

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on October 19, 2022, at 1:00 p.m. in Lane Auditorium on the Second Floor of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA 22902.

BOARD MEMBERS PRESENT: Mr. Jim Andrews, Mr. Ned Gallaway, Ms. Beatrice (Bea) J.S. LaPisto-Kirtley, Ms. Ann H. Mallek, and Ms. Donna P. Price.

ABSENT: Ms. Diantha H. McKeel.

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

Agenda Item No. 1. Call to Order. The meeting was called to order at 1:07 p.m. by the Chair, Ms. Donna Price.

Ms. Price announced the County supervisors and officers present. She also introduced Albemarle County Police Department officers present, Officers David Sprouse and Ben Chisom.

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

Agenda Item No. 4. Adoption of Final Agenda.

Ms. Price said that Attachment B for Agenda Item No 12, AC44: Draft Framework for an Equitable and Resilient Community, was updated on the online agenda on Thursday, October 13. She said this did not amend the agenda but was mentioned for transparency.

Ms. Mallek **moved** to adopt the final agenda. 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, and Ms. Price.

NAYS: None.

ABSENT: Ms. McKeel

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

Ms. Mallek said that yesterday, she listened online to a discussion at the university about the 50th anniversary of the Clean Water Act, telling about the history, burning of the river in Cleveland, and its adoption over the veto of President Nixon. She said Congress at the time thought it was so important to have cleaner water that they passed it anyway. She said she would circulate the link to the recording for others who wished to listen to the discussion.

Ms. Mallek said at the end of that month was the deadline for new applicants for people seeking property tax waivers for the elderly and disabled. She said the people in the program did their resubmission in April, but if they were new applicants, it needed to happen during October, and the information was available at the County Finance Office.

Ms. Mallek said November 15 was the deadline for the forestry fund, and she was thrilled to hear that County staff was working hard on the program authorized during the last legislative session to offset some of the reductions in revenue for localities that had forestry land use in process, which Albemarle did for hundreds of acres. She said she looked forward to learning about that.

Ms. Mallek said that November 12 and 13 was the 28th Annual Artisan Studio Tour, featuring 28 studios in Albemarle, Charlottesville, Green County, Madison County, and Nelson County, and the artisans would have food, drink, and pieces to purchase. She said it was a great way to see the country and meet talented people.

Ms. LaPisto-Kirtley said it was good to be back in person. She said that the Stony Point Volunteer Fire Department was having "treats in trunks," where lots of treats for the children would be in people's open car trunks, from 6 p.m. to 8 p.m. on October 30.

Mr. Gallaway said that a few meetings prior, he voiced his disappointment and frustration with their Governor politicizing transgender children, and it seemed to continue. He said the problem with politicizing a topic such as this was that the school division did its job and put a policy in place to protect those children, and because it had been politicized, whenever people spoke of that policy, they were being criticized for being political. He said that because he brought up the topic a few meetings ago to state what he believed was the way to think about this and his opinion on the matter, but in Superintendent Hass's email to parents to remind them after the Governor's acts about the division's policy protecting transgender and gender-expansive students, he summarized that it was a policy protecting those kids.

Mr. Gallaway said if local government employees or school division employees wanted to wear a shirt that said "protect trans kids," that sounded like a summary of a policy and not a political statement.

He said he hoped that all of the good School Board attorneys employed in this state could stand up and say that it would be no different than any other policy in the books being summarized and put onto shirts. He said the political statements were like when someone criticized the Governor for his actions and the things he did for political purposes, but it was not political when teachers, employees, and other community members stood up to protect these children and put on a shirt what the policy was.

Mr. Andrews said he concurred with Supervisor Gallaway's comment and that it was well-stated. He said that Community Day at Simpson Park, which had to be rescheduled, was planned for that upcoming Saturday at 5 p.m. in Esmont, followed by a showing of "Encanto." He said he looked forward to seeing people there.

Ms. Price thanked Supervisor Gallaway. She said that no minority group was successful in their country without the support of allies, and his words meant a great deal to her personally as well as to the community.

Ms. Price said that on that upcoming Friday and Saturday in Scottsville there would be the night tours, and on Sunday was a play at Victory Hall, "The Voices of Scottsville Past," for which tickets could be purchased online at the Scottsville Museum. She said she signed up for both the tour and the play and she hoped to see everyone there.

Ms. Price said last night she had the good fortune to be able to attend the Rivanna Conservation Alliance commemoration of 50 years of the Clean Water Act. She said that, as Supervisor Mallek mentioned, it was passed over a presidential veto at a time when their government was able to find common ground on things that were significant to everyone. She said it was quite an honor to be there and to see the organization recognize those individuals who had physically gone into the streams to check that their water quality was being protected.

Ms. Price said on October 30, between 1 p.m. and 3 p.m., a historic marker would be unveiled at River View Farm at the Ivy Creek Natural Area, which was an incredible and historic location, specifically for the African American community, with a history focused on Black families and their successes during a time of great discrimination against them.

Ms. Price said that last week, she had an opportunity to go to Yancey Mill and see it in operation; they had the capacity to turn out up to 250,000 linear feet of lumber per day, which was a critical part of their forestal industry in the area. She said there were very few pine lumber yards in the Commonwealth, and she was pleased to report that after checking with Community Development that they were in full compliance with the conditions imposed last year when the application was approved.

Ms. Price said that finally, last weekend was her monthly trip with the Sorenson Institute's Political Leaders Program, this time to the Tidewater area. She said one point was a visit to the Newport News Shipyard, and as a retired naval officer, it was great to be back in those environs, and it was important for the public to understand the role of national defense at the shipyard. She said they only had one shipyard in the country that built aircraft carriers, which took ten years from design to delivery, and only two shipyards that built submarines, out of only six shipyards left in the country. She said during World War II, there were eighteen shipyards solely building liberty ships, not to mention all the other shipyards, and at the height of construction, between 1942 and 1945, 2,710 of those ships were built, averaging three ships every two days, versus today for an aircraft carrier, which was much more complex, was ten years.

Ms. Price said there were 14,500 ships sunk in WWII and 350 were American warships. She said they did not have 350 ships in the Navy today. She said that unlike in WWII when Japan attacked Pearl Harbor, they did not lose aircraft carriers but most battleships and other ships. She said at the Battle of Midway, they sank four Japanese carriers, which was a loss they were never able to recover from, which changed the tide of the War in the Pacific. She said when it came to national defense, the weapons their industry developed, delivered, and operated by military personnel were critical to their national defense. She said in Ukraine, the Russian industry was currently not sufficient to stand up to Western weapons and training, which was a national defense issue they needed to all pay attention to.

Ms. Price said the other aspect of the trip was going to Fort Monroe, which was a juxtaposition of industry and warfare. She said that morality and legality were often strange bedfellows. She said Fort Monroe in August of 1619 was the place where the first African slaves were brought to Virginia. She said the first African slaves were brought by the Spanish in 1526 in South Carolina and in 1527 to Florida, but in 1619 to Virginia. She said there were two British ships operating under Dutch letters of mark, which was like legal piracy, and slavery was also legal.

Ms. Price said that a Spanish ship had taken about 300 slaves from Angola in Africa, captured by two British privateers, the White Lion and the Treasurer, and only about 50 of those 300 enslaved people survived the Middle Passage. She said about 20 or 30 were brought to Virginia, and it was inescapable the ill that came from slavery. She said she wanted to remind people of that today as they fought for justice and equality, which was similar to Mr. Gallaway's comments about the transgender community and the larger LGBT community being targeted right now. She said they must always remain vigilant to protect their constitutional rights.

Agenda Item No. 6. Proclamations and Recognitions.

There were none.

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

Ms. Helen Cauthen, President of the Central Virginia Partnership for Economic Development, said that she wanted to share with the Board today a new initiative. She said that the group was a public-private partnership, in which Roger Johnson served as a Board member, and they were grateful for the Board's involvement and support. She said that last year was a pretty good year because of an Amazon Data Center that chose Culpeper, so the \$500 million made the results better. She said they focused on three main areas, which were listed on the slide. She said she wanted to talk to the Board today about a new initiative to attract, retain, and align talent.

Ms. Cauthen said she first wanted to introduce Mary Kay Campbell, the new talent director. She said they had a new website, LivingCentralVA.org. She said on the slide, the home page was shown on the left, with sections on live, work, and play, and there was also an Albemarle County page under the "live" section. She said they were excited about that because it was customizable. She said they worked with the Economic Development team to put those slides and links together, and it could easily be changed, so if the Board wanted to add something or take something out, it would be no issue. She said they also were excited because the same website had, in the section on work, their six target sectors.

Ms. Cauthen said information technology, for example, could have any company logos clicked on, and it would lead directly to that company's website to see job openings. She said it was difficult to see on the slide, but there was a blue button for finding a job, and when clicked on, showed jobs in their target industries in central Virginia. She said they had some fun videos for Willow Tree and Castle Hill Gaming, and she encouraged the Board members to view them on the website. She said that their new initiative, which had now been funded by GO Virginia, was to help retain UVA talent. She said what had been done through Ms. Campbell's leadership was hiring three UVA students who were figuring out how best to talk to students about the tech job openings in their region at their employers and target sectors so they could help retain those kids.

Ms. Cauthen said they all knew their employers were struggling to find talent, and while they did not need to stay forever, to start their career there and stay for a few years was something they would love to see. She said she wanted to quickly point out they were part of a talent collaborative with Virginia Career Works Piedmont Region and the Talent Supply Connector and their work to do internships for community college and high school juniors and seniors, and the Region 9 internship collaborative, which was UVA and Virginia Career Works Piedmont Region, to do internships for UVA students, high school students, and community college students.

Mr. Doug Earle, Scottsville District, said he supported ranked-choice voting, but when it came to considering ranked-choice voting by their selves as the Board of the County, he believed they had a dilemma, which was that even though the Virginia law allowed them to adopt this voting initiative, there was no way for them to determine how much it would cost. He said he would explain. He said that no doubt cities and counties were required to fund the application of upgrades to voting machines to do this initiative, which was how it should be, but what they were likely not aware of was that before any vendor would give a cost for that, the vendor's software had to be certified by the State Board of Elections prior to giving the cost estimate.

Mr. Earle said that for the software to be certified, Virginia law required the cities and counties to reimburse the State Department of Elections for the software certification. He said to further compound the dilemma, the State Board of Elections would not say what the certification would cost. He said that not only did they have to pay the state to do their job of certifying the software, but they had to do it before they could do their own job to figure out what it would cost to upgrade their machines. He said that they then had a vendor that the state essentially had given a full monopoly to that they now have to contract with. He said to adopt ranked-choice voting, they must be prepared up front to write a blank check for unknown costs and on a financial playing field that was tilted against the taxpayers of Albemarle County.

Mr. Earle said he believed the way for them to resolve this dilemma was to request the Virginia General Assembly to fund the State Department of Elections to do their job to certify software for ranked-choice voting and once complete, the vendors could compete for business at state and local levels on a fair and uniform basis. He said that he urged the Board to add this to their legislative request agenda and to do so on behalf of the many citizens of Albemarle County who wanted to give ranked choice voting a chance.

Ms. Christine Putnam, Scottsville District, thanked the Board for their thoughtful leadership and the staff for their tireless efforts. She said as a citizen, she had appreciated the opportunity to share her ideas through the engagement of Albemarle's AC44 projects and for the chance to talk to them today. She said last week, the World Wildlife Fund and the Zoological Society of London posted the Living Planet Index. She said this was a measure of the state of the world's biological diversity. She said thousands of populations of mammals, birds, reptiles, amphibians, and fish across the globe were being measured and monitored, and the report detailed the shocking overall population decline of 69% in the last 50 years alone. She said habitat loss and climate change were the main stated reasons for this decline.

Ms. Putnam said that biodiversity was a key indicator of ecosystem health, and Albemarle County had adopted a Biodiversity Action Plan (BAP), but nowhere in the 24-28 strategic plan goals or the AC44 draft framework was there a reference to the BAP or to the role that biodiversity protection played in protecting healthy ecosystems that human beings depended on for their very existence. She said the destruction of the natural world was like a dripping faucet: often, they did not notice the damage until it was too late, and that was how they lost their native forest and grasslands: one patch at a time.

Ms. Putnam said the BAP provided a roadmap for the protection of their natural resources and the ecosystem services that they depended on for the air they breathed, the water they drank, the food they ate, flood protection, mitigation of climate change, and perhaps most importantly, their well-being. She mentioned the way one felt listening to a chorus of birds on a spring morning or enjoying the comforting shade of trees on a hot summer day. She said she implored the Board to recognize the importance of biodiversity in the planning documents in front of them today and to push forward with the implementation of goals and recommendations in the BAP.

Mr. Neil Williamson with the Free Enterprise Forum asked if a Comprehensive Plan based on conflicting big-idea tactics could stand. He asked if a document sought to have something for everyone might say nothing. He said later this afternoon, the Board would be discussing their framework for an Equitable and Resilient Community, and one of the big ideas was to be a welcoming and equitable community. He said under the “How do we get there” section, there were five specific tactics listed, but it seemed that two and three were opposed to one another.

Mr. Williamson said that number two was ensuring that new housing, especially infill development, was appropriately scaled to surrounding neighborhoods, and number three was to locate higher-density developments strategically to where access and services were already located or planned, including redevelopment over new greenfield development. He said that luckily, he knew it was not a new concern as it was mentioned in at least two of the AC44 focus groups that the Free Enterprise Forum participated in. He said he questioned if Albemarle County really wished to have new infill development appropriately scaled to mirror existing neighborhoods, because if so, the overly restrictive development areas would be exhausted long before the end of this 2044 planning horizon, and development area expansion would become inevitable. He said all of his conversations about the AC44 Comprehensive Plan had focused on placing increasing density within the existing development area rather than expansion.

Mr. Williamson said that considering that Albemarle County currently had less than 5% of its land mass dedicated to development and a large number of small area plans had been completed, it was difficult to imagine a place within the development area where access and services could not be conveniently located or planned. He said it was not difficult to find locations where such amenities were not funded. He said the Free Enterprise Forum had been told for two decades that the comprehensive plans were aspirational documents.

Mr. Williamson said that if Albemarle aspired to be a locality that offered a variety of housing types that were affordable and equitably distributed with access to transportation and community facilities, which was strategy 1, there needed to be a community vision for becoming. He said that yes, this would mean high-density adjacent to lower-density, apartment-dwellers and condo-owners living in proximity to single-family homes, and an increase in the diversity of the citizenry that would enhance and not detract from Albemarle’s fabric of community. He said that failing to do so would be failing to provide a clear vision forward, and reminded him of the great bard, Yogi Berra, who once said “when you come to a fork in the road, take it.”

Mr. Rob McGinnis, representing the Piedmont Environmental Council (PEC), said his comments pertained to the framework for an Equitable and Resilient Community, and he had also transmitted his written comments to the Board as well. He said that Albemarle County was a great place to live because of its tradition of thoughtful planning and its commitment to smart growth policies that focused on well-connected, livable communities alongside protection of its natural resource and rural areas. He said that PEC was proud to have been a part of this ongoing effort to help shape the character of the County, and PEC could support much of the draft framework, however, they believed the framework did not sufficiently address the urgency of climate action.

Mr. McGinnis said though growth management policies must be informed by an understanding of climate change impacts, the PEC recommended that the framework fully integrate climate action and equity throughout the entire document. He said that the framework should be prefaced with an overview of how Albemarle County would likely be impacted by climate change. He said the framework needed to emphasize and communicate the multiple values of the rural areas, including the various ways the protected rural areas addressed climate change impacts.

Mr. McGinnis said that they should also take a moment to acknowledge that the 2015 and previous growth management policies had worked; these policies aimed to direct growth into the existing development areas and were the primary reason they had largely intact rural areas with a large percentage of countryside, forest cover, and open spaces that protected water quality, wildlife, and supported workforce and farms. He said that all of these benefits were not only critical to addressing climate change but also supported their local economy and their community’s character.

Mr. McGinnis said while continuing protection of the rural areas needed to be a clear pillar of the

framework, the County also needed to emphasize critical investment in the designated development areas, including the revitalization of aging neighborhoods. He said this was also part of good climate work and recognized the need to support compact, walkable, and bikeable communities with access to work, school, and services, as well as access to nature. He said the Comprehensive Plan was the guiding document for the County. He said the County had a tradition and reputation for solid planning, and they hoped the County would take the time to ensure the framework honored the work of the past while recognizing that change, particularly due to the challenges of climate impacts, would require them to be even more proactive.

Mr. Tom Olivier, Samuel Miller District, said that he had come to speak about the importance of carrying forward the County's past commitments to environmental protection as they proceeded through this age of ecological crises. He said among the crises, climate change stood out. He said that scientists told them that containment of climate change and adaptation to it would require broad transformations of modern societies and that they must act soon. He said that not long ago, thanks to the efforts of the PEC and others, the Board received an extensive climate vulnerability and risk analysis. He said the report made it clear that climate change would inflict particularly disruptive new stresses on their community. He said if they were wise, they would acknowledge and plan to adapt to these stresses.

Mr. Olivier said in the past three decades, the County had passed a water resources protection ordinance, helped develop the regional sustainability accords, committed to protecting its biodiversity, created conservation easement programs, supported research into their optimal sustainable population size, committed to becoming carbon neutral, developed a climate change mitigation plan, and some other environmental initiatives. He said that with their tradition of facing and addressing environmental challenges, they would think their now-being-updated Comprehensive Plan would begin with acknowledging the breadth, and urgency of threats from climate change, and the need to adapt to projected risks and vulnerabilities in planned chapters. He said they would be wrong.

Mr. Olivier said that in the Comprehensive Plan documents, climate change had received only passing comments and passing consideration. He said that maddeningly, they seemed headed for a Comprehensive Plan that mainly sought to refine past policies, one that hardly rose to address some of the most significant challenges that humanity and their community would face in the next 20 years. He said that as Supervisors, they had the power to fix this. He said that today, at the Comprehensive Plan work session, they should insist that the new plan broadly and deeply assessed projected climate risks and vulnerabilities. He said he wished them success in this afternoon's session, which he planned to attend virtually. He said he supported Christine Putnam's comments and the statement from the PEC.

Mr. Joel Mangham, Rivanna District, said he came before the Board to give his opinion on a particular agenda item, the homestay special exception that the Board was being asked to vote on at Vertical Acres. He said his understanding was that one of the key things about this homestay special exception was that the homestay did not affect neighbors, and as a neighbor, he felt it would affect them negatively. He said they asked the Board of Supervisors to deny this homestay special exception. He said they were more than just neighbors; they shared the same driveway, and the homestay would cause more traffic and tourists on their driveway, and they did not feel that they were being compensated for the additional load on the driveway that they had an obligation to share and maintain.

Mr. Mangham said the other complication was that this was an agricultural area, and in the past, the owner, as well as others they permitted, had visited the Mangham's farm to pet animals and do things without asking their permission. He said with more tourists in the area, in this particular situation it would simply increase their liability. He said it affected them because of the increased liability and burden on the shared property they had with the driveway.

Ms. Marjorie Vanderslice said she was also against the proposed homestay house by Dr. Jason Lobo of North Carolina and his wife. She said the house was on Hammocks Gap Road. She said she felt this way because her daughter and her husband lived on a quiet road with one house that was used as an Airbnb. She said it was a large house that abutted the property. She said because it was so large, it tended to attract families and big groups that had family reunions, pre-wedding parties, and sorority and fraternity reunions. She said it was ideal for this type of venue; they could party, have their revelries, and not worry about the neighbors, because they likely would not be back again. She said for the residents, it was another story.

Ms. Vanderslice said that in her daughter's case, it meant increased traffic by people who usually ignored the speed limit; thus, they disregarded the children on bicycles and horses, raised road dust, created noise at all hours, littered, and created parking issues. She said it meant occasional police calls, because several sisters were dancing on a two-story roof and drinking tequila. She said Hammocks Gap Road was only partially paved, and most of it was narrow-lane dirt road, and at times cars could not pass each other in opposite directions because it was so narrow. She said the road was hilly, curved, unlit at night, and dangerous to those who did not know it, especially if speeding. She said they loved it and did not want to see the added traffic for commercial purposes.

