraints of the VDOT funding program utilized for paving projects, they typically aimed to maximize both the roadway width and shoulder width. She said that she would look into this matter further, obtain additional details, and provide the Board with more information concerning Garth Road.

Ms. McKeel said that she believed they already had the agreement in question, and was using Garth as an example. She requested confirmation of this, as it provided an alternative method to increase width without constructing additional roads on both sides.

Ms. McKeel said that establishing a comprehensive transit system within the 726 square miles was challenging due to budget constraints. She said that they were currently working on transit, and she proposed that they consider examining a Rural Area transit system eventually with their future Regional Transit Authority. She said that the main concern was financing it. She mentioned that JAUNT was already implementing some transit services in the Rural Area. She said that it was important if they could do it, and expressed caution about raising expectations for a robust transit system in the Rural Area equal to those in the Development Area.

Ms. McKeel said that she strongly supported the concept of resilience hubs, focusing on utilities and wildfire risk as they related to climate change concerns. She said that she endorsed addressing failing septic systems, a pressing issue in the Rural Area adjacent to Development Area. She said that these faulty systems polluted groundwater sources, and many residents could not afford the necessary repairs. She said that to improve water quality, they must address this problem by ensuring proper septic system maintenance.

Mr. Gallaway He said that he was in favor of allowing small-scale and community-serving uses with special use permit because it ensured a thorough evaluation of the site, its specific impacts, and community input before making a decision. He said that this process also required an applicant to propose the project, indicating demand or need for it in that area. He said that he believed this was a good process for considering such uses.

Mr. Gallaway said that regarding the crossroads communities item, he had some thoughts on this, which really was to leave it in the hands of the people who live in those areas. He said that the crossroads communities were established based on local needs. He said that it they should consider whether the County should take responsibility for building community centers in these areas or partner with existing organizations where facilities were required.

Mr. Gallaway said that concerning Yancey, the situation there stemmed from the School Division's decision to close the school. He said that if the school were still operational, some services might be provided on-site, however, would not be providing additional services in that area without the space and building provided by the school's closure. He said that in his opinion, the existence of buildings owned by someone in other crossroad communities, who wished to collaborate with them to offer public services, demonstrated the potential for stimulation similar to bullet point one from the community and from what the local demand was.

Mr. Gallaway said that he agreed that they should provide spaces for people to seek refuge during power outages, particularly during extreme temperatures. He said that whether these facilities should be located in crossroad communities was uncertain; however, it was clear that the County had a responsibility to offer such provisions. He said that their schools as potential shelters seemed like a viable option, along with any available fire stations with capacity. He said that regarding the concept of identifying specific communities, he was somewhat on the fence because he did not want to relinquish the control and the nature of what created the crossroad communities to begin with, which was the local community deciding what to put in that community and the private market determining what went there. He said that their trying to do something with the concept and identify specific communities was government getting in the way of the natural progression of these communities.

Mr. Gallaway said that regarding transportation funding prioritization in accordance with Growth Management Policy while also exploring ways of making walking, biking, and transit safer and more equitable in the Rural Area. He asked what "more equitable" in the Rural Area was being compared to.

Ms. Kanellopoulos said that it was being compared to the current state of today and current available opportunities. She said that they should make sure there was more access while recognizing the difference between the Development Area and Rural Area. She said that providing more opportunities for walking, biking, and public transit as feasible within the constraints of not being designated as Development Areas and not expecting the same level of service.

Mr. Gallaway said that they were not putting walking, biking, and transit infrastructure out in the Rural Area. He said that he would not be supportive of doing that. He said that there were folks at a town hall meeting in Earlysville who wanted to put bike lanes along Earlysville Road, and he said no. He said that the cost of installing bike lanes on Earlysville Road compared to all the other transportation projects they had to do would be crazy. He said that while he understood the desire of cyclists to use this road and did not oppose it, there were numerous other priorities on their over 100-transportation project list that needed addressing before a project of that magnitude and cost. He said that acquiring access from private property owners could complicate matters further.

Mr. Gallaway said that if the focus was on providing spaces for walking and biking, he was open to that approach as long as it aligned with public preferences. He said that however, transportation funding prioritization must be established. He said that the rationale should not differ between Development and Rural Areas; if they had a need, and if there were safety or congestion issues, they should be included in the transportation priorities list. He acknowledged that the challenge would lie in determining their relative ranking among all other projects. He said that he was unsure whether additional improvements were required beyond what had been laid out in the Comprehensive Plan for that.

Mr. Gallaway said that regarding transit, it appeared that part of what was considered for transit in the Rural Area is rightfully and justifiably for the residents living in the Rural Area. He said that they often consider how people who live in the Rural Area can access the Development Area, but did not discuss the reverse scenario.

Mr. Gallaway said that for individuals residing in the Development Area, who did not have any parks within their vicinity and wished to enjoy the Rural Area, the primary mode of transportation was by car. He said that this resulted in impacts that the Rural Area residents aimed to avoid. He said that if they intended to accommodate the majority of their County's population in the Development Area for valid reasons, they must also consider how to provide access to the Rural Area for those who did not reside there while avoiding a mere drive-by experience. He said that he was uncertain about how to address this issue effectively, perhaps with MicroCAT.

Ms. McKeel said that the Regional Transit Authority may be able to address it.

Mr. Gallaway said that the Authority may be able to work on this issue. He said that if they proceeded with a rural transit needs analysis, that would be helpful. He said that he did not view transit in the Rural Area as just moving people around in the Rural Area, just as he did not think of the Development Area transit as just moving Development Area folks around in the Development Area.

Mr. Gallaway said that the responsibility of addressing density-related issues in the Development Area had led to a focus on efficiency. He said that while they must cater to efficiency, they also needed to consider the quality of life for those living there. He said that this was not about expanding the Development or Growth Area but rather ensuring that all County residents had access to public



amenities.

Mr. Gallaway said that some people chose to live in the Development Area, while others chose to live in the Rural Area. He said that nevertheless, the County's public benefits should be accessible to everyone. He said that if transit, if they could figure out how to get the density, it could provide transit alternatives for folks to go to places like breweries or distilleries in Nelson County, then that would probably be beneficial in a lot of ways, including the impact. He said that he did not know the solution to that, but that was one if they thought of transit in that way, then they were good to go. He said that otherwise, transit, he thought they were starting to get after some things even though people questioned park and rides and things like that. He said that those were ways for people to get to the main corridors without driving the entire distance.

Mr. Gallaway said that he had already talked about the resilience hubs. He said that when considering the residents of the Rio District or out in Earlysville, there were different expectation levels, especially for those who had lived there for a long time, for what services were available to them. He said that he thought a lot about them when having this conversation and having a place to go during emergencies or restoration of essential utilities in the Rural Area was an important piece. He said that restoration of those items where it was most difficult in the Rural Area, so in the event of power outages, restoring power lines quickly, those were the things that tended to come to the surface. He said that Ms. Mallek would likely expand on this topic.

Mr. Gallaway said that regarding their agricultural activity and its impact, it would be helpful to identify an expert who could provide clarity on the final report's findings and how they related to different types of agricultural production. He said that the PEC could potentially serve as that expert. He said that understanding the census data and distinguishing between various agricultural outputs remained challenging. He said that for instance, the importance of hay versus other forms of agricultural production must be considered.

Mr. Gallaway mentioned that their goals, such as Goal 2, which focuses on having a strong agricultural and silviculture economy in the Rural Area, were clear. He referred to Goal 2.1, which emphasized directing the County's economic development efforts toward supporting local production and value-added processing of agricultural and silvicultural products, as well as small-scale outdoor recreation uses that provides access to nature. He said that as soon as he read that, he asked how they were doing, and questioned the program evaluation of that, and he said that he did not know the answer to that.

Mr. Gallaway said that in the previous session, they discussed AC44 and questioned whether these goals and objectives were appropriate. He expressed uncertainty about whether this was the right objective because he did not know how they were doing. He said that he was familiar with the projects they had undertaken in the Rural Area versus the Development Area, but he needed a baseline understanding of where they currently stood.

Mr. Gallaway said that he had reached out to folks, acknowledging that this County had a reputation for land and land use not really being farming, and the hay cutting comment that was made earlier. He said that people said all the time that they were giving away tax credits to landowners that were not really farming and their activities were not really agriculture, and while he did not necessarily agree with it, the perception existed and was brought up consistently by residents, especially those who had moved there in the past ten years. He said that this reputation of Albemarle existed, but if it was incorrect, it was their responsibility to determine the truth and educate the public better.

Mr. Gallaway said that he realized in his preparation for today's meeting that he needed to do a better job educating himself on this topic so that he could accurately respond to comments, such as the PC's previous remarks. He said that if they all needed to learn a bit more, then they needed to, and that was okay. He said that it was contingent on them to go and do it and not just live in platitudes or false statements.

Mr. Gallaway said that they should assess the nature of their working farms, what was being produced, where it was being produced, and the resulting output. He said that they needed to determine whether these outputs were realized locally or sent elsewhere, just as they evaluated other economic development activities in the County.

Ms. Kanellopoulos said to briefly address that topic, because it was heard from the PC as well, staff were working internally and with partner experts to compile information to be shared in the future and to inform the draft action steps.

Mr. Gallaway said that under the topic of transportation, specifically Rural Area transportation, there appeared to be a conflict between Objectives 2.4 and 1.4. He said that one objective focused on the movement of goods, while another supported imposing through-truck restrictions due to community concerns about truck traffic.

Mr. Gallaway said that he voted in favor of the through-truck restrictions but acknowledged that if this issue arose during the Comprehensive Plan discussion, they should address any inherent conflicts before finalizing them. He said that they should determine if the movement of goods or through-truck restrictions was more important. He said that comparing these two aspects was unfair as trucks taking alternative routes was not necessarily bad. He said that when trucks were rerouted, they often found more reasonable paths without disruptions.

Mr. Gallaway said that he believed both the movement of goods and through-truck restrictions should be given further evaluation, rather than one being devalued in favor of the other because then both could claim the Comprehensive Plan as evidence as to why the County should be on their side. He said that this situation arose when land use applications came before them. He said that the applicants and residents utilized the Comprehensive Plan to support opposing viewpoints. He said that in the bigger picture, he would like to see all of that get cleaned up, but that was just an instance of it.

Mr. Gallaway said that regarding the chapters on land use and Rural Area transportation, he found no issues with the stated goals nor any missing objectives. He reiterated his previous caution, which was that the devil lies in the details and action steps. He said that while there were numerous instances where clarity was needed, he would not go through them individually as he did last time. He said that nevertheless, some sections still required attention to distinguish between wishes or hopes and concrete actions.

Ms. Mallek asked if she should provide feedback on the Growth Management Policy or if that discussion should be saved for a later time.

Ms. Kanellopoulos said that staff would be happy to receive comments on that now or at the next work session on April 3.

Ms. Mallek said that she would save that topic for their next work session. She noted that land use issues depended on the nature of the establishment; a large fuel station and convenience center differed from an artist and furniture maker in terms of impact and ability. She said that Earlysville, once considered a crossroads community for 20 years, was no longer listed but it was not a concern. She said that it had five churches, a post office, a doctor's office, which went out of business due to lack of interest, two auto repair shops, and a thrift store. She said that the grocery store went out of business when the bridge on Advance Mills was closed and all of the people in Greene County had to find another way. She said that then Harris Teeter opened at Hollymead, and that was the end of the grocery store. She said that she used this example to emphasize that long lists of wishes and wants may not reflect the reality of rural life. She said that their Comprehensive Plan should not make unrealistic promises.

Ms. Mallek said that transit, bike transit, and pedestrian, protecting the gravel roads was how those issues were solved. She said that they could not even provide transit for the Growth Area, so there was no way she would support doing anything out in the Rural Area. She said that they had had successful JAUNT services for people unable to drive for various reasons, as well as the park and ride at Chestnut Grove for 25 years. She said that that existed, and they should not make it stop. She said that beyond that kind of call for service, private intervention, and that if there was a subsidy it was different. She said that there was huge criticism when people saw a bus of any sort going by with only two or three people on it.

Ms. Mallek said that schools were frequently criticized for that, and she often explained that the route started in Bacon Hollow and went all the way to school, filling up with passengers by the time it arrived. She said that one cannot expect a bus starting in a Rural Area to be immediately full.

Ms. Mallek said that she did not envision building trails along roadways in the White Hall District, except for the separated, the Three Notch'd was a possibility because it would not be on the roadway. She said that she did not think it was safe for people to ride even in a bicycle lane on 250, given that vehicles travel at 55 miles per hour.

Ms. Mallek said that from 2002 on, there had been a plan in the long-range transportation plan to work on shoulders everywhere they could. She said that there was no need to reinvent the wheel in this regard. She said that grants for repairing septic tanks were continually available through the Virginia Department of Health, aiming to provide cost shares and total cost recovery for people with limited means. She said that they could assist by informing people about these opportunities.

Ms. Mallek said that in the Rural Area, the primary consideration should be access to sewer and water. She said that the idea of resilience hubs was commendable, especially considering the experiences during the derecho when many seniors would not travel 25 miles to Albemarle High School, and they chose to stay home with their animals for seven days straight amid extreme heat and power outages. She said that they could explore ways to improve facilities at existing structures like firehouses, offering temporary shelter and amenities such as showers, that would not interfere with the operation of the firehouse. She said that during the derecho, the firehouses provided dump tanks for people to obtain water for their animals. She said that this was beneficial for those who had fenced out their streams or relied solely on well water for their livestock, which is common in many areas. She said that by leveraging relationships with existing churches, school buildings, and firehouses, she hoped that the Comprehensive Plan language would focus on these existing uses rather than inviting new building.

Ms. Mallek said that the number one thing she heard from people was to leave them alone; to get the speeders to slow down and to leave them alone. She said that in 2015, when Elaine Echols was working on the revision process, there was a meeting in White Hall Village to gather ideas about crossroads communities. She said that people expressed that they did not want any changes. She said that since then, nothing had changed, and she had heard only apprehension from the small villages within the White Hall District regarding potential impositions. She said that she wanted to try to calm those things.

Ms. Mallek said that regarding 2.1, supporting agricultural and forestry-related businesses such as meat processing plants and lumber yards. She said that there was a facility at Teledyne near the

airport that had transitioned from highly technical manufacturing for Northrop Grumman and the Navy to operating lumber piles and a sawmill. She said that she was unsure of what the County was doing or should do in terms of supporting these businesses, unless it involved seeking grant support or other state funding opportunities. She said that she did not see any other agricultural economic development as being an option. She said that reducing the restrictions may be beneficial, with potentially fewer process points.

Ms. Mallek said that addressing Rural Area transit, there was a conflict between the movement of goods and the safety of rural residents. She said that she had safety concerns for the safety of rural residents for wineries and breweries already due to narrow roads and trees close to the edge. She said that even for people who drove them all the time it was dangerous, and for visitors it was a risk.

Ms. Mallek said that in the past, large vehicles such as milk trucks and wide tractors and timber trailers with logs on them were common, but now 18-wheelers without as safe of drivers from places like Walmart distribution centers navigated unfamiliar routes. She said that these drivers often ended up on small roads like 810 or Free Union Road and struggled to maneuver, creating problems, including for emergency responders when the trucks got stuck on the corners. She said that it would be her preference to remove unattainable transportation ideas from the Comprehensive Plan.

Ms. Mallek asked when discussing equitability, whether they were referring to vulnerable people or the Growth Areas versus the Rural Area. She said that she did not think there was a need for equitability between these two areas. She said they had established that, these were services, but that if they were talking about programs that helped vulnerable people get to services, that was different than the other category, and she did not know what the answer was. She requested more information on this topic at a later time.

Ms. Mallek said that regarding the legacy issue, there was a reference to increasing sewer and water in places where there was legacy commercial or something. She expressed her opposition to that proposal. She said that managing their public water was incredibly important, and they should not have keep having this bleeding out of demand.

Ms. Mallek said that regarding the 1.3 rural use and land use, so segregating out their uses. She said that for years, people had lamented Albemarle's loss of agricultural zoning, which it did until the 1980s, then it was put into RA. She said that what that meant is it became a residential, almost de facto, despite tremendous protests from people in the Rural Area who wanted agriculture and forestry to be the primary uses, not agriculture and forestry and residential and little commercial uses or whatever. She said that a more subscribed description would avoid a lot of conflict and additional expenses.

Ms. Mallek said that in terms of small-scale services, the Yancey Mills Future Small Area Plan from 2015 included a big paragraph about agricultural support uses. She said that therefore, she did not think they needed to redo that. She asked a question, which remained unanswered for months: what had been removed from the current Comprehensive Plan? She said that she understood it might be difficult to provide a redlined version, but she sought clarification on which elements had been dropped before it got to the Board. She said that updating permitted use categories in the Rural Areas zoning district to better reflect the chapter's goals remained unclear to her. She asked if Ms. Kanellopoulos to clarify what that meant.

Ms. Kanellopoulos said that the intent was to support the overarching priorities and goals for the Rural Area, with a primary focus on agriculture and forestry land uses.

Mr. Scott Clark, Conservation Program Manager, said that the objective's intent was to revise the lists of permitted uses, either by right or by special use permit, in the Rural Areas zoning district. He said that for example, if one wanted to support the local sales and processing of agricultural products, and some of those uses were allowed by special use permit, it would be beneficial to make them by right. He said that he recalled that they undertook a similar process several years ago with farm stands; they were initially by special use permit but were later made by right. He said that the intention of that revision was to clean that up.

Mr. Clark said that in recent years there had been a significant change in event uses. He said that they initially added the special events category, a very general category for events in the Rural Areas. He said that over time, they had added numerous specific uses for agricultural operations and their events, as well as those related to wineries, breweries, and distilleries, and their events.

Mr. Clark said that these directly supported the agricultural industry, which they wanted to support, where the general category of special events maybe did not. He said that they may want to focus that more on what he thought was the original intent back in the early 2000s to have special events be about supporting historic sites and listed historic structures. He said that this was an example of something that might change under that objective.

