

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on August 16, 2023 at 2:30 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, Ms. Beatrice (Bea) J.S. LaPisto-Kirtley, Ms. Ann H. Mallek, Ms. Diantha H. McKeel, and Ms. Donna P. Price.

ABSENT: Mr. Ned Gallaway.

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

Agenda Item No. 1. Call to Order. The meeting was called to order at 1:00 p.m. by the Chair, Ms. Donna Price.

Ms. Price stated that Mr. Gallaway was absent. She said that pursuant to Virginia Code §2.2-3708.3, Mr. Andrews had requested to participate remotely in accordance with applicable Board Rules of Procedure, rule number 8(B)(1)(d), enacted pursuant to the Freedom of Information Act.

Mr. Andrews stated that he was unable to attend the meeting in person because he was out of town. He stated his location to be 46 Guestwick Road, Sorrento, Maine.

Ms. Price asked if a Supervisor would make a motion.

Ms. LaPisto-Kirtley **moved** the Board authorize Mr. Andrews to participate remotely.

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

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

NAYS: None.

ABSTENTIONS: Mr. Andrews.

ABSENT: Mr. Gallaway.

Ms. Price said Albemarle County Police Officer Andy Muncy and Sergeant Josh Wright were present at the meeting to provide their services.

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

Ms. Price commented that their hearts, thoughts, and prayers went out to the people in Hawaii who had just suffered through the horrible fire that was the deadliest in recent American history.

Agenda Item No. 4. Adoption of Final Agenda.

Ms. Price said that she was unaware of any Supervisor making any changes to the consent agenda, so the floor was open for a motion.

Ms. Mallek **moved** to adopt the final agenda.

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

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

NAYS: None.

ABSENT: Mr. Gallaway.

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

Ms. Mallek announced that while today was quite a lovely day compared to what they had had, it was anticipated that they would be back with terrible heat again within the next week. She reminded the public to check on their neighbors, especially those who were elderly and frail, and to check on animals, because everyone was having health issues from the heat and they should do what was possible to prevent that.

Ms. Mallek stated that she spoke yesterday with a committee friend who was in Hawaii, where she served as a county councilmember, and asked her about concerns regarding the original residents of Lahaina were going to be swept aside in favor of tourists, and she said that they were very aware of the concern for that, and state and local governments had stepped in to make sure that did not happen. She wished them good luck and hoped they were successful, because that should be the goal when this was

done.

Ms. Mallek stated that in good news, last night she attended the last of the summer concerts for the C-ville Band, which was in its 101st year of free concerts to Albemarle County, the City of Charlottesville, and surrounding areas. She said that it was a splendid concert, with a locally composed concerto by Fred O'Bryant about Albemarle County, which had lots of wonderful melodies in it.

Ms. Mallek said that, also introduced before the concert, were middle school and high school students who had been provided with scholarships to have tutoring from experienced band members. She said that there was a wide range of ages in the band, and it was great to see some 13-year-old and 14-year-old members out there, too. She concluded that it was a great experience.

Ms. McKeel reminded the public that VDOT currently had surveys available for two pipeline studies that they were pursuing. She explained that a pipeline study for VDOT simply said that the particular work was going to be expedited and was of high importance to VDOT.

Ms. McKeel stated that one of the studies was for the Barracks Road area, to include the portion from Emmett Street to the intersection at Georgetown Road and specifically was addressing pedestrian and bicycle safety. She said the second pipeline study was for Ivy Road and Old Ivy Road improvements, which they had talked about during the Greystar Development project.

Ms. McKeel said the surveys were out and they were hopeful that people would take them seriously by giving their suggestions for what they wanted to see happen in those two corridors. She said that the deadline for the surveys was August 18. She asked Ms. Kilroy how the public could access the surveys.

Ms. Kilroy, Assistant to the County Executive, stated that they sent out a newsletter on August 1 that contained that information, and on the County website under the section "Recent Headlines" would be a copy of that newsletter, containing links to all of the current survey opportunities by VDOT, the MPO (Metropolitan Planning Organization), and the County itself.

Ms. McKeel announced that on August 5, they had the Southwood dedication for the completion of the homes in the village of Southwood Phase 1. She clarified that there would be a Phase 2 as well. She stated that it was a great celebration with lots of families and members of the community. She said that it was heartwarming to hear from the Southwood neighbors who had lived in the trailers and had been relocated to the new Phase 1. She said that Supervisors LaPisto-Kirtley and Mallek attended the dedication as well.

