

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on January 11, 2023 at 1:00 p.m. in Lane Auditorium, Second Floor of the Albemarle County Office Building, 401 McIntire, Charlottesville, VA 22902.

BOARD MEMBERS PRESENT: Mr. Jim Andrews, Mr. Ned Gallaway (arrived at 4:43 p.m.), Ms. Beatrice (Bea) J.S. LaPisto-Kirtley, Ms. Ann H. Mallek, Ms. Diantha H. McKeel, and Ms. Donna P. Price.

ABSENT: None.

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

Agenda Item No. 1. Call to Order. The meeting was called to order at 1:01 p.m. by the Chair, Ms. Donna Price.

Mr. Ned Gallaway (Rio District) was not present, but Ms. Price noted that his arrival was anticipated later during the meeting.

Ms. Price stated that for the February 1, 2023, Board of Supervisors meeting, there would be a temporary change to the Zoom link for the meeting's virtual participation, and for the February 15 meeting, a permanent change to the Zoom link for the meetings would occur. She said that after the change to the link for the February 15 meeting, the link was not expected to change.

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

Agenda Item No. 4. Adoption of Final Agenda.

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

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

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

NAYS: None.

ABSENT: Mr. Gallaway

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

Ms. LaPisto-Kirtley said that she was exploring the idea of starting a parks foundation and looked for the Board's support in doing so. She said that it was similar to the Police Foundation.

Ms. McKeel said that the School Board also had a foundation.

Ms. LaPisto-Kirtley said that she hoped to have the Supervisors' support and participation.

Ms. McKeel said that it was a great idea.

Mr. Andrews said that he agreed.

Ms. Mallek said that she supported the parks foundation as well. She said that she saw an eagle flying over her lake for the first time in 2023, and she was 55 before she saw an eagle in the wild, but they were now seen four or five times a year on her farm. She said that it was proof that they could fix the problems that existed with water pollution and other things to make a huge difference. She said that the year 2023 would be full of successes and challenges, and she continually was inspired by their citizens, County staff, and by her fellow elected officials who worked together every day to do their best work.

Ms. Mallek said that many people in their community had problems with the availability and cost of housing, the cost of food, and worries about water and air pollution, among many other topics, but they had gratitude for many gifts. She said that they had avoided the ravages of climate change-driven storms, but they may be next. She said that they had so far avoided a severe economic downturn, but they must be cautious and prepared. She said that they had so far avoided the worst of the divisiveness in many communities in the nation, which was a gift they must especially nurture.

Ms. Mallek said that listening to her constituents was her priority for representing their needs, and as the Board approved a new phase of work on the Comprehensive Plan, they should remember the values on which their local government policies had been based. She said that while change was all around, they could remember what Albemarle County was, what it stood for, and why its citizens came to live or chose to stay there to live. She said that they could focus on improvements and opportunities for all of their residents, avoid dividing people, and continue to build this community's strength and cohesiveness.

Ms. Mallek said that the Biden Administration had reinstated the Federal Clean Water Act, which safeguarded against pollution and destruction of many of the streams, wetlands, lakes, and key waterways across the country— especially in Virginia. She said that WOTUS, or Waters of the United States, again now included full protection of the headwaters and isolated wetlands, which overturned changes made during the previous administration. She said that protecting headwaters gave the rest of the waterway a chance, but if they did not protect their headwaters, the rest was lost.

Ms. Mallek said that Mr. Jack C. Bertram passed away on January 1, 2023, at the age of 102. She said that he was a B-17 pilot during WWII, flying 36 missions over Europe with the 95th bomb group of the 8th Air Force, including two on June 6 in support of D-Day's invasion, and a secret mission to drop supplies to the French Resistance. She said that on one mission to Munich after dropping his payload, his plane took an almost-direct hit of flack, knocking out one engine and the plane's oxygen system, severing the rotor control cable.

Ms. Mallek said that the damage was so extensive that he had to drop out of formation and nurse his severely crippled plane back to base, alone and without any fighter support. She said that Mr. Bertram received for his service, among others, the Air Medal with five oak leaf clusters, the distinguished Flying Cross, and the Flinch Legion of Honor. She said that he brought a smiling face and kind temperament to those who were lucky enough to know him.

Ms. Price said that she would like to express appreciation for the efforts that Ms. LaPisto-Kirtley was making in her individual capacity towards that parks foundation, and while it was not a Board of Supervisors action, the community throughout the County and region would benefit from the work that she was helping bring forward.

Ms. LaPisto-Kirtley said she had conferred with Mr. Gallaway, and he had voiced his support for the project despite his absence at the meeting.

Agenda Item No. 6. Proclamations and Recognitions.

There were none.

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. Doug Earl, Scottsville District, said that he was present to speak in support of ranked-choice voting (RCV). He said that weeks ago, he had said before the Board that deciding on ranked-choice voting at that time presented a dilemma that there was no way to know the cost of. He said that the County registrar then gave a presentation that substantiated much of what he was referring to, however, today he was happy to report with great confidence that all of the mystery questions surrounding ranked-choice voting had been revealed or resolved.

Mr. Earl said that they now had recent assurances as of December 2022 from the Department of Elections that all technical and legal obstacles with the local adoption of RCV had been eliminated, and they also had reliable and comparable data from Arlington County, upon which to estimate a budget for Albemarle. He said that he provided the facts and particulars of this in a letter to the County Executive that he could share if desired. He said that as a result of these developments, he urged the Board to place RCV on their regular agenda and to proceed with a period of public comment, with the intent to adopt. He said that citizens in Arlington County overwhelmingly supported RCV during their recent public comment period, and there was reason to believe that the good and discerning citizens of Albemarle County would do the same.

Mr. Earl said that as members of the County Board, he knew that they were individually well-aware of the benefits of RCV, however, before RCV could be broadened and adopted more broadly, it must begin with local adoption and experienced firsthand by the voters. He said that many times in their history, citizens from Albemarle County had helped lead the nation through troubled times, and he believed that this was another such time.

Mr. Neil Williamson, President of the Free Enterprise Forum, said that the Forum is a privately funded public policy organization focused on central Virginia's local governments. He said that in 1984, when he was a public policy wonk in training, Clara Peller made history for Wendy's by asking the big burger chains a simple question: "Where's the beef?" He said that Peller came to mind as he reviewed the pretty charts, process pictures, and infographics in the AC44 Phase 2 presentation the Board would receive that afternoon.

Mr. Williamson said that there seemed to be a Dilbert-level of detail regarding toolkits and structure; it called out the importance of incorporating the framework for an equitable and resilient community, as well as lenses of equity and climate action. He said that at no point in this presentation was the Board of Supervisors or Planning Commission called out to schedule the elephant in the room, which was the development areas. He asked, "Where's the beef?"

Mr. Williamson said that the AC44 project contracted with the consultant, who indicated that Albemarle County needed to expand its currently shrinking development areas on page 62 of the 62-page

report. He said that independently, the Free Enterprise Forum and Albemarle staff both documented the significant delta between Comprehensive Plan density and the approved density in rezoning applications, which could be viewed in the density deferred and density denied report.

Mr. Williamson said that last year, the Free Enterprise Forum called for the Albemarle County Board of Supervisors to consider a new planning paradigm called "lasagna." He said that the lasagna plan expanded the existing development areas and eliminated the binary distinction of development and rural, replacing it with three types of development areas, which were urban, suburban, and transitional, as well as rural areas. He said that the community would benefit from a discussion of these ideas in an open meeting with their elected officials, and they should hear from their elected officials on this issue that impacted housing affordability, economic development, and equality.

Mr. Williamson said that they also had heard murmurings that the development area expansion discussion may be kicked down the road and later given to appointed groups charged with various master plan updates. He said that this would be a huge mistake; these designations impacted the entire County and should be discussed in totality as part of the AC44 Comprehensive Plan discussion. He said that as he thought about Peller and examined the process-heavy AC44 presentation the Board would receive today, he wondered if just one Supervisor might channel their inner Clara and ask staff "Where's the lasagna?"

Mr. Thomas Sikes, White Hall District, said that many people had moved to the County because it was rural and enjoyed the County itself. He said that they did not move to Charlottesville because they did not want to be in the City and crowded by buildings, but he saw the County going that way. He said that water, sewage, electricity, and parks were their infrastructure. He said that they were at 90% capacity with their water, as people who had lived there for a while knew, sewage was mostly composed of septic tanks in most of the County, and electricity was sketchy sometimes and could be nonexistent. He said that for parks, he lived in Earlysville and had never had a park and did not expect to see one.

Mr. Sikes said that schools were another thing that came along with infrastructure, and there were at least three more schools that needed to be built in the County at that time and built within the next five years. He said that if they did not do so, they would not be able to educate students. He said that it was \$350 million or \$400 million at the very least. He said that broadband was important and was improving and that his had just been fixed, but he had to beat down doors. He said that he had phone numbers available if anyone wanted so that they could beat on the doors. He said that elections were coming up and he would personally like to run.

Mr. Sikes said that very few jobs here what should be paid, and he knew this because his son was looking for a job with benefits currently because no one could afford to buy a house or rent an apartment if the apartment cost \$1,500 per month and required four times that in income in order to qualify for that apartment. He said that those were facts, and perhaps all those Supervisors had houses and apartments, but those were the facts. He said that in regard to money, the County was in for a rude awakening when it came time to build those schools. He said that they would have to raise taxes because there was no about it, and they had to educate their students. He said that they must stop paying the City to be a good neighbor, which cost \$15 million per year and was not required to be paid by the County.

Ms. Price said that Mr. Sikes time had expired and asked that he submit any further comments to the Clerk for the Board to receive at a later time.

Mr. Sikes said that he had done so many times and had been ignored.

Mr. Eric Schmitz, White Hall District, said he was before the Board to talk about the Water Protection Ordinance (WPO). He said that there was a problem that came down to six words; "piped streams do not have buffers." He said that for the last eight years, those six words had been the dirty little secret of the WPO and was the basis of a gameplan used by the development lobby to eradicate the environmental benefits that stream buffers provided: clean water, carbon sequestration, and protected wildlife corridors.

Mr. Schmitz said that the trick play was unethical but was simple. He said the first step was being able to pipe a football-field-length of stream under the WPO without any oversight from the Board of Supervisors. He said that step two was, having piped it, they had removed the banks, and therefore the buffer, and step three was to profit from building on top of the stream that was buried. He said that Supervisor Mallek mentioned some very important happenings at the Supreme Court level and the Biden Administration, and just last week, the Supreme Court took up a case that many fear would severely weaken hard-fought environmental protections over their nation's streams and wetlands. He said that in a few minutes, this Board would have the opportunity to exercise its own voice and legal authority to ensure that wherever federal streams were recognized, local County stream buffers would be unequivocally enforced.

Mr. Schmitz said that when that time of the meeting came, he invited each Supervisor to go on the record by publicly voicing their commitment to achieving three goals by the summer's end of 2023. He said that the first was to adopt an ordinance that protected their stream buffers without any ifs, ands, or buts. He said that the second was to go beyond simply engaging citizens in this process and give them a seat at the table that was equal to that of the development lobby. He said that the last was to find a

creative but legal stopgap to prevent the further exploitation of the broken WPO, effective in the beginning of 2023, which was last week. He said that the six words “piped streams do not have buffers” was a simple problem with a waiting solution, and it was now time for the Board’s leadership.

Agenda Item No. 8. Consent Agenda.

Ms. McKeel **moved** to approve the consent agenda.

Mr. Andrews **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Ms. Mallek said that she would ask Mr. Roger Johnson, Economic Development Director, and Ms. LaPisto-Kirtley, the representatives for the CACVB (Charlottesville Albemarle Convention Visitors Bureau), to be able to learn how the commission for number 8.1 would be representing Albemarle County as opposed to Charlottesville, and not mentioning Albemarle’s name at all. She said that she believed they should have their own commission, but she would appreciate any details on what was going to be done and how.

Ms. Price clarified that Ms. Mallek was referring to the Resolution of support for the Virginia American Revolution 250 Commission.

Ms. LaPisto-Kirtley said that she was aware of this issue and had already spoken to the CACVB Executive Director, Courtney Cacatian, and Albemarle County would definitely and completely be involved.

Item No. 8.1. Resolution of Support for the Virginia American Revolution 250 Commission (VA250).

The Executive Summary forwarded to the Board states that the Virginia American Revolution 250 Commission (VA250) was created in 2020 by the General Assembly for the purpose of preparing for and commemorating the 250th anniversary of Virginia’s participation in American independence. See, Virginia Code § 2.2-2544. A primary goal of the Commission is to convene and facilitate a Commonwealth-wide commemoration and celebration, multi-faceted and inclusive of hundreds of partners and representatives of the wide array of histories, sites, stories, and communities that define Virginia. VA250 has requested that each locality form a committee to aid in planning for the commemoration period (Attachment B).

The Charlottesville-Albemarle Convention and Visitor’s Bureau (CACVB) has indicated its willingness to convene a VA250 Commission committee for our region. Staff is requesting the Board’s support for the CACVB to form a committee on behalf of the County to aid in the planning for the commemoration period.

By forming a committee, the state commission will provide grant funding opportunities for commemorative events and make available programs to include traveling exhibitions and teacher resources. The CACVB Executive Director will serve as the local liaison to the Commission.

Anticipated budget impacts may include promotional materials and nominal staff time, approximately 15 hours a week over the planning period.

Staff recommends that the Board support the efforts of CACVB in forming a committee on behalf of the County and adopt the resolution of support (Attachment A) to designate the CACVB Executive Director as the local liaison to the Virginia America 250 Commission.

By the above-recorded vote, the Board voted to support the efforts of CACVB in forming a committee on behalf of the County and adopted the resolution of support (Attachment A) to designate the CACVB Executive Director as the local liaison to the Virginia America 250 Commission:

**RESOLUTION TO FORM THE VIRGINIA AMERICAN REVOLUTION 250 COMMISSION
AND DESIGNATE THE CHARLOTTESVILLE-ALBEMARLE CONVENTION AND VISITOR’S
BUREAU’S EXECUTIVE DIRECTOR TO OVERSEE THE COMMISSION’S EFFORTS**

WHEREAS, the County of Albemarle will form a local Virginia American Revolution 250 Commission (VA250) to prepare for and commemorate the 250th anniversary of Virginia’s participation in American independence;

WHEREAS, the committee will plan and coordinate programs occurring within the locality and communicate regularly with VA250;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors designates the Charlottesville-Albemarle Convention and Visitor’s Bureau (CACVB) Executive Director to

serve as the local liaison to the Commission and to form the VA250 Committee on behalf of the County.

Item No. 8.2. Resolution to accept road(s) in the Hyland Park Phase 1 Subdivision into the State Secondary System of Highways.

By the above-recorded vote, the Board adopted the resolution to accept roads in the Hyland Park Phase 1 Subdivision into the State Secondary System of Highways:

RESOLUTION

WHEREAS, the street(s) in Hyland Park Subdivision Phase I, as described on the attached Additions Form AM-4.3 dated January 11th, 2023, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in Hyland Park Subdivision Phase I, as described on the attached Additions Form AM4.3 dated January 11th, 2023, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

Item No. 8.3. SE202200053 Airport Auto at Northside Drive.

The Executive Summary as forwarded to the Board states that the Applicant requests a special exception from § 18-26.2(a) of the Zoning Ordinance, on Parcel ID 32-22M, to permit a supporting commercial use that exceeds 25% of the gross floor area of the building(s) on an industrial site. The subject parcel is located at the southwest corner of U.S. Route 29 and Northside Drive.

The applicant proposes an automotive repair and tire sales center, which is considered a supporting commercial use, on the parcel. At approximately 20,480 square feet, this proposed use would represent 46% of the gross floor area of the existing buildings on the industrial site, exceeding the 25% permitted by-right. However, § 18-26.2(a) allows the 25% limit to be exceeded with a special exception.

Please see Attachment A for staff's analysis and Attachment D for the applicant's narrative, exhibits, and concept plan.

Staff recommends that the Board adopt the attached Resolution (Attachment E) to approve the special exception request.

By the above-recorded vote, the Board adopted the Resolution (Attachment E) to approve the special exception request:

**RESOLUTION TO APPROVE
SE2022-00053 AIRPORT AUTO AT
NORTHSIDE DRIVE**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE2022-00053 Airport Auto at Northside Drive application and the attachments thereto, including staff's supporting analysis, any comments received, all of the factors relevant to the special exception in County Code §§ 18-26.2(a) and 18-33.9, and the information provided at the Board of Supervisors meeting, the Albemarle County Board of Supervisors hereby finds that the proposed special exception would be consistent with the purpose and intent of the Heavy Industry (HI) zoning district and the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves a special exception to modify the requirements of County Code § 18-26.2(a) as specified in the SE 2022-00053 application, provided that supporting commercial use authorized by this special exception not exceed 46% of the gross floor area of the existing buildings in the Northside Industrial Park, which consists of Parcel ID Nos. 032000000007200, 0320000000022C3, 032000000007000, 032000000007300, 032000000007100, 032000000002200, 0320000000022M0, 032000000006700, 0320000000022C5, 032000000007400, 0320000000022C4, 0320000000022C1, and 0320000000022C6.

Item No. 8.4. Community Development Work Program Update, **was received for information.**

Item No. 8.5. Rivanna Water and Sewer Authority (RWSA) Quarterly Report, **was received for information.**

Item No. 8.6. Albemarle County Service Authority (ACSA) Quarterly Report, **was received for information.**

Item No. 8.7. Board-to-Board, December 2022, a monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors, **was received for information.**

Agenda Item No. 9. **Action Item:** SE202200060 7S Farm/Henricksen Homestay.

The Executive Summary as forwarded to the Board states that the applicant is requesting a special exception for a homestay on property located at 4504 Turkey Sag Road.

Resident Manager. Pursuant to County Code § 18-5.1.48(d), the applicant is requesting to modify County Code 18-5.1.48(b)(2) to permit a resident manager to fulfil the residency requirements for a homestay use.

Please see Attachment A for full details of staff's analysis and recommendations.

Staff recommends that the Board adopt the attached Resolution (Attachment F) to approve the special exception.

Ms. Lea Brumfield, Senior Planner II, said that she would be presenting the special exception for a resident manager request at 4504 Turkey Sag Road. She said that the property was owned by 7S Farm, LLC., occupied by Christina and Jeff Hendrickson, who were also the holders of the LLC. She said that the property contained multiple outbuildings and farm structures, and two dwellings. She said that one dwelling was occupied by the Henricksens, and the second was a two-bedroom cabin, which was displayed on the screen and proposed for use as a homestay.

Ms. Brumfield said that the ordinance required that at least one individual owner of a parcel must reside on the parcel itself to qualify for a homestay use by right, and an LLC must have a resident manager approved by the Board. She said that if the special exception was approved, the owner of the property must then apply for homestay zoning clearance, and during that process, the structure was inspected for building and fire safety, along with the owners sending a notice to their neighbors and providing contact information for the responsible agent to be contacted in the case of any disturbances or emergency relating to the homestay.