Ms. Vanderslice said this area was also a gap, a valley between two hills where noise carried exceedingly well, so it affected many, not just the immediate neighbors. She said when her next-door neighbors were having a fight outside, every hound on the street was set off. She said the Lobos' house was two houses and may well attract large groups like this, but this house also had extremely limited

parking and the overflow would probably be the narrow road. She said they had a lovely, quiet, rural venue. She said to help them keep it that way and to encourage visitors to use one of the many local hotels that needed their business.

Ms. Michele Mangham, a resident of Hammocks Gap Road, said she had lived there for 36 years and had been an eastern neighbor to the Lobo family. She said she was a farmer by education and business, and she felt that since she left veterinary work and had been home for the past 19 years, she was witness to things that went on next door, and they had to pass the house within 100 feet every day. She said her sons still lived at home and her husband had graveled, planed, and done every repair to their driveway for 36 years, and every penny of nail, fence, board, wire, and everything else for 36 years had been done from their pocket, and they had not received one penny from any of the four Lobos, and they felt that this was only going to bring more activity onto the property that they used and needed.

Ms. Mangham said she did not see from their past experience them getting a penny for reimbursement, because when they had asked for help paying for the driveway's bridge repairs, and when they had helped Dr. Lobo's tenants get out of ravines, he had always said they did not need the repair. She said that he did not realize that his tenants, who paid each month to live there, were picked up in her husband's tractor. She asked the Board to consider farmers and the photographs she had of the parties of people who came to pet and feed her sheep while her guard dogs got incredibly close to children's faces.

Mr. Mike Pruitt, Scottsville District, said he was a veteran and a law student specializing in civil rights and housing law issues. He said he wanted to talk about the strategic draft plan, the Comprehensive Plan. He said that last week, there was a heated session at the School Board about how to address the shortage and crisis of school bus drivers, and while most of that was going to be a School Board issue, he believed there was a large part of this that related to the Comprehensive Plan and the Board of Supervisors' work. He said when looking at school bus drivers, they lived outside of the County because this was fundamentally a community they could not afford to live in. He said he had joined in on a lot of the working sessions that went into the draft framework they were looking at today, and he wanted to thank the County and staff for the work on that.

Mr. Pruitt said he knew the draft dealt with and touched on issues of affordability, but it did not confront the gravity and sense of crisis that the working families and poor individuals in the County felt on a day-to-day basis, and it did not confront the profound sense of disinvestment that some of their communities felt, especially in the south side of the community and further into the rural areas. He said that instead, it was optimistic, and being less generous, was satisfied or even congratulatory. He said that when looking at housing specifically, the principle, concrete, tangible recommendation was to implement the Housing Albemarle plan, but when looking at implementing that plan, when he looked at it, he saw a department that was working very hard using the tools it already had, had already been given, and the resources it was asking for were things they were confident were going to pass.

Mr. Pruitt said that this did not confront this, and the plan did not confront this like a crisis. He said it did not carry that sense of gravity and urgency that some members of their community felt. He said when they talked about a crisis of affordability, he thought they needed something transformative and a major investment, which he hoped the Board would lead. He said if they wanted a community that was accessible and welcoming to working families, firefighters, school bus drivers, and teachers, who had to live outside of their community, that needed to be something transformative. He said he worried that that was not the direction the documents he had seen were going toward.

Agenda Item No. 8. Consent Agenda.

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

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

Item No. 8.1. Resolution of Intent for a Modernization Zoning Ordinance Amendment.

The Executive Summary forwarded to the Board states that in early 2022, staff engaged a consulting firm to assist with a multi-year effort to modernize the County's zoning and subdivision ordinances. This work has been planned in coordination with the update to the County's Comprehensive Plan currently underway. The proposed amendments are intended to establish more efficient administrative procedures, provide a clear and user-friendly format, and create an adaptive, modern ordinance meeting the contemporary needs of Albemarle County. By addressing the zoning modernization process in a comprehensive manner, staff will be able to involve multiple levels of stakeholders, including staff, residents, developers, and landowners.

This proposed Zoning Text Amendment would initiate with five intended phases (Attachment A). The initial phase, which is thoroughly scoped, would focus on the zoning ordinance sections addressing administrative process and nonconformities, provide a diagnostic plan for the overall ordinance revision, and incorporate best practices for permit and applications into the ordinance. This initial phase would also

provide a “crosswalk” of the ordinance revisions, illustrating how the County’s current regulations would be adapted and arranged into a future ordinance.

Because the initial phase of this Zoning Text Amendment would focus largely on process and administration, engagement would include interviews with Albemarle County staff who work most closely with the ordinance, followed by interviews with the Planning Commissioners and Focus Groups to discuss the strengths and weaknesses of the permitting process. An Open House for the larger community is anticipated following an initial drafting phase. Staff would also provide online stakeholder engagement, including a public-facing informational website and surveys.

Engagement for further phases would be addressed upon their initiation. If the Board adopts the Resolution of Intent, engagement would begin, and a draft ordinance would be prepared. Staff anticipates three Planning Commission work sessions between December 2022 and April 2023, and public hearings for the Planning Commission and Board in June 2023.

Funding to cover the estimated cost of consultant services for the zoning ordinance modernization was identified as part of the Fiscal Year 2023 budget in coordination with the Comprehensive Plan.

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

By the above-recorded vote, the Board adopted the Resolution of Intent as presented in Attachment B:

RESOLUTION OF INTENT

WHEREAS, the current Albemarle County Zoning Ordinance was adopted on December 10, 1980; and

WHEREAS, the needs, population, and economic development of Albemarle County have evolved since the Albemarle County Zoning Ordinance was adopted; and

WHEREAS, the Board of Supervisors seeks to create an adaptive, modern zoning ordinance meeting the current needs of Albemarle County, and to amend related regulations, as appropriate.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Chapter 18 of the Albemarle County Code, and any other sections of the County Code deemed to be appropriate to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendations to the Board of Supervisors, at the earliest possible date.

Item No. 8.2. VACo 2022 Annual Meeting Voting Credentials.

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General Counsel
Phyllis A. Errico, Esq., CAE

Virginia Association of Counties

Connecting County Governments since 1934



TO: Chairs, County Board of Supervisors
County Administrators

FROM: Dean A. Lynch, CAE 
Executive Director

SUBJECT: Voting Credentials for the 2022 VACo Annual Business Meeting

DATE: September 21, 2022

The 2022 Annual Business Meeting of the Virginia Association of Counties will be held on Tuesday, November 15, at 10:00 a.m. at the Greater Richmond Convention Center, Richmond, VA.

Article VI, VACo Bylaws, states that each county shall designate a representative of its board of supervisors to cast its vote(s) at the Annual Business Meeting.

However, if a member of the board of supervisors cannot be present for this meeting, the Association's Bylaws allow a county to designate a non-elected official from your county or a member of a board of supervisors from another county to cast a proxy vote(s) for your county.

For your county to be certified to vote at the Annual Business Meeting, a completed Voting Credentials Form or a Proxy Statement must be submitted to VACo by November 7, 2022.

We look forward to your participation at the VACo Annual Conference November 13-15, 2021.

1207 E. Main St., Suite 300
Richmond, Va. 23219-3627

Phone: 804.788.6652
Fax: 804.788.0083

Email: mail@vaco.org
Website: www.vaco.org

By the above-recorded vote, the Board approved the VACo 2022 Annual Meeting Voting Credentials:

VACo 2022 Annual Meeting
Voting Credentials Form

Form may be returned by mail, fax (804-788-0083) or email vrussell@vaco.org

Voting Delegate:
(Supervisor)

Name Ann Mallek
Title Supervisor, White Hall District
Locality County of Albemarle

Alternate Delegate:
(Supervisor)

Name Ned Gallaway
Title Supervisor, Rio District
Locality County of Albemarle

Certified by:

(Clerk of the Board)

Name Claudette K. Borgersen
Title Clerk
Locality County of Albemarle



VACo 2022 Annual Meeting
Proxy Statement

County authorizes the following person to cast its vote at the 2022 Annual Meeting of the Virginia Association of Counties on November 13, 2022.

_____, a non-elected official of this county.

-OR-

_____ a supervisor from _____ County.

This authorization is:

☐ Uninstructed. The proxy may use his/her discretion to cast _____ County's votes on any issue to come before the annual meeting.

☐ Instructed. The proxy is limited in how he/she may cast _____ County's votes. The issues on which he/she may cast those votes and how he/she should vote are:
(List issues and instructions on the back of this form)

Certified by: Name _____
Title _____
Locality _____

Item No. 8.3. Albemarle Broadband Authority Quarterly Report, **was received for information.**

Item No. 8.4. Facilities & Environmental Services Quarterly Report, **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.**

Agenda Item No. 9. **Action Item:** SE202200044 Vertical Acres Homestay.

The Executive Summary as forwarded to the Board states that the applicant is requesting a special exception for a homestay at 903 Hammocks Gap 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, said this special exception was SE202200044 Vertical Acres at 903 Hammocks Gap Road. She said this request was for a special exception for a resident manager, wherein the owner of the property, Leonard Jason Lobo, lived in North Carolina, and his father, Peter Lobo, resided on the property. She said in this case, Peter Lobo, the father of the property owner, and the current resident of the property would continue to reside on the property and serve as resident manager, for which the special exception was being requested.

Ms. Brumfield said as a rural area property of more than five acres in size, by right, this property was permitted to have a homestay with up to five guestrooms. She said these guestrooms could be in a single-family dwelling or in an accessory structure built before 2019. She said by right, the property was also permitted up to 7 days of un-hosted stays per month, up to 45 days per year. She said if this property were owned by Mr. Peter Lobo, the resident of the property, this would be a completely by-right use with no special exception required, but because it was owned by his son, it was required to have a special exception for the father to serve as resident manager of the homestay.

Ms. Brumfield said that per the homestay regulations, the Board considered whether there would be an adverse impact to the surrounding neighborhood, public safety, welfare, consistency of the proposed special exception with the Comprehensive Plan and small area plans, and consistency in size and scale with the surrounding neighborhood. She said they would return to these factors after they addressed some of the comments they had heard.

Ms. Brumfield showed an aerial view of the property. She said the structure had multiple houses in it that were combined as one and an accessory apartment within the structure itself. She said that there were four guestrooms in the house in total, and it had been added onto multiple times. She said the home itself predated the Zoning Ordinance, and while they were unsure of the exact date it was built, it was before 2019. She said there were multiple farm buildings on the property, and the use of the farm and fields were rented to a local farmer.

Ms. Brumfield said that this wasn't a binding part of the application because it was handed at the homestay clearance stage, but because the home contained two kitchens and four total bedrooms, the applicants were considering renting part of the home regularly while they remained in the other half of the house, and as permitted, the entire house on a limited basis, which was the seven days a month, 45 days per year.

Ms. Brumfield said that the applicant's property was in the blue outlined parcel on the satellite map as shown on the slide. She said the yellow line on the map highlighted Hammocks Gap Road, Route 612, a VDOT-maintained gravel road. She said this stretch of road was a one-lane gravel road and she drove down it Monday and noticed it was very beautiful with the changing colors of the trees. She continued that after the packet for this item was completed, they received comments from neighbors expressing concern. She said on the slide shown were the parcels that the comments were received from; the applicant's parcel was in yellow, and the concerns were from the owners in the other highlighted parcels.

Ms. Brumfield showed a map that had the distances between the proposed homestay location and the neighbors who had expressed concerns, noting that the closest neighbor was 900 feet away and the furthest was 2,100 feet away. She said one of the concerns received was from the owners of parcel 63-42 who shared a driveway with the applicant. She said their concern focused on guests on the property and a "general disregard for government rules and regulations." She said this shared stretch of driveway was unpaved, shown on the map in red, and approximately 200 feet in length.

Ms. Brumfield said the blue driveway was exclusive to the applicant's residence, and it was paved. She said the remaining driveway leading to the neighbor's parcel was shown in green and was an unpaved dirt road. She said the neighbors said that the driveway was not suitable for commercial use, but the scale of the homestay use, as regulated by the number of bedrooms permitted to be rented, was not intended to reach a level of use that eclipsed normal residential traffic.

Ms. Brumfield showed photographs of the split in the driveway from this week, in which the applicant's residence was to the left and the access to the neighbor's parcel was on the right, with two signs pointing to the two properties. She said their ordinance permitted signs of up to four feet in size. She showed a photograph of 903 Hammocks Gap Road, looking down to the neighbor's access road.

Ms. Brumfield said one of the additional complaints against the applicant was that livestock was permitted stream access. She said that unfortunately, that was beyond the purview of Community Development, but they did see a fence separating the stream area, which was shown in the bottom-right hand of the photo with trees. She said they knew the parcel was not under a conservation easement.

Ms. Brumfield said they had a picture of the entrance to Hammocks Gap Road, where the gravel surfacing of the road began. She said the remaining concerns expressed by neighbors via email centered

around this road being a one-lane gravel road, and as noted earlier, a homestay's intensity of use was not intended to be on the scale of a commercial hotel. She said due to the limitations to the number of bedrooms, the requirement that homestays be existing structures or single-family dwellings, which was limited by development rights, guest trips were not intended to create a significant amount of traffic beyond the daily trips of a family residing on the property who may have friends or family come to stay and may drive in and out of the property multiple times to go to the store.

Ms. Brumfield said that commercial uses in the County that did cause concern for traffic were reviewed by VDOT, but VDOT had declined to review homestay uses brought to them in the past, as they considered homestay uses a residential accessory use. She said the ordinance specified that the considerations of whether the resident manager resided on the property instead of an owner residing on the property may cause adverse impacts to the surrounding neighborhood, public health, safety, and welfare, consistent with the Comprehensive Plan, and consistent in size and scale with the surrounding neighborhood.

Ms. Brumfield said as everything proposed in this application was by-right except for the occupancy of the property by a resident manager instead of the owner, the use of a resident manager did not appear to cause adverse effects, and the use was consistent with the Comprehensive Plan, as it was a by-right use that was not changing, and the use was consistent in size and scale with the neighborhood as it was proposed within an existing dwelling. She said accordingly, staff recommendation remained as was in the Board's packet.

Ms. Mallek asked to see if the fence was on the neighboring Mangham property and not the subject property.

Ms. Brumfield said the map shown had the outline of the applicant's property on the top, labeled 903, and the neighbor's property was at the bottom, labeled 901. She said the stream was the blue line below the driveway.

Ms. Mallek asked if it was turned 180 degrees. She said she did not understand the comment of someone not having a fence out when it was on their property. She asked what the comment about the conservation easement was.

Ms. Brumfield said that one of the factors evaluated was if it was under a conservation easement, which it was not.

Ms. Mallek asked if that was referring to the subject property.

Ms. Brumfield said yes, the subject property was not.

Ms. Mallek asked if, in their understanding of the operations of homestays, the resident manager was expected to prevent the guests from trespassing and causing risk to themselves and others in this situation.

Ms. Brumfield said that was not something in the ordinance, but she would think that was generally covered by their requirement that the responsible agent, who was a named person defined in the ordinance as being able to respond to any problems, or the resident manager who may be the responsible agent, were required to answer any issues, which was why the County required them to provide their phone numbers to all of the neighboring parcels. She said they did not require that, but this was the kind of thing they were trying to avoid by requiring the responsible agent to be able to respond to any issues. She said they did not tell them how to run the business.

Ms. Mallek said that in the future, they should make it very clear what the obligations were for people who were staying in this house. She said there had been other homestays where people had trespassed, and the Board had discussed it in the past. She said she wanted to make sure that people understood this was not a free-for-all, because the risks to visitors messing with livestock were large. She said cows and guard dogs were a risk to strangers and their children. She said this was part of the problem when the County did not have thorough expectations written down.

Ms. Mallek said when they had a lot of people who were totally unfamiliar with life in the rural area coming to enjoy it, trespassing put a burden on neighbors to be worried about someone coming over the fence or getting themselves in trouble, and then it became a big fistfight about who was liable, which was another burden she worried about putting onto people. She said she was concerned because there had already been occasions reported of people leaving the property and trespassing on neighbors, and she wanted to know how that could be handled going forward.

Ms. Price asked if Ms. Mallek had concluded her comments.

Ms. Mallek said yes. She said she hoped she would get a response to that question.

Ms. Brumfield asked if that was a question. She said she thought it was a statement.

Ms. Mallek said the answer given was that there was nothing they would contemplate doing about her concerns.

Ms. Brumfield said Mr. Herrick would like to answer this.

Mr. Herrick, Deputy County Attorney, said that to address Ms. Mallek's question, there was a provision in the County code that dealt with the expectations of the responsible agent, and he could read that to her. He said it read "homestay parcel owners must designate a responsible agent to promptly address complaints regarding the homestay use, the responsible agent must be available within 30 miles of the homestay at all times during the homestay use, the responsible agent must respond and attempt in good faith to resolve any complaints within 60 minutes of being contacted. The responsible agent may initially respond to a complaint by requesting homestay guests to take such action as required to resolve the complaint, and the responsible agent may also be required to visit the homestay if necessary to resolve any complaints." He said that all expectations of the responsible agent were spelled out in the homestay ordinance.

Ms. Mallek asked if the resident manager would, in effect, have all those same responsibilities.

Mr. Herrick said that was correct.

Ms. Mallek said it was not an agent in town.

Mr. Herrick said it was the responsible agent, so the resident manager could act as the responsible agent to respond.

Ms. Mallek said they were one and the same.

Mr. Herrick said yes.

Ms. Mallek said if they got a license and operated, they were agreeing to do all of these things.

Mr. Herrick said that these were the requirements that the agent was required to address and follow. He said it was spelled out in the ordinance what the expectations were of that agent.

Ms. Mallek said she understood.

Ms. Price identified Mr. Herrick as the Deputy County Attorney.

Ms. LaPisto-Kirtley said that her understanding was that if the responsible agent did not respond to a complaint by the neighbors, that went to the County and their license or permission to operate a homestay could be revoked. She asked if that was correct.

Mr. Herrick said that this would ultimately be a question for the zoning administrator who would enforce a potential zoning violation. He said that if there were repeated incidents where a responsible agent was not present or did not successfully address the concerns, that might constitute a zoning violation for the zoning administrator to enforce.

Ms. LaPisto-Kirtley asked if there was a zoning violation then the permission to operate could be revoked.

Mr. Herrick said that he would refer to the zoning administrator to address that.

Mr. Bart Svoboda, Zoning Administrator, said that after a certain number of instances, with the registry and three strikes, depending on what was going on and another willful noncompliance, this would be for violations in general, there was a possibility to revoke approvals. He said the short answer was yes, they would be able to at a certain point through the appropriate procedure be able to prohibit or revoke that homestay.

Ms. LaPisto-Kirtley asked if that was based on the number of times it was reported or also the seriousness. She said that someone getting injured while trespassing was a serious concern.

Mr. Svoboda said there were other County regulations and ordinances that covered those things. He said for them, it would mainly be the three strikes with the registry, where they would not be able to issue them an additional renewal that they issued annually. He said he did not want to say they could not do it because of severity, but it would be unusual for it to reach that level. He said there may be other regulations for nuisance levels that might come into play, but when they were talking about homestays, they were specifically talking about three strikes.

Ms. LaPisto-Kirtley asked if the bottom line was that if someone was given this permission, it was not in perpetuity if they were a bad actor.

Mr. Svoboda said that for any bad actor in the County, for zoning purposes, there were remedies that may go up to and including an injunction, which must be granted by the court. He said while he said yes, they had to follow procedure and make sure they checked their details. He said if the judge agreed with them in a severe case, that would be granted.

Ms. LaPisto-Kirtley asked to see the slide with the different colored lines. She said she drove the driveway yesterday. She asked if the red line depicted common property to be maintained by both parties, the Lobo and Mangham families.

Ms. Brumfield said she did not know what the agreement said, but because it was a shared driveway, that would be logical.

Ms. LaPisto-Kirtley said the green driveway going to the right cuts through the Lobo property and goes to the Mangham property. She asked if that was a common driveway. She asked who maintained that one.

Ms. Brumfield said that would depend on what the details of the shared driveway maintenance agreement said. She said that was what the two property owners had written down.