Ms. McKeel noted that the Southwood project was a national model and was a collaboration with Habitat for Humanity. She stated that County staff worked diligently for years with Habitat and the community members to make this project a reality. She stated that it was a great project that moved people into affordable housing without gentrification or residents losing homes. She stated that the residents now had new, modern places to live, and it was a great event.

Ms. LaPisto-Kirtley said that Southwood was an extremely important project that put Albemarle on the map in terms of doing things that others had never done when trying to help people. She said the Board and staff was to be commended, and it was a worthwhile project.

Ms. LaPisto-Kirtley announced that tomorrow night at the Paramount Theater, the Board of Supervisors had all been invited to the Paramount Arts Education Teacher Reception from 4:30 p.m. to 6:30 p.m. She said that they were all supportive of education, teachers, and the arts program, so they were very proud of that. She said that she would see the Supervisors there.

Mr. Andrews stated that he also encouraged the public to participate in the VDOT surveys, and he was particularly interested in hearing what people had to say about the Ivy Corridor in the Samuel Miller District. He said that there was also the cell tower regulation survey that was open until August 25 and was available at engage.albemarle.org.

Ms. Price announced that the DMV had a new website and reminded the public to check their license plates to make sure they did their renewal on time.

Ms. Price stated that speaking of fires, it disappointed her the number of times and the volume of cigarette butts that she picked up on the street, and as they went into the dry season, all it took was one cigarette butt that could start a fire in their area. She asked the public to try not to smoke, but if they did, to please not throw their lit cigarette onto the highways. She stated that there was a fire in Albemarle County just the other day from lithium batteries. She said that as they had more and more electronic devices that required recharging, they should make sure to use the correct strength of electric cable and to pay attention and not allow them to overcharge, which could start fires.

Ms. Price said that she was very excited about the Southwood dedication and was very sorry to have been unable to make it due to illness, however she knew that the Board was very well represented. She stated that she was unable to attend because of one of the viruses going around, and although they were dealing with the heat right now, fall and winter were coming and put them back into the fall/winter virus season. She said that as the flu shots came out and as people were able to get their latest COVID-19 vaccination, she wanted to encourage everyone to do so.

Ms. Price said that they had a blood drive last week, and she was overwhelmed at the number of first responders there giving blood at the 5th Street COB (County Office Building). She said that it seemed that every other person was in uniform for fire and police, and it meant a lot to see that kind of dedication.

Ms. Price stated that she was very fortunate last week to be one of about 20 local elected officials who participated in a briefing from the White House on the CHIPS, Inflation Reduction Act, and PACT (Promise to Address Comprehensive Toxics) Act. She said that there was a lot of money going to local communities to help with infrastructure and the environment, and she was excited about what they may be able to do there.

Ms. Price announced that there was a VACo (Virginia Association of Counties) meeting tomorrow in Richmond, and they would have a report coming back from that. She stated that there was the Teacher Appreciation Night mentioned by Ms. LaPisto-Kirtley, and she recognized the Paramount for the number of community-related events they had there. She said that they often made a lot of seating available at reduced or no cost and it was a great resource. She said that on Friday, she had the privilege to be the host for a Virginia Council on Women monthly meeting which would be hosted in Albemarle County. She said that many staff members had been working to give them a good showing of Albemarle County to a statewide organization.

Ms. McKeel commented that the fire in Hawaii had been mentioned, and some of the reporting in the Washington Post and New York Times had indicated that part of the speed and devastation from the fire was related to non-native grasses. She stated that in the 1950s, they began bringing in non-native grasses because of their transition from pineapples and sugarcane, and the message was that the non-native grasses were drier and accelerated fires more easily. She said she mentioned this because they had a lot of non-native grasses in their area, and she was not asking anyone to do a bunch of work on this, but people working on climate change should look at the relationship at the types of grass in an area that could accelerate fires.

Ms. McKeel said that lots of things had caused the fire in Hawaii, but the grasses were one of the cogs in the wheel. She noted that people had those grasses growing right up to their homes and had transitioned to pine trees away from their native trees, and those pinecones exploded and sent embers out. She said that to discuss the subject of climate change in Albemarle, this was something to put on their list to think about.