Ms. Mallek said that she thought it would be beneficial to see the evolving materials, as this would aid her understanding. She explained that she struggled with quickly assessing information and preferred a gradual presentation of content for thorough analysis.

Ms. Mallek said that regarding page 25, the statement that the County's legacy of valuing its natural, historic, and cultural resources should support a thriving rural economy raised concerns. She said that it implied that these resources only held value if they contributed to financial gain, and she disagreed

with that. She said that these resources possessed inherent worth and should not be subserved to an economic development issue.

Ms. Mallek said that regarding more services in the Rural Area, exploring land uses that meet their climate action goals, regenerative agriculture, and solar, she felt that separating out and having some elements be more important than others was problematic. She said that it all had to work together in order for the Rural Area to function at all, and she did not understand how the climate action one was overriding the other elements, so she hoped that someone could explain that in the future.

Ms. Mallek said that there was also something in there about access to recreation in the Rural Area, including parks, walking paths, and biking trails. She said that they had talked a little bit about gravel roads, and that she had some information to share regarding protecting the natural exercise loops now. She said that this could include enhancing some small places to park, which many private landowners had already done.

Ms. Mallek said that they must consider the issue of vehicles blocking roads, and then people with a big trailer full of livestock could not get out of their own street because of the cars parked on both sides.

Ms. Mallek said that on page 22, it stated that some rural roads may qualify for traffic calming programs. She said that despite residents' efforts, achieving these measures had been challenging. She said that putting this in the Comprehensive Plan might raise people's expectations.

Mr. Pruitt said that he generally liked the direction that the Rural Area Chapter was taking, which emphasized the importance of considering the Rural Area as a place with real texture and actual diverse uses, including various ways of living and economic activities, and not just the blank alternate. He said that he thought that people sometimes thought of it as by default, and that the plan really leaned into that.

Mr. Pruitt said that he would like to address the concept of equity, which is frequently mentioned in both this document and generally in comprehensive planning. He noted that there was often an unclear understanding of what this framework entailed and how it should be applied to individual objectives and activities. He said that in his opinion, a basic equity framework involved considering three key aspects: who benefited from a decision, who was disadvantaged by a decision, and who was not included in the decision or action.

Mr. Pruitt said that while discussing the preservation of cultural and heritage components in the Rural Area, and preserving the views and landscapes, he emphasized that most of these elements were not truly public. He said that this was something they needed to think about. He said that for example, those living on smaller parcels of land on a main road could not fully appreciate the grand views or explore the rustic rural community because the fast-moving and dangerous road was the only way they could get out of their own home and it did not connect to anything. He said that there were not methods of enjoyment. He said that he thought they should highlight and elevate the elements of the draft that focused on placemaking.

Mr. Pruitt expressed that he was generally in favor of adding small-scale and need-driven special uses, as he believed they aligned with the potential directions for crossroad communities. He said that these should be driven by community needs. He said that he had concerns regarding the way the utility service was going to work with this. He said that these were potentially utility intensive uses that may be advantageous for various reasons, both for the public and for the County funding possible services that might be needed there if they are clustered.

Mr. Pruitt said that he wondered about whether constraining option one to a geographic footprint was prudent; however, it warranted consideration. He said that this question remained open-ended as they should avoid over-prescriptive, as mentioned by Ms. Mallek; that when they became over-prescriptive about necessary uses in an area that did not always have the population to support a lot of uses, it might have a poor outcome.

Mr. Pruitt said that in terms of transportation, there was a clear need for improved services in densely populated areas, such as his own community near Fifth and Avon. He said that despite the availability of bus services, reliable options were scarce. He said that he got his car repaired two miles away from his home but must rely on Uber to get back, which was insane. He said that it was important to consider the balance in how this worked. He said that taking out the phrase "transportation funding," he believed there was a lot that people had said that they agreed upon. He said that he recognized that supervisors had stated their general disagreement while listing a variety of ways they did want to support walking, biking, and transit.

Mr. Pruitt said that talking about placemaking; a place in the Rural Area, as someone who did not currently live in the Rural Area that he frequently visited and enjoyed was the Dick Woods Road and Miller School parking lot area. He said that was a very popular cross-country track and an example of placemaking, using a rural rustic road and specific parking lot designation that was enjoyed by a large amount of their community.

Mr. Pruitt said that something that also leaped out at him with this very specific example was that at one point, they had to go about a mile up Ortman Road, which was very fast, had no curb or shoulder, and exposed people as they traverse over hills with blind spots. He said that he believed there were cost-efficient strategies for making Rural Areas more accessible to the public in their placemaking efforts. He

said that this could involve collaborating with VDOT for road repairs and implementing measures like shoulder widening or line shifting to improve safety for pedestrians and cyclists.

Mr. Pruitt said that he also supported the community resilience hubs. He said that drawing points one, two, and four together, through the concept of placemaking, it was important to think about how they expected people to live in the Rural Area. He said that as he and his partner were getting married soon and were considering the possibility of moving. He said that they had discussed living in Keene, which was in his district and would provide them with a lot more space. He said that he would be working from home and was part of a young family, and he wondered where his third place was in Keene.

Mr. Pruitt said that this was the biggest negative in his decision-making for where he wanted to live. He said that it was important to consider whether they wanted communities that catered to young families' needs, providing suitable spaces for children's activities on weekends or during lunchtime. He said that he did not think that they always offered these options in the rural community. He said that emphasizing the inclusion of restaurants and diverse establishments in the crossroads communities concept addressed this concern effectively.

Mr. Pruitt said that he believed there were small-scale establishments like an ice cream shop that could function as community hubs and contribute to the Rural Area's appeal. He emphasized that this initiative must be driven by the community, without imposing specific locations. He said that he was not suggesting that an operation like Scoops open up at the downtown intersection of Keene. He said that they should recognize the value of this for placemaking, for families, and for having a third place for residents with limited space, like those living on two acres adjacent to the road.

Mr. Pruitt said that he would like to focus on defining "professional offices". He said that they may consider prohibiting certain activities and being cautious about undesirable economic impacts, such as payday lending companies setting up shop in designated areas.

Mr. Pruitt said that in Objective 3.1, when discussing community resilience areas, he thought it was wise to consider co-location with other uses for enhanced placemaking. He said that he agreed on using the social vulnerability index but expressed concern about the insufficient granularity of census tracts.

Mr. Pruitt said that although they were often one of the most granular units, a wide range of communities within a single tract may obscure the levels of vulnerability among them. He said that in his district, for instance, there were two rural census tracts that prevented a more detailed analysis. He said that while census tracts represented a small level of granularity from the Census Bureau, he believed that they could seek a more refined approach to social vulnerability identification. He requested staff to explore alternative methods to better do social vulnerability identification.

Mr. Pruitt said that regarding placemaking, it was unclear whether Goal 3 under transportation was limited to crossroad communities. He said that the idea of placemaking should extend beyond crossroads communities and be in the back of their minds when using planning strategies in the Rural Area, like considering how something would be used and who it would be used by. He said that he was curious about how placemaking would be articulated and what it would entail, as its meaning was not entirely clear.

Mr. Pruitt said that he wanted to address a potentially controversial issue that had arisen in community feedback and town halls: that for an investor, the current highest and best use of any parcel in the Rural Area was luxury residential development, due to its profitability. He said that they all agreed on it being the least desirable option. He said that they generally avoided radically increasing residential use of the Rural Area due to all of the potential climate impacts. He said that they also did not want to continue increasing luxury real estate, as they had an abundance of such properties. He said that instead, they needed more affordable real estate.

Mr. Pruitt said that the suggestion was to consider ways to increase pocket density through allowable building types. He said that the comment provided said that residential village designations could expand or allow some housing infill without too much uncontrolled growth, and multi-units and live-work units should be considered. He said that they already had by-right residential uses in the Rural Area, and they were undesirable. He said that the question was whether they could legalize and make by right more affordable units and more affordable design types and living patterns in the residential area. He said that he thought there were, and that they were challenging.

Mr. Pruitt noted that this issue tied back to utility service challenges, but he did not see this reflected in the existing chapter. He emphasized that it was important, but that it was a hard nut to crack. He said if there were strategies that other rural communities had found successful for mitigating sprawl while allowing development and construction of more affordable homes. He said that he would be interested in seeing that reflected here.

Mr. Pruitt said that previous chapters had mentioned some goals that were measurable, actionable, and trackable, while some were not. He noted that he was unsure if any objective presented was actually measurable or trackable. He said that that was concerning, and pointed out that this was the first draft, so he understood why metrics might not be attached yet. He said that moving forward, he suggested it would be prudent to include measurable and trackable metrics for all objectives.

Mr. Andrews said that regarding slide 22, he apologized if there was any repetition or if it seemed

that he did not fully understand. He said that he would examine each of these in the context of the draft goals and objectives. He said that beginning with number one, which pertained to allowing additional small-scale and community-serving uses, it seemed to align with slide 13, objective 1.4 - updating permitted use categories.

Ms. Kanellopoulos said that it also aligned with Goal 3.

Mr. Andrews said that they had a special use process, but that there were special uses that could not even be proposed for consideration in the Rural Area. He said that to evaluate which ones should be opened up, it would be helpful to review those currently permitted by a special use permit and those not permitted at all.

Mr. Andrews said that considering professional offices such as doctors and dentists, which were not allowed in the Rural Area currently, he was for opening up the possibility of proposing a doctor's office or similar establishments in the Rural Area where it was not currently allowed by special use permit.

Mr. Andrews said that he was also aware of cases like Hickory Hill, where a thrift shop proposal was denied due to lack of permitted use at that time, and it had then become something else. He said that while it could have been a country store, its initial proposed use was not allowed. He said that that was the kind of flexibility that would be nice to have, but he did not want to open up too much. He said that he would like to see what it was they were talking about in more detail. He said that in light of recent conversations about artisans, there seemed to be a desire to allow certain activities without requiring a special use permit. He said that this process of updating should take this into account as well.

Mr. Andrews said that moving on to bullet point two, they had all heard significant concerns regarding the concept of a crossroads community and its implications, as well as recognizing that one size did not fit all. He said that it would likely have been less of a concern if they had labeled these from the beginning as resiliency hubs in the Rural Area or something of that sort, as that was something he felt that Yancey provided valuable service to a local community. He said that he would not necessarily want to expand services at a crossroads simply because it had that designation.

Mr. Andrews said that at the very least, this highlighted the need for caution and conducting small-area plans on a case-by-case basis to determine suitable placements for each area. He said that while he appreciated the discussions around crossroads communities, particularly the potential benefits identified by communities like Batesville, it was important to consider whether these proposed services aligned with and fit the specific location. He said that if they were discussing utilizing existing structures as resiliency hubs, he fully supported it and believed it was important.

Mr. Andrews said that he really appreciated the feedback received from various sources, including the PC, Southern Environmental Law Center, PEC, and the Natural Heritage Committee, and that he hoped that none of that was lost in this process.

Mr. Andrews said that in regard to bullet point three, transportation funding prioritization, he heard what people were saying, but when he looked at this, he thought well, they had Goals 1, 2, and 3 under transportation. He said that this included rural rustic paving, which he hoped they were able to continue. He said they had HB 74, a Loudoun County-backed initiative aimed at allowing some of those funds to improve rural roads without necessarily paving them. He said that there were instances where these roads posed significant safety risks, and additional funding could be utilized to address these issues.

Mr. Andrews said that they should consider suggestions made by community members, such as a suggested Objective 3.3 to proactively work with community organizations and others representing walkers, runners, and cyclists to identify safety issues and opportunities for improvement. He said that if they were talking about what they were going to do in the Rural Area with respect to transportation, it was important to recognize that when they were talking about walking and biking, that there were groups that were using these.

Mr. Andrews said that Mr. Pruitt highlighted activity centers and being able to help work with them to prioritize projects could be beneficial. He said that although expanding transit was not possible without first covering the Development Area appropriately, they should not disregard the importance of services like Jaunt for pickup in specific areas. He said that the Social Vulnerability Index and county's overall scoring of communities that were more than five miles driving distance. He said that there were a lot of places that would be a lot more than that before one could expect that there was enough population to warrant something. He said that it was a big county and that there was a lot of diversity and needs and uses around the County.

Mr. Andrews said that he supported increasing community resilience, and that what he saw as beneficial in the crossroads community concept was recognizing community resilience hubs and making sure that those kinds of resources were identified, using existing structures for support during extreme situations.

Mr. Andrews said that he had comments on some of the different specific goals and objectives, but that he would rather, when they got the slides as suggested by Ms. Mallek, that they annotate them. He said that a lot of his comments were reflective of those previously submitted by other organizations, but he had not yet gotten a sense that they were fully heard. He said that he believed there were some that were important for discussion in their own right.

Mr. Andrews said that they had Objective 1.5, which was developing a location-siting policy for

utility-scale solar. He said yes, they must have a bigger conversation specifically about a solar ordinance and what they would allow by right, as well as the procedures required for those not allowed by right.

Mr. Andrews said that regarding slide 16, he concurred with many of the comments made on Goal 4, which was to plan on unique locations that were already non-conforming. He said that he was not sure whether they were really wanting to encourage non-conforming uses or were saying that they were already there, so they were going to make the best of it. He said he was not sure what it said, and that the phrasing concerned him as it appeared to suggest that, instead of making the non-conforming uses conforming, that they were making it worse.

Mr. Andrews said that he would like to give some more specific comments, but that a lot of that was reflected in the comments that they had received and that he supported. He said that he would like to ensure that everyone had a chance to share their thoughts based on these comments and others before they proceeded.

Ms. McKeel said that she would like to contribute a few brief remarks. She said that she concurred with Mr. Gallaway's point regarding naturally occurring activity when discussing crossroads communities. She said that in her mind, that was where a small area plan would allow the neighbors and the community to engage in a naturally occurring dialogue about what they had there, what they wanted, and what they might want more or less of.

Ms. McKeel said that additionally, she proposed that they update the data in this document, as it was outdated. She said that the 2017 census information seemed old at this point. She said that it would be very important to rely on their available data. She said that the Department of Agriculture updated their data every five years, and that they had just updated it that year. She said that a lot of other data could be updated as well. She said that it was hard to look at something and wonder what the current data said.

Ms. McKeel said that when discussing agriculture in Albemarle, a portion pertained to agritourism involving grapes and vineyards. She said that it was concerning that the current data revealed a disparity in the average income of the farmer between Albemarle and Augusta County. She said that in the past four years, Augusta County farmers had seen an increase in income, making twice as much as they did five years ago, and Albemarle County farmers had experienced a decrease.

Ms. McKeel said that this trend could be observed in the Department of Agriculture's records, which showed a decline in cattle numbers in Albemarle County and a decrease in crop production. She said that it was essential to analyze up-to-date data to understand this situation better. She said that she believed presenting this information would be a valuable exercise. She said that Ms. Kanellopoulos had indicated that staff was working on compiling and analyzing this data.

Mr. Andrews asked if they would revisit the Growth Management Policy on April 3.

Ms. Kanellopoulos said yes, they would discuss the Community Facilities chapter, which would include the Growth Management Policy.

Mr. Andrews asked Ms. Kanellopoulos to continue with her presentation.

Ms. Kanellopoulos said that they had one more topic for today's agenda and welcomed comments via email from Board members regarding the draft goals and objectives, particularly in terms of redlining or discussing the document in detail.

Ms. Kanellopoulos said that the second topic for today was the Development Area Land Use and Transportation. She said that the chapter was structured into the following land use and transportation goals, as listed on the screen.

Ms. Kanellopoulos said that the goals were a vision for the Development Area and planning for future growth which included activity centers and a multimodal plan, investing in existing neighborhoods, and for transportation, having a multimodal transportation network, safety, quality of life, and emerging technologies. She said that they would skip through the draft goals and objectives and instead discuss specific components of this chapter, followed by sharing some specific questions for the Board.

Ms. Kanellopoulos said that several tools and maps guided the Development Area, land use, and transportation alongside the goals, objectives, and outcomes. She said that these included a series of land use and transportation layers such as future land use designations, community design guidelines, activity centers, and the multimodal plan.

Ms. Kanellopoulos said that future land use designations were assigned to each property in the Development Area to provide a clear vision for their future use. She said that they served as guidance during rezoning and special use permit review. She said that there were 10 draft Development Area-wide designations that had been shared through AC44, which would be applied to an updated future land use map during phase three. She said that the draft recommendation through AC44 to date was to calculate recommended density using gross density. She noted that some changes may be made during the AC44 process to reflect existing development for future land use maps, such as redesignating a parcel from industrial to residential if there was already an existing apartment building, or to reflect the intended future use of County-owned properties.

Ms. Kanellopoulos noted that some master plans may have unique designations for specific

areas that were not broadly applied across the Development Area, such as Downtown Crozet in the Crozet Master Plan and Neighborhood Density Low in the Crozet and Village of Rivanna Master Plans. She said that guidance for these unique areas would be found and remain in the master plans. She said that with this updated set of future land use designations, they had consolidated the mixed-use designations and now had three total. She said that they had converted the table of designations into individual pages for each to provide more space, including some examples and hopefully allow for easier readability.

Ms. Kanellopoulos said that moving on to calculating density, this was a topic they sought the Board's direction on that day. She said that the current recommendation was to use gross density to calculate recommended density, which the PC had also recommended during their February work session on the Development Area. She said that when applications for rezonings or special use permits that included a residential component were reviewed, they were evaluated in part based on the recommended density per the applicable master plan.

Ms. Kanellopoulos said that density was calculated as residential dwelling units per acre. She said that one unit was one single-family detached home, one single-family attached home, one modular home, or one apartment unit. She said that recommended density was given as a range based on the future land use designation. She said that as an example, Neighborhood Residential was three to six units per acre.

Ms. Kanellopoulos said that special use permits and rezonings were also reviewed based on other relevant recommendations in the Comprehensive Plan and master plan, such as transportation, parks and trails, and anticipated impacts to public facilities and services. She said that the two ways to calculate density were gross and net density. She said that gross density included the full acreage of a site, and net density, which was the recommendation in the current Comprehensive Plan, netted out certain areas, in this case, environmental features.