Ms. LaPisto-Kirtley said that it had already been worked out then. She asked to see the photograph of the split in the driveway. She said that the signs were not very large. She asked if there was a way to better indicate or if they could even ask that the Lobo property be better indicated for homestay. She asked if the Manghams were allowed to install a "No Trespassing" sign or if they were not allowed to because the drive went through the Lobo property.

Ms. Brumfield said that the topic was related to property law, and she was unsure of the answer. She said she knew they could post no trespassing signs on the edge of their property, and there was no limitation on no trespassing signs within the sign ordinance, and that was just an informational sign that they allowed. She said the signs where the driveway split off were considered address signs, which could be up to four feet in size. She said that she did not think these were near that, so they could be made bigger.

Ms. LaPisto-Kirtley said they were very small. She said she wondered if the Manghams could put them up to protect their property. She said the first half of their property belonged to the Lobos, and it was just that there was a common driveway.

Ms. Brumfield said it was a quirk of the subdivisions in the rural area.

Ms. LaPisto-Kirtley said that she went to the site. She asked to see the photograph of the area again. She indicated the fence in the lower lefthand corner and said that it went all along the driveway to the Lobos' house. She said their main view was to the left and away from the Mangham property. She said some people said they did not want people walking or bicycling on Hammocks Gap Road, and she believed it was about half a mile from there up to the Lobo house, and she could not picture someone walking along or riding a bicycle along Hammocks Gap Road. She said the road was all gravel and far away from a lot of other things. She said the road was not in the best condition. She said she had been talking to VDOT about tar and chipping.

Mr. Gallaway asked if this was a current homestay they were pulling into compliance or a new homestay.

Ms. Brumfield said that they had no recorded activity for any previous rentals in any of the services they had.

Mr. Gallaway asked if there was long-term or short term.

Ms. Brumfield said that they had long-term rentals, but that was not considered a homestay.

Mr. Gallaway said yes. He said that the only change was allowing the resident manager to occur, so traffic impacts and other items, if they did this without a resident manager, would be allowed by-right in the ordinance. He said when they did the analysis, it was focused on the change of allowing the resident manager, so allowing the resident manager did not change the use other than the Board granting it to be a legal homestay.

Ms. Brumfield said that was accurate. She said that the use was that if Mr. Peter Lobo owned this property, it would be completely by-right.

Mr. Andrews said he wanted to understand. He said he understood that the issue was the resident manager was not the owner, but concerns had been raised about people interacting with animals on other properties and perhaps not maintaining the driveway, which could be interpreted as occurring because the owner was not there, so he was unsure if it was impossible to think that the owner's presence was relevant to addressing issues that had been raised by the neighbors.

Ms. Brumfield said that she was unsure who owned the property at the time that those incidences happened, because this property had changed hands within the Lobo family, and Mr. Peter Lobo did own it at one point. She said she could not really address the question because she did not know the timeline for those complaints.

Mr. Andrews said the picture showed the split in the driveway. He asked if there was a photograph that showed the shared portion of the driveway.

Ms. Brumfield said it was the section prior.

Mr. Andrews said that the photograph showed the split, but he wanted to see the view from the other direction.

Ms. Brumfield said that she did not have an image that showed that, but the condition of the road that was immediately before the split was indicative of the condition of the rest of the road.

Mr. Andrews asked if the roads were comparable.

Ms. Brumfield said that there was gravel missing and dirt showing, which was indicative of the condition of the rest of the driveway.

Ms. Price asked if this was not a currently existing homestay.

Ms. Brumfield said no.

Ms. Price asked if the property had changed hands and if they knew when that occurred.

Ms. Brumfield said that she did not have a full description. She said that going back on the County tax records for the property real estate, the first mention that she saw of the Lobos owning the property was in the year 2000. She said the seller was listed as unknown before that.

Ms. Price said that somewhere between 2000 and today, the Lobos had owned the property and had long-term tenants at various times, but no short-term stay rental.

Ms. Brumfield said that as far as they knew, no.

Ms. Price asked to see the image that showed the highlighted properties in different colors. She said the yellow, 63-41, was the applicant's property.

Ms. Brumfield said yes.

Ms. Price asked for descriptions of the other highlighted properties.

Ms. Price said that 63-42 was the Manghams. She asked if they had heard from the property owners of the other surrounding properties.

Ms. Brumfield said that they received one email from Ms. Anne Shaw Kennedy at 1140 Hammocks Gap Road.

Ms. Price asked if that was an email in support.

Ms. Brumfield said it was against. She said they had one from Melissa Henry and Coleman Gentry, which was the property in green.

Ms. Price asked if all four of those highlighted, other than the applicant's, were negative comments.

Ms. Brumfield said yes, they were all against it.

Ms. Price asked if Ms. Brumfield knew how long of a distance it was from 63-41 on Hammocks Gap Road to the next paved section of roadway.

Ms. Brumfield said that the entirety of Hammocks Gap Road shown in the yellow was gravel.

Ms. Price asked what Hammocks Gap Road connected to. She asked for that distance.

Ms. Brumfield asked if she was referring to the road that was paved.

Ms. Price said that was correct.

Ms. LaPisto-Kirtley said that it would be Route 20.

Ms. Price said that Ms. LaPisto-Kirtley stated that Hammocks Gap Road connected to Route 20 and was about 1.5 miles away.

Ms. Brumfield said that sounded correct.

Ms. LaPisto-Kirtley said that it was about a mile until it was paved.

Ms. Price said that Leonard Lobo, the owner, was in North Carolina, and he wanted his father, Peter Lobo, to serve as the resident manager. She said she had no further questions but did have comments. She asked if Supervisors had further questions.

Ms. Mallek asked if the Board was interested in learning about the shared driveway agreement from someone in the audience.

Ms. Price said that it was a very narrow section of that roadway.

Ms. LaPisto-Kirtley said that it was only about 200 feet.

Ms. Price said that it was only about 200 feet, so they did not need that, and not every gravel road had a mutual maintenance agreement. She asked if the majority of the Board wished to hear about this.

Ms. LaPisto-Kirtley said she did not.

Mr. Andrews said that he was interested in hearing about it, as he understood the importance of maintenance, and each instance of increased use changed the maintenance needs.

Ms. Price said that this item was not a public hearing but was an action item, and it would be a variance from their procedure to open up to witnesses at this point on the matter. She said in an absence of a majority of the Board, she would be inclined to proceed with the information as they normally would for an action item. She asked for Supervisors' comments.

Ms. Mallek said that her comment was that the entire basis of their ordinance was about resident homeowners or someone who lived next door who wanted to make extra income to support themselves, and they had become much more rapid about approving all of the resident managers without concern about whether there was going to be proper care, and she was concerned about the impacts on the neighborhood. She said that it may not be a part of their ordinance specifically, although it was always implicit in past discussions, that these were going to be accepted only in places where they did not have a negative impact on neighbors.

Ms. LaPisto-Kirtley said that she was concerned about the impact but was not seeing the incidents that were told to them were from before. She said they had no indication to say that this would not be a well-respected homestay. She said the owner, his father, and his wife were living in one house, and they were asking to have the homestay for the second house, as long as the neighbors were not disturbed and no one wandered into anyone's property, and they did have a solution for that to call up the resident manager to explain what was happening, but they had no indication to show otherwise. She said that was the case for any homestay. She asked how many acres were on this property.

Ms. Brumfield said it was over 90 acres.

Ms. LaPisto-Kirtley said that it was quite a distance from the house to the next-door neighbor's house; one neighbor could not even see the house, and another neighbor could see the house from down a hill. She said that they absolutely did not want people trespassing onto other people's property, wherever the homestay was in the County, which was why she asked about the rules and regulations of the homestay and their responsibility to be respectful.

Mr. Gallaway said that the resident manager concept was designed to do what this application was for, which was to have a family-owned property where a different member of the family who was not an owner could be on the property. He said that that was part of the discussion they had in allowing this as a special exception. He said that they had to review and decide if they agreed or not. He said that this was in the spirit of what they designed for the special exception from the beginning. He said that he remembered making comments when they were working through the ordinance that when they had issues such as noise, traffic, and trespass or property lines, and he was concerned because in the discussions they were having, people were trying to dictate or build into ordinance people's behavior, which they could not do.

Mr. Gallaway said that they had things in place already to restrict trespass, noise, and avenues to take if that was occurring. He said that if that were occurring prior to the Airbnb, it of course would not be allowed if the Airbnb was there; the entire point of the responsible agent was to hold the business or Airbnb or homestay into compliance with the existing ordinances. He said to rehash behavior within the homestay ordinance did not make sense to him, which was why it should not be in there. He said in this case, they had a property owner who would like to have a viable and successful homestay, and the fact now that they would have to abide by the requirements of the responsible agent, in some ways, if there had been past behavior, could correct some of the negative behavior; otherwise, they would lose their ability to operate.

Mr. Gallaway said if things had not been sent to the County for ordinance violations in the past, then if those concerns were existent now, some pathways needed to be used to address those, whether there was a homestay there or not. He said that if there was a written agreement for shared use and a maintenance agreement or something in writing that was not being adhered to, he supposed there had to be an avenue to bring that into compliance. He said he did not see that as relevant to the application for the homestay, but it was something that whether this homestay application came forward or not, if it was an agreement not being obeyed and followed, and there was a pathway that had to make that happen.

Mr. Gallaway said that had to occur if it was not occurring, and he did not know who was included in that conversation, but if people thought it was not being maintained, they needed to be informed as to what to do to bring that into compliance. He said that regarding this, he wanted to make sure that he clarified with Ms. Brumfield that they were talking about something that was by-right because of the resident manager allowance. He said that when they built this in as a special exception when they created the homestay ordinance, there was a lot of conversation about family ownership and allowing non-owning family members to reside there, which was what they created that opening for. He said that some agreed and some did not, so the special exception was something of a compromise, and he was supportive of it then and was supportive of it now.

Mr. Andrews said that he understood the concerns. He said he wanted to emphasize again that they had not, in any way, considered in the ordinance a shared driveway, and the presence of a shared driveway, when discussing potential adverse impacts on a neighbor, rose to a greater level of concern than just someone that happened to live that distance away, because they had to interact through the shared driveway. He said unfortunately, they did not know whether there was an agreement concerning the driveway or not.

Mr. Andrews said his own experience in this sort of situation was that basically, the law was that whoever could not stand it any longer pays for it, which meant that if the neighbors' activities were substantially damaging a driveway, but they did not care, the one who cared would be the one to bear the burden. He said the driveway troubled him so much because this was an additional burden on the drive, it was just a homestay and not a hotel, but it was a larger one. He said he understood what was before them was the question of whether or not the father could serve as the resident manager. He said that he had not heard anything that suggested he was incapable of doing that.

Ms. Price said that she also lived a mile down a gravel road in the woods, which used to be called a private access easement. She said they had a mutual agreement on the road, but Supervisor Andrews was right that when she could no longer stand it that she ended up fixing the road—because the mutual agreement required that everyone agree to pay for it, and if people did not care enough, it was left to those who did. She said that she walked a mile to the mailbox and back, so she believed people would be walking not only down the driveway but down Hammocks Gap Road. She said that because of the nature of the road, the expectation was that it would not be heavily traveled. She said that bicycles were difficult to ride down gravel roads, but walking was common in the beautiful area this was in.

Ms. Price said that living in the country and the valleys, she heard quite a bit of noise through the woods. She said looking at this, there was cleared land, where noise traveled even further. She said she believed people moved to the country because they wanted to have quiet enjoyment of the life out there. She said the applicant's family had owned the property for about 22 years, and all of the surrounding property owners had sent objections to this being approved as a homestay, and there had been indications in the statements before them that there had been instances of either trespassing or on the property near working dogs. She said she believed that past behavior was an indication of what they could expect as future conduct.

Ms. Price said that there was a reasonable distinction between previous long-term tenants versus short-term homestay residents; a long-term resident would have a greater interest in the quiet enjoyment as opposed to someone who may but was not likely to return. She said when she looked at a history of issues with the property and the surrounding neighbors, and recognized there were pathways to enforcement, but what appeared to be a history of some concern with the property, recognizing the only decision they were making was whether or not to grant authority for a resident manager, she had concerns with the history of what had taken place there, and she would not be supporting the application.

Ms. Mallek said that the County authority could not get involved in these civil disagreements, but a decision allowing this today would basically create that situation, where they were saying to people to solve it themselves even though the County created the situation. She said the way courts were, they were five years behind, and were seeing very serious things right now. She said that that was a real risk that a decision today would create for neighbors, and while there was a written pathway, it perhaps was not an effective one. She said they were limited in their authority, so it was not something they could make a choice about.

Mr. Andrews said that he had just been informed that if they were to say no, which was a way of saying to work this out with the neighbors better before doing this, there was a one-year wait for reapplication.

Ms. Price thanked Mr. Andrews for the clarification.

Mr. Gallaway said that Mr. Rosenberg was asking for their attention.

Mr. Steve Rosenberg, County Attorney, stated that in the course of listening to some of the questions and discussion, he had made a few observations and wished to provide some clarifications to the Board. He said his understanding from Mr. Herrick was that the property had been in this particular family since 1978. He said there had been a lot of discussion about the shared driveway, and that was wholly outside of the scope of the review before the Board, as it was not a matter concerning the County and was entirely a civil matter between the property owners who had the rights to use this driveway. He suggested it was not an appropriate consideration in connection with the matter before the Board.

Mr. Rosenberg said that Supervisor Andrews had mentioned the fact that if the Board chose to deny the application, the applicant could apply again after the passage of one year, and if it was the desire or will of the Board to disapprove the application, they would ask the Board defer the matter until later in the meeting to give them the opportunity to prepare it as a resolution for the Board's consideration that framed the denial in a way that satisfied all of the requirements.

Ms. Price said that she wished to clarify that her comment with regard to the private access easement and the shared driveway was to explain the circumstances and was not to use as a basis for her decision on the process. She asked Mr. Rosenberg if the Board should make a motion to defer the item until later.

Mr. Rosenberg said that to take proper action, it would be appropriate to entertain a motion to defer until this evening.

Ms. Mallek **moved** that the Board defer SE202200044 until the evening portion of the meeting. Ms. Price **seconded** the motion.

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

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

NAYS: None.

ABSENT: Ms. McKeel

Agenda Item No.10. **Action Item:** Legislative Priorities and Legislative Positions and Policy Statements.

The Executive Summary forwarded to the Board states that the Board of Supervisors held work sessions on its 2023 Legislative Priorities on June 15 and September 7, 2022. On October 19, 2022, the Board will have a third opportunity to discuss its Legislative Priorities and, if it is ready to do so, to establish those priorities and to adopt its 2023 Legislative Positions and Policy Statements.

During its prior work sessions, the Board indicated that failed legislative priorities from the 2022 session should remain priorities. Those priorities include the following:

- Civil penalties in lieu of criminal penalties for violations of local ordinances. Amend Virginia Code § 15.2-1429 to enable localities to adopt an ordinance to establish a schedule of civil penalties in lieu of criminal punishment for violations of certain local ordinances.
- Minimum standards for farm buildings and structures used by the public. Amend Virginia Code § 36-97 and other sections of the Virginia Uniform Statewide Building Code to require agricultural buildings used by the public to be subject to minimum safety standards.
- Expand the use of photo-speed monitoring devices. Amend Virginia Code §§ 46.2-882 and 46.2-882.1 to enable the use of photo speed monitoring devices on segments of secondary roads where speeding has been identified as a problem.

During the Board's work session on September 7, 2022, staff presented additional items that the Board directed be included as new legislative priorities. They include:

- Grant the County taxing authority for school division capital projects. Amend Title 58.1, Subtitle I, Chapter 6 of the Code of Virginia to make Albemarle County eligible to levy an additional 1% retail sales tax for the purpose of funding school division capital projects.
- Change eligibility requirements for the Virginia Business Ready Sites Program. Amend Virginia Code § 2.2-2240.2:1 to allow sites of 50 contiguous acres or more to be eligible for funding under the Virginia Business Ready Sites Program.
- Changes to virtual meeting requirements. Amend the Virginia Freedom of Information Act to allow all local public bodies to hold all meetings virtually.

During the same work session, the following item was proposed by a member of the Board, and the Board also directed that it be included as a new priority:

- Special exceptions for short term-rentals to expire under certain circumstances. Amend Virginia Code § 15.2-2286(A)(3) to allow Albemarle County to regulate short term rentals by authorizing the County to provide for the expiration of a special exception for a short-term rental upon a change in ownership of the property and in other circumstances.

The proposed 2023 Legislative Priorities (Attachment A) includes all seven priorities-three carried forward from the 2022 session and four newly proposed. In addition, the Board's proposed 2023 Legislative Positions and Policy Statements is attached (Attachment B). The document has been amended to update positions and policy statements as necessary.

There are no specific, identifiable budget impacts.

Staff recommends that the Board review its 2023 Legislative Priorities (Attachment A) and 2023 Legislative Positions and Policy Statements (Attachment B), and, if they are acceptable, adopt them by motion.

Mr. Steve Rosenberg, County Attorney, said he had David Blount of the Thomas Jefferson Planning District Commission (TJPDC) present that afternoon to assist and to field some of the Board's questions. He said that concerning the legislative package for the 2023 session the Board had previously reviewed in June 2022 with Ms. Cynthia Hudson, Interim County Attorney, the 2022 initiatives and began discussion of possible priorities for the upcoming 2023 session. He said the Board continued the discussion of priorities on September 7, as well as legislative positions and policy statements.

Mr. Rosenberg said they would invite the Board to set their priorities, positions, and policy

statements for 2023. He noted that there was one more meeting on November 2, so if the Board was not ready to take action this afternoon, that meeting would occur before the November 4 meeting with the local members of the General Assembly delegation, which had been scheduled. He said it would be close, because they would like to get the materials to the legislators in advance of the meeting on November 4, but if the Board felt it was not ready for adoption this afternoon, there was one more meeting that remained for decisions to be made.

Mr. Rosenberg said that there were seven priorities proposed for inclusion in the priorities for 2023, and the first three were familiar to the Board because they were carried forward from the 2022 session, when they were either not adopted or partially adopted, so he would not spend a lot of time discussing those.

Mr. Rosenberg said the first was for the local authority to establish civil penalties in lieu of criminal penalties for violating local ordinances, which would allow the County to establish a uniform schedule of civil penalties to deal with certain infractions that were currently subject to criminal penalties, allowing the County to decriminalize numerous activities that were regulated by local ordinances.

Mr. Rosenberg said that the second priority carried forward from last year was the expansion of the authority to use photo speed monitoring devices that were currently very limited, so this would broaden the authority and permit its use where the County adopted a local ordinance on secondary roads with speed limits of 35 mph or higher and where data supported the need for additional enforcement.

Mr. Rosenberg said the third familiar priority was one that would allow the County to require agricultural buildings used by the public to be subject to minimum safety standards. He said this was adopted by the General Assembly last year, but had a reenactment clause, so if it was reenacted, it would provide the County with the authority to require ag buildings open for public use to have safety features such as automatic fire alarm systems, emergency lights and exits, panic hardware on exit doors, and portable fire extinguishers where those safety measures were not presently required, and these facilities were hosting events with larger numbers of attendees.

Mr. Rosenberg said that the civil penalties legislation and photo speed monitoring legislation failed in committee, and the agricultural building legislation was enacted and approved by the Governor. He said as he had mentioned, it did require reenactment, although there was a portion of the legislation that established an advisory committee to provide input on these issues to the General Assembly, and that group had met at least once since the legislation was approved by the Governor.

Mr. Rosenberg said that the new priorities that had been discussed with the Board included legislation concerning taxing authority to provide a revenue source for school capital projects. He said that there were currently nine counties and one city in the Commonwealth that enjoyed this authority to levy an additional 1% retail sales tax, which was used exclusively to fund school division capital projects. He said it would require a local referendum to exercise the authority if it were granted by the General Assembly, and the authority, if granted, would continue for a period of 20 years after they began the process of the referendum. He said this would provide further fiscal capacity and flexibility to the County with this additional source of revenue to fund school capital projects.