Ms. Brumfield said that in general, the homestay regulations in 5.1.48 of the Zoning Ordinance required the special exception for this use for an LLC, and in granting the homestay special exceptions, the Board may consider whether there were adverse impacts to public health, safety, or welfare, whether it was consistent with the Comprehensive Plan, and applicable small area and master plans, and whether it was consistent in size and scale with the neighborhood, along with any other adverse impacts.

Ms. Brumfield showed an aerial image of the property, indicating the red roof at the front of the property that was a barn, a green roof structure that was the primary dwelling, and far in the rear was the cabin proposed for use as a homestay. She said that the cabin was 87 feet from the nearest property boundary, with vegetation on all sides and the nearest abutting neighbor's dwelling was 700 feet from the proposed homestay's location. She showed an aerial image exhibiting the parking and structure's location, with the parking on the far side of the property from the abutting owner's property boundary. She said that as such and with all of these considerations, staff had recommended approval of the homestay to be adopted with the Resolution in Attachment F.

Ms. LaPisto-Kirtley said that she had visited this homestay and believed it to be a very good example of what homestays should be like.

Ms. Mallek asked if the LLC was the reason why the special exception was necessary to have in place, and otherwise would be a by-right use because the owners lived on the parcel.

Ms. Brumfield said yes. She said that because the wording was that an individual owner must reside on the property, an LLC could not reside anywhere, so they must have a resident manager.

Ms. LaPisto-Kirtley **moved** to adopt the Resolution (Attachment F) to approve a homestay special exception to permit a resident manager to fulfill the residency requirements for a homestay use at 4504 Turkey Sag Road.

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

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

**RESOLUTION TO APPROVE
SE2022-00060 7S FARM/HENRIKSEN HOMESTAY**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE202200060 7S Farm/Henriksen Homestay Application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-5.1.48 and 18-33.9, the Albemarle County Board of Supervisors hereby finds that a modified regulation would satisfy the purposes of the Zoning Ordinance to at least an equivalent degree as the specified requirement, and that the requested special exception:

- (i) would not cause adverse impacts to the surrounding neighborhood;
- (ii) would not cause adverse impacts to the public health, safety, or welfare;
- (iii) would be consistent with the Comprehensive Plan and any applicable master or small-area plan(s); and
- (iv) would be consistent in size and scale with the surrounding neighborhood.

NOW, THEREFORE, BE IT RESOLVED, that in association with the 7S Farm/Henriksen Homestay Homestay, the Albemarle County Board of Supervisors hereby approves the special exception to permit a resident manager to fulfil the residency requirements for a homestay use.

Agenda Item No. 10. **Discussion Item:** AC44 Phase 2.

The Executive Summary as forwarded to the Board states that in November 2021, the Albemarle County Board of Supervisors directed staff to begin work on the Comprehensive Plan update: Albemarle County 2044 (AC44). The AC44 process includes four phases and three project goals:

1. Update plan content to reflect recent County-wide strategic initiatives including climate action, economic development, and multi-modal transportation planning.
2. Ensure that equity is integrated into the engagement process and the updated plan content, consistent with the County's "Community" organizational value.
3. Improve Plan usability by articulating clearly prioritized goals, incorporating metrics for tracking progress, and applying a modern, streamlined document design.

The Comprehensive Plan update is moving into Phase 2. As part of the update process, staff will ask for Board feedback on engagement plans at the beginning of each phase of work.

The AC44 process is beginning Phase 2. This phase will identify main topics for the Comprehensive Plan, such as transportation, land use, and economic development. The expected deliverables for Phase 2 are updated policies for each topic and the development of toolkits for land use, transportation, and other topics as needed. Phase 2 will:

- Affirm a new structure for the Comprehensive Plan and identify the main Plan topics.
- Review existing conditions, current trends, challenges and opportunities, and equity and climate action considerations by topic.
- Review and update the current (2015) Comprehensive Plan Goals and Objectives (referred to as 'policies').
- Develop and refine toolkits for land use, transportation, and other topics as needed. Toolkits may include development guidelines, multimodal system planning, and other recommendations.

Staff's proposed Phase 2 Engagement Plan is provided in Attachment A for Board review and feedback. The Engagement Plan includes overall engagement goals, a summary of the engagement approach, and a tentative schedule for Phase 2.

Consistent with the third AC44 project goal, the proposed updated Plan structure would be modern, streamlined, and improve Plan usability (Attachment B). The Framework for an Equitable and Resilient Community will be used to guide the work of upcoming AC44 phases, including updating policies and drafting toolkits.

The Framework was developed during Phase 1 and was shared with the Planning Commission at their September 27 work session and with the Board of Supervisors at their October 19 work session. The Framework has been updated based on feedback from the Planning Commission and Board and is included as Attachment C.

There is no budget impact associated with this agenda item. The Fiscal Year 2022 budget identified \$665,000 from the Board of Supervisors Strategic Priority reserve to fund work associated with the Comprehensive Plan Update and Zoning Ordinance Update.

Staff recommends that the Board receive the project update and provide feedback on the Phase 2 engagement plan and the proposed Comprehensive Plan structure.

Ms. Tori Kanellopoulos, Senior Planner II, said that she was joined by Mr. Vlad Gavrilovic, Principal Planner at EPR, PC, Mr. Jesse Brookins, Director of the Office for Equity and Inclusion, and Mr. Gabe Dayley, Climate Protection Program Manager. She said that they would be discussing Phase 2 of

Albemarle County 2044 (AC44), the project name for the County's Comprehensive Plan update.

Ms. Kanellopoulos said that she would start with where they were in the AC44 process, then would review Phase 1, then share an overview of the revised framework for an Equitable and Resilient Community, discuss how equity and climate action were integrated into the process and content of AC44, and share how the equity and climate action lenses would be used when making recommendations. She said that they would then review the proposed structure for the updated plan, share the proposed Phase 2 engagement plan and timeline, and then allow time for Board discussion and questions.

Ms. Kanellopoulos said that the Comprehensive Plan was being updated using a four-phased approach, moving from bigger ideas and visioning to more detailed policies and action steps. She said they just completed Phase 1, which focused on reviewing the current growth management policy and building the framework to guide the next phases of AC44. She said that in Phase 2, they would be updating policies for each Comprehensive Plan topic and would also be developing planning toolkits for more detailed recommendations for certain topics such as land use and transportation. She said that they would later discuss the Comprehensive Plan topics, structure, and planning toolkits in more detail. She said that in Phase 3, they would be updating and prioritizing action steps to implement the plan, and in Phase 4, the recommendations would be brought together into a final plan document.

Ms. Kanellopoulos said that it was important to review the project goals that continued to guide the AC44 process at the beginning of each phase. She said that those goals were to update plan content to reflect recent County-wide strategic initiatives including climate action, economic development, and multi-modal transportation planning, to ensure that equity was integrated into the engagement process and the updated plan content, consistent with the County's recently added "Community" organizational value, and to improve plan usability by articulating clearly prioritized goals, incorporating metrics for tracking progress, and applying a modern, streamlined document design.

Ms. Kanellopoulos said that the goals were also tied to the County's mission statement, which was to enhance the wellbeing and quality of life for all community members through the provision of the highest level of public service consistent with the prudent use of public funds. She said that to implement these goals in the County mission statement, they would be using an equity and climate action lens to evaluate plan recommendations.

Ms. Kanellopoulos showed a graphic that was an overview of Phase 1, with the engagement opportunities and corresponding responses and attendees from each of the three main steps. She said that in the first step, they shared a local history of growth management, an overview of the current growth management policy, and initial findings from the land use buildout. She continued that the second step included the development of potential growth management options to consider while reviewing the current policy, and based on the input received, they developed several common themes. She said that in the third step, those common themes were refined and developed into big ideas that were then developed into the framework.

Ms. Kanellopoulos said that the four big ideas provided a foundation for the four components of the framework, which were green and resilient, welcoming and equitable, connected and accessible, and thriving and prosperous community. She said that to develop the big ideas, they used the community input heard during steps one and two of Phase 1, equity and climate action, Planning Commission input, goals in the current Comprehensive Plan, and best practices. She said that the framework was refined and developed through community, Planning Commission, and Board input in step three, and the resulting framework prioritized equity and climate action and resilience as key principles to guide their policies.

Ms. Kanellopoulos said that since the Board of Supervisors meeting on October 19, the AC44 team had updated the framework to reflect Commission and Board feedback, and the updated framework was included as Attachment C in the Board's packet. She said that there were several ways that the framework would be used going forward. She said that the framework incorporated the Board's priorities for equity and climate action and would be used to guide the development of Comprehensive Plan policies and action steps, along with the equity and climate action lens.

Ms. Kanellopoulos said that since there were a variety of interests and perspectives on topics within the Comprehensive Plan, especially on how the plan was implemented, the framework provided a foundation of community support that could be used as policies were updated, and the framework served to streamline content and show connections across the different Comprehensive Plan topics.

Ms. Kanellopoulos said that the changes to the framework made since the Board and Commission meetings included revising language to be "aspires to be" instead of definitive language, adding Albemarle-specific examples, adding information on the purpose and use of the framework, and refining overall content for clarity. She said that one suggested change that was not being made with the framework but would be done in upcoming phases was to establish ways to measure and track success as policies were implemented and established, and that they would continue to use the framework as they updated the goals, objectives, and strategies in Phases 2 and 3 of AC44.

Mr. Jesse Brookins, Director of the Office for Equity and Inclusion, said that he and Mr. Dayley would discuss how they were both participating in the Comprehensive Plan and why it was necessary. He said that merely stating that they needed to prioritize equity and climate action in their service to the community did not guarantee successful outcomes, and achieving these outcomes required effectively integrating and strategizing an understanding of equity and climate action impacts across the

organization. He said that this is centered to ensure that they have local government involved, also to create the probable implications on different groups in their community of any given initiative. He said that in particular, they should focus on how they defined equity and climate action to better understand them.

Mr. Brookins said that the Albemarle County Office of Equity and Inclusion defined equity as all community members having access to community conditions and opportunities needed to reach their full potential and to experience optimal well-being and quality of life. He said that this definition was a good example of the end goal that they wished to achieve, but they still must articulate to the community what that process looked like.

Mr. Brookins said that the term equity was now described as the process of continuous action, reflection, and analysis of what was fair and just for all. He said that this was distinguished from equality; whereas equality meant providing the same to all, equity was a process that began by acknowledging an unequal starting place and continued to correct and address the imbalance. He said that this was the initiative by which they should move and the intent by which they should apply this to the Comprehensive Plan.

Mr. Brookins said that four types of equity showed how actionable steps could guarantee it was incorporated. He said that the first, recognitional equity, was data-driven, quantifying the existing disparities in quality of life, health, education, and more to the community members. He said that the second was distributional equity, or what kind of access they were providing and how it could be maximized through their services and programs.

Mr. Brookins said that the third was procedural equity; because it was not just about just the end, but the means by which they got to the end goal, this sought to ensure meaningful involvement in community engagement throughout the process, with the overall being structural equity, being able to have an institutional base level within the policy, within the objectives and strategies, that would be meaningful and have a positive long-term impact.

Mr. Gabe Dayley, Climate Protection Program Manager, said that alongside integrating equity in the Comprehensive Plan update, they also wanted to integrate climate action, which the Board had discussed the importance of. He said that ultimately, integrating climate action into AC44 was about enabling community members to be able to make choices that helped them reduce their carbon footprints, so if they could effectively integrate a climate action perspective into the Comprehensive Plan update, they could empower members of the community to make “greener” choices in their lives. He said that it came down to the question of “how can we affect systems in the County to make it easier, not more difficult, for people to live with a lighter carbon footprint in work, in life, in recreation, etc....?”

Mr. Dayley said that research from UC Berkeley had been released recently and summarized visually some large-scale national data, with results that suggested that greater density in urban areas created fewer greenhouse gas emissions per household at a broad, average level, and moving out to the less-dense suburbs, greenhouse gas emissions per household went up for a variety of reasons, with links to the research notated on the slide.

Mr. Dayley said that this was given as an example of a way to bring a climate perspective to the Comprehensive Plan and the different kinds of policy objectives related to land use and development in the County that the Board was considering making updates to. He said that this recent research had data on averages by census tract throughout the country, and it was interesting to have such relevant data for the entirety of the country that offered broad information about the County.

Mr. Brookins displayed a graphic that showed the integration of equity and climate action in the process. He said that the bottom of the process began with the question “Are the objectives of the Comprehensive Plan in alignment with climate action and equity?” He said that this was to ensure that that was at the forefront of intent and the planning process, and as they moved forward, they looked at what extent this objective, or strategy, was involved in considering resilience to climate change, recognitional equity, distributional equity, greenhouse gas emissions reduction, procedural equity, health and biodiversity, and structural equity, with the ultimate goal being the strategic plan of a more equitable and resilient community. He said that this was the process by which they were considering these major factors and points to ensure they were in alignment throughout the process.

Mr. Dayley presented a slide entitled “Equity and Climate Action Lens – The Tool,” and said that Mr. Brookins had covered the Purpose and the Outcome. He said that the tool was organized as a series of questions, as Mr. Brookins mentioned, about the extent to which an objective in AC44 meaningfully addressed the County’s equity and climate action goals. He said that he and Mr. Brookins would work with Ms. Kanellopoulos, the Comprehensive Plan team, the consultant, the Community Development Department (CDD), as well as other staff subject matter experts across the organization to look at potential policy objectives and strategies that were being proposed, and basically ask those questions having to do with greenhouse gas emissions, resilience to the impacts of climate change, and with the different dimensions of equity, and ask to what extent did a single policy objective and the strategies within it help them achieve the County’s goals of equity and climate action.

Mr. Dayley said that they had used the terms “objectives” and “strategies” and evaluating objectives and strategies. , He said they designed the tool by looking at the 2015 Comprehensive Plan, in which each chapter had several objectives throughout it, and each of those objectives had three to ten strategies within it. He said that the tool was designed to look at a policy goal at the level of an objective, as a unit with the strategies that were a part of it.

Mr. Vlad Gavrilovic, Principal Planner at EPR, PC, said that he would be sharing a proposal to update the Comprehensive Plan structure, which was important to have correct before working on content. He said that they had worked with staff to create a structure that would meet the goals that Ms. Kanellopoulos had summarized, including the strategic initiatives of climate action, equity, economic development, multi-modal transportation, and especially important was to improve the usability and clarity of the new and updated plan.

Mr. Gavrilovic said that the 2015 plan was an extensive document that was over 400 pages long, with 900 pages of appendices and 700 pages of reference documents, and that it was truly comprehensive. He said that there were 10 chapters, ranging from the vision to the implementation plan, and each chapter had a goal, several objectives with several strategies under each objective, which was not unusual for this generation of Comprehensive Plans. He said he called these plans “legacy plans” that accumulated policies and plans over time, and it became a cumulative document, where each new update or standalone plan had to be incorporated into the new plan. He said that there was an opportunity to streamline this new update to the plan and address some of the issues of the current structure.

Mr. Gavrilovic said that the biggest issue EPR saw was that the growing collection of standalone plans or element plans such as the climate action plan or biodiversity action plan, while they were very important, made the Comprehensive Plan into a longer and longer document as they were added over time. He said that a similar issue was that the land use plan in the County to date had been completed through individual master plans and transportation plans, rather than some sort of overarching land use and transportation framework.

Mr. Gavrilovic said that as these Comprehensive Plans got more complex, some counties were moving toward a more sophisticated model of a family of plans, and as more and more standalone elements must be incorporated, the Comprehensive Plan graduated to become an overarching framework for this family of plans. He said that shown on the left side of the slide was an example from Arlington County, with their county vision shown in the middle and all of the different element plans surrounding it, and were links in the document, which helped with user-friendliness, with these plans now living online rather than in a three-ring binder. He said this also brings important benefits for making updates.

Mr. Gavrilovic said that the top of the basic three-part pyramid structure would be the policy framework, which would contain the vision, goals, objectives, and strategies for each element that applied County-wide. He said that below that would be the element plans such as housing, resources, or transportation, and below that would be the reference documents that were in the 2015 plan. He said that what would be adopted would be the top two parts, and that the other would be references.

Mr. Gavrilovic said that the policy framework would have the overall County vision and the framework for an equitable and resilient community, the goals, objectives, and strategies for each of the six new elements, and proposed streamlining of ten elements from the current plan down to six chapters by combining some of them.

Mr. Gavrilovic said that the next level would be the element plans. He said that a key recommendation for this part was to combine the land use and transportation element, which would admittedly make it the biggest of the element plans, but there was a good planning reason to look at the topics together. He said that this chapter would have a set of guiding policies for both land use and transportation, and links to the individual master plans or corridor plans to be added to over time as they grew.

Mr. Gavrilovic said that there would also be a set of development guidelines that would apply County-wide, with the goal of uniting all of the different design guidelines and policies in the current master plans to provide more uniform development guidelines County-wide. He said that the other five element plans would have a similar structure with an introductory section, summary data points, a summary of policies, and links to the more detailed element plans.

Mr. Gavrilovic said that the reference documents would not be adopted as part of the plan but would be linked to it, and all of the legacy reference plans such as the regional hazard mitigation plan or regional transportation plan would be included, and as they became updated or superseded, they just needed to update the links within the document.

Mr. Gavrilovic said that EPR believed there were real benefits to the family of plans approach, and that it would be a much more user-friendly plan, with a single place for all policies, goals, objectives, and strategies that applied to the entire County.

Mr. Gavrilovic said that they also looked for streamlining of information, and the land use and transportation plans would be linked together at a high level with basic County-wide guidance but would also have individual master plans and corridor plans for detailed guidance. He said that the most important was that updating would be streamlined, so a link could be provided for a new or updated element plan, incorporating any new policies from that element plan into the overall policy guidance. He said this structure was important to create correctly before filling in content, which would be happening during this phase.

Ms. Kanellopoulos said that the proposed Phase 2 engagement plan and timeline were included in the packet as Attachment A. She said that there were three engagement goals they were using to

guide outreach and community input during the AC44 process, which were to conduct outreach and collaborate with community members whose perspectives had not been historically well-represented in County processes, to develop and implement a transparent community engagement and decision-making process, and to provide consistent and varied opportunities for community input throughout the update process.

Ms. Kanellopoulos said that these goals helped to inform the engagement plan for each phase by providing a foundation for the working groups' role and guided engagement opportunities. She said that they were also tied to the County's "community" organizational value, which said that they expected diversity, equity, and inclusion to be integrated into how they lived their mission. She said that equitable outcomes in the Comprehensive Plan needed to be supported by equitable opportunities for engagement, and they were continuing to work towards expanding outreach efforts to hear from a wider range of community members.