Ms. Kanellopoulos said that density calculations was one factor that affected the type of housing and total number of units that were built with new development. She said that for example, using net density calculations for any property with environmental features would result in a lower number of recommended units as compared to using gross density. She said that there was not a similar calculation for non-residential uses.

Ms. Kanellopoulos said that for by-right development, gross density was used per the Zoning Ordinance, and regardless of how density was calculated, ordinance requirements applied for protecting environmental features, such as avoiding building in the floodplain. She said there were also requirements for providing open and recreational space and necessary infrastructure, such as roads, water, sewer, and stormwater management, which took up space on a site. She said that even with gross density, various infrastructure and open space requirements had to fit within a site.

Ms. Kanellopoulos said that alongside other strategies, such as promoting redevelopment and infill and identifying activity centers, using gross density to calculate recommended densities for rezonings and special use permits could prioritize development in the existing Development Area. She said that this approach may also make smaller housing types more feasible. She explained that using gross density would increase recommended densities for some properties within the Development Area, specifically those with steep slopes, stream buffers, or flood plains. She noted that it would leave recommendations for properties without these environmental features unchanged.

Ms. Kanellopoulos said that it should be noted that land use density ranges were recommendations, and the maximum recommended density was not always feasible. She said that developers must cluster development to avoid sensitive environmental features regardless of the suggested number of units. She provided a hypothetical example involving a property with 5 acres in a flood plain and a total of 15 acres. She said that if zoned R-6, the owner could develop by right, calculating a gross density of 15 acres multiplied by 6 units, equaling 90 units.

Ms. Kanellopoulos said that alternatively, if zoned R-1, designated Neighborhood Residential with a recommended density of 3 to 6 units per acre, and the property owner sought to rezone for more units, the current Comprehensive Plan's recommended density would exclude the 5 acres in the flood plain, resulting in a recommended density of 10 acres multiplied by 6 units or 60 total units.

Ms. Kanellopoulos mentioned that in addition to future land use recommendations and designations, there were also community design guidelines, which were an update to the neighborhood model principles in the current Comprehensive Plan. She said that they intend to support the Growth Management Policy by encouraging mixed-use, walkable, and dense development throughout the Development Area. She said that it was also connected with multimodal transportation and that it has access to quality parks and open space.

Ms. Kanellopoulos said that they also provided guidance for rezoning and special use permit review and County facilities. She said the guidelines were intended to apply to all development in the Development Area, with some possible exceptions noted depending on the context of the site and proposed uses. She said that for example, not every individual development was expected to be mixed-use; however, each development should contribute to a mix of uses throughout the larger area.

Ms. Kanellopoulos said that activity centers were locations where a higher intensity and density of uses were anticipated, accompanied by supporting amenities and infrastructure. She said that this



approach aimed to assist in guiding and prioritizing future projects and investments, with the 50 identified activity centers in the five master plans being replaced by these new activity centers. She said that the multimodal systems plan, which includes identifying activity centers and is new to Albemarle County, maps multimodal corridors and modal emphases to connect activity centers and other key destinations.

Ms. Kanellopoulos said that implemented over time by both private and public sectors as funding and development opportunities arise, it aims to support improved coordination with VDOT on future projects and the review of new development proposals. She said that in Phase 3, updated multimodal and center maps will be shared, along with the future land use map, using community, PC, and Board feedback to inform updates.

Ms. Kanellopoulos said that in December of last year, community advisory committees provided their input on the draft centers and modal emphases. She said that current edits were being made based on this feedback, as well as feedback from online questionnaires, which includes adding park and rides and collaboration with the Parks Department in creation of more detailed greenways mapping, which would be shared in the next phase.

Ms. Kanellopoulos said that the three draft types of activity centers summarized in the table were intended to increase in scale from neighborhood up to destination center but should all be walkable and mixed use. She noted that none of the County's long-range plans have a height recommendation taller than six stories; however, there are multiple existing buildings that are eight or more stories tall. She said that the draft recommendation for destination centers is eight stories to support the Growth Management Policy and encourage building up instead of out.

Ms. Kanellopoulos said that this document provides a summary of feedback from the PC and the specific questions for the Board, focusing on using the Development Area land effectively and prioritizing dense and mixed-use development over potential Development Area expansion. She said that the Board's feedback is sought on any draft goals and objectives for this chapter, particularly regarding the use of gross or net density as a recommendation in the Comprehensive Plan and whether the Board supported recommending up to eight stories in destination centers.

Ms. McKeel said that at first blush, she would support using gross density. She said that although they could support that, she acknowledged the challenge of neighboring residents opposing increased density. She said that if they proceeded with higher density development, they would undoubtedly face pushback from nearby property owners. She said that they recognized that.

Ms. McKeel said she saw that as what they probably needed to do in the Development Area; however, they must either provide an explanation to the citizens in those neighborhoods or make a collective decision as a Board as to how they would vote for what they wanted to see happen. She said that regarding building height, the term "up to" in the proposal provided some flexibility. She emphasized that this should be clear to ensure that not every place would do that. She said that she had been considering the idea of reducing current parking requirements, which aligned with the proposal.

Ms. Kanellopoulos said that it was a bit more detailed. She said that reducing parking requirements would involve allowing projects to have less requirements based on the type of business or service they provide. She said that adopting parking maximums meant not constructing more than a specific number of parking spaces, but those would probably be in specific areas like some destination centers or activity centers. She noted that this may not be feasible everywhere. She mentioned that the PC's comment was one to consider.

Ms. McKeel said that considering the caveat, she could support that. She said that considering incentives for structured parking and green infrastructure, while she was unsure of the specifics of these incentives at this point, she believed it was a good idea to explore them further. She said that there had been a lot of discussion in their community about installing solar panels over parking lots. She said that she was in favor of this approach, but they must recognize that doing so would not directly contribute to the grid's overall capacity. She said that it was not scalable, as installing solar panels on parking lots would not automatically solve their energy grid issues. She asked if this was something they might do in the future, and whether it would go along with structured parking.

Ms. Kanellopoulos said that it was certainly something they should encourage, but she agreed that it was not utility-scale.

Ms. McKeel said that regarding the comment that infrastructure must keep pace with growth and align with capital improvement programs, ensuring infrastructure keeps up with growth would be challenging since VDOT was not going to support infrastructure with roads until the project was approved. She said that infrastructure follows growth, so she needed more clarity on the intent behind this recommendation.

Ms. Kanellopoulos said that the PC provided input that aligned with feedback received from community members, and staff had included it in their considerations. She said that they acknowledged that infrastructure often accompanied growth and did not always precede it, applying to public water and sewer projects as well. She said that overbuilding was also undesirable if the exact demand remained uncertain.

Ms. McKeel said that she had concerns regarding this matter as one could build highways to nowhere and schools that were half empty. She said it was counterintuitive for the community to

comprehend, but they could not preemptively construct infrastructure before the actual need and growth. She said that this was simply a fact. She said that she was not overly optimistic about the last bullet point.

Mr. Gallaway asked if the first question about gross or net density was included in their materials.

Ms. Kanellopoulos said that it was a draft recommendation, but not necessarily a specific draft question prepared prior to the meeting.

Mr. Gallaway said that he knew it was there, but he was wondering if they should have known that they would be asked to answer the question in advance. He said that he had not pondered the question until today, so he would not be able to answer it yet. He said that he did not know yet. He said that he must do a little more preparation for that. He said that she did a fine job going over it, but that he just needed to think about it a little bit. He said that understood why they needed direction on it, but he was unprepared to provide an answer to staff.

Ms. Kanellopoulos said that they could incorporate more detailed feedback alongside the future land use map. She said that the Board may choose to discuss any general remarks at this time or defer the conversation until the subsequent work session.

Mr. Gallaway said that he needed to think this one through a little bit more. He said that he did not think he needed anything else, and that he had what he needed. He said that he had not given this a lot of thought before walking into the meeting today.

Mr. Gallaway said that he was in support of the recommendation to build up instead of out. He said that he was reviewing building height and form recommendations and realized that the Rio Small Area Plan had a maximum height of five stories, with the possibility of increasing to seven stories using bonus categories. He said that this meant that his previous understanding of six to eight-story limits was incorrect. He said that considering the height restrictions in the Small Area Plan, which was designed to be a high-density redevelopment, they must reconcile this conflict as imposing an eight-story limit would contradict their own plan where they said they wanted the height. He said that he was okay with that.

Mr. Gallaway said that there were appropriate areas in the Development Area that could accommodate taller buildings without seeming overwhelming. He said that the suitability of a site may depend on its location. He said that replacing the Red Lobster on Rio Road with an eight-story building would feel out of character but placing it at the other end of Fashion Square Mall would likely be less imposing. He said that this was probably why some areas in their jurisdiction already had taller buildings.

Mr. Gallaway said that if they did not consider or allow for height adjustments in the Development Area, issues surrounding the expansion of the Development Area may become problematic. He said that permitting taller structures within the Development Area would provide additional capacity.

Mr. Gallaway said that regarding parking, he was comfortable with focusing on incentives for structured parking and green infrastructure. He said that he did not disagree with Ms. McKeel's mention of "catch-up" rather than "keep up," because they needed to catch up for the stuff that was already in place, and by that time, the stuff that has already been approved, they would be catching up with that. He expressed concern that they would be in a constant catch-up mode but did not see how they could state that they would have infrastructure in place before this. He said that while he would love to be able to say that, it was just not the reality of how things were working.

Mr. Gallaway said that he would review the other comments since he had addressed everything on the Board discussion page. He said that overall, the goals and objectives, like those for the Rural Area, were accurate. He said that some may raise concerns or lead to potential conflicts, but he would not delve into that.

Mr. Gallaway said that with Goal 1, which concerned parks in the Development Area, he acknowledged that there were few parks and that they included their single park and a shared one with the City at Pantops. He expressed interest in knowing the breakdown of County versus City residents using Pen Park, as he believed many County residents utilized its facilities more than City residents did. He said that it was a public space available for their use, but it was not a County park.

Mr. Gallaway said that they frequently discussed parks and trails in relation to the Development Area in Goal 1. He emphasized the importance of planning. He said that even though there was a potential pocket park in the CIP for the Development Area, its location and features remained uncertain. He said that the existing trails within the Development Area had proven effective through various partnerships between HOAs (Homeowners Associations), community associations, and RTF (Rivanna Trails Foundation). He said however, there was a growing need for diverse types of parks catering to different age groups that were not just trails designed for walking. He said that he did not see them emphasizing such activities in the Comprehensive Plan, providing that kind of activity. He said that they talk about vibrant, walkable, and mixed-use. He said that when they thought about mixed-use, they always thought about the housing types and all of that.

Mr. Gallaway asked for recreation, what was the mixed-use nature of it. He said that teenagers in the urban ring struggled to access parks in their neighborhoods suitable for their age group, and they had to rely on transportation from others. He said that this concern was also raised by retirees in citizen advocacy, highlighting the importance of providing facilities for this demographic segment. He said that offering appropriate spaces for younger generations to gather and engage in activities was valuable and

essential.

Ms. McKeel said that the Boys and Girls Club on the Lambs Lane campus was providing those services for their youth, although it was not widespread.

Mr. Gallaway said that elementary schools have playgrounds; however, they are not designed for older children. He said that the weekend users of these playgrounds at elementary schools do not have an equivalent facility at the high school. He said that even if they wanted to engage in a pickup game, it would be difficult due to the indoor location and lack of outdoor facilities at the high school. He said that providing appropriate recreational spaces within the urban ring and Development Area is important to provide as a service and function. He said that he was supportive of parks and trails, but parks should not only be places that have trails.

Mr. Gallaway said that on page five, under Goal 1, he acknowledged the importance of preserving tree cover in the Development Area and avoiding the clearcutting of lots that were getting prepped for the density that they said needs to go in the Development Area. He said that they had approved applications, and they often discussed trying to preserve tree cover in those applications. He said that he was attempting to understand the potential impact on the cost of development, which may become less affordable as they must protect environmental features, and as more lots became self-contained, the need to install stormwater facilities on the property. He said that this raised questions about how protecting environmental features may affect the affordability of these properties and complicate the process of preserving tree cover on lots.

Mr. Gallaway said that he understood the growing concern in areas like Rio District, Woodbrook, and Carrsbrook regarding drainage, and where all the piped stormwater went. He asked if this was a conflicting area in which they emphasized protecting tree cover; however, this may inadvertently cause unintended consequences, such as increased costs for a project or if there was decreased effectiveness of stormwater systems due to preserving trees.

Mr. Gallaway said that during his town hall meeting the previous night, residents questioned why they were removing trees, as their goal was to protect the trees. He explained that at certain sites, clearing trees was necessary for grading and installing an effective stormwater system beneath. He said that this was done for a good reason. He said that while residents disliked seeing trees removed in the Development Area, it was inevitable. He said that most trees would be removed from areas designated for development.

Mr. Gallaway said that to maintain transparency, they must realistically discuss their tree cover plans while understanding competing environmental concerns and their implications on development costs, and/or whether it could take away from what could happen underneath where those trees would be relative to what was leaving the site once it was developed. He said that he would discuss the stormwater issue later, during more appropriate times per their agenda items.

Mr. Gallaway said that stormwater was mentioned; however, tree cover was being emphasized, and he felt that stormwater was equally or even more concerning than tree cover in the Development Area.

Mr. Gallaway said that he was unsure of the exact location where this was recommended, but his notes indicated that for parks in the Development Area, 2.1, a viable strategy and action plan backed up by the CIP was something he believed was recommended by someone somewhere. He said that the gist of this was that they need a game plan to support draft goals for activity centers, parks, open space, and services. He said that merely setting money aside for potential future parks in Development Area was not an effective strategy or plan. He said that more effort must be invested behind the scenes to create action steps that can support these goals.

Mr. Gallaway said that it seems that they tried to parse pedestrian networks and transit networks as if they did not rely on one another. He said that he did not think that was the intent, and it was probably not that way, but that was how it read to him. He said that in Woodbrook, for example, while there may not be a formal pedestrian network within the community due to the lack of sidewalks, residents could still access a broader pedestrian network if they wish to travel north or south along Route 29. He said that however, there was currently no convenient pedestrian network to help them get across 29.

Mr. Gallaway said that MicroCAT currently assisted individuals who walked somewhere potentially, to traverse across 29, and then walk some more. He said that he would like to see them think about a network more from that multimodal perspective, given that even with crosswalks and pedestrian infrastructure in place, observing people crossing the road remained nerve-wracking, not to mention people just sprinting across 29 at any given spot. He said that in their Comprehensive Plan, when considering Rio Road and 29 as actual scenarios, and their plans for the pedestrian bridge at Stonefield, they should plan for transit to include pedestrian and transit pathways.

Mr. Gallaway said that his how for Objective 1.2, higher speed motor traffic. He said that this was one where, to really achieve this, they would have to put in an entire different bike network than what they had already put in.

Mr. Gallaway mentioned that Rio Road bike lanes and John Warner Parkway bike lanes had been kept free and clear; however, their width was insufficient. He described finding himself inches away from cyclists while driving past them on the parkway, even with a designated bike lane. He said that the

bike lanes were not protected, and retrofitting all existing bike lanes with protection would require significant funding. He said that at that moment, there might be locations where proper biking infrastructure existed, but they eluded him.

Mr. Gallaway said that streetscapes interested him because the Rio Road Corridor study envisioned a beautiful boulevard with medians and other features; however, they must address how to achieve this vision, with so many other things to do. He said that their Comprehensive Plan could serve as an aspirational guide but should be tempered in its aspirations because the Comprehensive Plan represented what they intended to accomplish rather than what they merely aspired to do. He asked when the master plan rewrites were going to happen.

Ms. Kanellopoulos said that staff would aim to address these areas following the adoption of the Comprehensive Plan. She said that recognizing that Places 29 required the most urgent update, they would also focus on the Southern and Western Master Plan.

Mr. Gallaway said that at some point, the work plan would be presented to the Board as they were faced with numerous one-off requests that affected their work plan. He said that he was starting to think more about the work plan, where they were at, and what these things meant for the uncompleted tasks on the work plan. He said that he was unsure of when this would occur or when it would be brought back before them.

Mr. Gallaway said that he had already made comments about access to parks regarding the Development Area and existing parks, and how Development Area folks got there to enjoy that.

Mr. Gallaway said that for the concept of rooftop and parking lot solar, if what they were conceiving of if they supported this idea in line with their own ARB (Architectural Review Board) regulations for entrance corridors. He said that Ms. McKeel shared an application that seemed problematic to allow this to happen.

Mr. Gallaway said that he was open to businesses wanting to install solar on their properties to help their operations, as they contributed to a larger effort and they were doing their part. He said that if they then objected to the appearance of solar panels on commercial buildings in commercial zones, should they really scrutinize the installation when there was already a commercial building present. He said that if they were going to raise concerns about the aesthetics of solar panels, they must consider whether they truly altered the nature of their assessment process.

Mr. Andrews called for a ten-minute recess.

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**Recess.** The Board recessed its meeting at 4:49 p.m. and reconvened at 4:55 p.m.

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Non-Agenda Item. Emergency Management Update.

Mr. Trevor Henry, Deputy County Executive, said that this afternoon's red flag warnings had led to an emerging emergency management situation with multiple brush fires. He said that initially, a couple of fires had started in the early afternoon; however, they had since escalated to approximately 15. He said that Fire Rescue teams were fully engaged across all stations and had called in off-duty personnel while also requesting volunteers. He said that as such, they were deploying all available resources to address this situation. He said that preliminary assessments suggested that most fires had been caused by downed power lines. He said that the majority of the fires appeared to be rural, although a full assessment was ongoing.