Mr. Rosenberg said that the next priority in the realm of economic development would change eligibility requirements for the Virginia Business-Ready Sites Program, a program that funded grants for both site characterization and site development of industrial sites in the Commonwealth. He said that there were two different grant programs: one for site characterization and one for site development. He said they were focused on site development grants. He said the site characterization grant program provided funding to provide site characterization work for properties that were 25 acres or larger. He said that they had an inventory of sites that qualified for that program, and they were making use of that program.

Mr. Rosenberg said they were hampered in the area of site development grants, where the current minimum requirement to qualify for funds was a 100-acre contiguous, developable parcel. He said that the County in its Zoning Ordinance had adopted certain measures; for example, concerning steep slopes, scenic streams, and other issues related to the development of real property that had created a situation where there were not that many properties in the County that satisfied the 100-acre contiguous and developable standard. He said that what was before the Board was a proposal to reduce that requirement from 100 acres to 50 acres.

Mr. Rosenberg said that there were two GO Virginia regions in which the 50-acre requirement was the requirement, so there was precedent for the lower threshold in the state. He said that the Economic Development Office had identified sites that would otherwise fulfill the requirements but for their acreage. He said that there was one site in the County that did satisfy the requirement, in North Fork, and the EDO was currently working with the UVA Foundation in seeking funds for that site under this Virginia Business-Ready Sites Program for a site development grant.

Mr. Rosenberg said that the next priority would allow local public bodies to hold all-virtual public meetings. He said that they had discussed this priority the last time it was before the Board, and they started with a discussion about making it possible for the Community Advisory Committees to convene more frequently in an all-virtual capacity. He said that there was currently a limitation that all virtual meetings may be convened for the greater of two or 25% of the public body's annual meetings. He said that the further restriction was that there could be no consecutive all-virtual meetings.

Mr. Rosenberg said that in the Board discussions, there seemed to be support for not targeting the Community Advisory Committees, but instead to simply come forward with a proposal to make it possible for all public bodies, including the Planning Commission, the Board of Supervisors, and the School Board, to conduct all-virtual meetings as frequently as desired, provided that all of the other requirements associated with all-virtual meetings were observed or fulfilled, ensuring the complete continuation of open and transparent meetings.

Mr. Rosenberg said the final priority was concerning special exceptions for short-term rentals, which were regulated in the County as homestays. He said that there was a discussion about imposing limitations on those homestay approvals once they were adopted by the Board, and presented in the materials provided as an attachment to the executive summary was some proposed language that would allow the County to provide for the automatic expiration of a homestay upon the occurrence of one of several events: a change of ownership of the property, a change in the owner of a business or transfer or control of a business entity, a change in possession, a change in the operation or management of the facility, or the passage of a specific period of time.

Mr. Rosenberg said that as they had framed it, they could adopt a provision in the County code that would limit the homestay to the particular owner at the time of the application, and they could also limit it for a certain period, such as for five years, and after the passage of that time, the property owner would be required to return and reapply for the homestay.

Mr. Rosenberg said that they also discussed in September the legislative positions and policy statements. He thanked Supervisor Andrews for helping him realize that they had failed to include this as a part of the Board materials for the last meeting. He said on September 30, he emailed to the Board an updated version of what were now the 2023 legislative positions and policy statements. He said that there were two identified last year as being significant positions and policy statements, one concerning impact fees and one concerning erosion and sediment control standards for agricultural and forestry operations, and both of those continued to be included in this document.

Mr. Rosenberg said that there were updates to the other positions and statements in this document, but none that he would suggest to the Board as significant. He said it was essentially the same set of positions and statements that were adopted last year. He said after the Board's discussion and questions, he would be happy to give guidance on how to move forward if the Board desired to take action this afternoon.

Ms. Mallek said that she appreciated seeing the small changes, and she supported all of these issues which they had brought forth this year. She said the only thing she would leave for future addition was more detail about ranked-choice voting, which she knew they would not discuss until November, but if there was some information based upon the comment heard earlier from a member of the public about the financial trap of this, and she would like further detail on that.

Ms. LaPisto-Kirtley asked for clarification on the impact fees on residential development.

Mr. Rosenberg said that their current system involved voluntary proffers. He said that impact fees, which were common in other states, would allow the locality to impose a requirement associated with a residential development that would require a developer to pay, not voluntarily but on a mandatory basis, sums determined to be appropriate to mitigate the impacts of that particular development.

Ms. LaPisto-Kirtley asked if this would be in lieu of the proffers.

Mr. Rosenberg said that that would be the most preferable outcome.

Ms. LaPisto-Kirtley said that she was in support of all of this.

Mr. Gallaway said that he appreciated the broadness of the all-virtual meeting policy so that they could decide what to do and the General Assembly did not have to. He said that he hoped when they talked with their local legislators about the economic development, the sites going from 100 acres down as a strategy and talking to them that day, they did not want to come across as wanting it to be changed because they did not have any sites that qualified. He said that the entire point of Project ENABLE and the type of businesses that they were attracting were not suitable for these larger acres, so it was not only an availability issue but was by design a strategic plan.

Mr. Gallaway said when he thought about helping businesses that were already here to expand and the type of businesses they were bringing in, a 100-acre site did not fit the bill for what they were trying to attract. He said that the spirit of any grants or support that went to it should be in line with their strategic plan or Project ENABLE, and he wanted to make sure they went about it that way. He said in the past, they had asked to change the approach so that the General Assembly did not have to deal with the issue.

Mr. Gallaway said that he understood they were to receive information on ranked-choice voting, but other than his own cursory readings in the news, he was uneducated about the topic, so he would require a lot of information on it. He said he understood that this was an important issue for Delegate Hudson and that in some capacity she was doing what she needed to do to work on it, whether the County was or not. He asked Mr. Blount if she had any plans to bring.

Ms. Mallek said she was coming.

Mr. Gallaway said that he understood she was coming to see them, but he thought that was more for education.

Ms. Mallek said she believed the authority already existed, and whether they wanted to enact it or not was what they were moving to. She said she should not have put it into this legislative thing.

Mr. Gallaway said that he thought the window meant there was something else that needed to happen.

Mr. Andrews said that what they heard about was not whether they had the authority but what they would pay for it, so it was certainly something he expected to be in contact with Delegate Hudson about in terms of what she understood and what might be done to clarify and limit what would be paid for that. He said that if that became an appropriate matter for legislation, then it would come up. He said that he agreed with Supervisor Gallaway that it was great that they were asking for all meetings to be able to be held virtually, but he wanted to caution that if there were a way to craft it so that they were not completely at discretion, it may help, or if there was some intent put in there with respect to openness and the availability for meeting in person.

Mr. Andrews said he was aware there was a conflict there that if they pushed too hard, they would not get anything. He said that his final point was that he knew the photo speed cameras were put forward last year but did not make it out of committee, and he believed there was more to that story in that there may have been versions that were more or less acceptable, and that what they were supporting there may in part depend on what version was being put forward because how well they could be implemented may depend on that.

Ms. LaPisto-Kirtley said that the version that was given to them by Delegate Bell was not even accepted by the County.

Mr. Andrews said that he wanted that to be made clear in this legislative priority that they were asking for a different version.

Ms. LaPisto-Kirtley said that Delegate Bell understands completely why his version was not accepted, and Mr. Blount knew very well what their intention was and the fact that what was acceptable and what was not acceptable.

Ms. Mallek said it was a poison pill.

Ms. LaPisto-Kirtley said that it was written in a way that would never be passed.

Mr. Andrews said that he wanted to make sure that they did not necessarily support something that was a poison pill, as they called it.

Ms. Price said that she did not support that all local public bodies be given the authority to have all meetings virtually. She said that she did not believe that elected bodies should be able to do that, and it was not a comment about the Board of Supervisors of Albemarle County, but a comment about what she believed was too broad of a statutory grant of authority because there would be those jurisdictions that she believed would abuse it. She said that she supported everything else. She said that the ranked-choice voting comments were not for the legislative but for the Board when they had their discussion.

Ms. Mallek said that was excepting what Mr. Andrews said about the funding aspects that may require legislative change.

Ms. Price said that was true. She said that the other part was for them to decide if it was worth it given that there were only five elections to which it would even apply. She said that she agreed that the funding for ranked-choice voting needed to be taken care of, and she did not support that elected public bodies should be able to hold all their meetings virtually.

Ms. Mallek said that the combination of them being able to meet in person and have other people virtually did not exist for any of their other committees. She said that she was very happy with the way that their Board level had functioned, but that same ability was not allowed for others. She said that it was a decision that had to be locally made by finance, but they did not even have the authority to make that choice right now.

Ms. Price said that was right, it was just a resource allocation, and that she was only referring to the elected bodies.

Mr. Andrews said that he would have liked for them to have the authority to do a limited number of virtual meetings not back-to-back, the way it was presently allowed for some committees, but he agreed he would not want all meetings to be virtual.

Ms. LaPisto-Kirtley said she agreed that they were asking for everything in the hope of getting something, and for elected bodies, she believed they should meet in person, but they should have the flexibility also, due to weather, illness, or other things, and they had gotten used to it and it was very effective. She said that it had been disastrous for some of their other committees who had not been able to meet virtually—but for elected officials, that was one thing. She said that Supervisor Gallaway put it

that they were asking for everything in hopes of getting something.

Ms. Price said she did not want to do that.

Ms. LaPisto-Kirtley said that they did.

Ms. Mallek asked if it would be useful to put appointed bodies in their legislative request.

Ms. Price offered non-elected.

Ms. Mallek said that then people would not get the idea that they wanted to do this for themselves.

Ms. Price said that she was hung up on it being for elected bodies and for all meetings.

Mr. Gallaway said that he was not asking for all-virtual meetings for everyone to get something less but was asking for that. He said that there were so many places where they tried to micromanage what the localities could or could not do, that the argument here was a bigger picture than just allowing all-virtual meetings. He said that it was saying to the local government that regardless of how they might feel about how other local governments might handle that responsibility, it was up to their voters to figure it out.

Mr. Gallaway said that they should have the capacity to say that they could do this, then work through and have the conversation as a Board to define what they did under that granted authority. He said that there were too many instances where the state dictated to the localities what they could and could not do in a very minute way, and he was tired of trying to ask and fit into that mold. He said that they should have the authority and they could figure out what to do in Albemarle County with that authority, which was when these other conversations could begin.

Ms. LaPisto-Kirtley said that it sounded like they wanted to adjust Dillon's Rule.

Ms. Price asked if Mr. Rosenberg or Mr. Blount needed clarification on anything.

Mr. Rosenberg said that he did not need clarification, but this item would require formal action by the Board. He said that the executive summary mentioned two attachments, Attachment A, the Proposed 2023 Legislative Priorities, and Attachment B, the Proposed 2023 Legislative Positions and Policy Statements. He said that a simple motion could be made to adopt attachments A and B as presented.

Ms. LaPisto-Kirtley **moved** that the Board adopt the 2023 Legislative Priorities (Attachment A) and 2023 Legislative Positions and Policy Statements (Attachment B). 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, and Ms. Mallek.

NAYS: Ms. Price.

ABSENT: Ms. McKeel.

Ms. Mallek asked if Mr. Blount could, in the future, email the Board members to let them know what was happening with this beforehand.

2023 Legislative Priorities

- Enable civil penalties in lieu of criminal punishment for violations of local ordinances
- Expand the authority to use photo speed monitoring devices
- Require agricultural buildings used by the public to be subject to minimum safety standards
- Grant the County taxing authority for school division capital projects
- Change eligibility requirements for the Virginia Business Ready Sites Program
- Allow public bodies to hold all-virtual public meetings
- Special exceptions for short term-rentals to expire under certain circumstances

Enable civil penalties in lieu of criminal punishment for violations of local ordinances

Proposed: Amend Virginia Code § 15.2-1429 to enable localities to adopt an ordinance to establish a schedule of civil penalties in lieu of criminal punishment for violations of certain local ordinances.

Elements: The enabling authority would authorize a schedule of civil penalties of up to \$500 for the initial summons with increasing amounts, up to a total of \$5,000 in the aggregate under the same set of operative facts. The civil summons would be issued by designated County officers rather than police officers and would allow the violator the opportunity to prepay the civil penalty in lieu of trial. Unpaid civil penalties would be a lien against the property, if applicable, and could be collected as taxes are collected. The enabling authority would exclude those acts expressly punishable as misdemeanors by state law that allow a local option to adopt, traffic infractions, and those violations for which civil penalties are already authorized by state law.

Rationale: This initiative would enable localities to decriminalize numerous activities regulated by local ordinances by allowing the use of civil penalties instead of criminal penalties for violations. Limited exceptions to enforcing violations of local ordinances as crimes already exist, for example, in Virginia Code §§ 15.2-980 (noise) and 15.2-2209 (zoning), which allow localities to adopt a schedule of civil penalties instead. In instances where enforcement of an ordinance is by law enforcement officers, a move to civil penalties provides the added benefit of enabling officers to do other critical police work.

Prior History: This priority was addressed during the 2022 General Assembly Session in HB627 (Hudson), which failed in committee.

Expand the authority to use photo speed monitoring devices

Proposed: Amend Virginia Code §§ 46.2-882 and 46.2-882.1 to enable the use of photo speed monitoring devices on segments of secondary roads where speeding has been identified as a problem.

Elements: The enabling authority would be implemented by ordinance and would apply only to segments of secondary roads having posted speeds of 35 miles per hour or higher which are selected based on speeding, crash, and fatality data supporting the need for additional enforcement against speeding. In addition, the selected road segments would be required to have signs posted informing drivers that such devices are being used to monitor speed.

Rationale: This initiative would give localities the option to use photo speed monitoring devices as an enforcement tool on designated segments of secondary roads where speeding is prevalent. Using such devices would promote public safety by providing broader enforcement of speed limits and safety of law enforcement officers, who might otherwise be required to make traffic stops on potentially dangerous road segments (e.g., segments without shoulders or with limited sight distance). Additionally, the use of technology where human intervention is unnecessary would allow law enforcement officers to do other critical police work.

Prior History: This priority was addressed during the 2022 General Assembly session in HB630 (Hudson) and HB747 (Bell), both of which failed in committee.

Require agricultural buildings used by the public to be subject to minimum safety standards

Proposed: Amend Virginia Code § 36-97 and other sections of the Virginia Uniform Statewide Building Code to require agricultural buildings used by the public to be subject to minimum safety standards.

Elements: The legislation would revise the definition of “farm building or structure” to remove its “public use” elements (e.g., display, sale, sampling) and add a definition of “public use agricultural buildings,” a use that would be subject to requirements such as having an automatic fire alarm system, emergency lights at exits, panic hardware on all required exit doors, portable fire extinguishers, and a maximum occupancy of 200 persons, with occupancy over 200 being classified in a different use group.

Rationale: The stated purpose of the Virginia Uniform Statewide Building Code is to “protect the health, safety and welfare of the residents of the Commonwealth” Virginia Code § 36-99 exempts “farm buildings or structures” from the provisions of the Building Code, except for those portions of a building that are operated as a restaurant and licensed by the State Board of Health as such. Historically, these types of buildings and structures were not regularly hosting hundreds of people as they are now at farm wineries, limited breweries, limited distilleries, and other agricultural operations. To protect public safety in the event of a fire or another emergency, agricultural buildings that are open to the public should be subject to minimum safety standards.

Prior History: This priority was addressed during the 2022 General Assembly session, by the legislature’s enactment of SB400 (Hanger). The bill, approved by the Governor, requires reenactment by the General Assembly in its 2023 session before its requirements become effective.

Grant the County taxing authority for school division capital projects

Proposed: Amend Title 58.1, Subtitle I, Chapter 6 of the Code of Virginia to make Albemarle County eligible to levy an additional 1% retail sales tax for the purpose of funding school division capital projects.

Elements: Either amend Virginia Code § 58.1-602 to designate Albemarle County, in addition to other previously designated cities and counties, as a “qualifying locality” with such authority, or amend Virginia Code § 58.1-605.1 to provide such authority to all cities and counties. In either case, the imposition of such a tax would require approval in a local referendum and would be subject to expiration no more than 20 years after the board’s initiation of the referendum.

Rationale: The County lacks a dedicated funding mechanism for school construction and renovation projects. Such projects are largely funded presently by existing tax revenues and proceeds of bond issues. Additional taxing authority would generate revenues dedicated solely to school division capital projects, providing further fiscal capacity and flexibility to the County.

Change eligibility requirements for the Virginia Business Ready Sites Program

Proposed: Amend Virginia Code § 2.2-2240.2:1 to allow sites of 50 contiguous acres or more be eligible for funding.

Elements: The legislation would reduce from 100 acres to 50 acres the minimum acreage of sites eligible for site development grants under the Virginia Business Ready Sites Program. The change could be implemented on a statewide basis by amending clause (i) of subsection (A) or, alternatively, by adding GO Virginia Region 9, in which the County is located, to Regions 1 and 2, as regions in which the lower threshold applies.

Rationale: The Virginia Business Ready Sites Program is a discretionary program to promote development and characterization of sites to enhance the Commonwealth of Virginia's infrastructure and promote its competitive business environment. The program's goal is to identify and assess the readiness of potential industrial sites of at least 100 contiguous acres. Albemarle County has identified sites that would otherwise fulfill the requirements for site development grants but for their acreage. The proposed amendment to the state code to decrease the required size of industrial sites from 100 to 50 contiguous acres would allow the County to seek such grants.

Allow local public bodies to hold all-virtual public meetings

Proposed: Amend the Virginia Freedom of Information Act to allow all local public bodies to hold all meetings virtually.

Elements: The legislation would amend subsection (C) of Virginia Code § 2.2-3708.3 by striking from its introductory clause the words "local governing bodies, local school boards, planning commissions, architectural review boards, zoning appeals boards, and" and limiting the application of paragraph (9) of subsection (C) to state public bodies.

Rationale: As enacted, 2021 amendments to the Virginia Freedom of Information Act prohibit certain local public bodies from holding any all-virtual public meetings. The amendments further restrict other local public bodies from holding all-virtual public meetings more than two times per calendar year or 25% of the meetings held per calendar year, whichever is greater, and from holding consecutive all-virtual public meetings. These restrictions on all-virtual meetings inhibit prospective applicants from seeking appointment to the county's boards, commissions, and committees. The proposed amendments would promote both service on local public bodies and broader public participation in their meetings. All other existing requirements would remain unchanged, ensuring the continuation of open and transparent all-virtual public meetings.

Special exceptions for short term-rentals to expire under certain circumstances

Proposed: Amend Virginia Code § 15.2-2286(A)(3) to allow Albemarle County to regulate short term rentals by authorizing the county to provide for the expiration of a special exception for a short-term rental upon a change in ownership of the property and in other circumstances.

Elements: The legislation would amend the state code by adding the following paragraph at the end of paragraph (3) of subsection A:

The governing body of the County of Albemarle may impose a condition upon any special exception or special use permit relating to short-term rentals that provides that such special exception or special use permit will automatically expire upon a change of ownership of the property, a change in the owner of the business or a transfer of majority control of a business entity, a change in possession, a change in the operation or management of a facility, or the passage of a specific period of time.

Rationale: The operation of a short-term rental in Albemarle County requires the approval of a special exception by the Board of Supervisors. Currently, special exceptions "run with the land," meaning that once a special exception is approved by the board, a property can be operated as a short-term rental in perpetuity, even after a change in ownership. Albemarle County is concerned that short-term rentals negatively impact the county's housing supply and is especially concerned that the continued acquisition of properties by business entities and their operation as short-term rentals, all for investment purposes, exacerbate this problem. The proposed legislation would allow the county to restrict special exceptions so that approval of a new special exception could be required in certain circumstances, including upon a change in ownership of a property.

2023 Legislative Positions and Policy Statements

Agriculture

Virginia Agricultural Best Management Practices Cost-Share Program: Support state funding for the Virginia Agricultural Best Management Practices Cost-Share Program in the amount of \$100,000,000 per year.

Broadband and the Internet

Broadband Deployment: Support legislation by the state and the federal government that would assist localities and provide financial incentives to localities and their communities in deploying universal, affordable access to broadband technology, particularly in unserved and underserved areas, while at the same time preserving local land use authority for siting telecommunications infrastructure. This includes supporting continued and increased funding for the Virginia Telecommunications Initiative (VATI). In addition, support legislation that would: (1) ensure that coverage maps used to determine underserved and unserved areas or census blocks are accurate; (2) amend the definition of “coverage” to mean that service actually exists in a census block or area and the service availability within that census block or area is substantial ; and (3) ensure definition of unserved and/or underserved includes those lacking 100 Mbps download/20 Mbps upload speeds.