Ms. Kanellopoulos said that the overall engagement process for Phase 2 was similar to Phase 1 in that they continued to use the four-pronged approach for iteratively developing and refining content. She said that County staff and consultants provided research, data, engagement opportunities, and draft recommendations, the working group provided insight and feedback and engaged within their networks and neighbors, community members provided input through engagement opportunities in-person and online, the Planning Commission provided recommendations on draft content to staff, and the Board of Supervisors provided the final direction.

Ms. Kanellopoulos said that as in Phase 1, there were three steps for community engagement in Phase 2, which they expected to last from now until the end of that year. She said that the outcomes of Phase 2 were updated goals and objectives for each plan topic, an updated plan structure, and developing planning toolkits for more detailed land use and transportation recommendations. She said that the three steps of engagement were shown in light green boxes on the top row of the slide and represented each opportunity for community input. She said that the working group meetings corresponded with each step, and the working group would conduct outreach on their own during each, and there were work sessions with the Planning Commission and the Board after steps two and three to further refine content. She noted that the proposed timeline did not preclude additional work sessions with the Commission or Board as needed.

Ms. Kanellopoulos said that while this was a similar approach to Phase 1, they would continue to learn from the engagement they had already done and make changes to improve, such as providing additional outreach materials to the working group and more time in between meetings so engagement could occur in their networks more effectively.

Ms. Kanellopoulos said that step one would include sharing topic area reports for each Comprehensive Plan element that described data trends, challenges, opportunities, and equity and climate action considerations for each topic, and each report would have a one-page summary with key takeaways for reference. She said that community input would be gathered through an online questionnaire on challenges and opportunities to build on what they heard during Phase 1 and help inform updating the goals and objectives. She said that they would plan to hold pop-up events around the County for community members to discuss their lived experiences.

Ms. Kanellopoulos said that in step two, they would host a series of roundtables so that community members could share input on draft planning toolkit recommendations. She said that planning toolkits would likely be focused on land use and transportation and could include an activity center framework based on multimodal systems planning, development guidelines related to land use and the neighborhood model, land use categories, and other policy guidance, and they would share a summary of feedback received during step one.

Ms. Kanellopoulos said that step three consisted of sharing updated goals and objectives through a series of open houses for community members to review and provide feedback on. She said that the updated goals and objectives would be streamlined and follow the new Comprehensive Plan structure and would incorporate the framework and be reviewed with the equity and climate action lens. She said that they would also reflect recommendations as developed in the planning toolkits and would continue to refine those in this step.

Ms. Kanellopoulos said that staff was requesting Board direction on proceeding with the proposed Comprehensive Plan structure, proceeding with the proposed Phase 2 engagement approach and timeline, and any additional feedback as the AC44 team began Phase 2.

Ms. McKeel said that she concurred with what was presented. She asked what were the general demographics of the groups that were able to be engaged during Phase 1.

Ms. Kanellopoulos said that staff attempted to gain that statistical information from participants throughout Phase 1, and perhaps one-third of people felt comfortable answering that information. She said that they were overall still hearing more from homeowners versus renters and more from higher income demographics, so they wanted to reach more of those groups. She said that the people who responded represented a wide geographic area.

Ms. McKeel asked if they were able to ascertain geographical diversity in that group.

Ms. Kanellopoulos said that yes, from the people who chose to answer that optional question.

She said that they wanted to work on improving that as well through pop-ups and giving the working group more time in between meetings to meet with neighbors, which was a very effective way of reaching people, because there were more working group members than staff who were involved.

Ms. McKeel said that the pop-ups were a good idea. She requested that staff reach out to her on what would be good locations in the pop-ups in the Jack Jouett District. She said that some of the data was interesting and counterintuitive. She said that Page 16 talked about urban areas and transit, and the discussion about in the urban areas the need for people to be able to get around. She said that their concern at that time was that their transit was not viable at the moment nor as robust as they would like.

Ms. McKeel encouraged the Board and the community to work hard on transit because it was very important to their climate change work. She said that she agreed with attempting to modernize and streamline the plan. She asked if the land use and transportation elements' master plans included the Lambs Lane Campus Master Plan, which was missing from the information presented. She said that it was a master plan for an educational campus, but certainly involved transportation and development, and was a master plan vetted by the Board of Supervisors and the School Board.

Mr. Gavrilovic said that he appreciated that note and would work with staff to ensure that master plans included some of those detailed area plans as well.

Ms. LaPisto-Kirtley asked if Ms. McKeel's comment about counter intuitiveness was referring to the greater density in the have less greenhouse gas emissions.

Ms. McKeel said yes.

Ms. LaPisto-Kirtley said that the information surprised her. She said that she approved the request of staff.

Mr. Dayley asked if he could offer a phrase of clarification.

Ms. LaPisto-Kirtley said yes.

Mr. Dayley said that the data described fewer greenhouse gas emissions per household. He said that it was not to give the impression that an open area where one person was living had more emissions there than one place where a thousand people were living, so it was not per capita but per household.

Ms. LaPisto-Kirtley thanked Mr. Dayley. She asked if someone could give her a definition of "distributional equity" and "recognitional equity".

Mr. Brookins said that recognitional equity was data-driven, seeking to quantify a measure of outcomes for quality of life, health, and access to education. He said that distributional equity was making sure they were consistent in maximizing their access, so in regard to land use and who is available and how these resources are used, they would ensure it was distributed in a fair and equitable sense, and that means the production. He said that those were steps highlighted for equity because there were different complements to how equity could be approached.

Ms. LaPisto-Kirtley thanked Mr. Brookins for the clarification. She asked if the open house to be held would include the CACs (Community Advisory Committees).

Ms. Kanellopoulos said that anyone would be welcome to attend the open house events. She said that they would set them up by choosing a few different times, dates, and locations, along with the recommendations for goals and objectives available. She said people could walk in, stop in, and share their input with staff on the policies as they had time. She said that an online version would be available if people preferred to participate in that way.

Ms. LaPisto-Kirtley said that she had imagined this being presented to the CACs and then inviting the public to the CACs as a potential venue because it would directly involve the local community.

Mr. Kevin McDermott, acting Director of Planning, said that the staff was currently working with CAPE (Communications and Public Engagement Office) and the new community connectors, who would be trained on elements of the Comprehensive Plan, and they were proposing sending them out to meetings such as CAC meetings and other groups to have them present and take feedback on that. He said that it was an element that was not covered clearly today but would be happening in the future.

Ms. LaPisto-Kirtley thanked Mr. McDermott for the clarification and his work.

Mr. Andrews said that noticing what staff had asked for, he saw the presentation that was given as having three groups, and he loved the equity and climate focus that they began from and how it would be incorporated throughout. He said that the resilience that came with that was important. He said that that particular topic did not seem to be reflected in the request for direction on what was going forward, because the first question was about proceeding with the new Comprehensive Plan structure.

Mr. Andrews said that he appreciated the streamlining and attempt to synthesize and integrate the plans with each other, but as he began looking at that section, particularly the second stage of the pyramid, it again was separating out the plans into their different silos. He said that the structure still maintained the focus that he heard at the beginning, that they were looking hard at how this worked with

equity and climate, and that that covered land use, transportation, and housing things, and other parts that needed to be looked at.

Mr. Andrews said that concerning engagement, he approved of what was presented, and his only question was if there was anything done during Phase 1 to get feedback on the engagement process in that phase and apply that feedback to Phase 2. He said that in every case, they would want to go back and make sure that it had worked before deciding to do what they had done before in the next phase of the project. He said that he looked forward to hearing the feedback received to the process and not just the parts of the plan.

Ms. Kanellopoulos asked Mr. Andrews if she should share some of that feedback.

Mr. Andrews said yes.

Ms. Kanellopoulos said that one item of issue previously discussed was the working group asking for more time and materials from staff to host their own engagement meetings, so there would be fewer meetings with them overall, but then provide more robust materials and support for the working group to do their own engagement. She said with some of their earlier surveys, feedback included that some of the questions were too complicated, so they continued to try to strike a balance between some community members who preferred to answer high-level, general feedback, and others who wanted to dive into recommendations.

Ms. Kanellopoulos said that with the updated engagement, they were trying to have short, key takeaway materials and then more detailed reports so that if someone wanted to participate, they could choose what level of detail they wanted to get into, and they were working on making survey questions a little more straightforward as much as possible.

Mr. Gavrilovic said that Mr. Andrews' first point was an important one. He said that he did not think that equity and resilience were reflected as neatly in the structure presented, so the point was well-taken. He said that procedurally, the equity and climate action lenses would be gone through with each goal, policy, strategy, and they would see in the final document that those were the overarching themes throughout everything. He said that they had debated whether they would have an equity chapter and climate action chapter, but it instead was permeating the whole document itself, and it would be evident when they saw it in the long run.

Mr. Andrews said that he looked forward to it. He said that he liked the idea of combining transportation and land use, and that connectivity was a constant theme.

Ms. Mallek said that finding ways to provide more background than a three-sentence introduction and expecting someone to answer a question would be very helpful, whether it be in the form of printed materials they would get on the door, or through regional newspapers and newsletters. She said that more detailed information should be provided to those attending neighborhood meetings so they could participate better, and that she would like for the Supervisors to have access to that information for meetings that each of them held.

Ms. Mallek said that this had built-in conflict and tension among all of the topics, and she understood why there were chapters in the previous plans because they served to communicate what had been adopted.

Ms. Mallek said that while Mr. Gavrilovic's description of the 2015 Comprehensive Plan being a series of notebooks was accurate, the Comprehensive Plan was much longer before. She said that she was less concerned about the length and more concerned about the understandability. She said that that Comprehensive Plan took five years to complete because they had so much information to incorporate, but they did not ever deal with the conflict or tension, because it would have taken even longer to achieve. She said that she hoped that with some of these approaches, they would be able to get to those thorny issues and have a more effective document moving forward. She said that they should avoid leading questions in these surveys, which was a complaint that she had received.

Ms. Mallek said that she agreed with Mr. Dayley's comment that just saying it was not enough, and they were getting to the hard part now. She said that another issue on the tension-conflict side was that they were looking at a narrow view of greenhouse gas emissions from transportation and building, but there were offsets provided by open space and conservation.

Ms. Mallek said that the 2015 plan discussed amenities for climate protection, water protection, and air quality protection that the rural areas provided, and she would continue to raise that issue. She said that they should avoid the all-or-nothing arguments that divided people into rural versus urban and would waste time for everyone and not get them anywhere. She said that she was not concerned about the length of the document because she did not know the goals of other communities, whereas Albemarle County was concerned about being the place they were and not about being anyplace USA. She worried that importing text from other places would cause the County to lose that.

Ms. Mallek said that she understood the benefits of the elements plan, but rural areas is missing. She said that half of her district's residents lived in the rural area, and they felt that the working group did not discuss what the rural areas were involved in.

Ms. Mallek said that on page 33 of the staff presentation, it appeared on one graphic that all of

the citizen input was going through the working group and not directly back to staff. She said that it is great if that is incorrect, and she did not think that the working group should be the filter that got between the citizens and process.

Ms. Mallek said that they should avoid dividing people into groups, but under direct outreach, there was a very small mention of rural area residents who were people that were underrepresented, but thinking back to the 1980s and 1990s, when almost everybody was rural, there were meetings in schools and community centers that gathered large crowds of rural folks. She said that many people had concerns that in the rural areas, residential would be equal to agriculture and forestry, for which there was huge pushback. She said that, even in 2015, that was not put into the plan, so if they wanted to achieve the rural and urban designations, they should not encourage people to think that the rural area was a place where one just went and put up a house.

Ms. Mallek said that she was willing to be patient to see how the chapters would be integrated into the new format, but she needed time to digest what had been presented and would appreciate being able to read things in draft so she could absorb things. She said that she did not know how the County-wide development guidelines would happen because the rules were so different in those two regions. She said that she tentatively approved of the structure and agreed with the engagement approach.

Ms. Price said that while she preferred to have everything in a single volume, the complexities were such that it became more difficult to do that, so she supported the family of plans approach to the Comprehensive Plan. She said that it would make things easier as they had to make modifications or amendments later on. She said that focusing on the structure, she answered yes to the two requests of staff. She said that as they began Phase 2, her comment may extend beyond Phase 2, but slide 17 was significant in that it made perfect sense that each household in the development area, the more densely populated areas, would have a lesser individual household impact on the climate as opposed to those in the rural area, because the travel they had to spend to reach amenities or anything was substantially more extensive, and the nature of life in the rural area generally required larger vehicles because of the things you have to bring out there.

Ms. Price said that she brought these comments forward because it demonstrated the necessity of this Board and this County in encouraging, as they reached the balance between density of development and quality of life, ensuring that they approved development in the development area to a higher capacity than they had heretofore approved to avoid an unnecessarily early expansion of the development area into the rural area. She said that it was not only climate directly, but the cost of services being provided by the County to their community; the larger the geographical area that those services had to be provided to, the more expensive it became to the community members. She said that she recognized that this comment was beyond the structure per se but hoped that this would be taken into consideration as they moved forward with the Comprehensive Plan.

Ms. McKeel said that this had been a great discussion and that she was pleased with the timeline of finishing within the calendar year. She said that it would be best if the land use plans matched the master plans, because they always talked about that disconnect.

Ms. Price asked Mr. Richardson if the Board had provided adequate response for his staff.

Mr. Jeff Richardson, County Executive, said that Mr. Doug Walker, Deputy County Executive; Ms. Jodie Filardo, Director of Community Development; and the CDD staff would discuss the meeting, and if there were any areas of confusion or clarification, they would follow up with the Board.

Non-Agenda Item. **Recess.** The Board recessed its meeting at 2:29 p.m. and reconvened at 2:40 p.m.

Agenda Item No. 11. **Presentation:** Calendar Year (CY) 2023 Reassessment Presentation.

The Executive Summary as forwarded to the Board states that Albemarle County Code §15-700 requires all real estate in the County to be assessed annually as of January 1st each year and requires the Office of the Real Estate Assessor ("County Assessor's Office") to conduct a new reassessment. The Constitution of Virginia, Article X, *Taxation and Finance*, Section 2, *Assessments* dictates that "all assessments of real estate and tangible personal property shall be at their fair market value, to be ascertained as prescribed by law." State Code §58.1-3201 also requires all real estate assessments to be made at 100% of fair market value.

The County Assessor's Office has completed the annual reassessment process for Calendar Year 2023 (CY 23) and notices are scheduled to be mailed to property owners on or before January 20, 2023. Information traditionally provided by the County Assessor's Office includes the average overall change in assessed value and average change for different property classes. Additional detail is provided regarding single family residential properties, which make up the majority of properties in the county.

Property owners who wish to request a review of their annual reassessment to the County Assessor must do so by February 28, 2023; this level of appeal is referred to as an Assessor's Review and is authorized by County Code §15-702. Appeals may also be made to the Board of Equalization if filed by March 30, 2023, or 30 days after the County Assessor has rendered his decision on a previously requested Assessor's Review, whichever is later.

Preparation of mass appraisals that result in fair and equitable assessments requires the work of competent, well-trained personnel in the County Assessor's Office. Their application of assessment principles and best practices, adherence to Virginia Code and Albemarle County Code, compliance with regulations promulgated by the Virginia Department of Taxation, and guidelines established by the International Association of Assessing Officers (IAAO) are requirements of their role. The focus of the County Assessor's Office, in preparation for the 2023 reassessment, was to review properties and update property descriptions, as needed, to create more accurate assessed values. The more accurate the property data in the County's records, the better the valuation model and assessment results. This action then reduces the likelihood of a future change upon review. Overall, the goal of assessment tax policy in Virginia is to fairly spread the tax burden across the population of the county.

This presentation will include an overview of the reassessment process and outcome for CY 23 and highlight statistical information about reassessment results by magisterial districts and the change in value for the "average" homeowner, among other information. This presentation will provide detailed results to the Board in advance of the notices of assessment that will be mailed directly to taxpayers on January 20, 2023. A Frequently Asked Questions (FAQs) document (Attachment A) has been prepared by the Assessor's staff for distribution to property owners and will be included in the mailing of assessment notices.

While there is no direct budgetary impact related to this information, the results of the 2023 reassessment will provide important information for the current budget year and the upcoming Fiscal Year 2024 budget development process.

Staff recommends that the Board receive the CY 2023 Real Estate Reassessment report as presented.

Mr. Peter Lynch, County Assessor, said that this would be the eighth time he had presented the reassessment results to the Board. He said that the overall change due to the reassessment was 13.46% over 2022. He said that however, what was most important that he would be sharing today was not that number, though historically high, it was well-supported by sales and market data and was an appropriate number. He said that as the one who was responsible for establishing and defending assessments in Albemarle County, his biggest concern with this large increase this year was that it would be a surprise to most people, because the latest news about the economy and the market was not going to make people think of this 13.46% increase.

Mr. Lynch said that the historical assessment changes over the last 15 years since beginning the annual reassessment in 2008. He said that what was not shown was the big run-up in assessed values prior to 2008 that led up to the decline in values from 2009-2013, followed by a steady growth of those years up to the last two years.

Mr. Lynch said that in the previous year, they had an 8.4% increase as the graph on the slide showed. He said that they expected record numbers of people to call their office last spring because of that record increase, and they ended up with record low numbers of people calling their office, record lows of reviews and Board of Equalization appeals, because people understood what was going on with the market and knew people were bidding up sales on houses and that the assessments would be higher. He said that he was surprised, but luckily everyone understood what was going on.

Mr. Lynch said that this year, he did not think that that was what they would experience, especially due to what was being discussed in the market and what was heard day-to-day at that time. He said that the Fed (Federal Reserve) had raised interest rates aggressively over the past few months and that obviously affected home values, and in the media, it was generally heard about how the housing market was declining.

Mr. Lynch said that he read a story the other day that said, "Mortgage rates doubled, and sales plummeted," and the reason he was talking about this increase was due to timing. He said that they were required to assess properties with an effective date of January 1, so that was the cutoff for any information used to establish the assessment or to defend or contest the assessment, and all of the information they found throughout 2022 indicated the assessments that they had created for 2023, and he would show more detailed information to support that.

Mr. Lynch showed a graph of all of the valid sales found throughout 2022. He said that he was concerned that over the past several months, when the Fed began changing the rates, they would see a dip over those two months that showed lower values or a higher assessment ratio of assessment to the sale price, but they did not see that. He said that what was depicted on the presented slide was a plot of all of the assessment ratios of all of those sales, so the line drawn across the center of the depicted graph showed the assessment ratios dropped from a little over 100% to a little below 100% by the end of the year. He said that they were fairly steady and there was no big drop-off at the end. He said that it indicated that still throughout 2022, the values increased throughout the year, but only a little bit from beginning to end.

Mr. Lynch said that shown on the slide was a breakdown of taxable parcels by state property class codes with urban residential, rural, apartments, and commercial. He said that to note this year was that commercial was going up when it had been going down or staying steady in the past few years.