Mr. Henry said that their Emergency Management team, through Fire Rescue leadership, had recommended to the County Executive that a Declaration of Local Emergency be declared. He said that this declaration would enable them to promptly request additional assistance from the state VDEM (Virginia Department of Emergency Management) and expedite the deployment of further resources. He said that while mutual aid from neighboring counties was possible, their current circumstances may have limited their ability to provide support. He added that Mr. Rosenberg and his staff were currently finalizing the necessary language for formal Board action, which should be ready within 15 to 20 minutes.

Ms. Mallek asked if protocol would include contacting Dominion to inform them of the situation so they could de-energize the equipment.

Mr. Henry said that Dominion had been involved since this afternoon. He said that all their usual partners had been connected in.

Mr. Steve Rosenberg, County Attorney, said that when the action item was in satisfactory form, he would forward it to Board members and County staff. He said that he would notify them at that time in order for the Board to consider the item.

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Agenda Item No. 11. **Work Session:** AC44 Work Session: Draft Goals and Objectives for Rural Area Land Use and Transportation and Development Areas Land Use and Transportation, *continued*.

Mr. Gallaway said that moving on to the next topic, draft employment districts, that he liked the

idea of employment districts. He said that however, upon reviewing the list, he asked how the list was determined, and whether it was complete, as it appeared incomplete. He asked if it was open for discussion.

Ms. Kanellopoulos said that it was definitely open for discussion. She said that she was receptive to receiving comments on this matter now, as well as with the future land use plan. She said that some of the ways these areas were identified were from current master plans, particularly Pantops and Crozet, which identified employment districts. She said that other master plans did not, but they looked at similar areas, specifically those with a high concentration of Office Flex, Research and Development, and Light Industrial designations.

Mr. Gallaway said that it was possible that he missed this information, but regarding the Rio 29 Small Area Plan and its intersection, he did not see the reference to Rio 29 or the Rio corridor, including the loop around via Rio West turning into Hydraulic further down. He asked if they remembered when they had the Economic Enhancement Zones. He noted that the amount of employment in the area stretching from Hydraulic Road to Airport Road along Route 29. He said that specifically going west on Rio after exiting onto Route 29, there were numerous employment areas. He questioned why these areas were not, then asked if they were really going to go to employment zones, how they were being defined. He asked about the advantages of creating such zones. He requested further information on this topic to better understand and contribute more effectively.

Ms. Kanellopoulos said that the list could be found on page 37. She clarified that Rio 29 and other designated activity centers had mixed-use properties and were not included in the employment districts. She explained that this was because employment districts primarily focused on generating employment uses, which may not necessarily include residential components or, if they did, it would be secondary.

Mr. Gallaway said that most of these places he was thinking of, there were no residential in there, but the small area plan conceived of it. He said that these areas, with the exception of in the front of Blake, where there could be residential, was employment. He said that this was why he had been initially confused as to why they were not included. He said that on page 54, which included build-out analysis and comments about the build-out analysis. He said that based on assumptions used in the process, the buildable acres comprised only about 6.9% of the Development Area. He said that there appeared to be enough land available to accommodate 20 years of estimated growth.

Mr. Gallaway said that however, considering that they had only been approving 58% of what was allowed based on their actual actions, he questioned whether they were actually looking at less than 20 years. He said that he questioned whether the build-out analysis truly supported a different timetable than 20 years or if it was based on this Board's actions. He said that the assumptions used in the build-out analysis indicated that there was sufficient land available to accommodate 20 years of estimated growth. He questioned whether that was a factual statement considering the impact of varying assumptions.

Mr. Gallaway said that on the topic of redevelopment incentives, including quantifying future investments required to meet goals. He said that he agreed with the PC's discussion about utilizing such incentives and expressed his support for incorporating them into the Comprehensive Plan. He mentioned that empty storefronts and idle properties, like Albemarle Square and Fashion Square, were concerns for the community. He said that incentives for redevelopment could address these issues and align with their objectives. He said that he did not see where that was listed as an objective, but it could rise to that level.

Ms. Mallek said that upon reading the paragraph regarding gross or net density, she questioned why they should not use net density everywhere. She said that this inquiry arose from her desire to understand more about the 60 and 90 percent scenarios presented earlier. She said that if she correctly understood, all the same protections would be required in both cases. She explained that one reason she had previously supported net density was its ability to protect greenways and open spaces for residents, preventing development over those areas that could lead to the loss of open spaces, although floodplains and streams could still be protected.

Ms. Mallek requested clarification on the constants used in this analysis so that she could verify the accuracy of her understanding. She said that if it is confirmed that all protections are in place, then she could support it. She said that for example, RST, where a significant difference was observed between their first issue and second due to the realization that play space was necessary for the 350 units. She emphasized that it was very important to prioritize residents' needs in the Development Area, ensuring a desirable living environment, otherwise it would fail.

Ms. Mallek said that regarding building height, the current rules allowed buildings up to four stories by right and six with a special permit or exception. She said that Piedmont Place was already at five, considering the basement and the full four stories, plus a rooftop on top of that. She said that there would be building constraints, because reaching six stories required steel instead of wood, increasing costs significantly and altering property prospects. She noted that not all developers may choose this option or be able to afford it. She said that they should remember that if new units were constructed, they must consider residents' needs, such as limited parking spaces. She said that instead of telling people they could not park in certain areas, she suggested encouraging shared parking and accommodating differences between daytime and evening parking demands.

Ms. Mallek reiterated that the current parking maximums were acceptable as long as they promoted and facilitated shared parking arrangements. She said that the PPTA may allow for structured parking. She said that while they may not have the land costs of Arlington, many stores had underground

parking to be able to get their customers in the door. She recalled that during 2004, when she was not on the Board, Target had presented a two-story plan during a public hearing but ended up constructing a one-story, 120,000 square foot store due to a lack of requests for additional stories from the Board members. She said that this highlighted the importance of continually refining and improving their processes before approving them.

Ms. Mallek said that regarding parking, she acknowledged that going down was expensive but suggested building up first and then installing solar panels on the roof of the top layer. She said that she also proposed incorporating this into the piers' footings to allow for a future expansion from two layers to four. She said that the airport had discussed the concept 20 years ago, and it seemed like it was finally being considered.

Ms. Mallek said that she would agree with the catch-up. She said that that had been the concern of the Development Area in the White Hall District, where there had been an influx of 8,000 new residents over the past 15 years, but infrastructure improvements had not kept pace. She said that addressing this catch-up concern would significantly enhance the community's sense of well-being and quality of life by providing alternative transportation options and reducing reliance on personal vehicles.

Ms. Mallek said that she supported Objectives 2.1, 2.2, and 1.1, and found answers to her own questions regarding another topic. She said that regarding 4.1, which considered increasing the number of privately and publicly owned, low-emission and zero-emission vehicles. She said that she had circled "privately owned" and questioned how they could achieve that; thus, they might focus on the public fleet, as that would be a perfectly legitimate way to do it.

Ms. Mallek said on page 17 and the discussion of the missing middle and various other units, she could understand how, if there were an application process, and Bamboo Grove, for example, demonstrated how tiny houses led to an increase from 6 to 9 units on a small area. She asked how this correlated to development rights in by-right situations. She said that many Rural Area properties had development rights tied to the number of divisions already made. She said that there were many properties where multiple generations lived in four and five residences due to this, and she questioned whether there was any correlation in this discussion or not.

Mr. Pruitt said that he had a limited number of notes on the content of the chapter itself, so he would proceed through this and then the few points he had. He said that his initial impression was that "gross" was the direction he would prefer to go. He said that however, he believed there were two possible scenarios happening there. He said that one was that this could be irrelevant in most situations. He said that as he often pointed out, their land use map contradicted their Comprehensive Plan, and what they were discussing now was how that applied to by-right uses.

Mr. Pruitt said that either it would be muted in those circumstances, or it would only lead them to where their Comprehensive Plan already stated they should be. He said that this would be making things by-right that their Comprehensive Plan already envisioned. He said that if the Board members followed his explanation, this was a roundabout way of achieving the densities that their master plans and Comprehensive Plan contemplated. He said that if this was the mechanism that they wanted to do, this was just a backwards way of achieving the densities that their master plans envisioned, then he would find this frustrating.

Mr. Pruitt suggested doing this in conjunction with a land use map update that actually ensured they achieved the intended densities. He said that in such a case, "gross" would result in higher density than might otherwise be possible.

Mr. Pruitt said that he was fully supportive of building up, recognizing that it would not commonly occur because timber framed would still be more cost-effective for most uses, but they needed to include this option to the portfolio.

Mr. Pruitt said that his understanding of the discussion on parking maximums was that they were mostly talking about commercial and destination sites. He said that he believed several individuals, including himself, immediately thought when discussing parking, they often referred to what the City had recently done. He said that this involved having a conversation around residential parking minimums. He said that he thought that commercial parking maximums were prudent, and he had no issues with including them.

Mr. Pruitt said that regarding residential parking minimums, he wondered if this was something they should be exploring, and that he was cautious about this idea, because it was important to remember that it could impact working-class individuals who commuted between various job sites, often far from where they lived.

Mr. Pruitt said that if they could tie the implementation of these minimums to the deployment of reliable transit infrastructure by the RTA, that might be a viable solution. He said that this would allow for reduced mandatory parking requirements in areas where transit infrastructure was established, thus making it easier for developers to provide affordable housing units.

Mr. Pruitt said that he also supported the idea of less intrusive parking through structured parking facilities.

Mr. Pruitt said that he also noticed the fundamental tension they introduced in Goal 1, Objective

1.5 regarding tree coverage. He said that he agreed that clear-cutting was unfortunately often necessary for building inexpensively, especially for affordable housing in residential areas. He said that it was essential to track the age of developments by observing the tree cover.

Mr. Pruitt said that in his neighborhood, situated between Mill Creek and Foxcroft, it was easy to determine the construction dates based on the trees. He said that Mill Creek was built in the 70s, while Foxcroft is more recent, as indicated by the differing tree covers. He said that instead of focusing on incentivizing or discouraging cutting during construction, they should prioritize encouraging replanting and increasing tree cover in established communities that had already been developed.

Mr. Pruitt admitted that he was confused by the identified employment districts. He said that it appeared that they were very narrowly tailored to only be things that were only necessarily going to be employment districts. He said that he apparently lived immediately adjacent to one in the areas designated Industrial along Southern Parkway and Avon Street.

Mr. Pruitt said that if this was meant to be an Industrial land use preservation strategy, he could understand that, but it was unclear to him what it was accomplishing. He said that he read it as identifying the areas that already were designated as Industrial in clusters. He said that if what they were saying by including it in the Comprehensive Plan was that they would persist, then he accepted that, but he had a lack of clarity on that.

Mr. Pruitt said that regarding Objective 3.2 under transit, something Ms. Mallek highlighted, and he focused on was a distinction between fleet versus private vehicles. He said that while they could set goals for either or both, it was unclear whether the reference was to their own fleet or the general public. He requested clarification on this point. He said that in his view, they should set goals for both.

Mr. Pruitt said that additionally, concerning Objective 4.1, regarding the number of low- and no-emission vehicles, he suggested that increasing the number of privately and publicly owned low- and no-emission vehicles might not contribute to achieving their carbon goals.

Mr. Pruitt explained that driving a motorcycle like his Sportster could result in significantly lower emissions compared to an electric vehicle (EV); EVs still had higher carbon impacts and climate implications when considering their construction and reliance on power grids. He proposed they revise the goal by emphasizing increasing the proportion, encouraging alternative modes of transit.

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Non-Agenda Item. Emergency Management Update and Resolution Declaring Local Emergency.

Mr. Andrews stated that the declaration of a local emergency document had been provided to the Board.

Mr. Rosenberg noted that Amanda Farley, Senior Assistant County Attorney, in his office noted the need to make a change to the names of the Board members as listed in the document, but he failed to see her communication before sending the copy to the Board. He said that this was of no consequence. He said that the Clerk would call the roll and would sign a version of the Resolution that includes the correct names and reflects the roll call. He said that this was merely a certification process.

Mr. Rosenberg said that in addition, as a housekeeping matter, he would like to inform the Board that they could dispense of the closed session this evening if that was the Board's desire. He said that neither of the two matters for that evening were time-sensitive, and he recognized that they were under a time pressure, so he wanted them to keep that in mind. He said that the resolution presented pertained to the Board's declaration of a local emergency.

Mr. Rosenberg said that for the benefit of Board members and the public, typically, the procedure involved the County Executive declaring a local emergency when it occurred, and then having that declaration confirmed by the Board at its next meeting following the County Executive's declaration. He said that as it happened, they were all meeting this evening, so they could skip the first step and have the Board consider the resolution and directly declare the local emergency. He said that this declaration would remain in effect until the Board took action to rescind it.

Mr. Rosenberg said that it may not be immediately rescinded after the event was over but could continue for reasons related to reimbursement from state or federal governments, which required the emergency to remain in effect beyond the event itself. He said that the resolution simply recites the fact that there are drastic winds and uncontained brush fires, that County resources are exhausted, and that local mutual aid is unavailable, and that the Board was making a judgment that the situation was of such sufficient severity and magnitude to warrant coordinated local government action, leading to the declaration of a local emergency.

Mr. Andrews said that he was looking for someone to make a motion.

Ms. McKeel **moved** to adopt the Resolution Declaring a Local Emergency.

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

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

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**RESOLUTION  
DECLARING A LOCAL EMERGENCY**

**WHEREAS**, the current atmospheric conditions including drastic winds and uncontained brush fires, beginning on 20 March 2024 (“the Disaster”) have caused and will continue to cause significant damage in the County; and

**WHEREAS**, County resources are exhausted and local mutual aid is unavailable; and

**WHEREAS**, in the judgment of the Board of Supervisors of the County of Albemarle, Virginia, the Disaster is of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Albemarle, Virginia that a local emergency is declared pursuant to Virginia Code § 44-146.21; and

**BE IT FURTHER RESOLVED**, that the County’s Director of Emergency Management is authorized to exercise the powers granted to him pursuant to Virginia Code § 44-146.21 while this declaration is in effect.

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Agenda Item No. 11. **Work Session:** AC44 Work Session: Draft Goals and Objectives for Rural Area Land Use and Transportation and Development Areas Land Use and Transportation, *continued*.

Mr. Andrews said that he would attempt to be brief in his comments because he recognized that he could provide written comments but would address these specific questions quickly.

Mr. Andrews said that perhaps he would work with Mr. Gallaway a bit, because he was unsure about the distinction between gross and net. He said he was worried because when he heard "gross density," he envisioned a situation where most of the lot had little to no development potential except for a small portion or fraction of the land parcel, yet they seemed to be treating it as if the development sizes could be appropriately applied for the full size of the lot, and that did not make sense to him. He said that therefore, he leaned towards “net” for that reason. He said that he did not fully understand the implications of gross density. He said that without specific examples, he could imagine some unfavorable scenarios.

Mr. Andrews said that on the other hand, he did not really have a problem with the height increase. He said that he had mentioned previously that he was not entirely at ease with their designation of destination centers. He said that there was at least one instance where he believed it did not truly qualify within that category. He said that his concerns primarily lay in this area and could be found on pages 36 and 37. He said that while examining multimodal transportation for a destination center, he expected it to have pedestrian access to other locations.

Mr. Andrews said that regarding parking maximums, he was a little wary about getting in the way of certain private decisions concerning appropriate maximum or minimum in their area. He said that insufficient parking in a residential area could restrict access and potentially make the area less appealing for some individuals, causing them to seek out other locations. He said that this did not necessarily render it more or less affordable. He said that the decision made by the developer regarding what works seemed to be solely their choice.

Mr. Andrews said that while he did not advocate for excessive parking, he could not determine what they needed because it depended on the use. He said that he was less worried about this than some of the others.

Mr. Andrews said that he agreed with other Board members about incentivizing structured parking, rooftop solar, parking solar, and green infrastructure. He said that regarding the preservation of existing tree coverage in Objective 1.5 and increasing tree coverage in Objective 2.2 for existing neighborhoods rather than new developments was a commendable goal. He said that 2.3 regarding improving stormwater management, he would like to see some of these taken into Goal 1, similar to Objective 1.5 but not as it was in Objective 1.5. He said that he agreed that the preservation of existing tree coverage may not align with intensive development, but they could encourage increased tree coverage over time through planting and other measures. He said that green infrastructure was also part of that.

Mr. Andrews said that he agreed with everyone that catch-up was really what they had to be hoping for, and obviously, even there, they would prioritize applications, but they were looking for help in a lot of their infrastructure. He said that he thought they should prioritize their applications based on growth alignment.

Ms. Mallek said that one aspect to consider in the tree cover discussion was refining the



allowable tree destruction in stream buffers and things like that because there was a lot of gratuitous chopping taking place. She said that whatever the law allowed, there should be much more serious if any punishment for people who cut down 200 large trees and then were allowed to go back and replace them with 300 smaller trees. She said that to preserve greenways and natural stormwater systems, it was crucial to avoid unnecessary tree destruction.

Mr. Andrews said that he would like to add one more comment. He asked if they could quickly refer to slide 26, which he believed pertained to Objective 1.7, monitoring the capacity of Development Area to estimate whether there was sufficient land available. He said that in the full policy, there was an entire section that described the policy to guide potential future Development Area expansions. He said that he had a lot of concerns regarding this and pointed out that it seemed to him that they were stating expansion was not deemed necessary, yet the subsequent paragraph suggested that they may reconsider this every five years.

Mr. Andrews said that this confused him, as they also reassessed the Comprehensive Plan every five years and asked why they would put that in there to suggest that they were already going to go back on the notion that they did not think it would be needed it over the next 20 years. He proposed that rather than including criteria for expanding, that they include that there would not be an expansion unless specific criteria were met. He said that they were not really trying to look for excuses to expand the Growth Area, but were trying to understand when they would need to and what criteria needed to be met before they considered that.

Ms. Mallek said that her proposal would be to separate the entire growth management issue from the Comprehensive Plan, as they already had enough to settle there without that. She said it should be treated as a separate issue that they could take on more deliberatively as far as any changes or the expansion issue.