Net Neutrality: Unless the Congress or the Federal Communications Commission restores net neutrality at the national level, support legislation that would prohibit internet service providers from slowing down or blocking access to websites, charging companies extra to deliver their services faster, and other acts that adversely affect consumers and discourage competition.

Growth Management, Environmental Protection, Land Use, and Transportation

Biosolids: Support legislation enabling localities, as part of their zoning ordinances, to designate, and/or reasonably restrict the land application of biosolids to, specific areas within the locality based on criteria related to the public safety and welfare of its citizens and the environment. In addition, support legislation regarding the land application of biosolids that protects the environment, public health and safety.

Environmental: Support legislation prohibiting businesses from using disposable plastic bags and straws and to require bottle deposits, or enable localities to do so, with exceptions applicable to straws for hospitals and other care facilities. Oppose legislation that reduces local authority to regulate new natural gas infrastructure for development projects.

Erosion and sediment control standards for agriculture and forestry operations: Support legislation that would establish minimum statewide erosion and sediment control standards for agriculture and forestry operations. These standards could include those within the Chesapeake Bay Preservation Act’s regulations, which include: (1) for agriculture operations, soil and water quality conservation assessments evaluating the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management, and management of pesticides, and, where necessary, resulting in plans outlining additional practices needed to ensure that water quality protection is being accomplished; stream buffers are maintained; and best management practices for agricultural ditches are used; and (2) for forestry operations, requiring operations to be conducted using the appropriate best management practices as prescribed by Virginia’s Forestry Best Management Practices for Water Quality, and requiring that a full 100-foot buffer be established in woody vegetation when the silvicultural activity ceases within the buffer area on the property and a new land use is proposed.

Impact Fee Authority: Support impact fee legislation that: (1) allows for effective implementation through simple locally based formulae and reasonable administrative requirements; and (2) does not cap or limit localities’ impact fee updates.

Open-space Easements: Support legislation that augments local efforts in natural resource protection through: (1) continued funding of the Virginia Land Conservation Foundation (VLCF) for locally established and funded Purchase of Development Rights programs (e.g., the ACE Program in Albemarle County); (2) continued provision of matching funds to localities for their Purchase of Development Rights programs through the Office of Farmland Preservation; (3) retaining provisions in transient occupancy tax legislation so that funds can continue to be used to protect open-space and resources of historical, cultural, ecological, and scenic value that attract tourism; (4) increased incentives for citizens to create conservation and open-space easements; (5) fully allocating the Land Preservation Tax Credit transfer fee for the stewardship of protected land; and (6) restoring the individual cap on the use of the Land Preservation Tax Credit to \$50,000 per year.

Proffers: Support further changes to the current proffer system and, in particular, the proffer legislation approved in 2016 (Virginia Code § 15.2-2303.4) and amended in 2019, which limits the scope of impacts that may be addressed by proffers and establishes specific criteria as to when a proffer is deemed to be unreasonable. Support changes to provide more balanced and practical standards for determining whether a proffer is reasonable and restore a climate where localities and applicants can openly discuss rezoning applications and possible proffers.

Scenic Protection and Tourist Enhancement: Support enabling legislation for Albemarle County to provide for a scenic protection and tourist enhancement overlay district. The legislation would provide a method to ensure full consideration of visual resources and scenic areas when the county or state make land use decisions in designated areas.

Stop Extending the Sunset Provisions for Certain Development Approvals that Would Otherwise

Expire: Support allowing the sunset provisions in Virginia Code § 15.2-2209.1:1 to expire. First established in 2009 when the General Assembly adopted Virginia Code § 15.2-2209.1 to extend the validity of certain land use approvals during the Great Recession, the General Assembly has repeatedly extended the sunset clauses for various land use approvals. Most recently, the General Assembly extended the validity of these approvals in Virginia Code § 15.2-2209.1:1 because of the COVID-19

pandemic. The continued extension of these approvals results in non-vested and undeveloped but approved projects to retain their validity well beyond their otherwise applicable expiration date. Some projects protected by the extension of the sunset provisions were approved as much as 15 years ago. These projects may no longer be consistent with the locality's current planning policies or zoning or site development requirements.

Stormwater Management: Support state funding for the Stormwater Local Assistance Fund (SLAF) in the amount of \$80,000,000 per year in Fiscal Years 2023 and 2024. Oppose any legislation that would impact the resource and funding needs of the Virginia Department of Environmental Quality (DEQ) to fully administer, enforce, and maintain the State Stormwater Management Act, the Erosion and Sediment Control Law, and the Chesapeake Bay Preservation Act.

Transportation Funding: Support legislation to: (1) establish a new dedicated funding source for a Charlottesville-Albemarle Regional Transit Authority; (2) establish stable and consistent state revenues for Virginia's long-term transportation infrastructure needs; (3) direct funding efforts to expand transportation choices and engage in multimodal transportation planning; and (4) fund maintenance of rural road systems. Oppose any legislation or regulations that would require the transfer of responsibility to counties for constructing, maintaining, or operating new and existing secondary roads.

Water Quality and Resources: Support state funding for the following: (1) agriculture best management practices; (2) stormwater grant initiatives; and (3) wastewater treatment plant upgrades.

Health and Human Services

Abuse and Neglect: Support legislation to expand the definition of "abuse and neglect" to include parents who are habitually under the influence of drugs or alcohol while being responsible for children.

Administrative Appeals and Findings: Support legislation to amend Virginia Code § 63.2-1526(A) to require that an administrative finding be controlled by a court's civil or criminal finding if those matters involve the same conduct and the same victim and arise under the same operative facts. Support legislation to amend Virginia Code § 63.2-1526(C) to stay child protective services administrative appeals while abuse and neglect proceedings, findings, or both, are pending in juvenile and domestic relations district court or circuit court, or on appeal in any court.

Child Care for Low Income Working Families: Support legislation to provide additional funds to localities to assist low-income working families with childcare costs. Funding helps working-class parents pay for supervised day care facilities and supports efforts for families to become self-sufficient.

Children's Services Act (CSA): Support: (1) a locality's ability to use state funds to pay for mandated services provided directly by the locality, specifically for private day placements, where the same services could be offered in schools; (2) maintaining cost shares on a sum sufficient basis by both the state and localities; (3) enhanced state funding for local CSA administrative costs; (4) a cap on local expenditures in order to combat higher costs for serving mandated children; and (5) proactive efforts by the state to make residential facilities and service providers available, especially in rural areas. Oppose changing the funding mechanism to a per-pupil basis of state funding, which would shift the sum sufficient portion fully to localities.

Increase Funding for Community Services: Support increased state funding for community services.

Local Department of Social Services (LDSS): Support increased state funding for LDSS to match all available federal funding to assist LDSS staffing needs in order to meet state mandated services and workloads.

Targeted Grants: Support improving the state's targeting of grants to businesses that pay higher wages by increasing the minimum wage requirements for eligible grant applicants.

Local Government Administration and Finance

Community College Capital Costs: Support legislation for the state to fund 100% of public funding required for community college capital costs. Currently, localities are required to fund a portion of operating and capital costs.

Composite Index: Support legislation to amend the Composite Index Funding Formula by re-defining the local true value of real property component of the formula to include the land use taxation value of real property rather than the fair market assessed value for those properties that have qualified and are being taxed under a land use value taxation program.

Drones: Support legislation enabling localities to have authority to regulate the use of unmanned aerial vehicles in their jurisdictions not preempted by federal law.

Drug Court Funding: Request full funding for the Drug Court Program, which provides effective treatment and intensive supervision to drug offenders through the circuit courts of several Virginia localities.

Public Defender Funding: Request that the state adequately fund compensation for public defenders in localities.

Regional Library Funding: Request full funding of State Aid to the Jefferson Madison Regional Library and other regional libraries in the state system.

Seat Belts: Support legislation that would make the failure to use a seat belt a primary offense.

State Mandates Funding: Request full funding for state mandates in all areas of local government including, but not limited to, the Standards of Quality (SOQs) and other mandates imposed on local school divisions, positions approved by the Compensation Board, costs related to jails and juvenile detention centers and human services positions.

Taxing Authority: Support legislation to further enhance county taxing authority so that counties enjoy authority comparable to cities to address capital and operations needs and to reduce over-reliance on the real property tax as a revenue source.

Virginia Retirement System: Support continuing restoration of funds to the Virginia Retirement System to maintain the long-term solvency of the system without further devolving the funding responsibility to localities.

Non-Agenda Item. **Recess.** The Board recessed its meeting at 3:15 p.m. and reconvened at 3:27 p.m.

Agenda Item No. 11. **Action Item:** FY24 –FY28 Strategic Plan Draft.

The Executive Summary forwarded to the Board states that the current Strategic Plan timeline is FY 20–FY 23 and will expire June 30, 2023. The Board met on August 24, 2022 during a Strategic Planning retreat to review proposed goals and objectives and provided input, support, and direction. Staff documented the Board's comments and suggestions to develop a draft Strategic Plan. A draft plan was reviewed on September 21, 2022 and staff received the Board's comments and suggestions. A public feedback effort launched on September 27, 2022 to collect community input.

At this work session, the Board will review an update to the draft goals and objectives shared at the September 21, 2022 session and discuss proposed strategic priority areas (Attachment A). This review and discussion include community feedback and consideration for final comments and adoption. The strategic plan goals and objectives align to support the current comprehensive planning process and the five-year financial planning for the fall.

The FY 24–28 strategic plan goals and objectives will inform the FY24 Budget development processes.

Staff recommends that the Board review and adopt the draft FY 24 –28 Strategic Plan goals and objectives.

Ms. Kristy Shifflett, Director of the Office of Performance and Strategic Planning (PSP), greeted the Board. She said that this was a work session to discuss updates and changes that had been made to the Strategic Plan since they last met. She said that the vision statement was used as the foundation of the goals that they were to build for the proposed plan. She said that they had been focusing over the last few months on strategic goals and objectives, and today the changes and some of the community feedback would be shared so that the plan could be adopted today or the Board would provide input to do something different.

Ms. Shifflett said that the intention was that this would inform their next steps as they began talking about the Five-Year Financial Plan in November. She said that once adopted, they would start focusing on the projects and initiatives and performance indicators that they wanted to attach to these objectives. She said they would talk about the community feedback and how that could be implemented in the projects and initiatives area.

Ms. Shifflett said that shown on the slide was the preamble of their core values, and the addition in the last paragraph was based on the input of the Board on documenting and highlighting the Board of Supervisors' Operating Guidelines for High-Quality Governance, as well as the staff of Albemarle County using the pillars of high performance, so they included this statement: "These efforts were maximized through Board-staff collaboration, guided by the Board of Supervisors' Operating Guidelines for High-Quality Governance and the pillars of high performance. The following goals have been prioritized to realize the County's vision and to achieve the mission – to enhance the well-being and quality of life for all community members."

Ms. Shifflett said that the slide shown described the big-picture vision of their goals. She said that

the workforce and customer service goals and objectives were the central part of how they would deliver quality of life, safety, and well-being, education and learning, resiliency, equitable and engaged community, infrastructure, and placemaking. She said that she would now go through each goal and call out the update made based on September input from the Board.

Ms. Shifflett said that goal 1, Safety & Well-Being, remained the same.

Ms. Shifflett said that for goal 2, they added “engaged” to the Resilient and Equitable Community title. She said that there were items such as climate action, equity, and climate resiliency, that they needed to continue to engage their community and focus on those partnerships.

Ms. Shifflett said that there were no changes to goal 3, Infrastructure and Placemaking.

Ms. Shifflett said that for goal 4, Quality of Life, they changed the wording from “refresh” to “update” on Project ENABLE, and on the last bullet, they changed “development area” to urban neighborhoods” to be more focused on what they heard about being able to have the areas that did not have the spaces or walkability to have parks and recreational opportunities.

Ms. Shifflett said there was no change to goal 5, Education and Learning, or goal 6, Workforce and Customer Service.

Ms. Shifflett said that she would now discuss the community feedback that was received. She said that they were able to be put into themes that could be identified, and they felt that most of what they had heard aligned with what they had already drafted. She said that the community was asking for a balanced approach to fulfill current commitments, and that was something they had talked about previously. She said that there was an addition of talking about biodiversity action planning along with climate action and stream health.

Ms. Shifflett said that they specified that outreach was intended to engage all community members, which had been identified in the preamble, including an evaluation strategy to measure implementation effectiveness, which had been discussed with the Board regarding creating key performance indicators with these goals. She said that with the projects and initiatives that aligned with these objectives, they were going to be asking for specific, measurable progress, so they would be able to report their progress a little bit more clearly.

Ms. Shifflett said that for the development area, another theme that was found was prioritizing livable, affordable housing, aging in place, and workforce housing, investment in the redevelopment of existing vacant buildings, promotion of the redevelopment of underused properties, making the existing development area more sustainable, improvement of the existing development area, and increasing smaller, accessible recreational opportunities. She said that this was much of what they had discussed since August.

Ms. Shifflett said that lastly, the other two themes were a focus on the rural area by increasing services and investments in their rural areas, and maintaining the rural character, and a County-wide issues theme, which was to identify and make necessary bike connections and corridors, prioritize support for families and children both in and out of school, foster and leverage nonprofit community partnerships and regional cooperation, strengthen existing programs that focused on conservation and preservation, increase recreation opportunities and offerings, ensure equitable access to projects and programs, and encourage entrepreneurship and creativity.

Ms. Shifflett said she would like to add about the community feedback that she had already begun working with the departments on what projects and initiatives might look like under these objectives, and she had found it very inspiring and hopeful that many of the things being called out were items that they had addressed, including workforce housing and biodiversity plans, and were being mentioned by departments as areas that they would be seeing throughout the budget process as areas of work. She said she had no further presentation and would provide the Board the opportunity for questions and discussion of the information.

Ms. Mallek said that this had been a very well-done process, so she felt that it was easy to recall the information as they went through the pieces. She said she understood that they were only beginning to figure out the sort of measurement information, and that would be challenging for them because in places where they had to deal with this at a state level, they should avoid just checking the boxes, and figure out more portfolio-based things rather than how many people responded to a survey, whether it was meaningful participation or not.

Ms. Mallek said that under the rural areas, it struck her that it would be an interesting discussion going forward about what increased services in the rural area meant, because there were many people who did not want that at all. She said that there were many villages in the White Hall District that were not eager to have more commerce move in but might be glad to have a grocery store reinstalled, such as the historic one in Earlysville. She said that some concerns may be assuaged, but the rural character and increased services were sometimes in tension with each other.

Ms. Mallek said that the County-wide creativity was something that she hoped would include the information she had to provide about the NACo Arts and Culture Commission, in which so many counties were putting efforts into their arts communities and helping them as a placemaking issue to bring people together with different opinions. She said that if that were a category where that type of discussion could

happen, she would be thrilled.

Ms. LaPisto-Kirtley asked to see the last slide. She said that maintaining the rural character was important. She asked Ms. Shifflett to elaborate on the increase in services and investments.

Ms. Shifflett said that this was from community feedback, discussing what people wanted to be about services. She said that it was not specific.

Ms. LaPisto-Kirtley asked if they were not specific in the types of services.

Ms. Shifflett said that was correct.

Ms. LaPisto-Kirtley said that was interesting. She said she understood keeping the rural character, but the increase in services and investments had no further guidance, so it was very broad.

Mr. Gallaway asked to see the next slide. He said that relevant to the development area, it was important for them to know through this process, that whenever he saw something that said the public body should invest in redevelopment and improvements of existing properties, the body had no ability to do so because those were private properties. He said that this was a constant conversation that came up when they looked at the development area and people saw underutilized shopping centers, open storefronts, and things that could be occupied, and believe that the Board could do something like that. He said that it was similar to the belief that Albemarle had so much land that they could just go put affordable houses on it.

Mr. Gallaway said that they should ensure that, as they went through the process, when they said they were going to invest in redevelopment and improvements in their specific objectives, they could invest in redevelopment—but it was not them investing specifically in redevelopment, just providing incentives that would encourage redevelopment. He said that he wanted to ensure that as things came up in the community feedback, they made sure to tie the thread from the objective going back to what was investment and redevelopment. He said the small area plan for the Rio-29 corridor was meant to encourage redevelopment, and that was the way that they invested in redevelopment.

Mr. Gallaway said that he wanted to make sure that they were drawing those lines so that whoever thought they should invest in redevelopment and read their action items did not wonder what happened to investment and redevelopment. He said that was likely a generalized statement for all of these items, including the services item. He said that they could probably all guess what those were from rural folks, but they should all be on the same page about what the County believed “services” or “invest” meant. He said that the word change to “update” for Project ENABLE was correct, so he thanked Ms. Shifflett for that change.

Mr. Andrews said he appreciated the community feedback, and he found himself questioning whether these items were or should be in the strategic plan, and how often. He said that the strategies as laid out were based on this community feedback and the feedback he had received about the biodiversity action plan and climate vulnerability and risk assessment as things that they should focus on as priorities. He said that under goal 1, develop a County-wide public safety long-range plan to include emergency preparedness and response, he would add “and long-term resilience,” because that was an important part of what they should be doing concerning that kind of responsiveness for safety, especially in light of the heat, flooding, drought, fires, and other weather events that were in the vulnerability assessment that they were at risk for.

Mr. Andrews said that similarly, under goal 2, they were to implement the climate action plan, and they already had “implement stream health initiatives,” so perhaps they could add after the climate action plan, “and the biodiversity action plan,” which was not reflected in that goal directly, although the climate action plan was big and included a lot of information.

Ms. Shifflett said that one of the things that they discussed was that the biodiversity plan was a component of the climate action plan. She said that she wanted to articulate that she was looking for the Board’s support on these goals, and if they wanted language changed based on what was heard, she hoped that these objectives were broad enough that anything the Board had heard still was able to connect and fit into the strategies.

Ms. Shifflett said to Mr. Andrews’ point about safety and well-being, she would ask if they should add the word resilience there, or if they wanted to inform that those were plans and work that was done and would be seen in the FY24 budget process. She said that as they began to develop, these were broad, and they soon would hear specifics about how their organization planned to support their community and develop progress and performance underneath these things. She said that was an example of there being a lot of ideas about what they could do to support their community safety, support emergency planning, and those things would be coming forward.

Mr. Andrews said that he appreciated that very much. He said that he was only suggesting language that he felt was very broad and suggested a focus on particularly climate-related matters, which was why he felt that adding the word “resilience” somewhere was important for that purpose. He said that to the extent that the climate action plan included a biodiversity action plan, he would still suggest that they add that the biodiversity action plan was included so that the document reflected that they were not only dealing with the people of Albemarle County but also how they were dealing with the natural resources.

Ms. Shifflett said that her intent was to add clarity.

Ms. Price said that she appreciated the other Supervisors' comments and thanked Ms. Shifflett for the work she had done. She asked if the Supervisors had any other comments.

Ms. Mallek said that in the mention of affordable housing, she wanted to reiterate that that meant a lot of things to different people, so they should more carefully define what they meant, and the two terms that had been lumped together in many things she had participated in or listened to recently, were "attainable" and "sustainable," which meant that it was a place someone could afford to live over time, not an \$1800 one-bedroom apartment, and sustainable needs over a long period of time.

Mr. Jeff Richardson, County Executive, said that he wanted to make sure he understood the Board's discussion before they concluded. He said that Supervisor Andrews asked for goal 1, bullet three, to include "emergency preparedness and response," and "long-term resilience." He said that he saw affirmation from the Board, but he wanted to make sure he had the Board's guidance to add that language.

Ms. Price said yes.

Mr. Richardson said that Mr. Andrews asked for goal 2 to also reflect and purposefully say the biodiversity action plan, and he saw some affirmation from the Board for them to finish that as the final product. He asked if that was correct.

Ms. Price confirmed that it was correct.

Mr. Richardson asked if there were any further edits to be made by the Board.

Ms. Price said that there were none.