Mr. Lynch showed a slide that he said specifically was talking about single-family residential and commercial changes over a three-year period. He said that single-family residential this year was up 12.4% as opposed to the commercial, which was 15.47%, and although the commercial was going up a lot this year, over the last three years, it had been an overall moderate increase compared to the rest of the property classes.

Mr. Lynch showed another slide that he said gave detail on some of the different commercial property types. He said that despite the fact that they had seen shopping centers and hotels going up 21% and 40% respectively, those three-year averages, after the decreases that happened in 2021, were moderate with 4% for shopping centers and 9% for hotels. He said that apartments and mini storage properties were doing very well and were very sought after, and values were up substantially over that three-year period, including a large increase in 2023.

Mr. Lynch said that shown on the screen was the overall change of taxable properties by magisterial district. He said that typically if commercial were a higher or lower increase than residential, some of the districts that had more commercial would be affected. He said that Rio, Jack Jouett, and Rivanna typically had more commercial properties and could be affected that way.

Mr. Lynch said the next slide showed that overall, with the single-family residential sales, they were at a 100% ratio. He said that assessors use mass appraisal as a standard basis for assessments, and mass appraisal uses ratio studies and evaluation models to determine the value of all properties. He said they used the actual sale of properties to calibrate these models they create to come up with those values. He said that the ratio he referred to was the new assessment to sale price ratio. He said that the plots on the graph shown earlier were the assessment to sale price ratio. He said that a ratio greater than one meant that the assessment was above the sale price, and lower than one meant that the assessment was lower than the sale price. He said that typically, they looked at multiple sales together to determine what the market was doing and did not look at the sales one-to-one.

Mr. Lynch said that the graph shown included eight different groupings by value range, with four groups on the left and four groups on the right, starting with the lowest of homes less than \$150,000 in value, up to over \$2 million. He said that each group was the number of properties included in that value range for which they had just had reassessment changes this year, but new construction was not included in this study. He said that the third column was the average increase in that group, the fourth was the number of sales that applied within that group with that value range, and the median ratio.

Mr. Lynch said that guidelines stated that they should be at 100% of ratios of the sale prices, and these were all just below 100% in these cases, with the goal of being between 99% and 101% in any group or grouping, and the goal overall for sales of individual properties were to have most of them between 90% and 100% of the sale price. He said that when they were talking about the work they had done, the majority, or over 90%, of properties fell within that 90% to 100% range.

Mr. Lynch said that what was important on this slide was that when looking at assessed values after creating and calibrating a new model, they wanted that 100% overall, but no matter how they looked at the data, it should be close to or at 100%. He said that they set their model up based on the style of house—either two-story or one-story—and then had to look at how old the properties were and what grade they were. He said that grade broke down into if the luxury or mansion homes were being assessed near 100% at the same time as the \$150,000 homes, to have equity across the value range.

Mr. Lynch said that they looked at it by neighborhood to ensure one neighborhood was not higher than another one and adjusted different parts of their model to make each aspect of that model work. He said that this was related to the value range and the grade of a property typically, and information provided at the bottom of the slide was what affect this change in value would make to the typical taxpayer in these value ranges. He said that as an estimate, a home worth \$150,000 after the reassessment was worth \$150,000, it would have gone up around 9.13% and pay \$106.75 more in taxes, with no changes to the tax rate. He said that the median price was now \$436,300, and someone with a property of that value would pay \$384.30 more in taxes per year at the same tax rate.

Mr. Lynch said that the next slide showed a 13.64% overall increase, and while everyone was affected differently, they would typically have half of the properties increasing more than that and half less than that. He said that in this case, they had more than 10,000 properties that were going up in excess of 15%, but the vast majority were between 5% and 15%. He said that they quite often got phone calls asking why they said that the tax would increase by a certain percent, but an individual's tax increase was different, and the difference was that each property was different and did not all change the same way based on the market, and the market did not change in a uniform way in any aspect.

Mr. Lynch said that in 2019, they were able to add a staff position for a use value administrator, someone who would be dedicated to work on use value or the land use program full-time. He said that it had been very effective, and was a position held by Mr. Eric Keene, who was a farmer who was knowledgeable about this program, farming, and what to look at on properties and when talking to a property owner. He said that they had been able to clean up this program a bit to where they made sure that properties qualified under this program were properly qualified. He said that seen on the presented slide was that the number of parcels included in the program had dropped as they had worked on ensuring that that happened, and was a continuance of work begun in 2016, which had now accelerated with the addition of the use value administrator.

Mr. Lynch said that one aspect of that benefit was the number of parcels and amount of value

that was deferred each year due to that program, and now that there was a lesser number of parcels in the program, the deferred amount was lower than it would have been, but the second aspect of that was that they were able to find more times when the qualified use that got them in the program had changed. He said that a major misconception about rollbacks of the deferred value was that a property was either in or out of the program completely. He said that what actually happened was that a qualified property that was in forestry or agriculture, and then had a house built on it, would incur roll back taxes on the two-acre homesite where the home was built, and that added up a lot and likely was missing in previous years.

Mr. Lynch said that looking at the slide, there were high numbers in the past of rollback amounts, but low numbers of actual rollbacks, which was because specifically the Brookhill development was under the use program and was rolled back in those two years and was a large amount for those two years. He said that in a normal year, they had a low number in the \$300,000 range, and since then, they had been doing this work regularly with Mr. Keene and bringing in the proper amount of rollbacks, as should be done with properties being developed in a small way.

Mr. Lynch said that the 2022 number was quite a bit higher, and the number of properties affected was higher, which was important because there was a debate on the use value program. He said that 10% of the properties or so were under the program, gaining a benefit of the tax decrease, and the other 90% were not, so the rollback part of it was the protection that the recovery of those deferred values. He said that it was important to know that that part of it also exists; the liability of the increase that occurred.

Mr. Lynch said that Mr. Keene did a great job educating the public about the program, and it was important to know that if all anyone thought that the land use program resulted in a reduction of value, there was a future liability and obligation to maintain the use, and things that changed it could affect the qualification or ability to be rolled back. He said that they used SLEAC (State Land Evaluation Advisory Council) rates to value that portion of the properties and had done so for at least as long as he had worked there. He said that those rates were also increasing a lot and were set by the Department of Forestry and Virginia Tech at the SLEAC Council to determine the rates for all jurisdictions in Virginia.

Mr. Lynch said that this year, there had been a lot of new parcels created through plats, and 991 new parcels were created in 2022 from plats, for a total of almost 50,000 total parcels. He said that reassessment notices would be mailed on January 20, 2023, which would notify all of the public of their new assessments for 2023 and would include updated FAQs as well as an insert that had updated contact information for different parts of the Finance Department.

Mr. Lynch said that they would review and finalize values from the past few months to create the land book in May after the 2023 tax rate was set, and tax bills would be created from the values on the land book. Those bills would be due June 25. He said that 2023 was a revalidation year, in which all properties under the use value were revalidated, and they were currently preparing for that so that it would go as smoothly as possible.

Mr. Lynch said that when people received their notices after the 20th, the new assessments would become available on GIS on the 21st so that they could see them either way. He said that once they saw that and what was happening to their value, he recommended that the taxpayer call his office to speak with the appraiser that handled their property, and the appraiser could explain the evaluation process and provide sales that they had for the neighborhood and property and could confirm data that had not been updated on the property. He said that, if necessary, the taxpayer could set up an appointment for the appraiser to visit the property, which was a useful connection to have with the taxpayer.

Mr. Lynch said that if there was still not agreement on what the value was, the property owner could request a review, in which they filled out a form and provided the County with a reason why they believe the value was too high or too low, and any support for a change to be made to the assessment. He said that he would review with both the Supervisor and the appraiser the value of the property and any information that was found would be used with an interior inspection on properties based on this process, then either would update the information and value or would explain why they were not in a written response.

Mr. Lynch said that the final aspect of the appeals season was the Board of Equalization, which was a board of six members that the Board of Supervisors had appointed, and would listen to what his office had done and the reason for the assessment being where it was, listen to the property owner or their representative explain why they thought the value should be different, and then make a binding decision on that value.

Mr. Lynch said that the Board of Equalization had a separate application for that process, and the application could be obtained at his office, but it was controlled so that they knew who they sent them to. He said that they could apply to the board by March 30 or apply thirty days after the results letter from a review. He said that they also required an interior inspection for the Board of Equalization, which had not been performed during the pandemic, but now was required as part of the process.

Ms. McKeel asked if the information provided by Mr. Lynch could be sent to the Board.

Mr. Lynch said yes.

Ms. McKeel asked if Mr. Lynch would send the Supervisors their magisterial district assessments

for neighborhoods.

Mr. Lynch said yes. He said that these would be prepared by neighborhood, district, and average amount for those neighborhoods.

Ms. McKeel said that would be helpful.

Ms. LaPisto-Kirtley said that Mr. Lynch had provided the information necessary for the Board to be able to discuss with constituents.

Mr. Andrews said that Slide 9 for single-family homes showed a higher increase with higher valuations, yet apartments went up much more than other residential units. He asked if this was a nationwide trend or if there was a disconnect there.

Mr. Lynch said that it was a nationwide trend, as apartments were a hot commodity in the real estate market, and it was a difference between being a sought-after income stream, whereas these were typically owner-occupied.

Mr. Andrews said that he appreciated Mr. Lynch's instructions on what to tell people when they call. He asked for clarification that the rollback was five years.

Mr. Lynch said yes, it was the current and five previous years of deferred value that was recovered, for an actual six years overall.

Mr. Andrews clarified that it was six years overall.

Ms. Mallek asked if the rollback had ever been ten years or had always been five years.

Mr. Lynch said that as long as he had been involved, it had been five years.

Ms. Mallek said that on slide 4, class code 06, over 100 acres, she assumed that value was with a house or not.

Mr. Lynch said that it included all properties over 100 acres, house or not. He said that when reporting about the magisterial district or property class code, he was referring to the entire County.

Ms. Mallek said that a big improvement was the equity across value range and among neighborhoods was not just sales in a particular neighborhood, but like neighborhoods around the County, and asked whether that still happened.

Mr. Lynch said that they created in their office very small neighborhoods that they attempted to analyze—with only 5 or 10 parcels and no sales—but they had combined many of those together to have the appropriate information to apply to all neighborhoods.

Ms. Mallek asked Mr. Lynch to explain who paid when it came to rollbacks and change of use.

Mr. Lynch said that the person who paid was the person who made the change to the use, so if someone was to buy a property that was qualified under use value and then either stopped the use completely, resulting in the entire property getting rolled back, or built a house on the property, resulting in rollback of the two acres affected. He said that that person would pay the rollback for the current and five previous years, even though that person did not own the property in any of those previous years. That is the way the program legally works.

Ms. Mallek said that people should make sure they have that information before agreeing to a sale, because while the process was completely legal, they did not know they would be paying extra payments on the property.

Mr. Lynch said that any time it came up with the assessor, they recommended they have that conversation. He said they talk to agents as often as possible, because they would be the ones making that agreement and would be part of the conversation. He said that knowing that it was happening was the most important part.

Ms. Mallek asked if realtors were not legally required to disclose this in Virginia.

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

Ms. Mallek asked what the timetable for mailing the revalidation forms out was if they were due at Halloween.

Mr. Lynch said that they were looking to mail them in July. He said that there was a question of whether it would be at the end of June or the beginning of July, and the first due date was September 1.

Ms. Mallek said that that was with no fee.

Mr. Lynch said that was correct.

Ms. Mallek asked if the date with the fee was October 1.

Mr. Lynch said that it was on December 5.

Ms. Mallek asked if Mr. Lynch could send the Excel file for those whom he had not had a response from by October 1.

Mr. Lynch said yes.

Ms. Mallek said that many people needed assistance in sending in their mail.

Mr. Lynch said that they also had reminders they sent and had been asking for email addresses during the last process, so there would be more options to communicate with people who they had not heard from, and it was easier than sending another letter.

Ms. Mallek asked if in the forms to be shared with landowners, would the Real Estate Office be able to include what they submitted in the past for reference or if they would have to give new information each time.

Mr. Lynch said that they tried to include what they were currently qualified for at the top of the form, which may or may not match what had been sent two years before but would be what the Real Estate Office had determined they qualified for.

Ms. Mallek asked if they had to figure out the changes on their own.

Mr. Lynch said yes. He said that there was a complication this year due to the state passing a law that mandated a standard revalidation form, and they were trying to figure out the effect it would have on the County.

Ms. Mallek asked if that was even if they had one already.

Mr. Lynch said that was correct. He said that it may be in addition to what they already did, but he would work with the County Attorney's Office on what exactly it meant.

Mr. Andrews said that the ratio of sales to assessment was close to one, which sounded like what they would want it to be, but the assessed values, because they were done once per year, were going up an average of 13.46%, which he expected to see reflected in the assessment-to-sales ratio as a disconnect, because the value had gone up more than the assessment.

Mr. Lynch said that when they ran a sales ratio study in early September, before making any changes to the model, the report had results of median ratios in the 87% - 89% range, which was the first indication that it would take a lot to get to 100%. He said that they did not know what part of the model they needed to adjust, but it was the first indication, and yes, the sales ratio study worked that way if using the old model against the new sales. He said that once the model was changed to increase the assessments across the Board, they reran the sales ratio studies to get to 100%.

Ms. Price asked to see Slide 8. She asked what the "variant COD" stood for.

Mr. Lynch said that the COD was the variance. He said that the median ratio of the 2,049 sales included in the study, which were single-family residential sales, was 100%, but how tight around that 100% were those ratios, or how wide they were, and the variance or COD was how tight they were. He said that statistically, around 68% to 70% of those ratios were within five, or between 95% and 105%, and about 95% of those ratios fell within 90% to 110%, based on that number.

Ms. Price asked she speculated that as the purchase price of family homes went up, the affordability of apartments became more attractive, and as that happened, the apartment values would go up, and apartment-dwellers would likely be seeing an increase in rent to accommodate the increase in property values and increase in the landlord's taxes that they would have to pay. She said that she speculated the mini storage going up 46.73% over a three-year average, it struck her as an indication that as people moved out of larger homes into smaller apartments, they were putting more things into storage, which increased the demand, increasing the value there.

Ms. McKeel said that baby boomers were also passing away and children were inheriting things from full houses.

Ms. Price said that this brought forward a tremendous discussion as they went into designing their budget next year.

Mr. Lynch said that Slide 8 showed the state ratio study, or the study conducted by the Department of Taxation. He said that they just received the updated information for the 2021 sales on Monday, and he was shocked when he received it. He said that he had to talk about it with the state as to why it was so low, which was 89%. He said that as seen by this slide, they typically had been in the 93%-95% range, so there was a discrepancy between the County's 100% and the state's 93% - 95%, and the difference was that they were looking back at 2022 sales to determine the 2023 sales, but when the state did the study, they looked at 2023 sales and the 2023 assessment.

Mr. Lynch said that when they looked at the 2021 sales for that study, they were looking at a year

later, after the County had created their values, and during a year when the values were rising, and the County reported an 8.4% in that year after. He said that the difference between the normal 93%-94%, which is the usual lag between the County's work and the state's work, was exacerbated by the large increase they had during 2021 that led to the 2022 reassessment increase of 8.4%. He said that this number concerned him to begin with because it affected their revenue sharing with the City and affected education and the state's contribution to the plan.

Mr. Lynch said that he had been assured by the state that 99% of all jurisdictions in the state were in the 80% range this year, and Albemarle was comparatively higher than some, including Charlottesville, which was 86%. He said that as it affected their revenue sharing plan, it was how they compared to them, and as it affected education and any other funding, it was in comparison to everyone else. He said that while the number was shocking, there was a reason it was so low.

Ms. Price asked if all of the data of this assessment was based on values and calculations based on data available as of January 1, 2023.

Mr. Lynch said that was correct.

Ms. Price said that what the economy did this year concerning inflation, interest rates, and the effect on home sales, would then affect the values as of January 1, 2024 for next year's assessment.

Mr. Lynch said that that was correct.

Mr. Richardson said that Mr. Lynch and his staff worked very long hours and did in-depth work for the organization.

Ms. Price said that she appreciated the work that everyone in CDD and the Assessor's Office did to ensure that permits and assessments were properly carried out.

Ms. LaPisto-Kirtley asked if the reassessments went out to the public on January 20.

Mr. Lynch said yes.

Ms. LaPisto-Kirtley asked when the reassessments were due.

Mr. Lynch said that it was a notice of the assessment to notify people of what the new assessment was. He said that the Finance Department Revenue Administration would send tax bills after creating the land book in May, and the payment due on the first half of the taxes based on this assessment would be due June 25.

Ms. Price said that if someone wanted to challenge or appeal the assessment, there was a deadline to that response.

Mr. Lynch said that was correct, and February 28 was the deadline to file a review request.

Ms. LaPisto-Kirtley asked how a review had to be requested.

Mr. Lynch said that the form could be requested online, over the phone, or in the office.

Ms. LaPisto-Kirtley asked what the due date was.

Mr. Lynch said that the due date was February 28.

Ms. Price said that with the assessment, citizens would receive FAQs that provided that information.

Mr. Lynch said that was correct. He said that on the back of the assessment form itself, there was a section that talked about the reviews, a section that talked about the Board of Equalization appeals, and the deadlines and process. He confirmed that the information was also available in the FAQs.

Agenda Item No. 12. **Presentation:** Transportation Planning Quarterly Report.

Ms. Jessica Hersh-Ballering, Principal Planner, said that she was presenting the Albemarle County Transportation Planning Quarterly Report, covering the months of October through December 2022. She said that the SMART SCALE Grant program was the primary method for funding large-scale transportation projects in Virginia and was a competitive funding program.

Ms. Hersh-Ballering said that on August 1, 2022, twelve projects were submitted by Albemarle County, the TJPDC (Thomas Jefferson Planning District Commission), and the Charlottesville-Albemarle MPO (Metropolitan Planning Organization). She said that descriptions of those projects along with finalized project cost estimates were included in the quarterly report. She said that when the SMART SCALE program awarded funding, it was usually not available for five to six years, and due to the rising costs of goods and services over time, VDOT made an estimate of how much the project would cost and then escalated the project cost for each estimate to account for inflation.

Ms. Hersh-Ballering said that the potential project submitted for a SMART SCALE application was still in the conceptual planning phase, which meant that they had a clear sense of what they wanted to do to address a transportation challenge, such as putting in a roundabout or adding sidewalks, but the exact design of the infrastructure was not complete, and as such, there were many technical unknowns for the project, and VDOT accounted for those unknowns and their potential cost by adding in contingency costs.

Ms. Hersh-Ballering said that this had resulted in high estimates, and at a recent MPO policy board meeting, they heard from staff that one way to reduce project cost estimates and make project applications more competitive would be to do as much planning as possible ahead of submitting the SMART SCALE applications so that they could reduce the contingencies. She said that initial funding decisions would be made in January, but those decisions would not be finalized until June 2023.