Mr. Andrews said that they could discuss it further on April 3.

Ms. McKeel said that she would like to briefly highlight that, as they discussed transit and MicroCAT, the current MicroCAT model is proving effective and they were all thinking about how they could use that in the future. She said that notably, it identifies where individuals reside that want to use transit. She said that this was providing a map for them when discussing the placement of fixed routes or various transit options. She said that essentially, the MicroCAT model offers a roadmap for transit considerations.

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Agenda Item No. 12. Closed Meeting.

At 5:33 p.m., Mr. Pruitt **moved** the Board of Supervisors convene a closed meeting pursuant to section 2.2-3711(A) of the Code of Virginia:

Under subsection (8) to consult with legal counsel regarding specific legal matters requiring legal advice relating to:

- the decision of the Board of Zoning Appeals in Case No. AP2023-00004; and
- the possible exercise of authority under Virginia Code § 15.2-2308 to appoint alternates to the Board of Zoning Appeals.

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

AYES: Mr. Andrews, Mr. Gallaway, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.

NAYS: None.

ABSENT: Ms. LaPisto-Kirtley

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Agenda Item No. 13. Certify Closed Meeting.

At 6:09 p.m., Mr. Pruitt **moved** that the Board of Supervisors certify by a recorded vote that, to the best of each supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting, were heard, discussed, or considered in the closed meeting.

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

AYES: Mr. Andrews, Mr. Gallaway, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.

NAYS: None.

ABSENT: Ms. LaPisto-Kirtley

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Agenda Item No. 14. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Jeff Richardson thanked the Board for their prompt action earlier in declaring a local state of emergency for Albemarle County due to multiple brush fires in their community. He said that the County had just issued a press release, and the County was responding accordingly with both career and volunteer units from Albemarle County addressing approximately 10 active brush fires of varying sizes across the County. He said that multiple calls for smoke investigations had been received, with three outbuildings involved so far and several structures threatened by uncontained fires. He said that the number of acres involved and the percentage contained were yet to be determined.

Mr. Richardson said that an evacuation alert had been sent to the residents on Taylor's Gap Road and the side roads between Dick Woods East and Blandemar Road. He said that Albemarle County Police Officers were assisting with door-to-door notifications at that time. He said that the Declaration of Local Emergency by the Albemarle County Board of Supervisors had been issued earlier in the afternoon, effective at approximately 5:30 p.m., which would enable their community to access resources outside of Albemarle County during this public safety emergency.

Mr. Richardson said that regarding his report, they had worked over the past year to ensure that their work was in line with the five-year Strategic Plan and its six strategic goals set forth by the Board. He said that in previous budget work sessions, they presented the recommended budget and aligned it to these strategic goals. He said that he would like to discuss the day-to-day work that went on in their community.

Mr. Richardson said that their second goal aimed to create a resilient, equitable, and engaged community. He said that to achieve this, Resilience Together Staff Workshops were conducted, attended by 85 staff members from the University of Virginia, the City of Charlottesville, and Albemarle County. He said that these workshops focused on building interdisciplinary relationships across the organizations and developing a shared understanding of opportunities and challenges related to building the community's climate resilience. He said that the City and the University were very key partners for their long-term success.

Mr. Richardson moving on to Goal 4, which centered on quality of life, they had partnered with Crozet Trail Crew volunteers to improve a popular trail in the Old Trail neighborhood. He said that Parks and Recreation built 250 feet of new boardwalk through a swampy area, connecting multiple parts of the community. He said that staff who worked on this project enjoyed their experience.

Mr. Richardson said that County employees had been sharing their reasons for working in local government as part of an ongoing brand expansion project. He said that these stories would be used to create a wordmark and promote employee stories to the community over the coming months. He said that hearing these stories during training sessions had been quite inspiring.

Mr. Richardson said that connecting with their people and focusing on Goal 1, safety and well-being, the Board had spent time in budget work sessions exploring the connection between their budget and community safety responsibilities. He said that the slide pictured involved the Albemarle County Police Department (ACPD). He said that a recent award ceremony recognized 22 officers for saving the lives of 17 members of the Albemarle County community in 2023. He said that half of these rescues were a result of the Narcan program initiated in April 2023, which trains and equips police department officers with nasal spray to reverse opioid overdose effects. He commended their staff for their efforts.

Mr. Richardson said that also related to connecting with their people and workforce, they continued to invest and strengthen their workforce. He said that a recent event at the Albemarle County Office Building marked International Women's Day and the launch of a Women in Government affinity group. He said that over 40 women attended, learning about the international event's history and networking with colleagues. He said that they also shared ideas on how to support each other as women, leading to the creation of a charter and goals for an affinity group by the end of March.

Mr. Richardson said that regarding infrastructure and placemaking, Goal 3, he had an update regarding stream health restoration. He said that phase one of the Biscuit Run restoration project was moving from the design stage to permitting and procurement. He said that the restoration involved installing intermittent log jam structures along a one-mile section of the stream, mimicking beaver dams. He said that this was important because decades, if not centuries, of pasture and crop cultivation in the Biscuit Run Valley had left the streambanks vulnerable to erosion.

Mr. Richardson said that the Virginia Department of Environmental Quality had declared Biscuit Run and Moores Creek, which fed into it, officially impaired due to excessive sediment smothering aquatic habitats. He said that naturally, the Biscuit Run Valley would take hundreds of years to restore itself. He said that this intervention aimed to provide an ecological uplift, allowing the stream valley to heal within a matter of years instead of the prolonged period it would take on its own.

Mr. Richardson mentioned the BAAO (Broadband Accessibility and Affordability Office) Trailblazers Award. He said that Albemarle County was recognized as a digital inclusion trailblazer by the National Digital Inclusion Alliance. He said that this recognition highlighted the work they had accomplished to continue embracing the power of technology to bridge divides and empower lives through digital inclusion.

Mr. Richardson said that phase one of the courts complex addition and renovation continued to make progress. He said that this phase includes preserving and renovating the historic Levy Opera House and demolishing the current Levy Annex to construct a new district court house. He said that the concrete foundation and basement walls were completed in early February, and as seen in the photo provided, construction of the structural steel frame was underway. He said that the substantial completion of phase one of the County courts complex addition and renovations project was expected in early 2025.

Mr. Richardson said that the Yancey Fitness Center grand opening had taken place, marking the Parks and Recreation Department's launch of a new health and wellness facility located in the southern portion of the County at the Yancey Community Center. He said that this project was made possible through a grant from the Charlottesville Area Community Foundation, which had also funded various other resources for the center, such as the heritage and history exhibit, modern audiovisual equipment, and a community garden.

Mr. Richardson said that the County staff had visited Murray Elementary's Environmental Club, where students sent a letter to the County Executive's office about their waterway conservation learning, and they wanted to know what the County was doing. He said that in response, staff members from Facilities and Environmental Services (FES) had collaborated and hand-delivered the letter along with FES and CAPE (Community and Public Engagement) staff insights to the fourth-grade classroom. He said that Laura Williamson, Khalilah Jones, and Serena Gruia discussed the importance of civic participation. He said that this was an excellent day for the students.

Mr. Richardson said that regarding the community and MicroCAT, a larger presence had been established at CHO's (Charlottesville Albemarle Airport) designated pickup area signage in front of the building. He said that digital displays had also been set up throughout the airport near baggage claim and beyond security. He said that Blue Ridge Health District staff had utilized the system to help a client get home from an appointment and expressed gratitude for its assistance. He said that the County, VIA, and CAPE staff were collaborating with Blue Ridge Health District for training on teaching clinical staff, WIC (Women, Infants, and Children) staff, and community health workers about the system. He said that as of March 17, 2024, there had been a total of 13,324 ride requests made to this service.

Mr. Richardson said that he had nothing further to discuss in his March report but wanted to express his appreciation to the Board for allowing him to discuss the emergency situation that they were currently working on. He said that they would be monitoring the situation and staff's work related to it, and he would let the Chair know of any further developments.

Ms. McKeel said that it was always good to see the positivity and enjoyment from their staff as they engaged with the community. She said that she had participated in an IRC (International Rescue Committee) meeting via Zoom on Friday and asked if they had connected because she previously attempted to link them with MicroCAT. She said that Harriet confirmed that the IRC was indeed using MicroCAT with their translators assisting the refugees. She said that she stated that the system was working beautifully for them. She said that this was yet another positive aspect.

Mr. Gallaway said that he appreciated the report and agreed with Ms. McKeel that he enjoyed seeing and hearing about these various programs. He expressed gratitude to the staff for their diligence in promptly implementing the local emergency ordinance.

Ms. Mallek said that she was glad to hear such good news about the positive interactions citizens had with Local Government staff.

Mr. Pruitt said that he appreciated the report and hearing about all the really extraordinary work their public safety professionals were doing right now.

Mr. Andrews said that he very much appreciated the report and the services of their emergency personnel.

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Agenda Item No. 15. From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.

Ms. Sherry Buttrick, White Hall District, said that she was present to speak about the Rural Area section of the Comprehensive Plan. She said that when she saw the logo for the Comprehensive Plan revision, she knew they had a problem. She said that this logo depicts sprawl, houses in all the fields and on every ridgetop. She said that this was not just a graphics issue; the Rural Area chapter was planning for sprawl. She said that the first and primary goal of the Rural Areas section should be that the County wholeheartedly supports agriculture, rather than just stating its inevitability. She said that as it was currently drafted, the plan seems to suggest that it was unfortunate that there will be thriving farms and working forests.

Ms. Buttrick said that the plan and planners must recognize that without agriculture and forestry, there would be no biodiversity, no scenic resources, and no rural character that makes this area economically prosperous. She said that additionally, it provides diverse job opportunities in the Rural Areas for people of modest means, who had been there potentially the longest of anybody. She said that there needed to be, first, support for viable economic uses of rural land, not just boutique agriculture but all agriculture. She said there needed to be attractive options to conserve rural land.

Ms. Buttrick said that the plan should prioritize first and foremost the continuation of use value taxation and clearly state its unequivocal continuation. She warned that if they lost the land use tax in the County, the consequences would be severe. She said that they would face massive land conversions, turning the County into Fairfax, and driving out long-term Rural Area residents instantly.

Ms. Buttrick said that secondly, they need to support conservation easements. She said that the County discontinued a functioning purchase of conservation easement program that pioneered equitable options for landowners of modest means. She pointed out that the plan mentioned scenic resources but lacks objectives to protect them. She emphasized that they must identify and safeguard important scenic viewsheds and must also restore the Mountain Protection Committee's recommendations that had been dropped. She said that in summary, they needed meaningful support for agriculture and its resource base of farm and forest land in this plan, not a roadmap to suburbia.

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Mr. Peter Rightmyer, Executive Director at the University Village Owners Association, said that since the beginning of the Gray Star Development project, he had consistently criticized its size, density, potential inhabitant count, insufficient parking provisions, stormwater control measures, and driver safety concerns on the small road right there. He said that numerous local issues still remained unaddressed.

Mr. Rightmyer said that however, today he was there to commend Dewberry Engineering and their County Engineer, Frank Pohl, for devising a sanitation infrastructure plan that strategically positioned the odious components of the system as far from residents' homes as was logistically feasible. He said that this was a significant improvement from the initial proposal, which positioned the sewage pumping station adjacent to their own multifamily apartment building number five. He said that this achievement demonstrated that when faced with a problem Gray Star Development truly wished to resolve, they could do so. He said that he hoped they would apply the same level of effort to addressing all their remaining issues.

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Mr. William Sherman said that he resided at 500 Crestwood Drive on Old Ivy Road, and was a neighbor of the applicant's project, Old Ivy Residences. He said that he understood that the applicant had committed through a proffer to provide a second on-ramp onto 250-29 Bypass North. He said that this on-ramp would be situated alongside the existing on-ramp accessed from 601 Old Ivy Road, essentially expanding its width.

Mr. Sherman said that in the proposed sewage system for Old Ivy Residences, SDP202300071, project sewage would be directed by gravity flow and run beneath the aforementioned on-ramp to a location west of the on-ramp. He asked if the County engineers, in collaboration with VDOT and its federal counterpart, had considered the applicant's proposal to bore under the on-ramp to facilitate the installation of a sewer pipe for drainage by gravity. He asked if the impact of doubling the width had been taken into account when evaluating the proposal to bore and install a discharge pipe.

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Agenda Item No. 16. **Action Item:** Old Ivy Residences – Central Sewerage System Request.

The Executive Summary as forwarded to the Board states that pursuant to County Code § 16-102, Greystar, developer of the proposed Old Ivy Residences, has notified the Clerk of the Board of Supervisors of its intent to construct a private central sewer system to serve the development (Attachment A). Under County Code §§ 16-104 and 16-105, the Board is to consider this proposal and either approve or disapprove this proposal.

On March 1, 2023, the Board approved Zoning Map Amendment ZMA202100008, with proffers, to rezone Parcels 06000-00-00-05100, 06000-00-00-024C0, 06000-00-00-024C1, 06000-00-00-024C3, and 06000-00-00-024C4 in the Jack Jouett District for the Old Ivy Residences development. The properties are in the Neighborhood 7 comprehensive plan area and in the jurisdictional area for water and sewer service. The Board also approved an associated rezoning of certain preserved steep slopes to managed steep slopes (ZMA202100009) and an associated waiver of the stepback requirement (SE202200011).

This proposal is for a new onsite private gravity sewer system to serve the Old Ivy Residences development. The system would include 184 individual connections serving 525 dwellings (refer to Attachment B for the preliminary utility plans and profiles). Chapter 16 of the County Code defines a "central sewerage system" as a system "designed to serve three or more connections." With more than three connections, this system would be considered a "central sewerage system," requiring Board consideration.

Though the subject property is located within the County's Jurisdictional Area for public sewer, the Albemarle County Service Authority (ACSA) would not agree to maintain the sewer system because it is located on and serves a single parcel and is not expected to be extended beyond the property. Therefore, the onsite sewer system must be privately owned and maintained.

The developer is also proposing to extend the public sewer main from in front of 505 Faulconer Drive, under the US-250 bypass, to the site. This section would then become public and could be maintained by the ACSA.

Staff reviews requests such as this for technical feasibility and for conformity with the

Comprehensive Plan. The County Engineer has reviewed this request and has determined that the proposed onsite gravity sewer system is the best option for this site, noting that the system would be designed and constructed to public utility standards. Staff supports the request and recommends approval of the proposed central sewerage system, with the following conditions:

1. The central sewerage system must be constructed in accordance with the preliminary Utility Plan and Profiles (Attachment B);
2. The central sewerage system must be constructed to public utility standards;
3. Final plans and specifications must be submitted with the final site plan and are subject to approval by the County Engineer prior to commencing construction of the sewerage system;
4. Prior to issuance of any certificate of occupancy for any building to be served by the sewerage system, the owner must provide a Certificate of Completion and as-built drawings to the Building Official or County Engineer;
5. The owner(s) of Parcels 06000-00-00-05100, 06000-00-00-024C0, 06000-00-00-024C1, 06000-00-00-024C3, and 06000-00-00-024C4 must assume full responsibility for the operation and maintenance of the sewerage system; and
6. If requested by the County Engineer, the owner must document compliance with all State operation and maintenance requirements.

Minimal staff time would be required to review final design documents, completion reports, and to verify that ongoing maintenance is being provided.

Staff recommends that the Board adopt the attached Resolution (Attachment C) approving the installation of a central sewerage system (gravity sewer main) at the Old Ivy Residences development, subject to the conditions therein.

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Mr. Frank Pohl, County Engineer, said that this proposal was a request to construct, install, and operate a central system for their development on Old Ivy Road. He said that in his previous attempt to highlight the relevant parcels, he inadvertently missed one. He indicated that relevant parcel on the aerial map. He said that as noted in the slide, there were five parcels in total, which were 6051, 24C, 24C1, 24C3, and 24C4.

Mr. Pohl stated that there had been prior approvals for this project, which were the ZMA rezoning of 2021-00008 with proffers, and another rezoning, 2021-00009, which dealt with steep slopes and a special exception concerning building step-back requirements. He explained that the project was within the jurisdictional area for water and sewer services but that the Albemarle County Service Authority (ACSA) did not maintain systems located on a single parcel owned by one entity.

Mr. Pohl said that the ACSA wanted to stop their ownership at the edge of the parcel adjacent to the on-ramp, and then they would take over that portion beyond their property, so that was the portion that would be extended by the development to connect to the public sewer on the other side of the bypass between the bypass and the off-ramp in the office complex. He said that the proposed system would be gravity for the entire system and that it would consist of 184 individual connections.

Mr. Pohl explained that a connection referred to a lateral from a structure or building. He said that an apartment building may have 20 apartments, but it would still only have one connection. He said that similarly, townhouses in a block of five would be served by one connection, while individual detached units were counted individually as connections. He said that this was why the number of unit approvals on a property might differ from the number of connections.

Mr. Pohl said that the County code required the applicant to notify the Board about a central system, which had been done. He said that the definition of a central system was displayed on the screen. He said that the relevant portion for this project were the conduits and did not include pipelines. He said that these were conduits because there were no pumping stations, force mains, or treatment plans. He said that with the central system now defined, he referred to the hearing requirements listed in Chapter 16, Section 104, which was the reason they were there that evening.

Mr. Pohl said the next slide showed a large-scale map illustrating the overall system, with green lines representing sewer lines as part of the gravity system, which were the main lines. He said that laterals, though not visible on the map, could be found in the individual enlarged sheets in their packets. He said that the public portion to be built, if approved, was indicated on the map. He mentioned that he was unaware of any approvals obtained thus far to construct this; further approvals would likely be required from VDOT and the ACSA.

Mr. Pohl explained that the submitted plan, considered preliminary despite its detailed design, showcased various buildings and the layout, routing around a central pond. He said that the green areas represented private parts of the system. He said discussions were ongoing with the ACSA to potentially extend public sewer services to accommodate future connections in the Victorian Heights development. He said that if there was a potential for future connection beyond their property, they might agree to accept any portion of the system.