Mr. Richardson said that he would like formal action from the Board.

Ms. Price said that the floor was open for a motion for the Strategic Plan goals and objectives.

Ms. Mallek **moved** to adopt the draft FY24–28 Strategic Plan goals and objectives. Ms. LaPisto-Kirtley 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, and Ms. Price.

NAYS: None.

ABSENT: Ms. McKeel.

Our core values are Community, Integrity, Innovation, Stewardship, and Learning.

We expect diversity, equity, and inclusion to be integrated into how we live our mission. We value our customers and co-workers by always providing honest and fair treatment. We embrace creativity and positive change. We honor our role as stewards of the public trust by managing our natural, human, and financial resources respectfully and responsibly. We encourage and support lifelong learning and personal and professional growth.

The Board of Supervisors sets the policy direction for the future and local government staff implement it through their public service. These efforts are maximized through Board-staff collaboration, guided by the Board of Supervisors' Operating Guidelines for High Quality Governance and the Pillars of High Performance. The following goals have been prioritized to realize the County's vision and to achieve the mission – to enhance the well-being and quality of life for all community members.



Goal 1. Safety & Well-Being - *Nurture a safe and healthy community.*

- Support community safety through highly responsive services.
- Enhance and develop human services initiatives to assist community in accessing existing resources.
- Develop County wide public safety long range plan to include emergency preparedness, response, and long-term resilience.

Goal 2. Resilient, Equitable & Engaged Community - *Design programs and services that promote an equitable, engaged and climate-resilient community.*

- Develop tools for integrating climate action and equity into programs and services.
- Implement the Climate Action Plan and the Biodiversity Action Plan.
- Foster community partnerships and engagement around county priorities.
- Implement stream health initiatives.
- Identify and mitigate community risk while building, sustaining, and validating the community's capability to respond to and recover from disasters and other natural threats.

Goal 3. Infrastructure & Placemaking - *Invest in infrastructure and amenities that create connection, opportunity, and well-being.*

- Deploy county-wide communications through Broadband programming.
- Ensure that long range water and wastewater plans are in alignment with our development goals by partnering with Rivanna Water Sewer Authority and the Albemarle County Service Authority.
- Determine the level and extent of services necessary to create a public works department for enhanced maintenance of public rights of way and other infrastructure of public use.
- Implement long-range plans to embrace multimodal connectivity.

Goal 4. Quality of Life - *Encourage a vibrant community with economic and recreational opportunities that serve all community members.*

- Develop AC44 Comprehensive Plan updates and Zoning modernization.
- Update Project Enable to include County's role in Economic Development.
- Implement Housing Albemarle.
- Integrate parks planning with multi-modal transportation planning across the County.
- Enhance overall access to parks and recreational opportunities with an emphasis on urban neighborhoods.

Goal 5. Education & Learning - *Support exceptional educational opportunities.*

- Collaborate and provide support for the Albemarle County Public Schools Strategic Plan.

- Foster partnerships with CATEC, PVCC and UVA to advance our workforce pipeline, economic development, and affordable housing goals.

Goal 6. Workforce & Customer Service - *Recruit & retain engaged public servants who provide quality government services to advance our mission.*

- Implement a total compensation structure that makes us highly competitive compared to other employers.
- Implement a comprehensive staff development and wellness program to retain highly qualified staff.
- Modernize business processes and technology to transform customer service demands.
- Implement office space planning and strategies with a focus on improved customer service, efficiency, and employee wellness.

Agenda Item No. 12. **Work Session:** AC44: Draft Framework for an Equitable and Resilient Community.

The Executive Summary as forwarded to the Board states that at its Work Session on September 27, 2022, the Planning Commission received an update of the AC44 Comprehensive Plan project. The project is in the final step of Phase 1, which is focused on a review of the growth management policy and building a Comprehensive Plan framework to guide upcoming phases.

At the Planning Commission Work Session, staff presented a draft Framework for an Equitable and Resilient Community (Attachment A). The Framework was developed based on input from community members through Phase 1 engagement opportunities, guiding lenses of equity and climate action, Planning Commission input, a review of goals in the current Comprehensive Plan, and research of best practices. The Commission reviewed the draft Framework and provided feedback to staff. A summary of Planning Commission feedback may be found in Attachment D.

The draft Framework for an Equitable and Resilient Community is intended to serve as a guide for future AC44 Phases that will focus on the development and/or refinement of policies as well as action steps for more specific plan topics such as land use, housing, transportation and resource protection. More information about the purpose, future application of the Framework, and how it relates to the 2015 Comp Plan topics can be found in Attachment A.

Phase 1 of the AC44 Comprehensive Plan update included three steps of community engagement, each one building on feedback received from the prior step. The first step requested input on the current growth management policy. Step two asked for input on potential growth management options to consider when reviewing the current policy. Using community input from the first two steps, along with equity and climate action considerations, the project team developed four 'Big Ideas' for an equitable and resilient future (Attachment B). These Big Ideas were the focus of several community roundtable events and a summary of feedback received is included in Attachment C. The Framework for an Equitable and Resilient Community incorporates the four 'Big Ideas' and community input during Phase 1.

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 the Board review and provide feedback on the draft Framework, and consider the following questions: Does the Framework for an Equitable and Resilient Community provide guidance to support drafting policies and action steps in upcoming AC44 phases? If not, what's missing?

Ms. Victoria Kanellopoulos, Senior Planner, greeted the Board. She stated that she was joined by Vlad Gavrilovic, Principal Planner with EPR PC. She said that today they would discuss Phase I of AC44, which stands for Albemarle County 2044, the project name for the County's Comprehensive Plan. She said before they moved to the agenda, Mr. Gavrilovic had some remarks about Phase I.

Mr. Gavrilovic said that he was a Principal with EPR in Charlottesville and was very honored to be leading the consultant team that was helping their first-rate staff on this Comprehensive Plan update. He said that to remind the Board, this was about Phase I of the process, and they looked forward to hearing the Board's input as they provided the results of this phase. He said that they had very good community input in this phase, and an enthusiastic response from the working group, and they were very eager to get into the next phase in which they began to implement some of this. He said that they looked forward to presenting this morning a work plan for Phase II the next time they were before the Board, but today would only be sharing the results of Phase I and the summary framework that they saw as a springboard to get them to the next phase.

Ms. Kanellopoulos said that she would give an overview of their current position on the process and an overview of Phase II, then share an update on the land use buildout, then move to an overview of community input and the four big ideas, then would share the draft framework for an equitable and

resilient community, with time for Board discussion and questions. She said that they would share more details about the framework later in the presentation but would begin with an overview of how they got there.

Ms. Kanellopoulos said that throughout the AC44 process, they were using two main lenses to guide their work: equity and climate action. She said that in 2019, the Board adopted a resolution in support of an equitable and inclusive community, and additionally, the Board had identified climate action as a top priority and adopted the County's Climate Action Plan in 2020. She said that therefore, the framework prioritized equity and climate action resilience as key principles to guide their policies, and additionally, the framework was developed based on input from community members, the AC44 working group, and the Planning Commission, as well as a review of goals in the current Comprehensive Plan and research of best practices.

Ms. Kanellopoulos showed a slide of a graphic that showed the Phase 1 workflow, with a blue circle to indicate their current stage.

Ms. Kanellopoulos said that there were three main steps, and 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 said that they asked for community input on the current policy and what should be prioritized when reviewing the policy. She said that they heard that the current policy had been successful at protecting natural resources and agricultural and forestry uses. She said that they also heard that challenges include housing affordability, the need for more transportation options, and infrastructure and utilities planning.

Ms. Kanellopoulos said that in the second step, they developed potential use management options to consider while reviewing the current policy. She said that they received significant community input on these options, and there was interest in continuing to explore all of them in future phases.

Ms. Kanellopoulos said that they also heard community feedback to expand the conversation beyond the growth management policy, especially around the topics of multimodal transportation and economic development. She said that based on the input they received, they developed several common themes.

Ms. Kanellopoulos said that in the third step, these common themes were refined and developed into big ideas. She said they asked for community input on the big ideas, which were then developed into the framework for an Equitable and Resilient Community.

Ms. Kanellopoulos said that the slide shown was a graphic of the overview of the number of attendees they heard from, and the number of online questionnaire responses received during Phase I. She said this included participants who attended an event and filled out a questionnaire as well as anyone who had participated in all of the engagement options. She said that they wanted to note that the number of attendees and online responses varied between the three steps, with significantly more online responses during step 2 compared to the attendees at the open house, while step three had more attendees at the roundtables compared with online responses. She said that as they scoped engagement and content for upcoming phases, they would continue to refine the engagement methods, including continued collaboration with their working group and outreach to community partners.

Ms. Kanellopoulos said that the next steps in Phase I were to finalize the draft framework based on the Planning Commission and Board feedback and share the final framework. She said that in Phase II, they would analyze existing conditions, trends, challenges, and opportunities for each topic. She said that they would also update policies for each topic, using the framework to guide this work, and would use the framework to refine the structure of the plan. She said that as Mr. Gavrilovic mentioned, during Phase I, they heard significant interest from community members in exploring how they would implement the framework, so it was noted that in Phase II, they would go into more detailed policy discussions, and in Phase III, they would prioritize and update action steps. She said that Phase I laid the groundwork for these upcoming discussions.

Ms. Kanellopoulos said that as they moved toward the end of Phase I, they were also wrapping up the land use buildout, which they shared a draft of with the Board of Supervisors in June of that year. She said that the purpose of the land use buildout was to understand the maximum theoretical capacity of their development areas and consider if this maximum theoretical buildout was sufficient to accommodate 20 years of projected growth and demand for both residential and nonresidential uses.

Ms. Kanellopoulos said that residential rezonings had tended not to be approved at the higher end of recommended densities. She said that between 2016 and 2021, the total number of units approved through rezonings was about 58% of the maximum number of units recommended per the Comprehensive Plan. She said that to show how the buildout could vary for residential uses, they included three scenarios, the first of which was the theoretical maximum buildout based on the maximum recommended densities in the Comprehensive Plan. She said that for example, it would assume that all properties designated urban density residential would build out to 34 units per acre.

Ms. Kanellopoulos said that the second scenario used the 58% figure from total units approved through rezonings to adjust the maximum land use buildout down, and they also adjusted the pipeline based on the average buildout of approved units, and subtracted 1000 units from the pipeline to adjust for Old Trail, which was expected to build out lower than the total approval. She said that the third scenario used low and high ranges for the buildout based on the zoning district of each property, with a potential

for development or redevelopment, and adjusted the pipeline as in scenario two. She said that while the total estimates reached scenario still exceeded projected demand, several constraining factors would also limit actual buildout.

Ms. Kanellopoulos said that along with the review of constraining factors that could impact residential and nonresidential development, the land use buildout included a tiered analysis specific to nonresidential uses. She said that each tier was for a different level of site readiness development, with tier one being the least ready and tier five being prime for development. She said that the tier analysis included the development area parcels that were at least three acres, currently vacant, and zoned or designated for nonresidential uses, which resulted in 39 parcels totaling 890 acres. She said that based on Albemarle County Economic Development staff's review of these parcels, only one property met the criteria for a tier 4 site, which could theoretically have a project brought to market in 12–18 months, and none were a tier 5, which would be a shovel- and pad-ready site.

Ms. Kanellopoulos said that based on the buildout methodology, the buildable acres for potential new development or redevelopment comprised approximately 6.9% of the development area's total land area. She said that there appeared to be sufficient capacity for residential uses, however, recent buildout trends had tended to be lower than the maximum densities recommended per the Comprehensive Plan, and constraining factors such as high land cost could limit actual buildout.

Ms. Kanellopoulos said that while there was theoretical capacity for nonresidential uses, constraining factors resulted in less than the maximum theoretical buildout and negatively impacted the amount of developable land, especially in the short term. She said that as they considered policies in Phase II of AC44, especially for topics of housing, land use, and economic development, they could refer back to the land use buildout.

Ms. Kanellopoulos said that a key step toward drafting the framework for an Equitable and Resilient Community was to develop and gather input on four big ideas. She said that to develop the big ideas, they used the community input heard during steps one and two of Phase I, equity and climate action lenses, Planning Commission input, goals in the current Comprehensive Plan, and best practices and research of other localities. She said that those big ideas provided a foundation for the four components of the draft framework. She said that during step three, they asked community members to share input on the big ideas, including if the big ideas reflected their vision of the community in 20 years, if they guided them toward a more equitable and resilient community, and what was missing.

Ms. Kanellopoulos said that the next slide summarized the feedback that they heard, which included housing affordability and accessibility comments about housing needing to be affordable to people employed in Albemarle and who wanted to live there, community members should be able to age in place and have housing accessible to all abilities, housing needed infrastructure to support it, and a concern that many community members who wanted to live in Albemarle County could not continue to do so.

Ms. Kanellopoulos said that on workforce development, they heard a need for opportunities for local residents and a variety of career-ladder jobs, a desire for more partnerships with schools, colleges, and universities, and more space and support for local artists, small businesses, and startups.

Ms. Kanellopoulos said that they heard that transportation needed to be more accessible, safe, and affordable and that having connections between places was not sufficient. She said that they heard especially that there needed to be connections between centers of activity and neighborhoods, that public transit needed to be more frequent, reliable, and accessible, and that there should be regional coordination on transportation networks and opportunities.

Ms. Kanellopoulos said that on protection and enhancement of natural resources, they heard a desire for enhanced tree canopy throughout the County, having clean and protected waterways, rivers, and streams, and concentrating development to keep natural areas protected.

Ms. Kanellopoulos said that they heard support for local food systems and community gardens, for equitable access to and distribution of resources, amenities, and services, and climate resiliency and climate action.

Ms. Kanellopoulos said that after hearing community input at their roundtables and online, there were several main takeaways. She said that there was substantial support for these big ideas and there were significant areas of common ground at this high altitude, despite potential disagreement on how they implemented the big ideas, and they would be able to come back to where they heard support for these big-picture concepts as they refined the goals, objectives, and strategies in upcoming AC44 phases.

Mr. Gavrilovic, Principal Planner with EPR PC, said that they had taken the community input gathered on these big ideas and put them into the draft framework as a culmination of Phase I. He said that the Board received a copy of this in their packets, so he would not go through all of it, but he would highlight the main points to show how it related to the current Comprehensive Plan and how it could be helpful for the next phase of this effort. He said that the purpose of the framework was to find common ground among the very diverse interests in the County so that they could move forward with a growth management policy direction.

Mr. Gavrilovic said that as they got into implementation and specific strategies, a lot of the common ground could divide and people could disagree on how they implemented one thing or another,

but they could go back to the principles embodied in the framework as they decided on that implementation. He said this created a foundation of community support that they could come back to when drafting these specific policies. He said that it also gave guidance on how they could incorporate the Board's priorities for climate action and equity into the Comprehensive Plan, and it supported the overall project goal that the Board had given to make the plan more user-friendly by consolidating similar content and creating a streamlined document.

Mr. Gavrilovic said as they mentioned, the framework was a bridge between Phase I and Phase II of this update. He said that Phase I was about growth management and incorporating the direction received from the Board, and Phase II was about turning that input into a policy direction for all of the different chapters of the Comprehensive Plan.

Mr. Gavrilovic said that he would give an overview of the four themes and a few of the points for each.

Mr. Gavrilovic said that the "Green and Resilient Community" theme related closely to the stable County-wide vision that had been around for quite a while and talked about a greener future with natural values of the rural areas being preserved, while also infusing more green networks into the development areas and new building practices. He said that most importantly, this theme hit on the important Board priority of developing a resilient future in the face of climate change.

Mr. Gavrilovic said that the next theme, Welcoming and Equitable Community, also related to one of the priorities for equity. He noted that the focus here was on both current and future residents, so there was a focus on equitable distribution of services for current residents, revitalizing older neighborhoods, as well as building more equitable and complete communities for the future.

Mr. Gavrilovic said that the Connected and Accessible themes related to much of what was heard in public comments. He said that there was a desire to have better connections throughout the County, especially for biking, walking, and transit. He said that it related to the themes of aging in place and equitable transportation choices for all ages and abilities, but it should be noted that this was not only connecting roads and trails but an aspect of connecting natural systems such as wildlife corridors and stream corridors.

Mr. Gavrilovic said that finally, the Thriving and Prosperous Community theme received substantial positive feedback from the public, and they heard a lot of input that the County needed to have well-paying jobs for existing residents and not only jobs that recruited outside talent. He said interestingly, people also commented on the interconnectedness of this theme with the others, so for living wage jobs to be provided, that must be coupled with supportive policies about good transportation options, and affordable housing for the workforce.

Mr. Gavrilovic said that was the framework as it stood, and he would discuss now how that framework related to the update of the Comprehensive Plan. He said the Comprehensive Plan had ten chapters, and each chapter had only one goal, but each goal had multiple objectives, and each objective had multiple strategies, resulting in a large number of total strategies. He said this was their current GOS, or Goals, Objectives, and Strategies. He said that he would like to talk about how they would refine this policy structure using the framework as a guide for this next step.

Mr. Gavrilovic said that the next slide reflected the overall framework and themes, and he had said before that this was the bridge between Phase I and Phase II. He said that in Phase II, using the public support they had heard for the framework themes at this relatively high altitude, to refine these GOSs and give them a stronger policy direction in each of the chapters. He said that it was important to remember the value of the framework for Phase II, because it was not only building a platform of common ground of input but also helping to infuse the plan update with the priorities for equity and climate action.

Mr. Gavrilovic said that they had begun to crosswalk some of the key concepts within each framework theme with the chapters of the current Comprehensive Plan, which was included in the Board's packet, so he would not go through it in detail. He said that it was a first step in how they might refine individual policies using this framework as a guide. He said that currently, the growth management chapter had one goal, one objective, and three strategies. He said that these were iterative in nature, reinforcing the County's vision for having these two basic areas of a development area and the rural areas. He said that they believed the framework could add considerable depth to these policies, keeping them but enhancing them with the major initiatives of equity and climate action. He said that was something they looked forward to working on in Phase II.

Mr. Gavrilovic said that in the other chapters of the plans, there were a few key points from each theme in the crosswalk.

Mr. Gavrilovic said that for the Green and Resilient theme, they anticipated that this provided direct guidance to chapters such as Natural Resources, as well as Cultural and Historic Resources, but it also related somewhat less directly to chapters such as Transportation and Parks and Recreation. He said that as with all the themes, it should give input into refining the policies for the development areas and rural areas.

Mr. Gavrilovic said the Welcoming and Equitable theme was something that was not readily evident in the existing Comprehensive Plan goals, so they anticipated using this framework to refine most of the Comprehensive Plan chapters under this, especially ones like Growth Management, Housing,

Community Facilities, and such.

Mr. Gavrilovic said that thirdly, the Connected and Accessible theme was an obvious direct relationship to things like Transportation and Community Facilities, but also Parks and Recreation, and as he mentioned, Natural Resources through natural corridors.

Mr. Gavrilovic said that finally, the Thriving and Prosperous theme had a direct relationship to Economic Development as well as to chapters such as Natural and Cultural Resources, looking at the County's economic assets, and as he mentioned, supportive policies such as Transportation and Housing.

Mr. Gavrilovic said that was a preview of the work ahead in Phase II with the Board's encouragement and approval.

Ms. Kanellopoulos said that at the September 27 work session, the Planning Commission provided several considerations for the final framework and recommended that the draft framework be forwarded to the Board for their input. She said that a summary of the Planning Commission's considerations for the framework was provided on the slide and included using Albemarle-specific language and examples, language on measuring and tracking success, language that clarified that this is what the County aspired to, acknowledging the potential conflicts in how they may be implementing the themes in this framework, and using more specificity when referring to the rural area, development areas, or both. She said that the AC44 team welcomed Board input on the draft framework and the Planning Commission's considerations, and they would update the framework based on the Board's guidance.

Ms. Kanellopoulos said that once the framework was finalized based on Commission and Board feedback, the final framework would be shared with the Board, and as they wrapped up Phase I, they would begin scoping Phase II to update the goals, objectives, and overall plan structure.

Ms. Kanellopoulos said that they had the following questions to guide the Board's discussion today, which were "Does the framework for an Equitable and Resilient Community provide guidance to support updating and drafting policies and action steps in upcoming AC44 phases, and if not, what was missing?"