Ms. LaPisto-Kirtley stated that she appreciated bringing up the subject of pinecones, because in Paradise, California it was full of pine trees, and the pinecones did explode there. She said that there was a new native plant list for Albemarle that developers and residents could be encouraged to use, as opposed to the past list that was 20 years old.

Ms. Kilroy clarified that the list was online as a resource for the public.

Ms. LaPisto-Kirtley asked if it was a draft list or a final list.

Ms. Kilroy said that it was final.

Ms. Price said that one of the particular grasses in Hawaii was brought in because they were moving toward cattle production but then found that the type of grass they brought in was too sharp and the cows would not eat it, and it had now taken over all of the islands.

Ms. Mallek said that the national recognition of Southwood was real, as there were three state representatives and four federal government representatives at the dedication to share in the joy. She said that it was impactful because all of the local work that had been done was appreciated at other levels. She said that in relation to the PACT Act, something for them all to be thinking about was that in order to benefit from the funding for veteran services, should they consider transitioning one of their outreach positions for veterans and soldiers into a County veterans service officer. She said there was a bill in Congress to get funded, expanded CDSO levels, that person then was able to enhance the veterans' services funds coming to residents. She said that many communities had said that it was more than adequate for paying staff costs.

Ms. Mallek said that she agreed about the invasive species along the highway, but unfortunately VDOT was not funded, nor did they accept it as their job to remove the invasive species in their medians. She noted that there had been recent invasions of teasel and thistles, and this would all come back to bite them because all those seeds were just flying around and would spread. She said that she would appreciate any work they could bring to bear on that.

Ms. McKeel said that it was related to funding because VDOT was underfunded.

Ms. Mallek said that was correct, and they had lost 700 employees during the Great Recession.

Agenda Item No. 6. Proclamations and Recognitions.

Item No. 6.a. Proclamation Commemorating Women's Equality Day 2023.

Ms. Mallek **moved** to adopt the Proclamation Commemorating Women's Equality Day 2023 as

she read it aloud.

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

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

NAYS: None.

ABSENT: Mr. Gallaway.

Proclamation to Commemorate Women's Equality Day 2023

WHEREAS on August 26, 1920, millions of women won voting rights, the greatest single expansion of democracy in U.S. history, yet 103 years later, women still have not achieved full equality and face ongoing and increasing threats of discrimination, violence and loss of bodily autonomy; and

WHEREAS although on January 27, 2020, Virginia became the final of the requisite 38 states to ratify the Equal Rights Amendment, fulfilling the requirements of the U.S. Constitution, yet the ERA has not been published, allowing gender-based discrimination to continue without recourse under the foundational document undergirding all our laws; and

WHEREAS federal laws ensuring the equal rights and safety of women can be weakened or removed, with the U.S. Supreme Court recently demonstrating retreat from its own precedent to take away previous constitutional rights, imperiling women country wide and impeding their ability to make decisions about their own bodies, families, and futures; and

WHEREAS females make up nearly 52 percent of Albemarle County's population and the Albemarle County government has an appropriate and legitimate role in securing and defending gender equality in the Commonwealth of Virginia and the United States.

NOW, THEREFORE, BE IT PROCLAIMED that we, the Albemarle County Board of Supervisors, do hereby proclaim August 26, 2023, as Women's Equality Day in Albemarle County, in celebration and remembrance of all who worked to gain voting rights for women and those who have continued the fight for gender equity.

Ms. Jane McDonald, Board member of the Charlottesville National Organization for Women, accepted the proclamation. She said that on behalf of the Charlottesville chapter of the National Organization for Women (NOW), she thanked the Board. She said that 175 years ago, in 1848 a group of remarkable women convened in Seneca Falls, New York and drew up a slate of resolutions regarding women's rights, including the right to vote.

Ms. McDonald said that it took 72 more years for the 19th Amendment to be signed into law on August 26, 1920, and even then, not all women benefited. She said that states imposed literacy tests and poll taxes, many African American women could still not vote, so a new movement began, culminating 45 years later in the Voting Rights Act of 1965. She said that still, inequalities persisted, so 50 years after passage of women's voting rights, NOW held a huge event on August 26, 1970, with 50,000 people in New York City and 100,000 nationwide joined in the Women's Strike for Equality, and a year later, Congress passed a bill to commemorate the 19th Amendment and call attention to the ongoing efforts by designating August 26 as Women's Equality Day.