Mr. Pohl said that the maximum approval amount that night could be 184 connections, but it could end up being less. He said that he was unsure about the conclusion or status of those discussions, but the last time he had spoken to the applicant they were in discussions with the ACSA for that purpose.

Mr. Pohl said that the next slide covered factors specific to this proposal, pertaining only to the system itself. He said that favorable factors included that the gravity system eliminated the need for a pump station, which meant there would be less maintenance and less potential for failure. He said that the project was located within the service area to be served by public facilities, although the on-site was considered private; and the project would fall within the jurisdictional area for water and sewer.

Mr. Pohl said that regarding unfavorable factors, the system would be privately maintained. He said that while some might view this as advantageous, he believed it was disadvantageous because they preferred systems to be maintained by the ACSA.

Mr. Pohl said that with this proposal, staff proposed some conditions of approval, which they tweaked to account for the type of system. He said that they were generally consistent whenever they had a request, such as ensuring the project was constructed to public utility standards, reviewing the final plan with the final site plans and that the County Engineer could request documents for operation and maintenance as needed.

Ms. McKeel asked if Mr. Pohl knew of other gravity systems in the County.

Mr. Pohl said that the Regents School had some gravity systems as well as a pump station. He said that the River's Edge on North 29 also had a gravity system in addition to a pump station. He said that they did not have any other developments that were completely gravity-based.

Ms. McKeel asked if this proposal was acceptable to Mr. Pohl as presented.

Mr. Pohl said yes. He said that this might not need a central system approval, but that was something he would discuss with the County Attorney's Office in the future. He said that they aimed to maintain consistency regarding these systems, but it may change in the future. He said that any of those changes would be brought to the Board first.

Mr. Gallaway said that while he was not an engineer, the topography of the site seemed like it would be well-suited for a gravity system. He said that he was unsure of the ACSA's rationale for this. He said that regarding the public comment on this item, which mentioned the system going under the ramps, he would like to know if ACSA would construct that portion.

Mr. Pohl said no, it would be constructed by the developer.

Mr. Gallaway asked if they would take everything into account with the on-ramps.

Mr. Pohl said absolutely. He said that he assumed that VDOT would examine those plans and grant a land use permit for work within the right-of-way.

Ms. Mallek asked if there was a standard length of time for which these documents needed to be maintained by the owners.

Mr. Pohl said that he did not know that information.

Mr. Pruitt asked if this were subdivided and offered for sale before the units were constructed, it would not require a private system.

Mr. Pohl said yes. He said that if they subdivided the land and provided service to individual parcels, the ACSA would take it to a point where there were two or less served, and at that point it would become private.

Mr. Pruitt asked if those owners would have the responsibility of constructing those laterals; rather, the developer would not.

Mr. Pohl said yes.

Mr. Pruitt said that he agreed with the mild concerns regarding the system being private, which raised concerns about long-term system health and the specifics of maintenance requirements. He said that it was likely that they did not have any periodic or imposed maintenance obligations to impose on the owner. He asked if that was correct.

Mr. Pohl said that maintenance refers to situations such as a failure, for instance, when a lateral leaves a house through the gravity lateral in the sewer located in one's street. He said that typically, he had not come across many instances of maintenance being carried out on gravity sewer lines. He said that he often heard about maintenance issues concerning water lines, particularly those involving water leaks. He said that additionally, pump station overflows can occur when power goes out, necessitating backups that require maintenance. He said that for a properly constructed gravity sewer adhering to public utility standards, there should be minimal need for maintenance.

Mr. Pruitt said that he was not part of the Board during the approval process of the Old Ivy Residences. He asked if staff could clarify whether these new units would be for rent.

Mr. Pohl said that was his understanding, but the applicant was present to provide that information.

Mr. Andrews said that he agreed that the pump station was scary in that sort of situation. He said that he did not know what the actual slope of the gravity feed system was. He said that he had seen those get clogged as well, but not at a commercial scale. He asked what the slope of the property was.

Ms. McKeel asked if there was a standard for the slope.

Mr. Pohl said that 0.5% was the typical minimum standard.

Mr. Andrews said that it was a big slope across the property, but it was also a large property, so he was unsure of the overall impact.

Mr. Pohl said that they had slopes from 1.78, so the velocity would meet the flow requirements to maintain the movement of solids.

Mr. Andrews said that he had a bad experience with a private system.

Mr. Andrews asked for a motion if there were no other questions or comments,

Ms. McKeel **moved** that the Board adopt the Resolution attached to the staff report as Attachment C for the Ivy Road Residences request for a central sewerage system with up to a maximum of 184 connections.

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

AYES: Mr. Andrews, Mr. Gallaway, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.

NAYS: None.

ABSENT: Ms. LaPisto-Kirtley

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**RESOLUTION TO APPROVE  
A CENTRAL SEWERAGE SYSTEM  
ON PARCELS 06000-00-00-05100, 06000-00-00-024C0,  
06000-00-00-024C1, 06000-00-00-024C3, AND 06000-00-00-024C4**

**WHEREAS**, on March 1, 2023, the Board of Supervisors approved zoning map amendment ZMA202300008 Old Ivy Residences ("ZMA 2023-8") on Parcels 06000-00-00-05100, 06000-00-00-024C0, 06000-00-00-024C1, 06000-00-00-024C3, and 06000-00-00-024C4; and

**WHEREAS**, in conjunction with ZMA 2023-8, the owner of the subject parcels is seeking approval of a central sewerage system.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the staff report prepared for this request and all of its attachments, the information presented to the Board of Supervisors, and the factors relevant to central sewerage systems in County Code Chapter 16 and the Albemarle County Comprehensive Plan, the Albemarle County Board of Supervisors hereby approves the proposal to construct a new central sewerage system on Parcels 06000-00-00-05100, 06000-00-00-024C0, 06000-00-00-024C1, 06000-00-00-024C3, and 06000-00-00-024C4, subject to the conditions contained herein.

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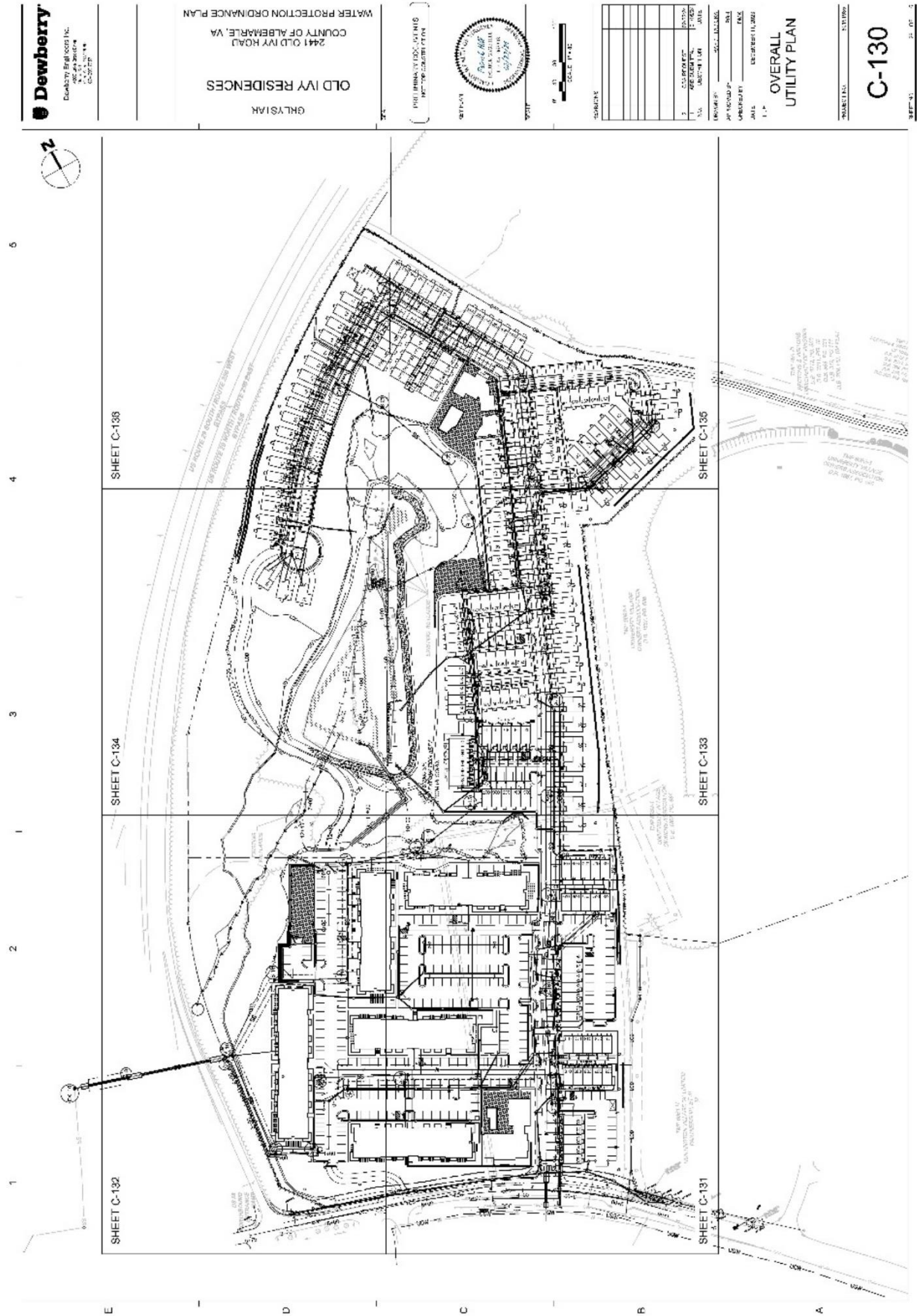
**The Old Ivy Residences Central Sewerage System Conditions**

1. The central sewerage system must be constructed in accordance with the preliminary Utility Plan and Profiles (Attachment B);
  2. The central sewerage system must be constructed to public utility standards;
  3. Final plans and specifications must be submitted with the final site plan and are subject to approval by the County Engineer prior to commencing construction of the sewerage system;
  4. Prior to issuance of any certificate of occupancy for any building to be served by the sewerage system, the owner must provide a Certificate of Completion and as-built drawings to the Building Official or County Engineer;
  5. The owner(s) of Parcels 06000-00-00-05100, 06000-00-00-024C0, 06000-00-00-024C1, 06000-00-00-024C3, and 06000-00-00-024C4 must assume full responsibility for the operation and maintenance of the sewerage system; and
  6. If requested by the County Engineer, the owner must document compliance with all State operation and maintenance requirements.
- \_\_\_\_\_

















**Dewberry**  
Dewberry Engineers Inc.  
1000 N. 1st Street  
Columbia, SC 29201

GLYNN  
OLD IVY RESIDENCES  
WATER PROTECTION ORDINANCE PLAN  
2441 OLD IVY ROAD  
COUNTY OF ALBEMARLE, VA

PROJECT NO. 2023-01-010  
REV. NO. 01-010

APPROVED  
10/10/23  
10/10/23

SCALE: 1" = 10'-0"

NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10

DATE: 10/10/23  
BY: [Signature]  
CHECKED BY: [Signature]  
DATE: 10/10/23

UTILITY PLAN

**C-133**

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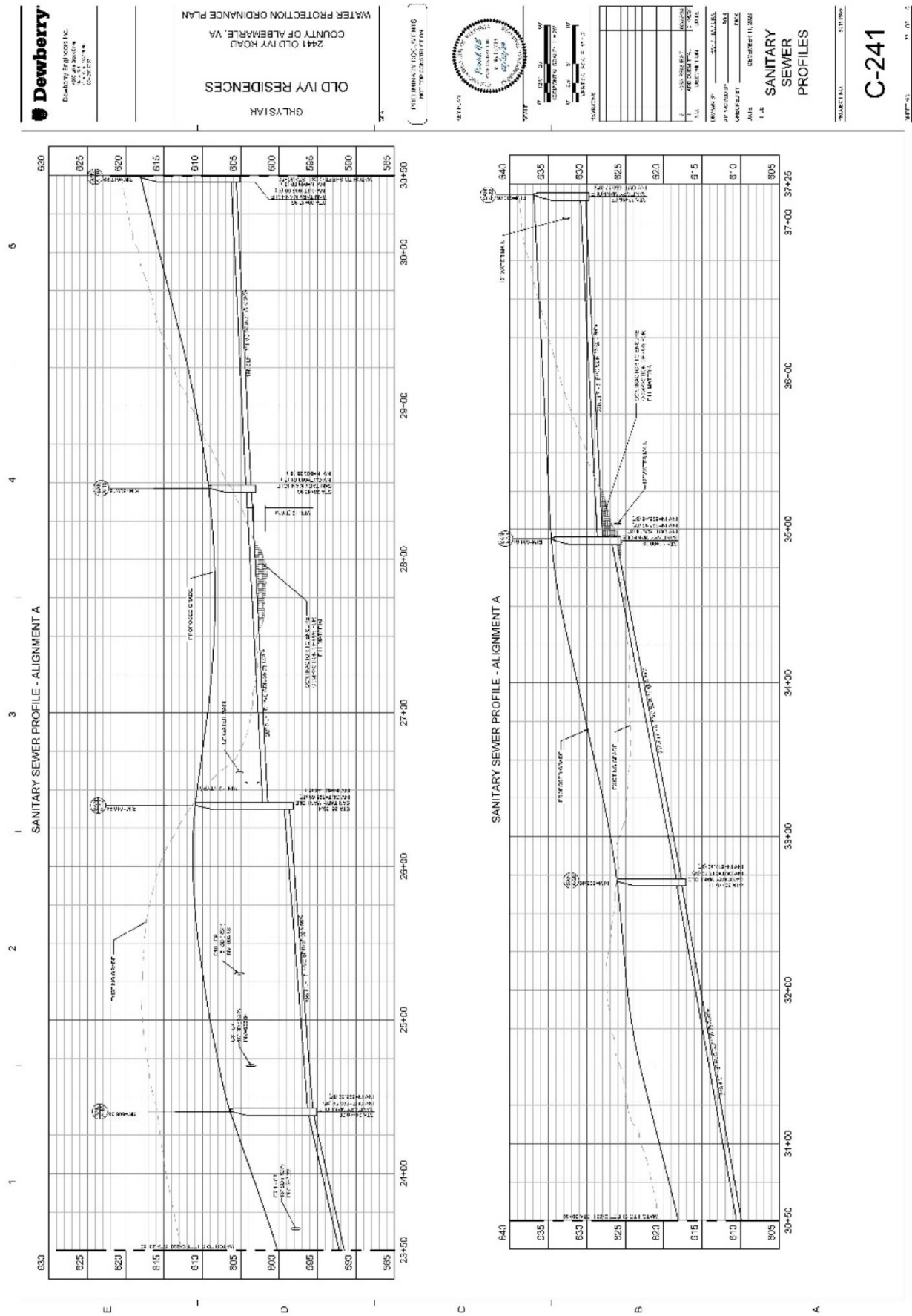