Ms. Mallek said that she appreciated the crosswalk exercise, which gave her confidence and information about how things are being pulled from the old days and into the new, and obviously things are different now than they were 20 years ago. She said that many of the things that brought people here should be remembered for their long-term residents, as well. She said that she had already mentioned the housing element, in which calling it "affordable" did not tell what that meant, so finding a term, whether it was a term such as "attainable" or "sustainable," to mean more specifically what they were looking for.

Mr. Gallaway said that he was trying not to get involved in the work of the next phase. He said that what he had heard in the public comments was all the Phase II work, so he struggled to hear that the framework had to be more expansive, because the sheer nature of the framework meant that it should not be more expansive. He said that the expansive tools and strategies needed to be built within that, so the question was if the four categories were sufficient enough to let them get to that work, but they created that using climate action and equity to even get to that framework.

Mr. Gallaway said that he was not questioning the concerns they had heard, especially around climate action, but he struggled to understand what the results should be. He said that as a planning document that had to stand over time, it could not only be infused with whoever the six members were and their political priorities in the beginning, whether they were supportive or not of that. He said that he saw it as when they got to Phase II, the work that they did there would always hinge on if it was equitable and met what they were trying to accomplish with the climate action plan, along with other policies such as Housing Albemarle and Project ENABLE, which had to be used to inform.

Mr. Gallaway said that they were not calling out climate action and equity to the exclusion of their other guiding policies that they had in place to hit some of the other categories. He said that the framework got at what they were trying to do, and while people perhaps thought that the framework should have gone further, he would expect that they would pay attention to the work that they did in Phase II as these items were worked through to hold them to account there. He said that they likely were more interested in that work than necessarily in the guiding framework. He said that he was satisfied that the four themes that had been developed were going to get them to what they needed to do relative to what they thought their long-term priorities were. He said that he did not think anything was missing.

Mr. Andrews said that he disagreed with some of this. He said that he did not want to get into Phase II, but he did think that climate and equity were overarching goals that they expected to see in everything as they went forward to these big ideas, and they were part of the big ideas. He said that the one he did not see was the climate vulnerability and risk assessment, which pointed out that they were worried about climate change for a reason, and the reason included the combination of potential extreme heat, drought, wildfire, flooding, pests, diseases, and things that would be impacting their future in a major way. He said that he would want to see in this document more recognition that addressed those risks, because if they did not use the next 20 years to address this, things would get really bad.

Mr. Andrews said that the Green and Resilient Community was hitting on some really high points, but it did not touch on the fact that they were doing this because of those risks. He said that it was not just about becoming carbon neutral, but it was about addressing the risks that they faced. He said that for the

Welcoming and Equitable Community, they would have to see their transportation infrastructure become less automobile-centric, so that would be an important part of their twenty-year vision. He said that again, the Thriving and Prosperous Community could not be separated from climate risks, and the equitability of their housing was an important part of the Welcoming and Equitable Community.

Mr. Andrews said that he agreed that there was clearly a conflict between trying to keep the scale of the neighboring communities and still developing it at a density that would meet their needs, but he fortunately saw that what was described said that they had the capacity to meet their needs in terms of development areas, and they did not need to go into the rural areas but protect them and recognize their importance, particularly for climate resilience.

Ms. Price said that she appreciated Ms. Kilroy and her office's role in allowing the engaged community to participate in this. She said that the number of responses that they had received had been tremendous, and she wanted to acknowledge the work done to make sure the community was able to participate in this process. She said that she would largely adopt the words of Supervisors Gallaway and Andrews in the areas in the next phase that they would see more clearly. She said that the vast majority of communications they had received since the agenda was published was with regard to climate concerns and issues, so their community was very engaged and very concerned about that. She asked if further direction was required by the Board.

Ms. Kanellopoulos said that she did not believe so.

Mr. Gallaway asked Mr. Andrews what the proposed change to the framework would be if they were not satisfied with what was there.

Mr. Andrews said that he saw the framework as something they would be looking to as they went forward, recognizing that climate change and its associated risks needed to be a part of that framework when they talked about a Green and Resilient Community.

Mr. Gallaway asked if it was a language change. He said that the PEC recommended putting a preface in. He said that they were adding words to something that was supposed to be a culminating framework.

Mr. Andrews said that he believed that some of the words relating to the risks that they needed to be aware of in the big ideas were missing.

Mr. Gallaway asked to see the framework with the four themes again. He said those were the four themes. He asked to see how they got to the framework. He said that was the highest-level view of the how the draft framework came to be. He said there were two words for each section, and it did not seem that any of those labels were problematic. He asked to see the slide that laid out the themes. He asked Mr. Andrews if there should be stronger advocacy in these descriptions for the overarching labels.

Mr. Andrews said that for the reason why they were addressing climate risks.

Mr. Gallaway asked if that should be addressed in each section.

Mr. Andrews said that yes, primarily in the Green and Resilient Community, but they were all affected by this. He said that these risks were very real.

Mr. Gallaway said that he was not going to debate that they were not great risks, but for putting a planning document together, there was a climate action plan, and some people felt that that was the highest priority plan, and others felt that the equity lens was the highest priority. He said that there were those constituents who would say that the affordable housing and Housing Albemarle was the highest priority. He said that Project Enable, the Economic Development approach, that different constituencies could go to that, and he was not disputing that climate action should be the higher priority over all of those, but each of those plans had a rationale for why the plans had been developed in the way they had been, so when they were building a document and went through all the different chapters, they would look to all of those policies to say with good reason that this was why they were putting in these elements, which they would have to work through. He said that he struggled with taking one of those items and saying that that was the highest priority out of all of these when they had never had that discussion. He said that they had never compared the climate action plan to Housing Albemarle in a prioritization.

Mr. Andrews said that he was not trying to say that they did not have all of these priorities, but that they had to recognize the risks associated with climate change in connection to all of these priorities.

Mr. Gallaway said that his point was that all of that was in the climate action plan.

Ms. Mallek said that there were a lot of words, but not a lot of action in there yet.

Mr. Gallaway said that aside from the action, they were identifying the risks of why the plan was built within the climate action plan. He said that he did not want to get off track by suggesting that they had to build that language in this plan too when they had already done that work in the plan itself. He said that he was trying to understand the point. He said that if it was just to say that their next Comprehensive Plan needed to be prefaced with the danger and risk, they should discuss that and figure out where they fell on that, but otherwise, he did not understand how they got through all of these chapters without letting these plans live in and of themselves, because each of their rationales would be important to each

chapter as they worked through it. He said that he would continue to work on his understanding of this.

Ms. Mallek said that she agreed and appreciated all of that. She said earlier, when showing equity and climate change as they were moving into this, those were two elements that had not been addressed at all or sufficiently in 2015, and months ago, Mr. Rapp had said that that would be built into all the sections, so she was looking for that. She said that it also brought to mind that in a past plan, the workforce was the foundation for carrying it out, so it did not matter what they were doing for policies if they did not have the ability to have an operating local government.

Ms. Mallek said that in this one, none of these four things mattered if they did not solve climate change, so perhaps a statement at the beginning or in each of these would tell them that this was survival they were talking about. She said she had no perfect suggestion, but she thought that it was everywhere and that they hadn't made it clear that it was everywhere yet.

Mr. Andrews said that the slide that had the crosswalk for the Green and Resilient Community. He said that he understood that these were the 2015 plan goals, but there was no arrow between Green and Resilient Community and Growth Management, which he thought was an important example of where they could not go. He said that they could not look at growth management without considering a Green and Resilient Community, and to the extent that there was no arrow there in 2015 meant that should be rectified.

Mr. Gallaway said that he did not disagree, but that was part of the Phase II work and not part of the work of the framework. He said that the public comment alluded to the framework being insufficient, and he struggled to understand the point of why it was insufficient, because he heard all the things that had been called out as being something they would find in the Phase II work and not because the framework lacked.

Ms. Price said that that was helpful.

Agenda Item No. 13. **Closed Meeting.**

At 4:28 p.m., Mr. Andrews **moved** that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under subsection (5), to discuss the expansion of an existing industry in the western part of the county where no previous announcement has been made of the industry's interest in expanding its facilities in the community; and
- Under subsection (7) to consult with legal counsel pertaining to actual litigation against the Albemarle County Department of Social Services and to probable litigation related to a claim arising from damage to private property.

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, and Ms. Price.

NAYS: None.

ABSENT: Ms. McKeel.

Agenda Item No. 14. **Certify Closed Meeting.**

At 6:01 p.m., Mr. Andrews **moved** that the Board of Supervisors certify by a recorded vote that, to the best of each supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting, were heard, discussed, or considered in the closed meeting.

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

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

NAYS: None.

ABSENT: Ms. McKeel

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

Mr. Jeff Richardson, County Executive, said he appreciated the support from the staff and the Communications and Public Engagement (CAPE) Office to get the information to be presented this evening. He said that Albemarle County had received a Distinguished Budget Presentation award from the Government Finance Officers Association (GFOA) for the current fiscal year period. He said that this was based on an examination of their budget by a panel of independent reviewers and was the highest form of recognition in government budgeting. He said its attainment represented a significant achievement by their organization, and he would like to tell the Board anecdotally that Mr. Bowman and his team worked hard each year to make sure that the document was continuously improved in the eyes

of the community. He said that they continuously looked at it to see what might be better explained to the community if they were relying on the document for information.

Mr. Richardson showed a picture of Albemarle County's Climate Program staff, who were recognized a week ago with the Community Changemaker Award by the community climate collaborative. He said that it was in recognition of the efforts to implement the County's Climate Action Plan. He said Gabriel Daily, the Climate Program Manager, was joined by Greg Harper, Elizabeth Jones, and Serena Gruia. He said that they all played a role in this work, and C3 also recognized the leadership of the Board as committing to be carbon neutral by 2050, only one of 60 localities in the country to do so.

Mr. Richardson said that Melinda Crawford, the CEO of the Charlottesville-Albemarle Airport Authority was present here last month to give information to the Board about how CHO had worked to sustain their much-needed regional airport throughout the pandemic. He said that he recently learned coincidentally that she had received the Virginia Airport Manager of the Year Award for 2022; the Virginia Department of Aviation selected her for this award based on her outstanding achievements while managing the CHO Airport.

Mr. Richardson said that on the last Friday in September, they held an employee appreciation event to thank staff for their service. He said that many Board members attended that day, and he was appreciative they took the time to be there and help run the event and visit with staff. He said that they fed between 150 and 200 people that day, and Mr. Henry and Mr. Walker cooked, with a tremendous amount of support from the County Executive Office's staff and Facilities and Environmental Services. He said they did a great job supporting the work that day, and it was fun to see employees have lunch and celebrate camaraderie.

Mr. Richardson said that some of the things they celebrated included over 21,000 people swimming at their lakes, the police responding to almost 7,300 calls for service, and initiating almost 12,000 service calls. He said that 530 people in their community took a broadband speed test to support future broadband project planning. He said that Child Protective Services (CPS) responded to 858 referrals for services this summer.

Mr. Richardson said that IT resolved almost 2,900 help desk tickets to support all of the meetings in this building and others. He said that both career and volunteer Fire and Rescue staff responded to almost 4,600 calls for service, and over 1,100 people in their community attended a virtual hybrid public meeting this summer. He said that the Fire Marshal completed 550 permits and inspections, the Assessor's Office completed almost 7,300 real estate inspections, and over \$88 million in planning, design, and construction projects were managed by their Facilities, Planning, and Construction team.

Mr. Richardson said that over that summer, they managed over 1,100 active cases in adult protective services at the Department of Social Services. He said that the County hosted and supported nine events in the community, and they scooped 520 snow cones. He said that there were nearly 2,000 calls about personal property tax received and responded to by the Office of Revenue Administration. He said that 338 people listened to "Let's Talk Albemarle," the County's new podcast. He said that this was data to show that that summer was busy, that the County staff worked in so many incredible ways to support their community, and he wanted to thank every staff member who worked so hard.

Mr. Richardson said the previous week, Lane Auditorium hosted 240 9th-grade students from Western Albemarle High School. He said they spent an hour with each group discussing local government, what services local government provided, and what inspired staff to commit to careers in public service.

Mr. Richardson said the students were interested in what the County did with climate action planning. He said there were several questions back and forth, and they informed the students how their voices could be added to local government. He said that student input was solicited to help name the street sweeper. He said the naming would undergo a public process.

Mr. Richardson said the principal of Western Albemarle was committed to students learning about local government. He noted it was the first field trip many students had been on since before the pandemic.

Mr. Richardson noted the recent achievements by Albemarle County Public Schools (ACPS). He noted the Class of '22 graduation rate exceeded the state average at 94.3%. He said 64% of the graduates received advanced studies diplomas compared to 53% statewide. He said the on-time graduation rate average in the County exceeded state averages for specific demographics, including Black students, Hispanic students, students with disabilities, students from economically disadvantaged homes, and students who spoke another language at home.

Mr. Richardson said he visited Scottsville Elementary School which he had not visited since the addition. He said he visited for over two hours, and he visited 1st, 2nd, and 5th-grade classes. He noted the students were engaged, worked hard, and were polite.

Mr. Richardson said he visited Mr. Bond's math class. He said the class was solving a math problem related to how much mulch to purchase for the playground. He noted a playground was to be constructed at the school, and the students were marking out the site to figure out how much mulch to use and what the cost would be. He said every child had a laptop computer.

Mr. Richardson said Mr. Henry did a ride-along with CPS. He said the slide depicted a training with Ready Kids, a nonprofit that provided counseling, family support, and early learning opportunities to try to set children up for long-term success. He said the training was presented by Foothills Advocacy Center and CPS, and the training shared the six types of child maltreatment, cues to spot maltreatment, how mandated reporters can meet obligations for reporting protocols, and how the processing of reporting and investigation worked.

Mr. Richardson noted many professionals who worked with children were considered mandated reporters. He said anyone concerned about a child's welfare could make a report by contacting the Department of Social Services.

Mr. Richardson noted County police rolled out a virtual reality training system in September. He said the training system would allow the police department to simulate an infinite number of different training scenarios to better prepare officers for real-life de-escalation, mental health, non-use of force, and use-of-force incidents.

Mr. Richardson said each scenario could be scaled based on the reactions of the officers to create multiple outcomes. He said the training system could be used at COB-5 and at other locations. He noted increased ammunition costs were a serious supply chain issue, and the virtual system was a cost-effective training method. He said the Albemarle County Police Foundation supported the funding of the equipment.

Mr. Richardson said the year's theme for Fire Prevention Week was, "Fire Won't Wait, Plan Your Escape." He said it was the 100th year of Fire Prevention Week. He said the week kicked off with attendance at local Friday night football games throughout the County. He said they spoke to attendees from all three high schools. He said Albemarle County Fire Rescue (ACFR) was the game sponsor at Monticello High School, so they were present at center field for the coin toss and read fire safety messages throughout the game on the loudspeaker.

Mr. Richardson said they chose three strategic locations to set up and speak to patrons. He said the locations included Great Value in Crozet Market, the Hollymead Target, and the Crossroads Store in North Garden. He encouraged people to develop a fire escape plan.

Mr. Richardson announced Community Day would return to Simpson Park. He said the event attracted several hundred attendees the prior year. He noted Simpson Park was located in Esmont, across from the Yancey Community Center. He said the event was planned for October 22, the following Saturday. He said there would be sports, crafts, food, and the day would end with a movie in the park. He said the movie feature would be "Encanto."

Mr. Richardson said the second Halloween safety trunk-or-treat would be hosted at Claudius Crozet Park. He said the event would feature safety messages and candy. He said the event was hosted on Thursday, October 27 from 5 p.m. to 8 p.m.

Ms. Mallek congratulated the Finance team for many years of exceptional accomplishment with the GFOA.

Ms. LaPisto-Kirtley noted the work staff was doing for the residents and children in the County. She said the school system was wonderful.

Mr. Gallaway noted the FES (Facilities & Environmental Services) report on the Consent Agenda stated the street sweeper had been purchased.

Mr. Andrews congratulated and thanked staff for the great job they were doing.

Ms. Price stated she was in the Sorenson Institute's Political Leadership, and they traveled around the Commonwealth every month to a different location. She noted the local event with the high school students. She said all the jurisdictions they visited were doing the same; going to the schools to let students know early on the options and opportunities for employment. She said if the County did not do the same, they were missing an entire opportunity.

Ms. Price noted the virtual reality trainer for the Police Department. She said she visited the state patrol training facility earlier in the year with the Sorenson Institute. She said the virtual trainer allowed officers to see in real-time how quickly a situation can escalate and allowed them to learn how to de-escalate the situation in a nonlethal manner. She said when the situations actually arose, the officers were prepared.

Ms. Price said one yard deep was too deep for mulch and that it should be two to four inches deep.

Agenda Item No. 9. **Action Item:** SE202200044 Vertical Acres Homestay.

The executive summary forwarded to the Board states that the applicant is requesting a special exception for a homestay at 903 Hammocks Gap 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.

Mr. Andrews clarified the special exception was to allow the owner's father to serve as a resident manager, and it was not determining whether a homestay was allowed or not.

Ms. Price said that was right. She explained it was a by-right use, and the only issue before the Board was whether to approve a resident manager.

Ms. Mallek asked if there were different owners or if the family situation changed, whether the homestay continued or was particular to the current ownership arrangement.

Ms. Price responded it went with the land. She said if it was approved, then it went with the land. She said it was not limited to the particular owner of the property.

Ms. LaPisto-Kirtley **moved** to adopt the Resolution to approve SE202200044 Vertical Acres Homestay, as presented in Attachment F. Mr. Gallaway **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: Ms. Mallek and Ms. Price.

ABSENT: Ms. McKeel.

**RESOLUTION TO APPROVE
SE2022-00044 VERTICAL ACRES HOMESTAY**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE2022-00044 Vertical Acres 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 proposed 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 Vertical Acres Homestay, the Albemarle County Board of Supervisors hereby approves the special exception to permit a resident manager to fulfill the residency requirements for a homestay use.

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

There were no speakers signed up.

Agenda Item No. 17. Public Hearing: ACSA202200003, 3756 Richmond Rd (Former Moose Lodge Building).

PROJECT: ACSA202200003, 3756 Richmond Rd. (Former Moose Lodge Building)

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL 079A1-00-0B-02700, 079A1-00-0B-02500, and 079A1-00-0B-025A0.

LOCATION: 3756 Richmond Rd., Keswick 22947

PROPOSAL: Request to amend the Albemarle County Service Authority Jurisdictional Map Boundary to designate 079A1-00-0B-02700, 079A1-00-0B-02500, and 079A1-00-0B-025A0 for water service (5.87 ac.)

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).

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

The Executive Summary forwarded to the Board states that The applicant has applied for ACSA Jurisdictional Area designation to allow water service on the site of the former Moose Lodge building, located on the north side of Richmond Road/Route 250, approximately ¼ mile east of the entrance into Glenmore (Glenmore Way). The site is designated Rural Area in the Comprehensive Plan and is in the Scottsville Magisterial District. Richmond Road (Rt. 250) in this area forms the boundary between the Rivanna Village Development Area (south side of Rt. 250) and the Rural Area. The site is zoned Rural

Areas (RA), consistent with its Rural Area land use designation in the Comprehensive Plan (Attachments A & B).

The site has been subject to both water quantity and quality issues for several years, as documented in the application, including the supporting consultant's report and previous information from the Virginia Department of Health (VDH) (Attachment C). There have been both water quantity and quality issues from multiple existing wells. The existing building has been unoccupied, except for occasional storage use/activity, since 2015 due to water service issues. A church currently has a contingency contract to purchase the property with the intent to locate long-term on this site and initially use the existing building for religious assembly use/activities.