Ms. Hersh-Ballering said that in August, they learned that the County was awarded over \$2 million in RAISE (Rebuilding American Infrastructure with Sustainability and Equity grant funds to complete a Three Notch'd Trail shared-use path master plan. She said that when constructed, this path would cross western Albemarle County, extending from the City of Charlottesville through the Crozet area to the Blue Ridge Tunnel in Nelson County. She clarified that the RAISE funds received cannot be used for construction and can only be used for planning. She said that they were currently in the process of finalizing a detailed grant agreement with the USDOT (U.S. Department of Transportation), which they expected to complete this fiscal year, with an RFP (request for proposal) and hiring of a consulting team in the next fiscal year to do the master plan work. She said that once the consulting team was hired, they expected the master plan process to take about two years.

Ms. Hersh-Ballering said that at the December 14, 2022 meeting, the Board of Supervisors supported the use of Strategic Plan Reserve funds to complete a Lambs Lane Campus and adjacent transportation improvements study, which would further investigate the proposed looped road on the Lambs Lane Campus, potential multimodal improvements of the adjacent Hydraulic corridor, and how those improvements would interact. She said that the study would identify potential project constraints and develop realistic cost estimates so that staff had the necessary information to submit applications for upcoming funding opportunities. She said that ACPS and County staff were currently reaching out to potential consultants and working to develop a scope and timeline for the study.

Ms. Hersh-Ballering said that at the last quarterly report, they described a few conceptual design studies that were part of the work plan for this fiscal year. She said that they were currently in the midst of the Free Bridge Lane conceptual design study being done in collaboration with LPDA (Land Planning and Design Associates Inc.). She said that Free Bridge Lane was a low-volume, unstriped roadway that extended from Darden Towe Park at the north to Route 250 at the southern end. She said that on the west side of the roadway, there was an existing substandard shared-use path, which was poorly defined at parts. She said that on the east side of the roadway, there was a site of a future County park.

Ms. Hersh-Ballering said the slide on the screen listed the consultant's three tasks, the first of which was already completed when stakeholders met at Free Bridge Lane for a site visit and consultants documented opportunities and constraints for the roadway. She said that task 2 was underway, in which consultants prepared two very different conceptual designs, which would be presented in detail for public feedback at the January 23 Pantops Community Advisory Committee (CAC) meeting. She said that they would return to the Board of Supervisors on March 1, 2023 to present the two designs along with the public feedback received and a request for how to proceed for task 3. She said that in task 3, the consultants would create a final conceptual design that incorporated the preferred components from the two designs from task 2.

Ms. Hersh-Ballering said that the next conceptual design study they were working on was the Route 20 shared use path, which would plan a shared use path, likely along the east side of Route 20 from the City/County line at the north near Quarry Road, as far south as Dairy Barn Road. She said that this would provide a vital connection to recreational amenities and PVCC (Piedmont Virginia Community College) but was a challenging connection to make. She said that they expected to hire an on-call consultant in the current quarter.

Ms. Hersh-Ballering said that the current slide was intended to provide a brief overview of the remaining Transportation Planning projects covered in the written report. She said that with regard to the Secondary Six-Year Plan, staff had received requests for paving Sutherland Road, Arrowhead Valley, and Murray Lane, with two-thirds of owners on these roadways signing the petition, and VDOT was reviewing for suitability for paving. She said that staff would present the FY24 - FY29 Secondary Six-Year Plan, including these paving projects, at a Board meeting in March 2023, followed by a public hearing on the final Secondary Six-Year Plan in May.

Ms. Hersh-Ballering said that staff recently learned that VDOT and FHWA (Federal Highway Administration) approved Albemarle County's request for the functional classification change from "major collector" to "minor arterial" for the five roadway segments listed in the written quarterly report. She said that staff originally applied for these classifications in July 2021, so this would wrap up a lengthy process.

Ms. Hersh-Ballering said that in 2019, Transportation Planning staff created a scoring system to prioritize proposed transportation projects, which were shown as numbers next to projects in the written report, and since then, had completed or received funding to complete many projects, and new projects had been identified.

Ms. Hersh-Ballering said that they were in the process of updating their potential project list and

the prioritization system. She said that staff would return to the Board of Supervisors on May 3, 2023 to present the prioritization methodology and draft rankings for proposed transportation projects.

Ms. Hersh-Ballering said that the multimodal transportation plan was part of the Comprehensive Plan update, and they continued to work with Ms. Kanellopoulos and other long-range planning staff on those efforts.

Ms. Hersh-Ballering said that projects managed by VDOT and currently in design or under construction included some financial commitments she wanted to bring attention to as part of Albemarle County's 2020 SMART SCALE applications two rounds ago. She said that while it was initially expected that Albemarle County would need to submit local funds in FY25, these projects have been fast-tracked. She said that Transportation Planning staff had notified the Board of the fast-tracking on February 16, 2022, when the Board approved a resolution to submit local funding for the three roundabout projects in FY23, and then to submit local funding for the 250-corridor project in FY25 as expected.

Ms. Hersh-Ballering said that they were reminding the Board of this process because VDOT recently requested the local funds that the County committed for those three roundabout projects, and the money would be coming from the CIP transportation leveraging fund, with some of it offset by proffer funds from the Albemarle Business Campus development on Old Lynchburg and the Rio development on Rio Road. She said that altogether, the \$7 million in local funding was expected to leverage approximately \$25.8 million in state funding.

Ms. Hersh-Ballering said that projects managed by Albemarle County FP&C (Facilities Planning and Construction Division) recently completed Rio Road, Avon Street, and US-250 West pedestrian improvements, the Ivy Road bicycle and pedestrian improvements, and Greer/Journey bicycle and pedestrian improvements. She said that all of these projects still had some things to be finished on them but were open to be used by the public. She said that the quarterly report had more details on these projects.

Ms. Hersh-Ballering said that Transportation Planning staff continued to attend Regional Transit Partnership (RTP) meetings. She reported that RTP met in October and December, and at the meetings, the RTP received the final Regional Transit Vision Plan presentation and an introduction to the Regional Transit Governance study.

Ms. Hersh-Ballering said that the purpose of the Regional Transit Governance study was to identify strategies for achieving regional priorities and goals identified in the Regional Transit Vision Plan. She said that some sudden staffing changes at CAT (Charlottesville Area Transit) resulted in delays in installing transit shelters at Stonefield and the Northside Library, but the transit shelter at Stonefield had been installed, and they continued to work to install a shelter at Northside Library.

Ms. Hersh-Ballering said that CAT had engaged a consultant to develop a feasibility study to identify the optimal service design for the microtransit service for the North 29 and Pantops areas. She said that a discussion of the results of that feasibility was on the Board's agenda for the next meeting on January 18, 2023.

Ms. Hersh-Ballering presented a slide that highlighted the larger development projects that Transportation staff had reviewed in the previous quarter. She noted that not all of the projects on the list were done with the development review process, as that process involved significant back and forth between the developer and staff.

Ms. Hersh-Ballering then presented a slide that highlighted some of the reported transportation issues that staff addressed in the previous quarter. She said that it included several speeding and safety concerns, which staff addressed in collaboration with the Department of Transportation and ACPD (Albemarle County Police Department).

Ms. McKeel noted the Board had received concerns regarding the diverging diamond at Pantops. She said that as they moved through the process, the challenges would smooth out.

Ms. LaPisto-Kirtley said that she received some calls regarding the diverging diamond, and she told people to wait until it was completed to judge it. She said that she saw improvement each week. She said that there was a missing stop sign at the intersection of Rolkin Road and Hansen Road.

Ms. Hersh-Ballering said that the stop sign was located at the northeast corner of the intersection on the church property, so it was the responsibility of the church to replace it. She said that staff reached out to the church to replace it, and the church complied with the request, so the sign was no longer missing.

Ms. LaPisto-Kirtley said that she had been working with ACPD traffic enforcement. She said that Gordonsville Road was a problematic area, and there had been a couple of deaths and crashes that year.

Ms. Hersh-Ballering said that the items included in her list were ones that the public had reached out to staff to address, and if the Board felt there were items to be added to staff's discussion list with VDOT and ACPD, they could do that.

Mr. Andrews asked what the significance was of changing the classification of a road from major collector to minor arterial.

Mr. Kevin McDermott, acting Director of Planning, said that the functional classification was a federal designation for different roads, and it changed design requirements and funding options. He said that the staff had made the application because of the entrance corridor issue. He said that state law only allowed counties to regulate arterial roads as entrance corridors.

Mr. McDermott said that a few years ago, the County was informed that it was regulating collector roads, a classification a level below arterial roads, as entrance corridors. He said that when staff reviewed those roads, they determined some met the criteria to be designated as an arterial road, so they were going back to FHA to see if they would consider reclassifying them. He said that they were working with the County Attorney and the Planning Manager in charge of the Architectural Review Board (ARB) to reevaluate how the entrance corridors would be regulated in the future.

Mr. Andrews asked how often projects were ranked and reordered.

Mr. McDermott said that the intent was to review the rankings every other year. He said that the most recent review would have occurred in 2021 during the pandemic, when there were delays in transportation funding programs. He said that they did not have all the necessary information at the time of the review in 2021, so it did not make sense to continue with the review. He said that the process would be reevaluated as part of the Comprehensive Plan update. He said that they intended to complete the update to the transportation priorities list before completing the transportation toolkit.

Ms. Mallek asked if right-of-way was included in the RAISE grant.

Ms. Hersh-Ballering responded that right-of-way could not be included in the funding that they received.

Ms. Mallek clarified that determining the route would identify where it was needed.

Ms. Hersh-Ballering responded yes.

Ms. Mallek mentioned the extension of Berkmar Extended to Airport Road. She said that the money from the Park Road and Park and Tabor sidewalks had been used for the contributing match for Berkmar Extended. She asked for an update on the Berkmar Extended project.

Mr. McDermott responded that Berkmar Extended had been approved for a Revenue-Sharing project. He said that the project included an extension from the current stub-out up to Airport Road, and it included a roundabout at the Airport Road, Lewis and Clark, and Berkmar Road intersection.

Mr. McDermott said that the project was in design, and that he thought the expected construction date was included in the materials provided to the Board. He said that there was a meeting scheduled with the VDOT later in the month to receive updates on the projects. He said that the project had been administered by VDOT.

Ms. Mallek asked if the eastbound Route 250 turn lane into the hospital would be lengthened.

Mr. McDermott said that VDOT representatives would provide more information related to the diverging diamond in their presentation.

Ms. McKeel requested a copy of the presentation.

Agenda Item No. 13. **Presentation:** Virginia Department of Transportation (VDOT) Quarterly Report.

Mr. Ed San Nicolas, Assistant Charlottesville Residency Administrator, said that he was filling in for Carrie Shephard, Resident Engineer, who was on leave. He said that Troy Austin, Director of Traffic Operations, was present, and he would share with the Board VDOT's proposed traffic improvements for the western end of Old Ivy Road after the presentation. He said the improvements would include Faulkner Driver, the Route 29 / Route 250 bypass off-ramp, and Old Garth Road.

Mr. San Nicolas said there were two updates to the status of the road projects report before the Board—add dates for the I-64 Exit 107 park-and-ride and the Route 29 shared path projects. He said that the dates should reflect October 2024 and January 2025, respectively. He said that the Route 250 / Route 20 intersection improvements and the Route 250 east corridor improvement projects were to be combined into one project for ease of management and tracking.

Mr. San Nicolas said that for the status of bridge projects, he highlighted that the Route 667 Catterton Road bridge replacement project was advertised in November 2022, and the award was expected that month.

Mr. San Nicolas said that the Route 29 Hydraulic package project technical proposals were due in January 2023, and price proposals were due in February. He said that the Commonwealth Transportation Board (CTB) award was anticipated in April.

Mr. San Nicolas said that in terms of Albemarle County Design Build projects, the I-64 Exit 124

project was likely to move to spring 2023 from February 2023. He explained that the project was related to resurfacing and pavement markings, and they did not want to perform the work during the day due to traffic, so it had to be done at night. He said that they had to have a road temperature of 50 °F or higher for three days to do the work.

Mr. San Nicolas said there were no changes to the Albemarle County Design Build projects.

Mr. San Nicolas said in terms of Rural Rustic Road projects, for the Route 633 Cove Garden Road project construction was ongoing and would resume in the spring.

Mr. San Nicolas said that for construction activities, all concrete repair projects associated with Old Brook and Wildmere, Lewis and Clark Drive, and Pebble Hill were complete. He said that Burchs Creek Road bridge project was completed on December 14, 2022, two days ahead of schedule.

Mr. San Nicolas said that with respect to traffic engineering activities, I-64 / Route 29 North rumble strips and actuated flashing beacons were awaiting installation. He said that Route 250 / Route 1815 Old Trail crosswalk marking were awaiting installation. He said that all other traffic engineering actions, including Mountainwood Road centerline markings, removal of on-street parking on Valley Street, and the installation of double-sided pedestrian signs at Crozet Artisan Depot, were complete.

Ms. LaPisto-Kirtley asked if there was a consideration for grade separation for the Route 29 North/Hydraulic project.

Mr. San Nicolas said that he did not believe there was.

Ms. LaPisto-Kirtley said she continued to receive questions about the issue and wanted to clarify the record.

Ms. Mallek asked if more information could be provided on the turn lane extension. She asked if there were plans to lengthen the turn lane from Route 250 East into the hospital at Pantops.

Mr. San Nicolas said that he did not have a specific answer, and he would have to consult with the construction manager.

Ms. Mallek noted that the Route 240 / Route 250 roundabout had been postponed five different times. She asked if the contractor had moved off from the project. She said she wanted to ensure the project would be completed and not further delayed. She said the traffic up there backs up a mile and a half. She said that the project was approved in 2018, and the public hearing was held in 2019.

Ms. Price noted the temperature needs to complete the paving and asked Mr. Jeff Richardson, County Executive, if there was a way to notify the community about the required environmental conditions for paving the roundabout.

Mr. San Nicolas said he would consult the construction manager to determine what information they distributed by their own mechanisms.

Ms. Price expressed appreciation for the daily emails from the Culpeper District, and she noted how the traffic flow improved as the project edged toward completion.

Mr. Troy Austin, Culpeper District Director of Traffic Operations, said that he would have to check into the turn lane question.

Mr. Austin said that one of the issues they encountered with the DDI (diverging diamond interchange) was that the traffic was switched over without all the lanes being opened, which created a few problems. He said that once the lanes were open, there were issues directing drivers to the right path. He said that they encountered queues back up to I-64, and they had to address that issue, but by doing so, Route 250 encountered traffic issues.

Mr. Austin noted that drivers were adjusting well to the traffic changes; they were using the lanes coming off of the interstate better and there were less backups. He said that the traffic engineer who did the timings for the DDI was an on-call consultant, and he would be visiting the County the following week to perform field adjustments to implement the final timings. He said that they had to ensure traffic did not back up to the interstate.

Mr. Austin said that the Old Ivy Road/Old Garth Road project had been considered by Traffic Engineering for a couple of years. He said that there were concerns from St. Anne's about parents backing up as they tried to exit Faulkner Drive and get to the school. He said that businesses in the area expressed concerns about not being able to cross the intersections. He said that the problem was bigger than any single intersection in the area.

Mr. Austin said that traffic counts for the intersections were performed in 2019, and they projected for growth to 2030. He said that they analyzed the intersections and included every new project that they were aware of for the 2030 projection. He said that when they attempted to solve traffic issues in one area, they caused issues in others, so they had to identify the critical issues.

Mr. Austin said that at the intersection of Route 250 and Old Garth Road, the traffic queues would

extend into the bypass, posing a significant safety issue for traffic on the bypass. He said that the intersection driving the issues in the area was the intersection of Route 250 and Old Garth Road.

Mr. Austin said that part of the proposed improvements included removing the through and left movement from Old Garth Road onto Route 250. He said that the traffic movements would be replaced with dual right turns. He said that the heaviest traffic flow at the intersection was vehicles traveling from Old Garth turning right to go west onto Route 250. He noted that the through and left turn traffic would have to be diverted.

Mr. Austin said there were several constraints at the location—the gas station, Bellair Market, the railroad overpass, and the topography. He said that if the diverted traffic was coming from southbound on the bypass, they could use the cloverleaf to approach Route 250.

Mr. Austin said that if diverted traffic was coming from the school, they could make the right turn at Route 250 and find a location to U-turn, but there was not a U-turn location on the route. He said that traffic would go down Old Ivy Road eastbound and make a right turn at the signal onto Route 250 to come back.

Mr. Austin said that as part of the project, they intended to implement a triangle about. He said that Old Ivy Road, the exit ramp, and Faulkner Drive formed a triangle that functioned similarly to a roundabout. He said that movements to Charlottesville or Canterbury would have to find alternate routes. He said that when they modeled the project, they reviewed the queue lengths and a.m. and p.m. peaks.

Mr. Austin said that if they implemented the triangle roundabout and the dual right turn lanes, the queue lengths barely extended to the intersection with Old Ivy Road. He said that a dedicated right turn lane and a receiving lane installed on westbound Old Ivy Road to get onto the bypass entrance ramp would greatly reduce queue lengths. He said that if they installed a dedicated right turn lane from westbound Route 250 onto Old Garth Road, queue lengths would be further reduced. He said that they were not able to address every traffic issue with the improvements.

Mr. Austin said that the level of service for each approach at the intersection of Route 250 and Old Garth improved significantly. He said that the next steps included setting up a meeting with STAB (St. Anne's-Belfield School). He said that there were components of the proposed plans that would impact them. He said that they would set up a citizens information meeting to provide the opportunity for comments and to address concerns.

Mr. Austin said that no funding was being requested, and the improvements were funded through their budget. He said that part of the project was to rebuild the traffic signal, and another part of the project was to remark the triangle about and install signage. He said that the signal was under design, and the final design was dependent on whether they constructed the triangle about. He said that they intended to start the project sometime that year, and it should be completed in 2023. He said that there was a long lead time of 6 to 18 months for signal components, so the project may be delayed.

Ms. McKeel noted that the traffic simulations did not work this time, but they were helpful in the past.

Mr. Austin said that they had investigated it, and the simulations were a different level of analysis that cost about \$100,000 more. He said that they had discussed the option with the consultant.

Ms. McKeel asked if they had done the simulations.

Mr. Austin said that they had not done the simulations, but they had hoped to have them.

Ms. McKeel clarified that the major problem they were addressing was the traffic backup onto the bypass.

Mr. Austin said that was correct.

Ms. McKeel said that the public believed the project was intended to relieve traffic issues further down Old Ivy Road, which was incorrect.

Mr. Austin said that the improvements would have minimal to no impact on the other end of Old Ivy Road.

Ms. McKeel said that a right-turn lane off Old Ivy Road would make the proposal better.

Mr. Austin explained the ques that would result with three options on a slide he presented.

Ms. McKeel mentioned that funding was assured.

Mr. Austin clarified that they were not requesting funding. He said that they had planned to rebuild the signal, and most of the other work was remarking and signage.