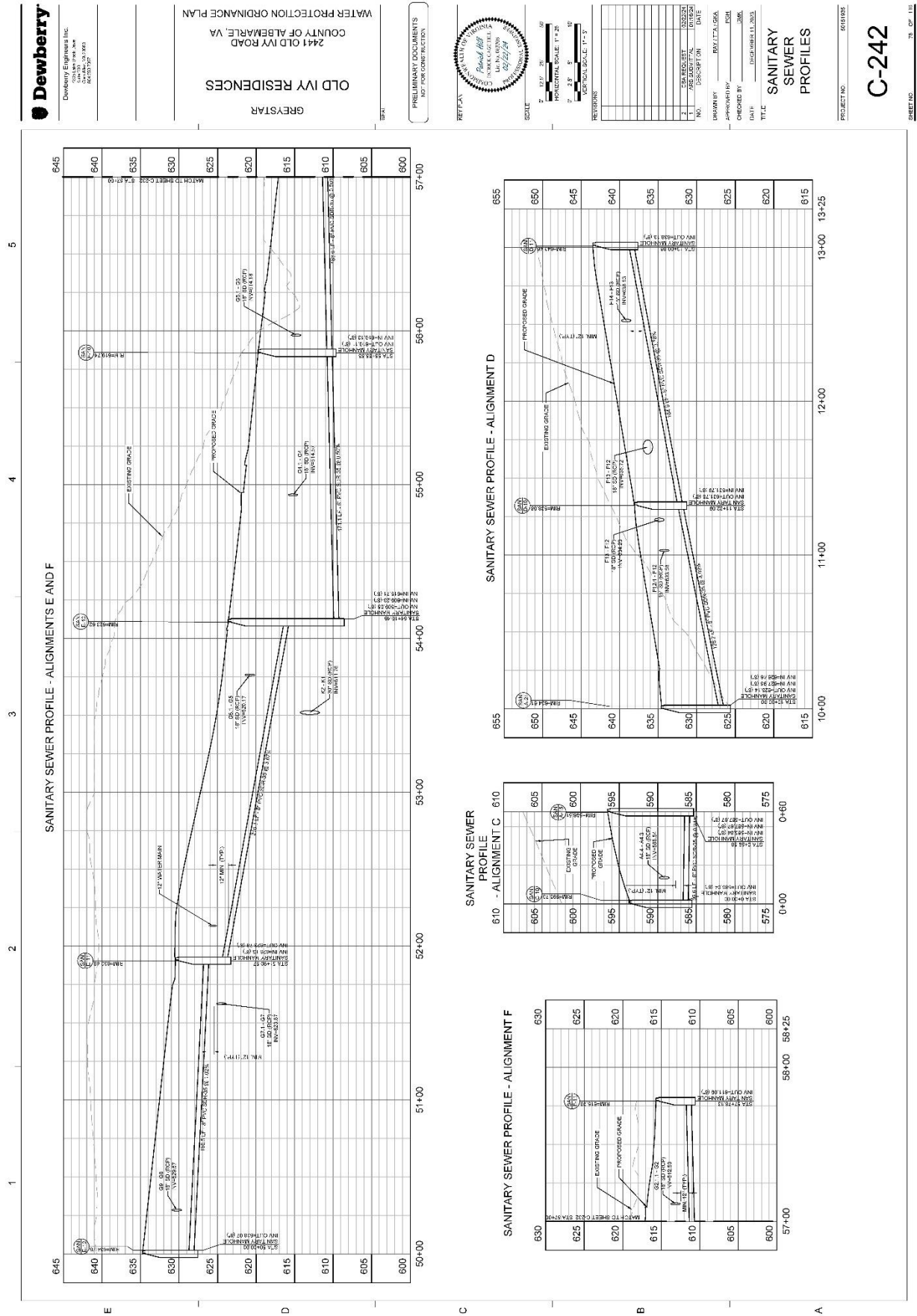




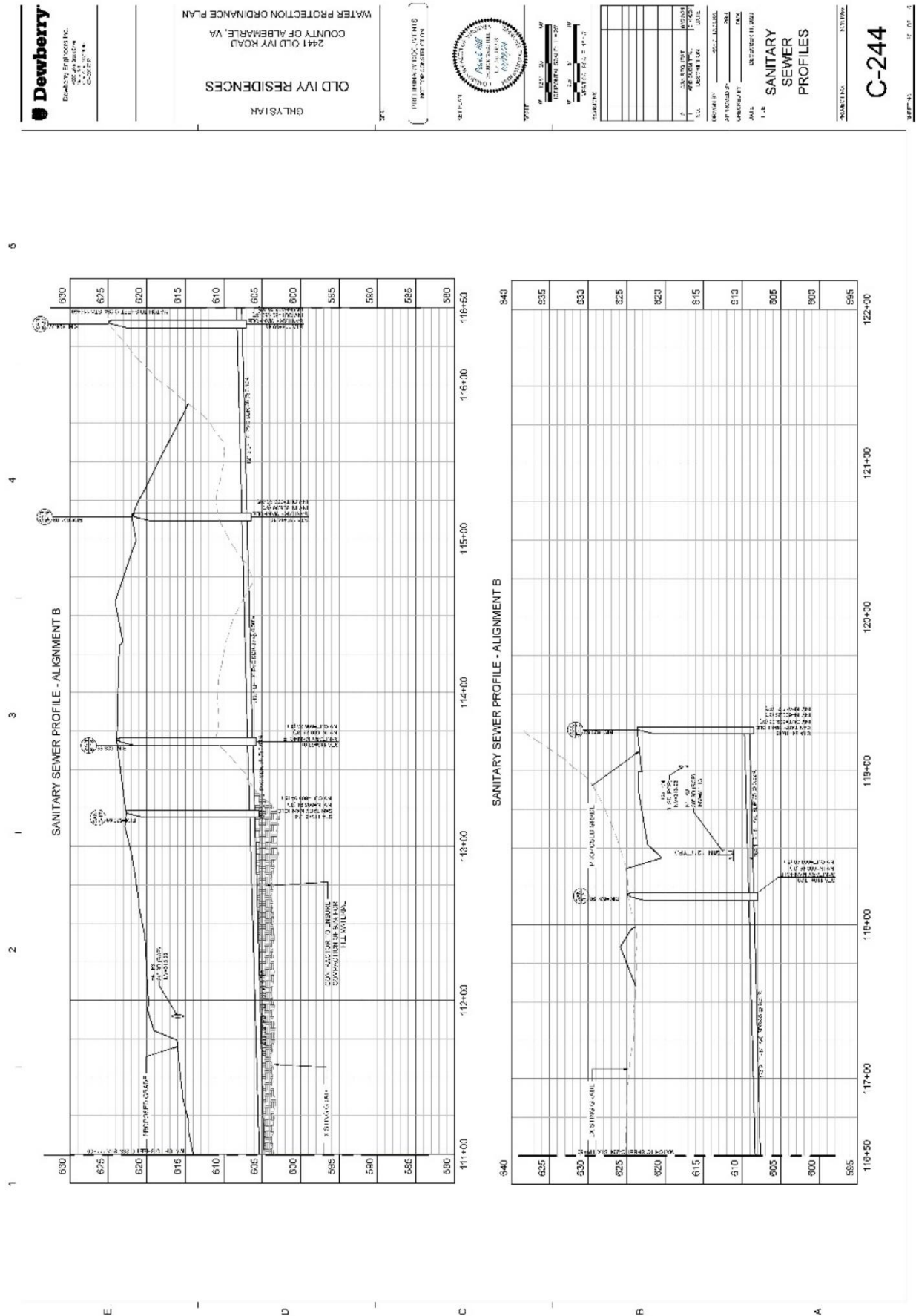












Agenda Item No. 18. **Public Hearing: Spot Blight Declaration – 3239 Rolling Road, Parcel ID 10300-00-00-05100, (Scottsville District).** To receive comments on a proposed ordinance to declare the Property located at 3239 Rolling Road, Scottsville (Parcel ID 10300-00-00-05100) a “blighted property.” This ordinance would authorize the County Executive or his designee, on behalf of the Board, to acquire, hold, clear, repair, manage, or dispose of the Property and to recover the costs of any repair or disposal of such Property from the owner or owners of record, in accordance with Virginia Code § 36-49.1:1.

The Executive Summary as forwarded to the Board states that the presence of blighted and deteriorated properties can have negative economic and environmental impacts on properties and neighborhoods, resulting in unsafe communities and other public nuisances. On August 16, 2023, the Board of Supervisors approved the scheduling of a public hearing to consider adoption of a spot blight ordinance for 3239 Rolling Road, Parcel ID 10300-00-00-05100 in the Scottsville District. A map is provided as Attachment A and property photos are provided as Attachment B.

Staff received a complaint regarding the conditions of this property and determined through an investigation that the house is uninhabited and unsafe. Staff then initiated the spot blight abatement process, as outlined below.

As the County Executive's designee, the County Building Official made a preliminary determination that the property was blighted and sent notice to the property owners of the reasons supporting this preliminary determination:

- 1) The structure is open allowing the entry of exterior elements, such as weather and animals, which are detrimental to the health, safety, and welfare of the public.
- 2) The structures are collapsing, unsafe, and therefore are detrimental to the health, safety and welfare of the public and emergency responders.

The Building Official requested an abatement plan from the owner. Pursuant to Virginia Code § 36-49.1:1, the property owner had 30 days from the date of the notice to respond in writing. Because the property owners did not respond within 30 days with a written abatement plan acceptable to the County Executive's designee, staff requested that the Board schedule and advertise a public hearing to consider an ordinance declaring this property to be blighted. Staff has engaged with the property owner to summarize the items to be corrected in the County-generated Abatement Plan (Attachment C).

Staff has developed a scope of work to implement the abatement plan, including razing the structure and associated site work.

Based on the scope of work, the nearby, commonly-owned properties at 3239 and 3247 Rolling Road would be addressed as one work effort, estimated to cost \$57,000 (Attachment D). At this Board meeting, there are three blighted properties for the Board's consideration, with an estimated total cost of approximately \$88,000. The line item for these expenses in the Community Development Department's budget has approximately \$62,000 remaining in FY 24, leaving a deficit of approximately \$26,000 in that line item. If the Board directs staff to move forward with all three properties, staff will:

- 1) evaluate the FY 24 appropriated budget for funding that may be reallocated and
- 2) if not possible to be managed in the FY 24 budget, address the third property with funding included in the FY 25 Recommended Budget, subject to appropriation.

Staff recommends that the Board adopt an ordinance (Attachment E) declaring this property blighted and authorizing staff to implement the abatement plan.

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Mr. Andrews said that there were three public hearings, but that they would be grouped together. He said that they were all spot blight declarations, starting with 2941 Rolling Road, Parcel 103-67, then 3239 Rolling Road, 103-51, then 3247 Rolling Road, 103-51B. He said that these would be led by Lisa Green. He said that there would be one presentation, but that they would open and close three separate public hearings since they were three separate matters.

Ms. Lisa Green, Manager of Code Compliance, said that was correct. She introduced herself and said that she was joined by Ms. Jalen Boone, Property Compliance Officer for Community Development. She said that they would summarize the spot blight process, provide a status update on each of the six properties brought before them last August with a resolution of intent, present an ordinance for their consideration for each of the three properties they requested to be deemed blighted. She said that in addition, staff were presenting three funding options for their consideration and direction tonight.

Ms. Green said that the presentation covered an extensive amount of information and staff welcomed questions at the end. She said that in case Board members had detailed questions, additional Community Development Department (CDD) staff, along with members of Facilities and Environmental Services (FES), and Department of Finance and Budget team were also present. She thanked the staff of the County Attorney's Office, Department of Finance and Budget, and FES for their assistance in preparing these spot blight public hearings.

Ms. Green said that the displayed chart illustrated a quick summary of their spot blight process. She said that the process started with staff receiving a complaint regarding a property and conducting an investigation. She said that throughout the investigation, all potential violations were examined, and the structures on the property were evaluated.

Ms. Green said that if a structure posed public health and safety risks, the owner was informed of the necessity to resolve the specific issues and provide the County with an abatement plan. She said that should the owner rectify the concerns, addressing the health and safety matters, the case was closed. She said that if the owner failed to address the concerns or present an abatement plan, the County initiated the spot blight abatement process. She said that this was the situation they presented to the Board as they requested approval of an ordinance declaring each of these three properties blighted.

Ms. Green said that upon the adoption of the ordinance and sufficient County funding, cleanup commenced to eliminate public health and safety hazards. She said that after the property was cleaned, the County sent an invoice to the owner for the cost of the abatement process. She said that this procedure also involved placing a tax lien on the property for any unpaid fees for the work performed. She said that the investigation of complaints followed the order in which they were received.



Jalen Boone, Property Compliance Officer, said that she was presenting an update on six properties that staff had previously presented on August 16, 2023 before the Board for a public hearing and consideration of a spotlight abatement ordinance. She said that four properties were located on Rolling Road, one on Blenheim Road, and one on Commonwealth Drive. She said that three properties on Rolling Road were now before the Board for a public hearing and consideration to adopt an ordinance for each property to be considered for County abatement.

Ms. Boone said that 5005 Rolling Road was unfunded, while 8038 Blenheim Road was also unfunded. She said that 2087 Commonwealth Drive had been recently sold on courthouse steps on February 27, 2024, for unpaid property taxes. She said that CDD was working with the new owners to bring that property into compliance as they intended to use it for personal habitation, so they were no longer pursuing a spotlight abatement for that property.

Ms. Boone said that they would show the vicinity map and present conditions of each property. She said that the next slide offered an aerial view of all three properties they were presenting today, located in Rural Areas in the Scottsville District. She said that all properties were uninhabited, dilapidated, and deteriorated, thus posing a threat to public health, safety, and welfare of Albemarle County residents. She said that the first two properties, 3239 and 3247, owned by the same family, were situated right next to each other. She said that the three properties were separated by just over half a mile.

Ms. Boone said that the next slides would display a series of pictures of the three properties from the north, south, east, and west. She said that for their first property, located at 2941 Rolling Road, they presented views of the house in the slide. She said that the photographs were taken from the north and west. She noted that the windows were missing, and there were holes in the west view. She said that the next photograph was of the same house from the east and south. She noted the missing windows, missing walls, sagging roof, and trash and debris.

Ms. Boone said that moving on to the second property, 3239 Rolling Road, just over half a mile away from the first property, they had pictures showing views from the north and west. She said the next slide was the view of the same house from the south and east, where they could observe the missing windows, sagging roof, and deteriorating walls.

Ms. Boone said that next was 3247 Rolling Road, situated next door to the second property. She said that the displayed images were taken from the north and west sides. She said that the next images showed the view from the east and south, and it could be seen that this house was actually caving in.

Ms. Boone said next, she would recap the actions taken to date. She said that they had contacted all property owners based on GIS records and sent a formal letter requesting an abatement plan. She said that in their conversations with the property owners, they requested that the County move forward with the County-initiated abatement plan with the understanding that those owners would owe the cost of the abatement to the County. She said that the next slide would show the cost estimates after the abatement had been executed.

Ms. Green said that the chart on the slide demonstrated the varying costs to abate these three properties, with only sufficient funding in the current budget to address two out of the three. She said that regardless of funding limitations, staff recommended that the Board adopt ordinances for all three properties.

Ms. Green said that they would now review each potential funding option for consideration. She said that option one involved abating 3239 and 3247 Rolling Road, the two neighboring properties, and defer the abatement of the third property until the next fiscal year. She said that option two suggested abating 3239 and 3247 and delaying the abatement of the remaining property until the end of this fiscal year, with the possibility of finding additional funds. She said that option three entailed abating all three properties; however, this would require extra funding and a directive from the Board to authorize the County Executive to fund the shortfall.

Ms. Green said that historically, such shortfalls had been covered by the Board's Advancing Strategic Priorities Reserve, which had sufficient balance to cover the shortfall, estimated at approximately \$26,000. She said that if approved, staff planned to utilize vendors currently under contract to perform these abatements. She said that no additional County staff were needed to accomplish these projects.

Ms. Green said that in summary, staff requested that the Board adopt an ordinance for all three properties and sought direction on the three possible funding options. She said that following this presentation, they would address any questions the Board might have and had suggested motions for each property. She said that each property required a separate vote and a separate public hearing, and they recommended taking each property one at a time. She said that the motions were on the screen so the Board could open the public hearing followed by the Board's discussion and a vote, then they would move to the next motion and the next property.

Ms. McKeel asked Ms. Green if staff was requesting direction from the Board as to which funding option to pursue.

Ms. Green said yes.

Ms. McKeel said that two houses were close together, while the other was half a mile away. She

said that her assumption was that it would be cheaper to clean up all of the properties at the same time. She asked if they would be more cost-effective to address all three properties at once.

Ms. Green said that the mobilization charge for 3239 and 3247 was built into the options as one-time charge. She said that they had not received any information about whether there was a difference in moving the equipment half a mile. She said that they would need to consult with FES, who had provided the cost estimates.

Mr. Gallaway said that two of the six properties were listed as unfunded. He asked if those properties had been identified but they did not have the funding to address them.

Ms. Green said that was correct.

Mr. Gallaway asked if those would have to wait until next fiscal year before making any progress.

Ms. Green said yes.

Mr. Gallaway asked if that would potentially be true for the third property before them tonight if they deferred it.

Ms. Green said yes, that was one of the options.

Mr. Gallaway asked if the next budget would allow them to proceed with the two that were in the queue after these three properties.

Ms. Green said that was correct. She said that in the budget for FY25 that the Board was currently working on, there was a line item to add funding to the spot blight budget. She said that if approved, there would be that option.

Mr. Gallaway said that it was mentioned that the Strategic Reserve had enough funds to cover the \$26,000. He asked if they had a separate Board reserve.

Mr. Jeff Richardson, County Executive, said that he recommended the Board not take those funds from the Strategic Reserve. He said that his recommendation would be for himself and Mr. Sumner to identify the funding, likely from the contingency account. He said that they had one-time funds in the manager's office in the contingency, as well as ongoing funding in the contingency. He said that as they approached the final quarter of the fiscal year, it was opportune timing. He said that if the Board was amenable, he could work with the Finance Department to get that done.

Mr. Gallaway said that regarding recouping all costs, he had heard the term tax lien mentioned. He said that disregarding the budgeted amount and considering only what is necessary for completion, once that is achieved, they would attempt to recover the expenses. He said that there was a risk involved, as it might result in not recouping all the dollars. He added that if they managed to recover some or all of it, that would be ideal. He said that since the owners agreed and said yes to proceeding with this approach, he asked whether they were confident that they would recoup and cover all these costs.

Ms. Green said that during an extensive discussion with them, they proposed billing them. She said that as this was the first time staff had come before the Board with this, they were still finalizing some details in collaboration with the Department of Finance and Budget. She said that if approved, they would move forward with the remediation and working with FES. She said that once the mobilization was complete and all necessary arrangements for removal had been made, and then upon receiving all invoices, the Department of Finance and Budget would invoice the property owner.

Mr. Gallaway said that in an ideal scenario, they would commit to providing advance funds, which would subsequently be repaid and could be replenished from whatever source it originally came from. He said that realistically, it may only be a portion of that, but he was unsure of what the situation was.

Ms. Green said that was the intent. She said that they expect, upon collection, to collect all of that sum, including any contingency. She said that there were several aspects to consider. She noted that the precise details regarding the cost would need to be provided to them. She said that the entire amount would be billed. She said that they would place a lien on the property in the event of a sale before the cost is paid, allowing them to recover the expenses.

Ms. Mallek said that her initial question was about mobilization, and she hoped that operating the backhoe up the road would not going to be a big deal because it appeared to be sensible. She asked if staff could please confirm whether the County imposed any additional overhead fees for managing the staff-related tasks concerning this matter.

Ms. Green said that they had been working out the fine details, but she believed that there was both a fee and a tax imposed per the state code, in addition to the initial cost.

Mr. Pruitt said that he would like to further explore the specifics of the collection process, considering the discussions that had already taken place. He said that it appeared as though they were providing what seemed like an interest-free loan to potentially bad actors, with the aim of improving the quality of their properties. He asked if the intention of the owners was to maintain ownership of the property.

Ms. Green said that at this time, that was what was known, but considering the ongoing process they were still navigating, and possibly with the assistance of the Department of Finance and Budget, they could refine these details further. She said that the possibility existed that the unpaid tax in question could follow a similar path as 2087, ultimately being sold by the court if left unpaid.

Mr. Pruitt said that his next question was if the lien they placed on the property was immediately foreclosed upon or if a certain period of unpaid debt was required to elapse first.

Mr. Jacob Sumner, Chief Financial Officer, said that this case would be a tax lien placed on the property. He said that similar to process of unpaid real estate taxes, after approximately two to three years, they initiated a judicial sale process where the property was sold at the court, and the funds recovered covered the outstanding tax bill.

Mr. Pruitt asked if the remainder would be delivered as profits to the owners.