The Comprehensive Plan's Community Facilities chapter provides the following guidance concerning delineation of the ACSA Jurisdictional Area and the provision of service in/to the Rural Area:

Strategy 9a: Continue to provide public water and sewer in jurisdictional areas. Water and sewer jurisdictional areas ensure the County's Growth Management Policy, Land Use Plan, and Develop Area Master Plans are implemented by guiding the direction of public utility placement. The areas also permit these services to be provided in a manner that can be supported by the utility's physical and financial capabilities. The jurisdictional areas are those portions of the County that can be served by water or sewer service, or both, and generally follow the Development Areas boundaries. Delineation and adoption of utility project jurisdictional areas by a local governing body is provided for in Virginia Code §15.2-5111. The boundaries of the Development Areas are to be followed in delineating jurisdictional areas. Change to these boundaries outside of the Development Areas should only be allowed when: (1) the area to be included is adjacent to existing lines; and (2) public health and/or safety is in danger. (p.12.29-30)

This application meets the two criteria established in the Comprehensive Plan for extending service to sites in the Rural Area. In terms of adjacency to existing lines, water lines have been installed adjacent to this site, across Richmond Road in a development under construction in the Rivanna Village development area (approx. 300 from the Moose Lodge parcel). The existence of service lines on properties across a street from a property subject to a request has been considered to meet the "adjacency" criteria in past ACSA JA reviews.

Regarding the health and/or safety criteria, VDH has evaluated the site. The information submitted by the applicant and the Department's past experience with this site has resulted in the following additional comments (Attachment C):

- The Health Department has issued numerous well construction permits and the area does not seem favorable as a reliable groundwater source.
- Numerous wells drilled on this property are typically very low yielding.
- Additional proposed wells drilled on the property may create issues with required setbacks if a drainfield repair permit is warranted.
- The Health Department has issued numerous Notice of Alleged Violations associated with water quality and unsatisfactory test results.

Based on the information provided by the applicant and the VDH, staff believes that the health and/safety criteria have been met. The existing issues with available water on-site apparently cannot be addressed long term by drilling additional wells. Extension of public water service is the most viable solution.

Because the existing building is located only on Parcel 079A1-00-0B-02700, there is no building or use on Parcel 079A1-00-0B-02500, and Parcel 079A1-00-0B-025A0 is not subject to a safety concern, staff recommends that water service be provided only to the parcel with the existing building. Given the current condition and character of the structure, staff would recommend that site be designated for limited service, with water service permitted to the existing structure (or its replacement). This designation would allow either the existing building or a new replacement building to be connected to water service.

There is no direct budget impact from this request. The property owners would bear the cost for water and/or sewer connections.

Staff recommends that the Board approve an amendment to the Albemarle County Service Authority Jurisdictional Area to designate Parcel 079A1-00-0B-02700 for Limited Service-Water Service to the existing structure (or its replacement).

Mr. David Benish, Development Process Manager, said the request was to provide water service to two adjacent parcels, addressed 3756 Richmond Road. He said one parcel was 3 acres and contained one structure, the former Moose Lodge Building. He said the second parcel was 2.8 acres and was vacant.

Mr. Benish said the parcels were designated as rural area (RA) in the Comprehensive Plan, and the property was zoned RA. He said the request was not associated with any other request for a change in the Comprehensive Plan designation or any rezoning request. He said there was a potential use for a church on the site.

Mr. Benish referenced a map that showed the location of the parcel, highlighted in yellow, just north of the Rivanna Village, as well as an aerial of the site showing the existing building on the slightly larger parcel that fronts Route 250, Richmond Road.

Mr. Benish said the Comprehensive Plan policy for providing water and sewer service in the County was first and foremost focused on providing water and sewer only to the development areas. He said the recommendation was for jurisdictional amendments to follow the designated development areas identified in the Comprehensive Plan.

Mr. Benish said for parcels in the rural area there was a policy to only allow changes to the jurisdictional area outside the designated development areas in cases where the property was adjacent to existing lines, and there was a public health or safety issue.

Mr. Benish said the purpose of the policy was as a growth management tool for implementing Comprehensive Plan recommendations. He said the policy reserved and used costly and limited resources and treatment capacities to help serve the areas designated for development.

Mr. Benish said the policy recognized extending utilities to the rural area could be a catalyst for future growth and allow development on properties beyond what could be served by a private well and septic system. He said typical actions on approved RA (Rural Area) zoned properties were to limit new service to the existing structures which limited any intensification of the use onsite and any development potential.

Mr. Benish said the site had both water quality and quantity issues for several years. He noted quantity was the primary issue. He noted the applicant provided supporting information from a consultant, and comments from VDOT were provided as well. He said the information documented a long history of problems with service in the area. He noted there were concerns with additional well-drilling because it could impact the locations for future septic systems.

Mr. Benish explained the waterline was installed across Richmond Road within the Rivanna Village Development. He said the existing line was approximately 290 feet to 300 feet from the subject parcel. He said the availability across a street was consistent with prior findings of adjacency for jurisdictional area amendments.

Mr. Benish said the ACSA provided a generalized map of the existing line. He noted that the parcel was immediately across from Richmond Road. He said he would cover relevant policies and previous actions taken by the Board due to comments from the public.

Mr. Benish stated in 1990, there was an amendment to the Comprehensive Plan establishing the Village of Rivanna, and there was a recommendation to use the capacity of the waterline to serve the Village of Rivanna and reserve it for that development area and the Stone Robinson School. He said the recommendation was reflective of the jurisdictional policy in effect.

Mr. Benish explained since the time of the recommendation, the policy had been applied to new development proposals and non-health and safety issue-related requests. He said there had been several denials for those applications, but that applications with documented health or safety conditions had been approved by the Board since the early 1990s.

Mr. Benish explained that after the Village of Rivanna was established, there had been five requests allowing water and sewer service based on health and safety conditions, and there had been three denials due to a lack of health or safety conditions.

Mr. Benish said there was an approval for Clifton Inn in 1995 to provide service to the existing structures because of quantity and quality issues. He noted another was at GOCO Oil Gas Station, which was no longer operational, and was adjacent to Route 250 north of the Milton Road intersection. He said the approval was in 1995 for a one-acre parcel. He noted there was MTBE, a fuel additive, contamination on the wells.

Mr. Benish said the Hawkins Parcel and John Chavan Parcel were two small residential parcels at the intersection of I-64 and Route 250, and both had quantity and quality issues and were granted service only to existing structures. He said the Michie Parcel was adjacent to the GOCO Oil Gas Station site, and they were also subject to water quality and some quantity issues.

Mr. Benish said a denial was for A.G. Dillard at Hunters Hall to serve a commercial structure with no identified health or safety issue. He noted a request from Clifton Inn that was denied was to serve additional lots that were available in the PRD zoning on the property.

Mr. Benish noted there had been other submittals on the Clifton Inn property area, but they had been withdrawn, so there was no Board action. He noted there were submittals in 2011 and 2013 that were withdrawn. He said the VDOT residency office on Route 250 was denied a request in 2017. He said they had foul-tasting copper-laden water and pipe corrosion, but the health department determined there were no health issues related to the taste, so the request was denied.

Mr. Benish said both health and safety criteria and adjacency criteria for the waterline had been met. He said RA parcels were typically approved with water only to existing structures. He said staff recommended the designation be water only to the existing structures or their replacement. He said the replacement language was to allow the structure to be replaced due to its age and construction characteristics. He said the intent was the replacement of one structure and not an additional structure.

Mr. Benish said of the two parcels part of the initial proposal, the designation was recommended to apply only to the parcel with the structure. He noted the other parcel was vacant, so there were no health or safety issues. He said the recommendation was to amend the jurisdictional area for TMP 79-A1-00-0B-02700 for limited-service water only to the existing structure or its replacement.

Ms. Mallek asked if an easement would be needed to connect in Glenmore.

Mr. Benish responded the applicant would have to seek some sort of easement or purchase a property. He said it was the obligation of the property owner to accomplish that.

Ms. Mallek said she was confused about the health and safety impacts. She noted there was no contamination element.

Mr. Benish said the primary issue was the quantity and the difficulty of maintaining a level of quantity. He said the health department was concerned additional well-drilling may impact future septic system locations. He said there was an attachment from the health department of a report from 2015 that cited some quality issues with the water. He noted there were also violations of management issues. He reiterated the focus was quantity.

Ms. Mallek said quantity depended on the use as to how much was insufficient. She said the policy had been for the existing use or residence, and the proposal before the Board was different than before.

Mr. Benish said the proposal was providing service to the existing structure, which under the RA zoning would have those uses permitted to it. He said the proposal was intended to provide service to the existing building on the parcel.

Ms. Mallek said the Board could clarify the condition by clarifying the square footage that could be replaced.

Mr. Benish said if the concern was that there would be a structure or use that would be more intensive than the square footage of the existing space, then it could be controlled by an addition to the condition.

Ms. LaPisto-Kirtley asked if the proposal was for water and sewer or water only.

Mr. Benish said it was just for water.

Mr. Andrews asked for clarification on how "replacement" was interpreted.

Mr. Benish said it was typically interpreted as the same building, but without clear codification, if there was concern about the replacement building being larger, the Board would want to add a condition or expectation to that. He said they did not deal with commercial buildings in the RA often. He said many in the rural area had access to them already. He said with residential units, they were less concerned with building size because it was ultimately one dwelling. He said if there was concern the replacement building for a commercial property would become larger and more intensive, then they could limit the size to similar square footage.

Mr. Andrews asked for a suggestion as to how to phrase the condition.

Ms. Price echoed the previous comments regarding a comparable replacement structure. She said since the proposal was for water only, the site would have to meet septic requirements.

Mr. Benish said that was correct.

Ms. Price noted the septic requirements were based on the size of the building and the expected use.

Ms. Price opened the public hearing and invited the applicant to speak.

Mr. Garrett Smith, PLLC, said he represented the property owner, Southern Property Management and Maintenance LLC. He said the property owner acquired the property at foreclosure after the Moose Lodge had shut down. He said from 2003 to 2015, according to the Virginia Department of Health's (VDH) water quality summary report, there were 121 violations on the property. He said some of the violations included contaminated water.

Mr. Smith explained there was a waterworks permit, and the Moose Lodge was unable to manage the permit requirements. He noted there were quantity and quality issues. He said at some point in 2015, the VDH withdrew the permit, causing a loss of the food services permit. He said since that time, the Lodge was unable to pay the mortgage or maintain membership, so it closed and was foreclosed on.

Mr. Smith said his client acquired the property and had been unable to use it or develop it. He said there were significant problems with investing in a property when there was no water. He said the applicant sought to sell the property. He said a year ago, they received a contract from the church, and representatives from the church were present at the meeting. He said the contract did not close because

the property seller did not have water, so they were unable to provide what they had promised.

Mr. Smith said during contract negotiations, the applicant pursued well-drilling as a possibility. He said an engineering firm was hired, Stantec. He said the engineer noted there were already four well sites, and none created sufficient supply or potable water. He said they eventually found a location on the site which was approved by the VDH. He said they drilled 400 feet and got no water.

Mr. Smith said the engineer's report identified a schist stone that did not allow permeability or much water. He said the report was included in the Board's materials, and it recommended pursuing public water since it was adjacent to the waterline. He noted the report stated the site was likely unable to get water at that location.

Mr. Smith requested the Board consider the proposal within the documented exceptions. He said there were health risks to using the existing supply. He noted the supply did not serve the building. He said the building was designed to be a social club with a large dining and meeting area which was well suited for church use. He said they requested the replacement structure language be considered because if the church bought the land, then they should be able to build a more suitable but comparably sized structure.

Mr. Smith said a replacement structure would not represent a significant change in the burden on the water supply. He said the use would not have an intensive daily use. He said the use would be regular and periodic worship meetings for the congregation, comparable to the social meeting use of the Moose Lodge.

Mr. Smith said they were requesting the Board to allow the property to resume the former type of use that used to occur. He said it was by right to operate a church or social club in the rural area, and because the parcel was adjacent to water and there were health concerns, they requested the Board to consider the expansion of the jurisdictional area to permit water service.

Mr. Smith said if there were questions regarding the potential use that the representatives of the church could answer them. He clarified they were not under contract, but they had a letter of intent. He said he believed they would never reach a contract without water, and the parcel was likely to remain unused until it was available.

Ms. Mallek noted many of the parishes in her district operated daycare services or preschools. She asked if the church had any intention to expand into those types of services.

Mr. Smith said he would defer to the purchaser's representative, Mr. Bill Atwood, the architect for the purchaser.

Mr. Bill Atwood said he was present with other representatives from the church. He said he was the architect for the church. He noted the pastor was present with his associates along with the consultant.

Mr. Atwood said the church was designed to be within the existing structure. He said the decision came from negotiation and commitment from the County that if they stayed within 200 people and within the church, then the development was by-right. He said they would honor the existing site conditions. He said he assumed there would be a daycare.

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

Ms. Mallek said she had adhered to the County policy regarding earlier decisions. She said she would support the proposal if there was language in the permit stating the structure was not to exceed the current square footage as a way to prevent a re-commercialization of the lot and to limit the water to the existing structure.

Ms. Mallek said buying a property with capacity issues and then expecting the rules to change to make greater value was troubling.

Ms. LaPisto-Kirtley asked if the suggested conditions would be added.

Mr. Benish said they would. He said he could work with the County Attorney.

Mr. Rosenberg said he had emailed a draft motion to the Board that would incorporate the concepts that had been discussed concerning the square footage of a replacement structure.

Mr. Gallaway noted the uses were comparable in terms of the number of people and frequency of use, including the ability to probably provide food for community events. He said he was fine with the replacement structure language but understood the concerns related to limiting the square footage, so he would support the changes.

Mr. Andrews said there was an expectation the property would become a church. He asked what steps an owner would have to take to change the use if the proposal were approved.

Mr. Benish said the use would be subject to what was permitted under the RA zoning, and

anything within the building was the subject of the action. He said the one parcel with the one building was eligible for water service regardless of the use. He said the permit was providing service to the building, not the use, and it could serve any number of uses permitted by the rural area zoning.

Ms. Price clarified that it could be any use authorized within the RA.

Mr. Benish responded the use could be by-right or by special permit, which would require Board review. He said churches with congregations over 200 people required a special use permit.

Ms. Price said a school use would require further review from the Board.

Mr. Benish said most of the uses subject to a special use permit would have to receive Board review. He said that included schools and daycare.

Ms. Price noted it may have been a non-conforming use that was grandfathered in but would no longer be grandfathered in because of the change of use, and it would be subject to the zoning laws as they exist today.

Mr. Benish said this was not a place in the RA with legacy zoning. He said the zoning was consistent with the RA recommendations in the Comprehensive Plan.

Ms. Price noted she was initially concerned about the application due to concerns over expanding water usage in the RA. She said that based on the application and the information provided by staff, the proposal was an opportunity to eliminate an abandoned, dilapidated building for an exceptional use. She said the proposal fell under the authorized exceptions which would allow the proposal to be approved based on health and safety issues. She said she supported the proposal.

Mr. Rosenberg said he had emailed the proposed motion to Mr. Smith.

Ms. Price said she would read the revision before making the motion. She said there was a proposed motion in the materials, but the last paragraph was to be modified. She said the last clause of the resolution would read, "designate the parcel number for Limited Service-Water Service to the existing structure or its replacement provided such replacement is not an enlargement or expansion of the existing structure."

Ms. Mallek asked if the language regarding the size limitation was clear. She noted it did not include a specific square footage, and she would not support additional stories of the same size being added to the building.

Mr. Rosenberg said that was how the language would be interpreted.

Mr. Benish noted the structure was only one story, so the square footage limitation was not necessary because they could calculate the square footage by measuring the footprint of the existing structure.

Ms. Price said the language regarding no enlargement or expansion limited the size.

Mr. Smith said the applicant did not want to be limited to the footprint but rather the square footage. He said they wanted the flexibility to shift or realign the building, as long as they're not creating more square feet.

Ms. Price said the applicant would not be limited to the existing footprint, but they would be limited to the size of the building. She said the building shape could be changed, but it could not be larger in total square footage than what currently existed.

Mr. Smith said that was fine, and they appreciated the change.

Ms. Price **moved** that the Board adopt the proposed Resolution (Attachment E) as amended, to approve ACSA202200003 3756 Richmond Rd. (Former Moose Lodge) for Parcel 079A1-00-0B-02700, with the last clause of the resolution revised to read as follows:

"to designate Parcel 079A1-00-0B-02700 for Limited Service-Water Service to the existing structure (or its replacement, provided such replacement is not an enlargement or expansion of the existing structure)."

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

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

NAYS: None.

ABSENT: Ms. McKeel.

**RESOLUTION TO APPROVE
ACSA202200003 3756 RICHMOND RD. (FORMER MOOSE LODGE)
FOR PARCEL 079A1-00-0B-02700**

WHEREAS, as part of application ACSA202200003 (ACSA 2022-03), the owner of Parcels 079A1-00-0B-02700, 079A1-00-0B-02500, and 079A1-00-0B-025A0 has applied to amend the Albemarle County Service Authority (ACSA) Jurisdictional Area to approve those parcels for water service; and

WHEREAS, on October 19, 2022, the Albemarle County Board of Supervisors held a duly-noticed public hearing on ACSA 2022-03.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for ACSA 2022-03 and all of its attachments, the information presented at the public hearing, any comments received, the factors relevant to the ACSA Jurisdictional Area in Chapter 12.1 (Community Facilities), Strategy 9a of the Albemarle County Comprehensive Plan, and the Comprehensive Plan's Growth Management Policy and Land Use Plan, the Albemarle County Board of Supervisors hereby approves an amendment to the Albemarle County Service Authority Jurisdictional Area, as authorized by Virginia Code §§ 15.2-2111 and 15.2-5111, to designate Parcel 079A1-00-0B-02700 for Limited Service-Water Service to the existing structure (or its replacement, provided such replacement is not an enlargement or expansion of the existing structure).

Agenda Item No. 18. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Mallek said she would forward links from some meetings to the Board. She said the Virginia Association of Counties (VACo) Arts and Culture Committee discussed research projects focusing on the arts and economic prosperity. She said when people traveled across County lines, 69% of the time the purpose was for the arts. She said the arts communities in the County had struggled, so she encouraged the inclusion of their successes and contributions in future deliberations.

Ms. Mallek said Dakota County, Minnesota had a volunteer arts commission, and several states had arts commissions in similar organizations to VACo. She said she would consider ways to organize the arts stakeholders into an advisory committee.

Ms. LaPisto-Kirtley announced they received a booklet addressing climate vulnerability and risk assessment. She requested a presentation be given on the booklet by staff to the Board.

Mr. Gallaway announced that March 24, 2023, a Friday, would be the Regional Housing Partnership (RHP)'s conference. He said one was held prior to the pandemic. He said the upcoming conference was titled, "Coming Home," and it would be a day-long event with presentations on housing. He said more information would be provided closer to the conference date. He noted the prior conference was well attended by several stakeholders in the region. He said it was currently in the planning stages.

Ms. LaPisto-Kirtley asked where it would be held.

Mr. Gallaway said it would be held at the Omni Hotel.

Mr. Andrews noted that at the TJPDC (Thomas Jefferson Planning District Commission) meeting, it was noted that many jurisdictions were concerned about affordable housing. He said the conference would be educational.

Mr. Andrews said he attended a Solid Waste Alternatives Advisory Committee (SWAAC) meeting, and they discussed composting and grant opportunities. He said there was consensus that the committee wanted to be more involved in the Comprehensive Plan process.

Ms. Price noted the Newport News Shipyard not only recruited from the local schools but also had an apprenticeship program. She suggested the County should offer some sort of day-at-the-County experience for high school students interested in County work. She said it would be a great way to gain local employment. She said the shipyard offered housing, sporting events, and fitness centers.

Ms. Mallek mentioned the Veterans Committee had an apprenticeship program through the Local Government Managers Association. She said the program was funded, so on-the-job training salaries were paid by the scholarship program. She said local governments signed up to host, and she hoped the County would take advantage of it.

Agenda Item No. 19. Closed Meeting.

There was no need for a Closed Meeting so no Closed Meeting was held.

Agenda Item No. 20. Adjourn to October 26, 2022, 7:00 p.m., Room 241.

At 7:09 p.m., the Board adjourned its meeting to October 26, 2022, 7:00 p.m., Room 241, Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA 22902. Ms. Price said that

information on how to participate in the meeting would be posted on the Albemarle County website Board of Supervisors home page and on the Albemarle County calendar.

Chair

Approved by Board
Date: 08/07/2024
Initials: CKB