Mr. Andrews said that he had received over two dozen complaints and concerns related to what was presented. He said that he was interested in when the informational meetings would be held so that citizens could provide input. He said that the exit onto Old Garth Road from the bypass was marked for

local traffic only. He said that the proposed improvements would make it easier for travelers headed to Crozet.

Mr. Austin said that they had considered it. He explained that when they started the process, he instructed the consultant to make the movements from the local-traffic only ramp as difficult as possible to get to Route 250. He said that making the intersection difficult would divert traffic trying to get to Crozet to the cloverleaf.

Mr. Austin said that if they diverted the current volume of traffic from the intersection to the cloverleaf, then traffic would back up onto the bypass. He said that the data had been modeled, and they were unable to accommodate the additional trips on the cloverleaf. He explained that they required a longer deceleration lane on the bypass. He said that until the bridge was rebuilt, they did not have the room to extend the turn lane.

Mr. Austin said that they had to be able to accommodate the trips on the ramp. He said that if they closed traffic to the through movement, then they would create worse issues on the bypass.

Mr. Andrews clarified that traffic coming out of Bellair would still be able to cross over to get to Old Ivy Road to get to the better entrance ramp.

Mr. Austin said that they had considered not allowing movements from Route 250 onto Old Garth Road, but they were having the same problem with the other ramp trying to get on the bypass with no acceleration loan. He said that they determined they had to allow traffic to turn off Route 250 onto Old Garth Road to get on the better ramp.

Mr. Andrews asked if they had considered the unintended U-turns that would be encouraged by the traffic diversion.

Mr. Austin said that it was difficult to stop. He said that it was a relatively low volume of vehicles making the movement.

Mr. Andrews asked if they had considered the possibility of a through lane without a left turn lane.

Mr. Austin said that it did not provide any improvements if either one was installed.

Mr. Andrews said that another issue that was raised with him was whether traffic backup issues were caused by large vehicle traffic and whether they considered prohibiting large vehicle traffic from making movements.

Mr. Austin said that they were restricted by the bridge heights which did not permit large vehicles to go that way. He said that it was difficult for the agency to prevent.

Mr. Andrews said that another concern he heard was that there were going to be dual right turn lanes. He said that his understanding was that only one would be right turn on red.

Mr. Austin said they were reviewing it, and they were leaning towards both lanes being right-on-red turns. He said that the westbound turn had the right-of-way and a protected green-light movement.

Mr. Andrews said that there had been reports of increased conflicts at the intersection because drivers did not pay enough attention to what is coming out of Canterbury.

Mr. Austin said there were several issues throughout the district with drivers not paying attention.

Mr. Andrews noted that the proposed improvements worked because they allowed right-on-red turns.

Mr. Austin said that it would allow them to move the queue faster.

Mr. Andrews said that it would be at the expense of the left turn on Canterbury.

Mr. Austin said that was not true because they have the protected movement.

Mr. Andrews asked if consideration had been given to bicycle and pedestrian traffic. He noted that bicycle traffic used Old Ivy Road to crossover, and they are wondering how they will cross over because vehicles are not allowed to cross over.

Mr. Austin said that the through movement would not be allowed in the proposed new pattern.

Mr. Andrews noted the difficulty of the traffic problems. He encouraged community meetings to be held.

Mr. Austin said they wanted to bring the item before the Board before they presented to the community. He said that they had been in touch with County staff, and they wanted to move the project quickly.

Ms. Mallek noted that when she taught school in the 1980s, there used to be two lanes, two-way

there, so if you were on Faulkner Drive, trying to get across, you had to look up the ramp and down, so teachers came up with the idea to take that away. She said she wished they could stop the people going straight through to the west. She asked whether they could encourage traffic to travel on I-64. She asked if traffic heading southbound on the bypass to the orthopedic hospital would take the Bellair exit to Old Ivy Road and make a U-turn to go back.

Mr. Austin said that he would not make that movement. He said that he would stay on the bypass, take the cloverleaf, and turn right at the signal.

Ms. Mallek said that the most reported issue at the intersection was speed. She asked if they were able to consider ways to slow down the traffic on the ramp.

Mr. Austin said that at peak-hour congestion, vehicles slowed themselves down because there was nowhere to go. He said that Ms. Mallek was probably seeing the high speeds during off-peak hours when there was no congestion. He said that it was difficult to address speeding, and it was more of an enforcement issue. He said that if people were speeding when the speed limit signs were in place, then there were not many other options.

Ms. Mallek noted that she did not take the loop from eastbound Route 250 to the northbound bypass because of the people speeding on the northbound bypass. She said that she was glad that Mr. Austin had that in his mind, although it was not likely a quick and easy solution.

Mr. Austin said that the movement would not be changed.

Ms. Mallek noted that there was a breakdown lane between Faulconer Drive and Old Garth Road, which would be a perfect way for people coming out of Faulconer Drive who wanted to go onto Old Garth would not get themselves in the way of others. She noted paving would be required. She said when she was driving a school bus, she was not able to make sharp turns, so the option was to go back to Barracks Road and come back. She asked if that was still the only option for school buses.

Mr. Austin said that they were not addressing the railroad overpasses or realigning the curves.

Ms. Price said she supported the proposed improvements. She said that there were other route options for local drivers to take.

Ms. McKeel said that ACPD should be involved to help with enforcement.

Ms. Price said that she agreed. She asked if there was signage indicating a school was nearby on the road.

Ms. McKeel said that she did not recall any school signage. She said that VDOT would have to address the backups that were occurring at Barracks Road. She said that the Barrack's Road exit was the one she took frequently, and there were backups nearly 3/4 of the way to Leonard Sandridge on the bypass.

Ms. Price said that the capacity of the roads was a topic of concern.

Ms. McKeel said there were pinch points on the roads that were getting worse.

Ms. Mallek asked if the County had the authority to have a two-mile section of the bypass at a reduced speed limit.

Mr. Austin said that when they lowered the speed on freeways, or arterials like this, traffic became compacted. He said that lowering the speed limit would not achieve Ms. Mallek's goal.

Non-Agenda Item. Remote Participation.

Mr. Ned Gallaway joined the meeting at 4:43 p.m.

Ms. Price announced that Mr. Gallaway was available to join the meeting remotely. She said that Mr. Gallaway had requested to participate remotely in accordance with applicable Board Rules of Procedure 8(b)(1b), enacted pursuant to the Freedom of Information Act. She said that Mr. Gallaway was unable to attend the meeting in person due to a family-member's medical condition.

Mr. Gallaway stated that he was in Wheeling, West Virginia.

Ms. Mallek **moved** to allow Supervisor Ned Gallaway to participate in the meeting remotely in accordance with applicable Board Rules of Procedure enacted pursuant to the Freedom of Information Act, given that he is unable to attend the meeting in person due to a family medical reason.

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

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

Agenda Item No. 14. Closed Meeting.

At 4:44 p.m., Ms. LaPisto-Kirtley **moved** that the Board go into 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 related to land use applications and a decision of 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. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.
NAYS: None.

Agenda Item No. 15. Certify Closed Meeting.

At 6:00 p.m., Ms. LaPisto-Kirtley **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.

Mr. Andrews **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Agenda Item No. 16. From the County Executive: Report on Matters Not Listed on the Agenda.

There was no report.

Agenda Item No. 17. 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. Peter Rightmyer said that he found no data pertaining to the foreseeable trucking industry problem created by the dual southbound right turn and triangle about concept plan. He said that a standard box truck was 13' 6" high, and millions were in service across the country. He said that box trucks were not able to fit under the eastern Old Ivy train bridge, which was 11' 1" tall. He said that standard box trucks have always entered and departed the Old Ivy corridor because the railroad bridge was tall enough. He said that the proposed plan prevented all trucks and vehicles from turning left at the Old Garth Road light to access Route 29 South.

Mr. Rightmyer said that food delivery companies, moving companies, trash removal services, catering services, building supply services, service industries, and construction services would be impacted. He noted that many independent haulers would be impacted. He said that trucking vehicles would not be able to leave in a southbound direction. He said that widening the Old Ivy Bridge would be the answer. He encouraged the Board to reject the plan.

Agenda Item No. 18. Fiscal Year 2023 Budget Amendment and 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 that 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 cumulative total of the Fiscal Year 2023 (FY 23) appropriations itemized below is \$7,134,661. Because the cumulative amount of the appropriations exceeds one percent of the currently adopted budget, a budget amendment public hearing is required.

ESTIMATED REVENUES

Local Revenues	\$	3,100,000
State Revenues	\$	3,881,411
Federal Revenues	\$	153,250

TOTAL ESTIMATED REVENUES	<u>\$ 7,134,661</u>
<u>ESTIMATED EXPENDITURES</u>	
General Fund	\$ -
Special Revenue Funds	\$ (2,500,000)
School Fund	\$ 1,388,060
Capital Funds	<u>\$ 8,246,601</u>
TOTAL ESTIMATED EXPENDITURES	<u>\$ 7,134,661</u>

The proposed increase of this FY 23 Budget Amendment totals \$7,134,661. The estimated expenses and revenues included in the proposed amendment are shown below.

The budget amendment is comprised of a total of 2 appropriations as described in Attachment A.

After the public hearing, staff recommends that the Board adopt the attached resolution (Attachment B) to approve the appropriation for local government and school projects and programs, as described in Attachment A.

Appropriation #2023029

Sources:	Capital Project: Red Hill II: Addition & Improvements*	\$(68,834)
	Capital Project: Scottsville Elementary School Addition & Improvements*	\$(527,748)
	Capital Project: Crozet Elementary Addition & Improvements*	\$(265,453)
	Federal Revenue	\$153,250
	State Revenue	\$1,388,060
Uses:	Capital Project: School Maintenance/Replacement	\$1,015,285
	Program School Fund	\$1,388,060

Net Change to Appropriated Budget: \$1,541,310

*These portions of the appropriation do not increase or decrease the total County budget.

Description:

School Capital Fund

This request is to appropriate a total of \$1,015,285 to the Facilities Maintenance/Replacement program from the following sources:

- \$862,035 from other School Division Capital projects that are in the process of being closed out.
- \$153,250 in federal revenue from the Inflation Reduction Act, which is a projected reimbursement for solar panel installations for the Red Hill and Scottsville Additions.

As presented at the October 27 School Board Work Session, due to recent economic conditions, it is projected that a minimum of approximately \$2.5 million of additional funding is needed in FY 23 to fully implement the planned Maintenance/Replacement projects. This request partially addresses the increased costs of certain HVAC and Roof Replacement projects that are planned for the current year.

School Operating Fund

This request is to appropriate \$1,388,060 in state revenue approved by the School Board at its November 10, 2022 meeting. This funding will provide all regular Public Schools staff members with a bonus. The total anticipated cost of the bonuses is approximately \$2.8 million. Of this, \$1,388,060 will be funded by the state, which covers Standards of Quality (SOQ) positions. The remaining required funding of \$1.4 million is included as part of the FY 23 Adopted Budget.

* * * * *

Appropriation #2023030

Sources:	Developer Contribution	\$3,100,000
	State Revenue	\$2,493,351
	American Rescue Plan Act (ARPA) Fund*	\$1,000,000
	Economic Development Fund*	\$1,500,000
Uses:	Capital Project: Library Avenue Extension	\$8,093,351

Net Change to Appropriated Budget: \$5,593,351

*These portions of the appropriation do not increase or decrease the total County budget.

Description:

This request is to appropriate \$8,093,351 for the Library Avenue Extension capital project. In 2019, Albemarle County entered into a public-private partnership with Crozet New Town Associates,

LLC., to redevelop the former Barnes Lumber site in Downtown Crozet. On April 20, 2022 the Board of Supervisors approved an addendum to the original Development Agreement. This request includes the sources and amounts to fund the project pursuant to the terms of the agreement.

Mr. Ryan Davidson, Deputy Chief of Budget, said that there would be a public hearing and Board action to amend the FY 23 Budget. He said that Virginia Code required that a public hearing be held before amending the budget when the total amount of the amendment exceeded 1% of the adopted budget.

Mr. Davidson said that the proposed amendment included items such as \$8.1 million for the Library Avenue extension, \$1.4 million in additional state revenue for ACPS, and \$1 million in ACPS Capital Maintenance funding. He said that staff's recommendation was for the Board to adopt the resolution contained in Attachment B.

Ms. Price opened the public hearing and asked the Clerk if there were any speakers. Hearing none, she closed the public hearing.

Ms. McKeel **moved** to adopt the Resolution as presented in Attachment B to approve the appropriation for local government and school projects and programs, as described in Attachment A.

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

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

**RESOLUTION TO APPROVE
ADDITIONAL FY 2023 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That the FY 23 Budget is amended to increase it by \$7,134,661;
- 2) That Appropriations #2023029; and #2023030 are approved;
- 3) That the appropriations referenced in Paragraph #2, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2023.

APP#	Account String	Description	Amount
SA2023029	4-9000-69985-466500-999999-6107	SASA2023029 SA2023029 Capital Savings to M/R	-\$68,834.00
SA2023029	3-9000-69000-352000-510100-9006	SASA2023029 SA2023029 Capital Savings to M/R	-\$68,834.00
SA2023029	4-9000-69985-466500-999999-6109	SASA2023029 SA2023029 Capital Savings to M/R	-\$527,748.00
SA2023029	3-9000-69000-352000-510100-9010	SASA2023029 SA2023029 Capital Savings to M/R	-\$527,748.00
SA2023029	4-9000-69985-466500-999999-6103	SASA2023029 SA2023029 Capital Savings to M/R	-\$265,453.00
SA2023029	3-9000-69000-352000-510100-9000	SASA2023029 SA2023029 Capital Savings to M/R	-\$265,453.00
SA2023029	4-9000-69980-466760-301210-6251	SASA2023029 SA2023029 Capital Savings to M/R	\$515,285.00
SA2023029	4-9000-69980-466740-301210-6302	SASA2023029 SA2023029 Capital Savings to M/R	\$500,000.00
SA2023029	3-9000-69000-352000-510100-9007	SASA2023029 SA2023029 Capital Savings to M/R	\$862,035.00
SA2023029	3-9000-69980-333000-330001-9007	SASA2023029 SA2023029 Federal Funding to M/R	\$153,250.00
SA2023029	3-2000-62000-325000-250900-6599	SASA2023029 SA2023029 State Funding for Bonuses	\$1,388,060.00
SA2023029	4-2000-69998-461101-110000-6501	SASA2023029 SA2023029 State Funding for Bonuses	\$1,388,060.00
SA2023030	4-9010-81009-494400-800605-9340	SASA2023030 SA2023030 Library Avenue Ext/Barnes Lumbar	\$8,093,351.00
SA2023030	3-9010-81000-318000-189934-9340	SASA2023030 SA2023030 Library Ave Developer Contribution	\$2,000,000.00
SA2023030	3-9010-81000-318000-189935-9340	SASA2023030 SA2023030 Library Ave Developer Contribution Non-Roads	\$1,100,000.00
SA2023030	3-9010-81000-324000-240231-9340	SASA2023030 SA2023030 Rev Sharing Library Ave	\$2,493,351.00
SA2023030	3-9010-99000-351000-512107-9340	SASA2023030 SA2023030 ED Investment Pool to Library Ave	\$1,500,000.00
SA2023030	4-5807-82100-499000-999954-9999	SASA2023030 SA2023030 ED Investment Pool to Library Ave	-\$1,500,000.00
SA2023030	4-5807-82100-493000-930012-9999	SASA2023030 SA2023030 ED Investment Pool to Library Ave	\$1,500,000.00
SA2023030	3-9010-99000-351000-512106-9340	SASA2023030 SA2023030 ARPA Funding to Library Ave	\$1,000,000.00

Agenda Item No. 19. **Public Hearing: The Regents School - Private Central Sewerage System and Central Water Supply.** To receive public comment on the proposed approval of a private central sewerage system and a central water supply system for The Regents School, located on Parcel 07500-00-00-06600, on Reservoir Road in the Samuel Miller Magisterial District.

The Executive Summary forwarded to the Board states that as required by County Code § 16-102, The Regents School ("School") has notified the Clerk of the Board of Supervisors of its intent to increase the number of connections to a private central sewerage system, previously approved to serve its proposed development, and to construct a new central water supply system (Attachment A). Under County Code §§ 16-104 and 16-105, the Board is to consider this proposal and either approve or deny this request.

On September 18, 2019, the Board approved Special Use Permit (SP201800011), with conditions, to allow construction and operation of the School on Parcels 07500-00-00-06600 and 07600-00-00-01700. The Board also approved a special exception in conjunction with SP201800011.

On December 2, 2020, the Board approved a shared central sewerage system to serve the properties of the School and the adjacent Trinity Presbyterian Church (Parcel 07600-00-00-017C0).

On September 21, 2021, the Board approved a modification to relocate the central system lift station to the School property on Parcel 07600-00-00-01700 to only serve the School. This plan showed a conceptual layout for the future expansion of School, and the system was sized to serve a maximum 468 students with 13 connections. The water system was shown to have the required meters under the Building Code for each building at that time and there was no central water system request.

The current request includes both a modification to the previously approved central sewerage system and a new request for a central water system. The only change to the approved central sewerage system is to increase the number of connections from 13 to 19 to accommodate the final design of the building locations. The central water system is a new request and includes a master water meter also serving 19 connections (Attachment B). The central sewerage system design is still based on the same maximum number of students (468) as originally approved with the Special Use Permit and outlined in a Condition Determination (Attachment C).

Central Sewerage System:

The current proposal includes a previously approved private central sewerage system consisting of a gravity main, sanitary sewer pumping station, and force main, all of which are needed to connect the proposed buildings to the public gravity sewer located along Fontaine Avenue. The previous approval included 13 connections, and the current proposal includes 19 connections. The property is within the County's Jurisdictional Area for public water and sewer, but a pump station is required because the parcel does not have the required slope to be served by a gravity sewer system.

The Albemarle County Service Authority (ACSA) has determined that there is not a cost-effective means to provide public sewer service to the School parcel, and does not envision that a public pump station in this location could ever serve a large enough population to justify the ongoing maintenance cost of a public system. Therefore, public sewer service is effectively not available to the property.

This proposal includes constructing a gravity collection system on The Regents School property to serve 19 buildings that discharges to a private pump station located on the same property (see Attachment B for the preliminary plan, profiles, and calculations). Section 16-101 of the County Code defines a "central sewerage system" as a system "designed to serve three (3) or more connections". Because each building is considered a separate connection and there are more than three connections, this system is considered a "central sewerage system." requiring Board consideration.

Staff does not recommend either of the following alternatives to allowing an increase in the number of connections to the central sewerage system under consideration:

- 1) Require the additional connections to be served by separate, onsite septic systems, each with its own distribution box and primary and reserve drainfield -- This alternative is considered inferior because of adjacent environmental features (Moore's Creek, which is an impaired perennial stream) and its higher probability of failure. Three individual onsite septic systems would be required for the additional six connections in order to be considered "by-right"; or
- 2) Utilize individual duplex pumps and wet wells to serve the additional six buildings/connections - Such an arrangement could be allowed "by-right," but is considered to have a higher failure potential by both staff and the applicant's consultant. Failure of any one of the systems could potentially impact the impaired perennial stream.