Mr. Sumner said that he would need to review the details, but he knew that there was a process for any funds in excess of the tax lien.

Mr. Pruitt said that having recently studied property law, more recently than most individuals in the room, he remembered that it dictated profits should be delivered to the property owner. He asked if the actual real property taxes for these units were up-to-date, which prevented them from conducting a standard tax sale or exploring alternative solutions.

Ms. Green said that the last time they checked, that was correct.

Mr. Pruitt said that he found option three very appealing, especially because it aligned with his philosophy that the role of government was to provide services rather than to conserve funds.

Mr. Andrews said that he also was supportive of option three. He said that they had two matters to consider tonight. He said that there were ordinances to consider for declaring the properties as spot blighted, but he saw that there were two that were unfunded. He asked why they would not declare those as blighted properties even though they did not necessarily have the funds for remediation.

Mr. Bart Svoboda, Deputy Director of CDD and Zoning Administrator, said that the three properties before the Board tonight were the ones that staff had focused on. He said that these were ripe in the process to be able to move forward, but the other two were not pursued, so they had not been sent notices or anything else. He said that those properties were not prepared for spot blight ordinances to be adopted this evening.

Mr. Andrews said that he was not suggesting that they should be. He said that he was trying to understand the process. He said that for example, even with these three, it seemed evident that they could do the ordinance whether or not they found the funding immediately to remediate those.

Mr. Svoboda said that with this being the first set, they aimed to ensure the utilization of the budget for recovery and determine what resources remained. He said that their goal was to familiarize themselves with the process and then pursue them.

Mr. Andrews asked if there was a requirement that as a part of this process they had a certain number of days to begin the process of remediation.

Mr. Svoboda said that in order to enact the ordinance, there were certain steps that must be taken first with the abatement plan and the opportunity for the public. He said that before they adopted that, they must ensure all requirements were met, including that the property owner was informed.

Mr. Andrews said that regarding option one, which was to abate two properties and wait on the third, he was asking if they could pass ordinances related to all three and then decide when it was appropriate to fund all three.

Mr. Svoboda said that for the items before the Board tonight, yes.

Mr. Andrews said that he was still in favor of option three. He said that his sole query pertained to the rationale behind financing them in order to do the ordinances. He said that regardless of the current availability of funds, they could still do the ordinances.

Mr. Svoboda said that was correct.

Ms. Mallek said that she did not understand about the two- or three-year delay. She asked if typical interest and penalties apply, similar to an unpaid tax bill. She said that this would serve as a deterrent to landowners so they would not wait.

Mr. Sumner said that he needed to verify whether the penalty rate would be the same or not. He said there will be a time frame during which the amount remains current; after this period, it becomes delinquent if not paid. He said that upon entering delinquency, they initiate the process of pursuing judicial sale in case the debt is not settled ultimately.



Ms. Mallek said that the delinquency would take effect fairly quickly in the case of unpaid taxes.

Mr. Sumner said yes.

Ms. Mallek said that later, those other fees would apply. She said that she recalled the comment Mr. Pruitt made about avoiding a situation in which the owners profited from this process.

Ms. McKeel said that they had declared another house as blighted a few years ago in Smithfield. She said that with that case, they had to go to court. She asked if they would not have to go to court regarding these three cases.

Ms. Green said that was correct; they would not have to go to court.

Mr. Pruitt said that if they wanted to foreclose the lien after two years of delinquency, that would be a court action.

Ms. McKeel said that she believed they went to court for the previous property due to access.

Ms. Green said that she believed that was correct; however, their building official was not present to provide those details.

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Mr. Andrews opened the public hearing. Seeing no speakers, he closed the public hearing and brought the matter back before the Board for a motion.

Mr. Pruitt **moved** that the Board to adopt the Spot Blight Ordinance (Attachment F) for property 3239 Rolling Road.

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

AYES: Mr. Andrews, Mr. Gallaway, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.

NAYS: None.

ABSENT: Ms. LaPisto-Kirtley

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#### ORDINANCE NO. 24-A(2)

#### AN ORDINANCE TO DECLARE THE PROPERTY LOCATED AT 3239 ROLLING ROAD A BLIGHTED PROPERTY

**WHEREAS**, on March 7, 2023, the County's Building Official, as designee of the County Executive, made a preliminary determination ("Building Official's Determination") that the property located at 3239 Rolling Road, further described as Parcel ID 10300-00-00-05100 (the "Property"), is a blighted property; and

**WHEREAS**, notice of the Building Official's Determination was provided to the owner of the Property in accordance with the requirements of *Virginia Code* § 36-49.1:1(B), and the owner did not respond with a spot blight abatement plan to address the blight within a reasonable time; and

**WHEREAS**, the Board conducted a duly noticed public hearing on this Ordinance on March 20, 2024, and the Board has considered all of the information and recommendations presented.

**NOW, THEREFORE, BE IT ORDAINED** that the Board of Supervisors of Albemarle County hereby finds and declares the Property located at 3239 Rolling Road to be a "blighted property," as that term is defined in *Virginia Code* § 36-3. The County Executive or his designee is authorized, on behalf of the Board, to acquire, hold, clear, repair, manage, or dispose of the Property and to recover the costs of any repair or disposal of such Property from the owner or owners of record, all in accordance with *Virginia Code* § 36-49.1:1.

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Agenda Item No. 19. **Public Hearing: Spot Blight Declaration – 3247 Rolling Road, Parcel ID 10300-00-00-051B0, (Scottsville District)**. To receive comments on a proposed ordinance to declare the Property located at 3247 Rolling Road, Scottsville (Parcel ID 10300-00-00-051B0) a "blighted property." This ordinance would authorize the County Executive or his designee, on behalf of the Board, to acquire, hold, clear, repair, manage, or dispose of the Property and to recover the costs of any repair or disposal of such Property from the owner or owners of record, in accordance with *Virginia Code* § 36-49.1:1.

The Executive Summary as forwarded to the Board states that the presence of blighted and deteriorated properties can have negative economic and environmental impacts on properties and neighborhoods, resulting in unsafe communities and other public nuisances. On August 16, 2023, the Board of Supervisors approved the scheduling of a public hearing to consider adoption of a spot blight ordinance for 3247 Rolling Road, Parcel ID 10300-00-00-051B0 in the Scottsville District. A map is provided as Attachment A and property photos are provided as Attachment B.

Staff received a complaint regarding the conditions of this property and determined through an

investigation that the house is uninhabited and unsafe. Staff then initiated the spot blight abatement process, as outlined below.

As the County Executive's designee, the County Building Official made a preliminary determination that the property was blighted and sent notice to the property owners of the reasons supporting this preliminary determination:

- 1) The structure is open allowing the entry of exterior elements, such as weather and animals, which are detrimental to the health, safety, and welfare of the public.
- 2) The structures are collapsing, unsafe, and therefore are detrimental to the health, safety and welfare of the public and emergency responders.

The Building Official requested an abatement plan from the owner. Pursuant to Virginia Code § 36-49.1:1, the property owner had 30 days from the date of the notice to respond in writing. Because the property owners did not respond within 30 days with a written abatement plan acceptable to the County Executive's designee, staff requested that the Board schedule and advertise a public hearing to consider an ordinance declaring this property to be blighted. Staff has engaged with the property owner to summarize the items to be corrected in the County-generated Abatement Plan (Attachment C).

Staff has developed a scope of work to implement the abatement plan, including razing the structure and associated site work.

Based on the scope of work, the nearby, commonly-owned properties at 3239 and 3247 Rolling Road would be addressed as one work effort, estimated to cost \$57,000 (Attachment D). At this Board meeting, there are three blighted properties for the Board's consideration, with an estimated total cost of approximately \$88,000. The line item for these expenses in the Community Development Department's budget has approximately \$62,000 remaining in FY 24, leaving a deficit of approximately \$26,000 in that line item. If the Board directs staff to move forward with all three properties, staff will:

- 1) evaluate the FY 24 appropriated budget for funding that may be reallocated and
- 2) if not possible to be managed in the FY 24 budget, address the third property with funding included in the FY 25 Recommended Budget, subject to appropriation.

Staff recommends that the Board adopt an ordinance (Attachment E) declaring this property blighted and authorizing staff to implement the abatement plan.

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Mr. Andrews opened the public hearing. Seeing no speakers, he closed the public hearing and the matter rested with the Board for a motion.

Mr. Andy Herrick, Deputy County Attorney, clarified that the ordinance was actually Attachment E for this item.

Mr. Steve Rosenberg, County Attorney, confirmed that it would not be necessary for the Board to go back and remake the first motion because the correct attachment reference had been noted.

Mr. Pruitt **moved** that the Board to adopt the Spot Blight Ordinance (Attachment E) for the property 3247 Rolling Road.

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

AYES: Mr. Andrews, Mr. Gallaway, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.

NAYS: None.

ABSENT: Ms. LaPisto-Kirtley

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#### **ORDINANCE NO. 24-A(3)**

#### **AN ORDINANCE TO DECLARE THE PROPERTY LOCATED AT 3247 ROLLING ROAD A BLIGHTED PROPERTY**

**WHEREAS**, on March 7, 2023, the County's Building Official, as designee of the County Executive, made a preliminary determination ("Building Official's Determination") that the property located at 3247 Rolling Road, further described as Parcel ID 10300-00-00-051B0 (the "Property"), is a blighted property; and

**WHEREAS**, notice of the Building Official's Determination was provided to the owner of the Property in accordance with the requirements of *Virginia Code* § 36-49.1:1(B), and the owner did not respond with a spot blight abatement plan to address the blight within a reasonable time; and

**WHEREAS**, the Board conducted a duly noticed public hearing on this Ordinance on March 20, 2024, and the Board has considered all of the information and recommendations presented.

**NOW, THEREFORE, BE IT ORDAINED** that the Board of Supervisors of Albemarle County hereby finds and declares the Property located at 3247 Rolling Road to be a "blighted property," as that term is defined in *Virginia Code* § 36-3. The County Executive or his designee is authorized, on behalf of the Board, to acquire, hold, clear, repair, manage, or dispose of the Property and to recover the costs of any repair or

disposal of such Property from the owner or owners of record, all in accordance with *Virginia Code* § 36-49.1:1.

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Agenda Item No. 17. **Public Hearing: Spot Blight Declaration – 2941 Rolling Road, Parcel ID 10300-00-00-06700, (Scottsville District)**. To receive comments on a proposed ordinance to declare the Property located at 2941 Rolling Road, Scottsville (Parcel ID 10300-00-00-06700) a “blighted property.” This ordinance would authorize the County Executive or his designee, on behalf of the Board, to acquire, hold, clear, repair, manage, or dispose of the Property and to recover the costs of any repair or disposal of such Property from the owner or owners of record, in accordance with *Virginia Code* § 36-49.1:1.

The Executive Summary as forwarded to the Board states that the presence of blighted and deteriorated properties can have negative economic and environmental impacts on properties and neighborhoods, resulting in unsafe communities and other public nuisances. On August 16, 2023, the Board of Supervisors approved the scheduling of a public hearing to consider adoption of a spot blight ordinance for 2941 Rolling Road, Parcel ID 10300-00-00-06700 in the Scottsville District. A map is provided as Attachment A and property photos are provided as Attachment B.

Staff received a complaint regarding the conditions of this property and determined through an investigation that the house is uninhabited and unsafe. Staff then initiated the spot blight abatement process, as outlined below.

As the County Executive's designee, the County Building Official made a preliminary determination that the property was blighted and sent notice to the property owners of the reasons supporting this preliminary determination:

- 1) The structure is open allowing the entry of exterior elements, such as weather and animals, which are detrimental to the health, safety, and welfare of the public.
- 2) The structures are collapsing, unsafe, and therefore are detrimental to the health, safety and welfare of the public and emergency responders.

The Building Official requested an abatement plan from the owner. Pursuant to *Virginia Code* § 36-49.1:1, the property owner had 30 days from the date of the notice to respond in writing. Because the property owners did not respond within 30 days with a written abatement plan acceptable to the County Executive's designee, staff requested that the Board schedule and advertise a public hearing to consider an ordinance declaring this property to be blighted. Staff has engaged with the property owner to summarize the items to be corrected in the County-generated Abatement Plan (Attachment C).

Staff has developed a scope of work to implement the abatement plan, including razing the structure and associated site work.

The scope of work is estimated to cost \$32,000 (Attachment D). At this Board meeting, there are three blighted properties for the Board's consideration, with an estimated total cost of approximately \$88,000. The line item for these expenses in the Community Development Department's budget has approximately \$62,000 remaining in FY 24, leaving a deficit of approximately \$26,000 in that line item. If the Board directs staff to move forward with all three properties, staff will:

- 1) evaluate the FY 24 appropriated budget for funding that may be reallocated and
- 2) if not possible to be managed in the FY 24 budget, address the third property with funding included in the FY 25 Recommended Budget, subject to appropriation.

Staff recommends that the Board adopt an ordinance (Attachment E) declaring this property blighted and authorizing staff to implement the abatement plan.

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Mr. Andrews opened the public hearing. Seeing no speakers, he closed the public hearing and brought the matter back before the Board for a motion.

Mr. Pruitt **moved** that the Board to adopt the Spot Blight Ordinance (Attachment E) for the property 2941 Rolling Road.

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

AYES: Mr. Andrews, Mr. Gallaway, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.

NAYS: None.

ABSENT: Ms. LaPisto-Kirtley

Mr. Andrews said that the public hearings had concluded, but the Board must still consider the funding options available.

Mr. Andrews confirmed that there was consensus from the Board to pursue option three, with a request for the County Executive to work with the Department of Finance and Budget to find the additional funds needed. He asked Mr. Rosenberg if a motion was necessary for this matter.

Mr. Rosenberg said that he believed so. He asked for clarification regarding whether these funds had already been appropriated, resulting in a transfer.

Mr. Sumner confirmed that the funds had been appropriated in their reserve for contingencies.

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

Mr. Richardson clarified that the Board did not need to make a motion to direct him to spend that money that had already been appropriated for situations just like this, as it was in the manager's contingency for both one-time and ongoing.

Mr. Sumner said that the funds were already appropriated in their reserve contingencies, and part of their policies and procedures dictated that should any transfers occur from the contingencies fund, they must report this information to the Board in their quarterly financial reports.

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**ORDINANCE NO. 24-A(1)**

**AN ORDINANCE TO DECLARE THE PROPERTY LOCATED AT 2941 ROLLING ROAD  
A BLIGHTED PROPERTY**

**WHEREAS**, on March 7, 2023, the County's Building Official, as designee of the County Executive, made a preliminary determination ("Building Official's Determination") that the property located at 2941 Rolling Road, further described as Parcel ID 10300-00-00-06700 (the "Property"), is a blighted property; and

**WHEREAS**, notice of the Building Official's Determination was provided to the owner of the Property in accordance with *Virginia Code* § 36-49.1:1(B), and the owner did not respond with a spot blight abatement plan to address the blight within a reasonable time; and

**WHEREAS**, the Board conducted a duly noticed public hearing on this Ordinance on March 20, 2024, and the Board has considered all of the information and recommendations presented.

**NOW, THEREFORE, BE IT ORDAINED** that the Board of Supervisors of Albemarle County hereby finds and declares the Property located at 2941 Rolling Road to be a "blighted property," as that term is defined in *Virginia Code* § 36-3. The County Executive or his designee is authorized, on behalf of the Board, to acquire, hold, clear, repair, manage, or dispose of the Property and to recover the costs of any repair or disposal of such Property from the owner or owners of record, all in accordance with *Virginia Code* § 36-49.1:1.

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Agenda Item No. 20. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. McKeel said that she had a request for additional information. She said that she noticed a bill aimed at conserving agricultural land amid development pressures would be enacted into law. She said that this legislation concerned transfers, specifically transferring the ability for the state to hold easements to the Department of Forestry (DOF). She asked if Ms. Mallek had any information regarding this matter.

Ms. Mallek said that she had not heard anything since the beginning of session. She said that it was about consolidating some extraneous easement holdings to the DOF.

Ms. McKeel said that it occurred on March 19. She said that she would like to learn more, so she would consult with Mr. Blount. She said that the process in question was a streamlined approach for protection against future development, which would be enacted as legislation later this year.

Ms. Mallek said that she was unaware of this development.

Mr. Andrews said that they would address the topic of Ragged Mountain Natural Area permitted recreational activities at the April 3 meeting. He said that unless there was a consensus to change its position, this item would be placed at the end of the agenda as a Board matter. He said that, not seeing any requests to move the item, they shall conduct the discussion towards the conclusion of the meeting.

Mr. Pruitt asked if the matter would appear as an agenda item.

Mr. Andrews said yes. He said that as per the notice provided under the rules, it had been added to the agenda. He said that also, he concurred with the suggestion that they should receive an update on the current status of several bills as they approached the conclusion of the legislative veto session. He said that particularly, he was concerned about the short-term rental preemption of local authority bill, which had been discussed previously.

Ms. McKeel said that the veto period had not concluded yet. She said that it would be at the end of April, and there was some issue with four other items the Governor was considering.

Mr. Richardson said that to update the Board, the emergency situation discussed earlier was improving. He said that they were not through the emergency period yet, but at this time, staff was fully engaged at the Emergency Operations Center. He said that Ms. Kilroy and himself would continue to receive updates on the situation.

Ms. McKeel thanked the staff and her fellow supervisors for engaging in such good discussions today about the Comprehensive Plan.

Agenda Item No. 21. Adjourn to March 25, 2024, 2024, 3:00 p.m. Room 241.

At 7:26 p.m., the Board adjourned its meeting to March 25, 2024 at 3:00 p.m. in Room 241 on the Second Floor of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA 22902. Opportunities for the public to access and participate in this meeting are posted on the Albemarle County website on the Board of Supervisors home page and on the Albemarle County calendar. Participation will include the opportunity to comment on those matters for which comments from the public will be received.

Chair

Approved by Board
Date: 06/18/2025
Initials: 06/18/2025