The County Engineer has reviewed this request for technical feasibility and conformity with the Comprehensive Plan and has no objections, noting that the system would be designed and constructed to public utility standards and would be regulated by the Department of Environmental Quality (DEQ). The system would be owned by a single entity, the School, which would result in clear maintenance responsibilities. The Comprehensive Plan discourages central systems in the Rural Area but does not contain guidance on central systems in the Development Areas.

Staff is of the opinion that allowing the additional six connections would not adversely affect the system performance, considering the design is based on the number of students and not the number of connections. The central system would be classified as a DEQ Class I system, which provides the highest level of safety and reliability.

Central Water Supply:

The previous proposals included a water supply system with multiple public water meters throughout the site to serve no more than two buildings each. This design was "by-right" since each meter served less than three connections and the system was not considered a central water supply.

The applicant is now proposing to install one public water meter (a master meter) to serve all 19 buildings.

Beyond the master meter, the distribution system would be private and maintained by the Regents School. The private system would need to meet Building Code requirements and be inspected by County building inspectors prior to building occupancy. The property is within the County's Jurisdictional Area for public water and sewer, and the buildings would still be served by public water.

Section 16-101 of the County Code defines a "central water supply" as a system "designed to serve three (3) or more connections". Because each building is considered a separate connection and there are more than three connections, this system is considered a "central water supply" system, requiring Board consideration.

Alternatives to a central water supply system include:

- 1) Providing individual water meters for every two building connections with private laterals from each water meter to the buildings -- As presented by the applicant, this option would be cost prohibitive, considering that ACSA meter fees are calculated based on the number and size of the meters. Combining multiple water meters into a single meter is more affordable and feasible for the project.
- 2) Installing a water supply well or wells on the site to serve the buildings -- Because this parcel is located within the water and sewer jurisdictional area and public water service is available to the site, installing a well is not allowed unless obtaining public water service is not feasible. The applicant has determined that extending public water service to the site is feasible.

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 no objections, noting that the private system would be designed and constructed to Building Code requirements and that water to the site would still be provided by the ACSA.

Staff recommends approval with the following conditions:

- 1) The central sewerage system must be constructed in general accord with the Preliminary Central Sewage System Plan (Attachment B) and DEQ Reliability Classification Worksheet (Attachment D);
- 2) The central water supply must be constructed in general accord with the Preliminary Plan (Attachment B).
- 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 and water supply;
- 4) Prior to issuance of any certificate of occupancy for any building to be served by the sewerage system, the owner must provide a copy of the DEQ-issued operations permit for the lift station to the Building Official or County Engineer;
- 5) The owner of Parcel 07600-00-00-01700 assumes full responsibility for the operation and maintenance of the sewerage system and water supply; and
- 6) If requested by the County Engineer, the owner must document compliance with all State operation and maintenance requirements.

There is no budget impact associated with this action.

Staff recommends that the Board adopt the attached Resolution (Attachment E) approving the increase in the number of connections for the previously approved central sewerage system (gravity sewer, pump station and force main) and a new central water supply at The Regents School, subject to the conditions therein.

Ms. Emily Cox, Deputy County Engineer, said that the Regent School requested a central sewer system and a central water supply system. She said that the applicant was represented by Mr. Justin Shimp, Shimp Engineering PC.

Ms. Cox said that the site was located near the intersection of I-64 and the Route 29 Bypass off Reservoir Road, and that Fontaine Avenue was to the east. She said that the proposed facilities would be located on TMP 76-17. She said that the Trinity Church was adjacent to the school.

Ms. Cox said that there were site plan amendments to the layout which triggered the request for

more connections and a central water system. She said that a special use permit was required for a school use on the parcel, and once it was approved, a combined central sewer system for the school and the church was proposed. She said that due to the topography and because the site conditions did not allow for a gravity sewer, a pump station and force main to tie into ACSA's (Albemarle County Service Authority) public system would be needed.

Ms. Cox said that ACSA would not build a pump station for them because it was not enough service. She said that the request was later changed from sharing between the school and the church to just servicing the school. She said that the Board previously approved the proposal with 13 connections. She said that the request proposed was still only for the school, but with 19 connections. She said that all cases had a private pump station and force main before connecting to the ACSA system to the east. She said that a central water system was never previously requested until this current proposal.

Ms. Cox said that the design of the pump station and force main was not changing because it was based on enrollment. She said that a single water meter was proposed, but previously, a meter for every building was proposed. She said that the conditions for approval outlined the requirements for construction, approval, and maintenance, and the conditions were standard. She said that a resolution was included in Attachment E.

Mr. Andrews asked how the newly requested connections had originally been planned to be addressed.

Ms. Cox said that previously, there was no final building location determined when the Board granted approval, so only one connection was proposed. She continued that the applicant had finalized the building plans, so they knew the final number of connections.

Mr. Andrews clarified that the applicant would be responsible for inspections and maintenance, but they could be requested to document the maintenance and inspections.

Ms. Cox explained that the applicant was required by the state to perform regular inspections and maintenance, and the County could request at any time to review the records.

Ms. Price opened the public hearing and asked the Clerk if there were any speakers signed up to speak other than the applicant.

Ms. Borgersen said there were not.

Mr. Andrews read the rules for public hearing.

Mr. Justin Shimp, Shimp Engineering PC, said that the school did not realize when they started this three years ago that they were required to have a bathroom or drinking fountain in every structure, so they originally asked for fewer connections, then later realized they needed to have more. He said that they would have had to pay about \$400 thousand more in connection fees to ACSA to have 20 meters rather than one meter.

Ms. Price closed the public hearing.

Mr. Andrews **moved** to adopt the Resolution as presented in Attachment E to approve the increase in the number of connections for the previously approved central sewerage system (gravity sewer, pump station and force main) and a new central water supply at The Regents School, subject to the conditions therein.

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

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

**RESOLUTION TO APPROVE
A CENTRAL SEWERAGE SYSTEM
AND CENTRAL WATER SUPPLY
ON PARCEL 07600-00-00-01700**

WHEREAS, on September 18, 2019, the Board of Supervisors approved a special use permit for a private school on Parcels 07500-00-00- 06600 and 07600-00-00-01700 (SP 2018-11 The Regents School); and

WHEREAS, on December 2, 2020, the Board approved a new shared central sewerage system on Parcels 07500-00-00-06600, 07600-00-00-01700, and 07600-00-00-017C0 to serve all three Parcels;

WHEREAS, on September 1, 2021, the Board approved a revision to the previously-approved shared central sewerage system to one that will be located on Parcel 07500-00-00-01700 and serve only the proposed School with 13 connections; and

WHEREAS, the applicant is now proposing (a) to increase the number of connections served by the previously-approved central sewerage system from 13 to 19, and (b) to install a central water system with 19 connections, both on Parcel 07500-00-001700;

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 water supply systems and central sewerage systems in County Code Chapter 16 and the Albemarle County Comprehensive Plan, the Albemarle County Board of Supervisors hereby approves a new central sewerage system and central water supply, both as proposed in the submitted materials, on Parcel 07500-00-00-01700, with up to 19 total connections each, subject to the conditions contained herein.

* * * * *

The Regents School Central Sewerage System and Central Water Supply Conditions

1. The central sewerage system must be constructed in general accord with the Preliminary Central Sewage System Plan (Attachment B) and DEQ Reliability Classification Worksheet (Attachment D);
2. The central water supply must be constructed in general accord with the Preliminary Plan (Attachment B).
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 and water supply;
4. Prior to issuance of any certificate of occupancy for any building to be served by the sewerage system, the owner must provide a copy of the DEQ-issued operations permit for the lift station to the Building Official or County Engineer;
5. The owner of Parcel 07600-00-00-01700 assumes full responsibility for the operation and maintenance of the central sewerage system and central water supply; and
6. If requested by the County Engineer, the owner must document compliance with all State operation and maintenance requirements.

Agenda Item No. 20. **Public Hearing: SP202200006 Crown Orchard Farm Worker Housing.**

PROJECT: SP202200006 Crown Orchard Farm Worker Housing

MAGISTERIAL DISTRICT(S): Samuel Miller

TAX MAP/PARCEL(S): 10900-00-00-007A0

LOCATION: West side of Monacan Trail Road (US 29), approximately 0.35 miles south of the intersection with Henderson Lane (Route 805)

PROPOSAL: Farm worker housing facility for 50 workers and one on-site manager, with one dormitory structure and one kitchen/dining structure.

PETITION: Farm worker housing, Class B (more than ten occupants or more than two sleeping structures) under section 10.2.2(51) of the Zoning Ordinance, on one parcel of land of 32.37 acres. No dwelling units proposed.

ZONING: RA Rural Area, which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)

ENTRANCE CORRIDOR: Yes

OVERLAY DISTRICT(S): Entrance Corridor Overlay, Steep Slopes Overlay

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

The Executive Summary as forwarded to the Board states that at its meeting on October 25, 2022, the Planning Commission voted 5:0 to recommend approval of SP202200006, with conditions one, two, and four from the staff report. This motion removed proposed condition 3 (regarding the colors of building materials) and proposed condition 5 (requiring van access rather than individual vehicle access for resident workers).

The Planning Commission staff report, action letter, and minutes are attached (Attachments A, B, and C). The Planning Commission discussed septic requirements, site vegetation, screening of the use, the proposed building-material color requirements, the proposed requirement for site access by shared vans (rather than individual vehicles), and the parking layout.

One member of the public spoke regarding this request, neither supporting nor opposing it, but requesting that the Planning Commission consider the historic and visual character of Covessville.

Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve SP202200006, subject to the conditions contained therein.

Mr. Scott Clark, Natural Resource Manager, said that the request was for a farmworker housing facility. He said that the request included a Class B farmworker housing facility, which included those facilities which had more than 10 residents or two buildings. He said that the proposal would have 50 workers, one on-site manager, and two structures. He said that there was a dormitory structure and a separate kitchen and dining structure.

Mr. Clark said that in the original proposal, workers were to arrive in vans and not individual vehicles.

Mr. Clark said that the property was located on Route 29 across from the apple packing plant owned by Crown Orchard, and it was adjacent to the Coveseville Historic District. He said that the district existed largely due to the historic orchard activity in the area.

Mr. Clark said that there was a line of trees on the property that would remain for visual screening, and the structures and parking would be behind the line of trees. He said that on the southern border between the new structures and adjacent property, an additional 20 feet of tree and shrub species would be planted to augment the existing screening.

Mr. Clark said that that they considered the four standard categories for review of special use permits: no substantial detriment, character of the area, harmony, and consistency with the Comprehensive Plan. He said to summarize, the facility would support agricultural land uses in the rural areas, which was consistent with the Comprehensive Plan. He said that the site did not raise significant safety issues as VDOT was satisfied with the existing entrance.

Mr. Scott said that there was an unfavorable factor because the property was adjacent to the historic district, however, there would be significant screening. He noted that the district was based on the historic orchard industry, so the use seemed appropriate.

Mr. Scott said that staff recommended approval with three conditions.

Ms. McKeel noted that the Planning Commission discussed concerns about the conditions related to the color of the building and the transportation of workers by van. She mentioned that those conditions had been removed.

Mr. Clark said that was correct. He said that five conditions were presented to the Commission, and the Commission voted to remove the condition regarding structure colors and van transportation.

Ms. McKeel said she agreed with both removals.

Mr. Andrews asked if the screening vegetation would include a mix of evergreen and deciduous trees.

Mr. Clark said that they left it flexible. He said that there was already a mix within the hedgerow on the property. He said that there would be a mix of deciduous and evergreen species.

Mr. Andrews mentioned that it would be a lot of people living in one place. He asked about the air conditioning and internet access, and whether that would be addressed.

Mr. Clark said that there were state requirements regarding the conditions of the housing, and there were Health Department regulations regarding the community well that would be required. He said that the applicant could provide more information. He said that the interior conditions of the building and the water and septic concerns were addressed by the state, and the County's review was focused on the impacts of the property and the surroundings.

Ms. Price opened the public hearing.

Mr. Andrews read the rules for public hearing.

Mr. Huff Chiles, co-owner of Crown Orchard, said that their business was regulated by the Department of Labor, the Virginia Employment Commission, and the Health Department. He said that there were several agencies ensuring the migrant workers had appropriately sized living spaces. He said that they were available to answer any questions.

Mr. Gallaway asked what type of material would be used in constructing the structures and how the structure would be built. He asked if there were similar structures in the County. He would like to focus on safety and well-being.

Mr. Chiles said that some of the units that they had in the County were grandfathered in. He said that they had a similar unit in Campbell County. He said the structure would be a single-level, normal wood, ranch-style construction. He said that there would be 12 bedrooms and a common area. He said the kitchen would be detached, and that it would be a very simple construction.

Ms. Judy Chiles, co-owner of Crown Orchard, said that there would be heating and air conditioning

Mr. Gallaway asked if it would be like dormitory style living.

Mr. Chiles said it would be a step-up from dormitory style.

Mr. Gallaway noted that the construction and design may be similar.

Mr. Chiles said that was correct.

Ms. LaPisto-Kirtley asked if the applicant had other structures on their property where they housed migrant workers.

Mr. Chiles responded that they had other structures.

Ms. LaPisto-Kirtley asked if the structures were similar, and if they were grandfathered in.

Mr. Chiles said that they were grandfathered in.

Ms. LaPisto-Kirtley clarified that the other structures had heating, air conditioning, and individual bedrooms.

Mr. Chiles said that some of the bedrooms were common area bunk rooms. He said that the proposed structure would include four workers per room. He said that many of the workers were family members.

Mr. Andrews asked when the structures would be occupied. He asked if they would be occupied seasonally or year-round.

Mr. Chiles said that it would be seasonal, from March through October.

Ms. Price opened the hearing for public comment.

Mr. Monte Hunt, Samuel Miller district, said that he had lived in the Covesville area all his life. He said that he had seen migrant camps over the years, and there was often trash and falling-down buildings. He noted the applicant had buildings that were falling down. He said that the Board should inspect the property because of the conditions.

Mr. Sandy Tucker, Samuel Miller district, said he was a Covesville resident and asked if the Board had visited the site. He said that the site was beautiful. He said that he had lived at his house directly across the road of the proposed project for 65 years. He said that the proposed structure did not fit within the Village of Covesville.

Mr. Alan Tucker, Samuel Miller district, said that he was a lifelong resident of Covesville. He said that the end of Route 699 was an example of migrant housing which had been grandfathered in, and people should not live in that condition in 2023. He said that there should be no agricultural exemptions for environmental or VDOT regulations. He said that the proposal was not good for Covesville. He said that that is a hotel, a 50-person facility, and that he believes that the entrance is not suitable.

Ms. Chiles said that they leased a camp in Covesville on a year-to-year lease. She said that they could not afford to upkeep the camp, so they would like to build a new camp for their workers. She said that the current location met the federal and state inspection requirements. She said that the workers deserved a better place. She said that the chosen location was well-screened.

Ms. McKeel clarified that the older building would no longer be used, and the new structure would replace it.

Ms. Chiles said that was correct.

Ms. LaPisto-Kirtley asked if there were other buildings in the area that were in poor condition.

Mr. Chiles said that he did not know. He said that their buildings passed all of the codes and regulations.

Ms. LaPisto-Kirtley clarified that the buildings had been grandfathered in.

Mr. Chiles said that was correct.

Ms. LaPisto-Kirtley asked if the buildings were inspected.

Ms. Chiles responded that the buildings were inspected at least once per year.

Ms. Mallek asked if the onsite manager would aid in the maintenance of the site.

Mr. Chiles said that was correct.

Ms. Price clarified that they had been leasing a place on someone else's property.

Mr. Chiles said that was correct.

Ms. Price asked if there was an onsite manager on the leased property.

Mr. Chiles responded that they did not have a good onsite manager.

Ms. Price clarified that they would look for a different manager for the new site.

Mr. Chiles said that was correct.

Ms. Price clarified that the proposed structure would be a replacement or substitute for the other structures the applicant had leased. She clarified workers would be housed between March and October.

Mr. Chiles said that was correct.

Ms. Price clarified that the applicant would not need to use other leased facilities.

Mr. Chiles said that was correct.

Ms. Mallek clarified that the proposed site would be for workers working in the Covesville area, and workers would not be transported to other sites.

Mr. Chiles said that was correct.

Ms. Price closed the public hearing and brought the matter back before the Board.

Mr. Gallaway asked for information regarding regulations on litter and trash and what the County's options were to address trash.

Mr. Clark said that the conceptual plan showed a screened dumpster enclosure area to contain trash. He said if there was a problem as perceived by neighbors, there was the zoning enforcement phone line and webpage to submit comments.

Mr. Gallaway noted the onsite manager should work to address trash because trash didn't always find its way into trash receptacles. He clarified that noise complaints from the site would be addressed through the noise ordinance.

Mr. Clark said that they would be subject to the noise ordinance with a 60 dB limit during the day and a 50 dB limit at night. He said that the facility was set back approximately 750 feet from Route 29, and it was closer to the dwelling to the south where there is more screening.

Ms. McKeel said she was concerned about the County's ability to enforce the regulations.

Ms. LaPisto-Kirtley noted there was a trash issue around the County. She said she was a little more concerned that the older migrant housing did not meet regulations. She clarified that there was a way to report unsafe building conditions.

Mr. Clark said that the County did not have a way to review the older facilities that pre-dated the ordinance. He said that all federal and state requirements applied. He said that if the facilities went out of use for a couple of years, then they would cease to be existing nonconforming uses and would no longer be permitted.

Mr. Andrews clarified that there were enforcement mechanisms in the County for trash and noise. He said that they expected issues to be brought to the County's attention by people who live nearby rather than staff going out and policing the facilities. He asked if there were similar reporting mechanisms for the state and other regulations.

Mr. Clark said that he did not know.

Mr. Gallaway noted that the applicant stated the onsite manager would be responsible for maintaining trash on the site, and that he would hold the applicant accountable that the onsite manager would do so. He said that community reports of trash violations should be a rare occurrence.

Ms. McKeel agreed and added that the applicant would hopefully be able to find a better manager.

Ms. LaPisto-Kirtley said she hoped the living space would be better for the workers. She said her concern was about the quality of the living space.

Mr. Andrews noted that some of the complaints may be reported to the Zoning Department or

County staff and did not involve the police.

Mr. Clark said that the webpage and phone number he provided were for zoning enforcement inspections, but that people could call the police for noise disturbances late at night, but issues related to site operations and maintenance were handled by Zoning staff.

Mr. Andrews asked if reports could be made anonymously.

Ms. McKeel said that reports could be anonymous.

Ms. Mallek noted that one of the biggest challenges for orchards was staffing. She said she looked forward to a better structure, and to the owner holding their onsite manager accountable.

Ms. Price noted that the applicant hopefully would take action to improve the living conditions of the migrant workers. She said she was supportive of actions taken to improve the quality of life for migrant workers, and she was supportive of the proposal.

Mr. Andrews **moved** to adopt the Resolution as presented in Attachment D to approve SP202200006, subject to the conditions contained therein.

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

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

**RESOLUTION TO APPROVE
SP202200006 CROWN ORCHARD
FARMWORKER HOUSING**

WHEREAS, upon consideration of the staff reports prepared for SP202200006 Crown Orchard Farmworker Housing and all of their attachments, including staff's supporting analysis, the information presented at the public hearings, any comments received, and all of the factors relevant to the special use permit in Albemarle County Code §§ 18-10.2.2(51) and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Rural Areas (RA) zoning district, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP202200006 Crown Orchard Farmworker Housing, subject to the conditions attached hereto.

* * * * *

**SP202200006 Crown Orchard Farmworker Housing
Special Use Permit Conditions**

1. Development of the use must be in general accord (as determined by the Director of Community Development and the Zoning Administrator) with the conceptual plan entitled "Crown Orchard Coveseville Seasonal Housing," prepared by Coleman-Adams Construction, Inc., and last revised 07/22/22. To be in general accord with the plan, development must reflect the following major elements:
 - A. Location of the farm-worker housing facility, access road, and parking area shown on the plan, and
 - B. The "Wooded Area To Remain" and "Area for Augmented Screen Plantings" shown on Sheet A102.

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

2. Any new outdoor lighting must be only full cut-off fixtures and shielded to reflect light away from all abutting properties.
3. The area designated as "Area for Augmented Screen Plantings" on Sheet A102 of the conceptual plan must be planted with a mix of native deciduous and evergreen tree and shrub species in a naturalistic pattern. A planting plan must be submitted with a Zoning Clearance for County approval. After issuance of the first building permit for the structures, the plantings must be in place per the plan before the first Certificate of Occupancy for the structures, or a performance bond may be posted to guarantee that the plantings will be planted by the next

available planting season. Plant species to be used must be listed in the brochure "Native Plants for Conservation, Restoration & Landscaping: Virginia Piedmont Region," published by the Virginia Department of Conservation & Recreation. Planting densities must be a minimum of 3 large trees, 6 medium trees, and 7 shrubs per 100 linear feet of buffer. Large tree species must be a minimum of six feet in height above ground at the time of planting.

Agenda Item No. 21. **Public Hearing: SP202200004 Scottsville Substation Expansion Project.**

PROJECT: SP202200004 Scottsville Substation Expansion Project

MAGISTERIAL DISTRICT(S): Scottsville

TAX MAP/PARCEL(S): 13000-00-00-041A0, 13000-00-00-041C1

LOCATION: 454 James River Road

PROPOSAL: Amend SP-79-44 to upgrade electrical-transmission substation equipment and expand the substation site to accommodate entrance upgrades and stormwater-management facilities.

PETITION: Energy and communications transmission facilities under Section 10.2.2(6) of the Zoning Ordinance, on two parcels of land totaling approximately 7.92 acres. No dwelling units proposed.

ZONING: RA Rural Area, which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)

ENTRANCE CORRIDOR: No

OVERLAY DISTRICT(S): Steep Slopes Overlay

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

The Executive Summary as forwarded to the Board states that at its meeting on October 25, 2022, the Planning Commission voted 5:0 to recommend approval of SP202200004, with the condition recommended by staff and for the reasons stated in the staff report. The Planning Commission staff report, action letter, and minutes are attached (Attachments A, B, and C).

The Planning Commission raised no objections to SP202200004 but asked questions about the proposed screening and landscaping.

No members of the public spoke at the public hearing on this proposal.

Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve SP202200004, subject to the condition contained therein.

Mr. Scott Clark, Natural Resources Manager, said that the special use permit request was for the upgrade and expansion of the Scottsville Substation operated by Appalachian Electric Power on James River Road. He said that the proposal was to expand the substation onto an adjacent parcel to the north. He said that the northern parcel had recently been a residentially zoned parcel, but it was now under the ownership of the utility to accommodate the facility improvements and stormwater facilities.

Mr. Clark said that the substation would remain in place, and new equipment would be constructed on the same pad with some expansion. He said that the site around the substation would be graded to allow channeling for stormwater which would flow to the northern parcel into a constructed stormwater area.

Mr. Clark said that at the northeast corner of the northern parcel, there would be a new entrance. He said that the private road crossing between the parcels would not be closed and would be available for the use of the residential parcels behind the site. He said that there would be a new entrance for construction and utility vehicles working at the site.

Mr. Clark said that there was additional landscaping being added to the corner of the substation along the old driveway. He noted that additional screening trees would be planted where the vegetation had to be cleared for the stormwater channel.

Mr. Clark said that staff considered the same criteria that they always used for special use permits. He said that in summary, staff found the proposed upgrade met the utility's need for upgrading distribution as part of a regional improvement project for reliability without creating significant new impacts on the Rural Areas (RA). He said that there were some improvements with the new entrance location and the stormwater. He said that staff recommended approval with one condition related to the layout and design of the facility.

Ms. Mallek asked if the original structures in the southern parcel would be upgraded and enlarged.

Mr. Clark said that electrical equipment and a small control structure would be installed. He said that there would not be a significant change in the scale of the facility.

Ms. Price opened the public hearing.

Mr. Daniel Frazier, Power Engineers, said that he represented Appalachian Power for the proposed expansion. He said that the project involved expanding the existing Scottsville substation on James River Road. He said that the substation had existed for 80 years. He said that an access road would be installed to improve access to the substation for Appalachian Power employees. He said that a stormwater detention pond to manage water from the site and that new access road specifically would be constructed.

Mr. Frazier said that the project would enhance reliability by replacing equipment that has reached the end of its useful life. He said that the transformers installed at the substation were from the 1950s. He said that the improvements would allow for future growth in the County and the area around Scottsville. He said that installing modern transmission equipment would increase reliability and flexibility across the electrical grid. He said that they would improve safe access to the substation. He said that it was difficult for vehicles to exit the site onto James River Road due to the angle of the intersection.

Mr. Frazier said that the entire expansion of the substation would be completed within the parcel where it currently exists. He said there would be a 45-foot by 55-foot expansion on the east side of the station, and a 40-foot by 180-foot expansion on the west side. He said that the other improvements were mainly on the new parcel to the north. He said that the access road currently came in at an angle, and the new approach from James River Road would allow for a 90-degree turn.

Mr. Frazier noted where additional plantings were proposed to provide screening buffers. He presented slides and pointed out where the substation expansion was planned and where the entrance would be improved. He noted that the existing vegetation provided a buffer from the road. He noted where there was a clearing in vegetation to allow transmission lines to pass through to the station, and that the substation was located on a hill, making it visible from the north.

Mr. Frazier said that the project was initiated as part of a wider transmission reliability project in 2018. He said that since 2019, Appalachian Power had worked with County staff to review multiple options. He said that in 2020, the project was announced to the public, and a virtual open house was held. He said that a virtual community meeting was held in 2021 to get input from adjacent landowners.

Mr. Frazier said that pending approval and the securing of permits, construction was expected to begin in early 2024. He said that the project would increase reliability for the community and the electric grid, improve safety for Appalachian Power staff, and minimize visual, land use, and environmental impacts by expanding an existing station.

Mr. Gallaway clarified whether the equipment and structures would be replaced or added to.

Mr. Frazier responded that some of the existing substation structure would remain, but new electrical equipment would be installed in the station.

Mr. Gallaway asked if the electrical equipment got smaller as it improved.

Mr. Frazier responded that the size would not reduce dramatically even as modern equipment was installed. He noted that the equipment was large. He said that the capacity of the substation would be increased, and that was part of the need for the increased space.

Ms. LaPisto-Kirtley noted that there would be additional plantings.

Mr. Frazier said that was correct.

Ms. LaPisto-Kirtley asked if the plantings would be native plants.

Mr. Frazier said that they would be native plants.

Ms. Price said she had no questions, and that she is excited about any improvement and upgrade with electricity infrastructure.

Ms. Price closed the public hearing.

Ms. Price **moved** to adopt the Resolution as presented in Attachment D to approve SP202200004, subject to the condition contained therein.

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

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

**RESOLUTION TO APPROVE
SP202200004 SCOTTSVILLE SUBSTATION
EXPANSION PROJECT**

WHEREAS, upon consideration of the staff reports prepared for SP202200004 Scottsville Substation Expansion Project and all of their attachments, including staff's supporting analysis, the information presented at the public hearings, any comments received, and all of the factors relevant to the special use permit in Albemarle County Code §§ 18-10.2.2(6) and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Rural Areas (RA) zoning district, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP202200004 Scottsville Substation Expansion Project, subject to the condition attached hereto.

* * * * *

**SP202200004 Scottsville Substation Expansion Project
Special Use Permit Condition**

1. Development of the use must be in general accord (as determined by the Director of Community Development and the Zoning Administrator) with the conceptual plan entitled "138 kV Proposed Station Expansion Landscape Plan," prepared by American Electric Power, and last revised 8-10-22. To be in general accord with the plan, development must reflect the location of the substation, related infrastructure, new screening vegetation, and vegetated areas to remain (shaded gray on the plan) as shown on the plan.

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

Agenda Item No. 22. **Public Hearing: Agricultural and Forestal Districts**. Ordinance to amend County Code Chapter 3, Agricultural and Forestal Districts, Article 2, Districts of Statewide Significance, Division 2, Districts, to review the Blue Run Agricultural and Forestal District:

- a) **AFD 2022-02 Blue Run – District Review**. The proposed ordinance would amend Section 3-208, Blue Run Agricultural and Forestal District, to continue the district for all parcels identified in the district regulations, to set the next district review deadline date of January 11, 2033, and to remove any parcels in the district for which a request for withdrawal is received before the Board acts on the proposed ordinance.

The Executive Summary as forwarded to the Board states that localities are enabled to establish Agricultural and Forestal Districts (AFDs) under the Agricultural and Forestal Districts Act (Virginia Code § 15.2-4300 et seq.). AFDs serve two primary purposes: (1) to conserve and protect agricultural and forestal lands; and (2) to develop and improve agricultural and forestal lands. Land within an AFD is prohibited from being developed to a more intensive use, other than a use resulting in more intensive agricultural or forestal production, without prior Board approval. In addition, the County is prohibited from exercising its zoning power in a way that would unreasonably restrict or regulate farm structures or farming and forestry practices in contravention of the Agricultural and Forestal Districts Act unless those restrictions or regulations bear a direct relationship to public health and safety (Virginia Code § 15.2-4312).

The public hearing and the proposed ordinance (Attachment A) pertain to the periodic review of one AFD.

District Reviews

Virginia Code § 15.2-4311 requires the periodic review of AFDs to determine whether they should continue, be modified, or be terminated, unless the Board determines that review is unnecessary. During the review process, land within an AFD may be withdrawn at the owner's request by filing a written notice with the Board any time before the Board acts on the review. Virginia Code § 15.2-4311 requires that the Board conduct a public hearing on AFD reviews after they have been reviewed by both the Agricultural and Forestal District Advisory Committee and the Planning Commission for their recommendations.

Pursuant to the Board's direction in November 2018, proposed ordinances are to include a five -year renewal period for AFDs containing parcels enrolled in open-space use valuation that have no development rights and a 10-year review period for districts that have no such parcels. In this case, the Blue Run District contains eight parcels that are in the Open Space tax category. All eight of those parcels have remaining development rights. The Advisory Committee and the Planning Commission reviewed the Blue Run District and recommended renewal for ten years, which is included in the proposed ordinance (Attachment A). The December 13, 2022 staff report to the Planning Commission is attached (Attachment B).

AFD202200002 Blue Run District Review:

The Blue Run AFD is located in the northeastern corner of the County and is undergoing its periodic 10-

year review. The AFD was created in June 1986 and includes 43 parcels totaling 4,244 acres. The recommended review period for this AFD is ten years, so the next review would occur prior to January 11, 2033.

There is no budget impact.

After conducting a public hearing on the proposed AFD review, staff recommends that the Board adopt the attached ordinance (Attachment A) to continue the Blue Run AFD.

Mr. Scott Clark, Natural Resources Manager, explained this was the periodic 10-year review of the Blue Run AFD (Agricultural Forestal District). He said that AFDs were voluntary conservation districts formed by landowners, and they were intended by state and County code to support four policy areas: food production, providing open spaces, agricultural and forestal economy, and protecting natural resources.

Mr. Clark explained that the districts ran in 10-year cycles, and while properties were enrolled in the districts, the land was prohibited from development to a more intensive use. He said that in practice, it prohibited some forms of subdivision, imposed higher standards for commercial uses adjacent to the districts, and imposed greater limitations on the state.

Mr. Clark said that AFDs and use-value taxation were two different things that were somewhat linked. He said that AFDs were voluntary land conservation districts, and use-value taxation was a tool used to impose a lower tax burden on agricultural, forestal, and open space land. He said that certain parcels could use membership in an AFD to qualify for the open space category of land use taxation.

Mr. Clark said that in 2018, the Board established a policy related to handling additions and reviews of the AFDs. He said that for any district that contained parcels in the open space tax category but had no remaining development rights, meaning that they were not providing a land conservation benefit despite getting that tax category, then they would renew the district for five years and notify the landowner that the parcels could be removed during the next review.

Mr. Clark said that the Blue Run AFD was located in the northeastern portion of the County, and it was created in 1986. He said the AFD was over 4,200 acres, and over 2,800 acres contained important agricultural soils. He said that 3,700 acres of the district were in permanent conservation easements. He said that most of the remaining land was in the use-value taxation program.

Mr. Clark said that the 10-year review was the time for landowners to withdraw by-right from the districts. He noted that it was otherwise difficult to withdraw from the district outside of the review period. He said that only one landowner requested to withdraw—TMP (tax map parcel) 35-31. He said that the parcel was in a permanent Virginia Outdoors Foundation Conservation Easement.

Mr. Clark said that if the district were renewed with one withdrawal, the total acreage would be 3,898. He said that the district included nine parcels in the open space tax category, and all of the parcels had development rights that were unused, so were appropriately included in the AFD. He said that the appropriate review period for the district was 10 years.

Mr. Clark said that the AFD Advisory Committee and the Planning Commission voted unanimously to recommend approval of renewal of the district for a 10-year period, less the one parcel that withdrew. He said that staff recommended renewal for the 10-year period.

Ms. LaPisto-Kirtley asked why the one district was withdrawn.

Mr. Clark said that they did not often know why, but he had consulted the landowners, and they had recently purchased the property. He said that the new owners had development plans, so they wanted to focus on a single set of restrictions from the conservation easement.

Mr. Andrews asked if the open space tax category only applied to parcels in an AFD.

Mr. Clark said that there were two ways to qualify. He said that one was to be in an AFD, and the other was to do an open space use agreement which was a restrictive contract with the County stipulating no further development, not additions, no changes to structures during the period of the contract.

Mr. Andrews noted that it was a different procedure than typical land use qualifications for AFDs.

Mr. Clark said that it was. He said that all of the methods for qualifying for the open space category are related to land conservation programs.

Ms. Price opened the hearing for public comment. She noted that there were no speakers signed up, and she closed the public hearing.

Ms. LaPisto-Kirtley **moved** to adopt the Ordinance dated December 8, 2022, to continue the Blue Run Agricultural Forestal District.

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

recorded vote:

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

ORDINANCE NO. 22-3(2)

AN ORDINANCE TO AMEND CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, ARTICLE 2, DISTRICTS OF STATEWIDE SIGNIFICANCE, DIVISION 2, DISTRICTS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 3, Agricultural and Forestal Districts, Article 2, Districts of Statewide Significance Division 2, Districts, is hereby reordained and amended as follows:

By Amending:

Sec. 3-208 Blue Run Agricultural and Forestal District

Chapter 3. Agricultural and Forestal Districts

. . .

Article 2. Districts of Statewide Significance

. . .

Division 2. Districts

. . .

Sec. 3-208 Blue Run Agricultural and Forestal District.

The district known as the "Blue Run Agricultural and Forestal District" was created and continues as follows:

- A. *Date created.* The district was created on June 18, 1986.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 - 1. Tax map 22: parcels 10, 12, 16.
 - 2. Tax map 34, parcel 51.
 - 3. Tax map 35: parcels 22, 23, 24A, 26, 26B, 26B1, 26C, 26D, 28A, 29, ~~34~~, 32A, 37A1, 41A, 41A1, 41E, 43.
 - 4. Tax map 36: parcels 6A, 9, 20.
 - 5. Tax map 49: parcels 4A1, 4A5, 24, 24A, 24B.
 - 6. Tax map 50: parcels 5, 5B, 32A, 41A, 41Q, 42A, 42A1, 43, 45B, 47, 47A, 47B.
 - 7. Tax map 51: parcels 13, 14.
- C. *Review.* The district is reviewed once every ten years and will next be reviewed prior to January 11, 2033.

(5-11-94; 7-13-94; 4-12-95; Code 1988, § 2.1-4(d); § 3-208, Ord. 98-A(1), 8-5-98; Ord. 01-3(3) , 8-8-01; Ord. 02-3(3) , 7-10-02; Ord. 09-3(4), 12-2-09; Ord. 10-3(3) , 12-1-10; Ord. 11-3(2) , 7-6-11; Ord. 11-3(4), 12-7-11; Ord. 12-3(2), 12-5-12; Ord. 15-3(1) , 12-2-15; Ord. 18-3(1) , 11-7-18; Ord. 21-3(3) , 12-1-21, Ord 22-3(), 1-11-23)

Agenda Item No. 23. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. LaPisto-Kirtley reported that the Police CAC (Community Advisory Committee) was informed at its meeting by Chief Sean Reeves that the County had spent tens of thousands of dollars on mental health issues. She said that only about 1% of the reports were violent. She said that there was a new 988 call system that was being developed for non-emergency calls.

Ms. LaPisto-Kirtley said that they were working on implementing the three-person team of Police, Fire and Rescue, and Social Services to respond to nonviolent mental health issues. She said that in Virginia, there was only one facility in the state that treated juveniles. She said that Chief Reeves was

working with Charlottesville and UVA to address the issues.

Ms. Mallek said that the Governor's budget proposal had a substantial amount of funding for the behavioral mixed approach units.

Agenda Item No. 24. Adjourn to January 18, 2023, 1:00 p.m. Lane Auditorium.

At 7:23 p.m., the Board adjourned its meeting to January 18, 2023, 1:00 p.m., Lane Auditorium. Ms. Price said that opportunities for the public to access and participate in the meeting were posted on the Albemarle County website on the Board of Supervisors home page and on the Albemarle County calendar and that participation would include the opportunity to comment on those matters for which comments from the public would be received.

Chair

Approved by Board
Date 11/06/2024
Initials CKB