Ms. McDonald stated that on a historical parallel track, in 1923 just three years after passage of women's voting rights, the Equal Rights Amendment (ERA) was introduced into Congress. She said that it took 97 years to pass that law and be ratified, with Virginia as the final necessary yes vote in 2020. She said that yet, attempts to suppress rights remained virulent and opposing forces kept the ERA from being published. She said that the brave efforts of all who devoted themselves to this for 175 years still inspired them, but indeed, especially since the overturn of Roe v. Wade moved across the nation to take them backward, a groundswell of action was needed right now.

Ms. McDonald said that last month, exactly 100 years after the ERA was first introduced, Charlottesville NOW leaders joined other activists where it all started in Seneca Falls to plan a huge ERA push. She asked for everyone to visit sign4ERA.org to sign the petition to show their support and to find other ways to show support for equality with Charlottesville NOW at CvilleNOW.org. She thanked the Board of Supervisors for recognizing Women's Equality Day and for their continued support of all women and girls of Albemarle County.

Ms. Mallek presented the Proclamation to Ms. McDonald.

Ms. Mallek said that she had been one whose experience was that it took a long time for anything to happen, but this was excessive. She thanked the NOW members for helping lead the way to continue with this.

Ms. McKeel thanked Ms. McDonald for being present and giving wonderful comments and a succinct explanation. She said that she had just worn her ERA t-shirt yesterday without thinking about it, but she had four women approach her and say "yes" to her shirt. She said that wearing a t-shirt or

something like that was good to remind people that there were some elected officials who did still think their place was in the home and wanted to take them backward, and they needed to prevent that from happening. She said that she was not denigrating those who chose to stay at home, but to be indifferent to or refuse to pass legislation that pushed women's rights forward was abominable.

Ms. LaPisto-Kirtley said that from a very young age she had questioned the role of women in the home, because it had never been who she was. She said that it was important for women to have a choice and the ability to do what they wanted to do, which was what the ERA was all about, and no barriers to that. She said that sadly, if they wanted to know where they could be going, she would recommend they read the article from today's Washington Post about what was happening in Afghanistan. She said that it was tragic, sad, and hopeless there for women to do anything else. She said that they should not think that it would never happen here, because they never knew and had to remain vigilant and determined, which she knew women were.

Mr. Andrews thanked Ms. McDonald. He said that 100 years was way too long for this, and he hoped they could make progress. He said that not long after he was married, his father brought him a pillow that said, "a woman's place was in the house," on one side, and on the other side it said, "and in the Senate." He said that his father believed that, and so did he.

Ms. Price thanked Ms. McDonald for her remarks. She said that Virginia and Charlotte were two of the first people she had met when she moved to Albemarle County, and the Charlottesville chapter of NOW was the first organization to which she joined as a newcomer to the area. She noted the work that all of them had done so tirelessly.

Ms. Price said that she appreciated Ms. LaPisto-Kirtley's reference to the newspaper article, and she had read last night online that a great pontificator once said that they could solve all of the problems in America if women just disappeared for a couple of weeks, which was interesting because most of the behavior they were talking about was coming from men, so if men disappeared for a couple of weeks, women could get the House, the Senate, and everything else in order. She said every vote, every election, every time. She thanked the NOW representatives for being here today.

Ms. McKeel said that signing the petition was very easy and she encouraged everyone to sign.

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

Mr. Neil Williamson, President of the Free Enterprise Forum, said that the Forum was a public policy organization that focused on local governments in central Virginia. He said that part of his job was to examine things and let them know when things were going wrong in this locality and in others. He said that today, he wanted to let them know of something that was going right, which was the Community Development fee restructuring.

Mr. Williamson said that the consultant team and Community Development did not just hold a cursory meeting with those who were being regulated, but he actually listened. He said that this collaborative work with the Charlottesville Regional Chamber of Commerce's CADRe (Charlottesville Area Development Roundtable) group and the Blue Ridge Home Builders Association had resulted in a revenue-neutral proposal that was much fairer and much better. He said that it was because of this proactive community outreach that they were moving forward positively with the very goals of this being a revenue-neutral ordinance that was easier to administer.

Agenda Item No. 8. Consent Agenda.

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

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

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

NAYS: None.

ABSENT: Mr. Gallaway.

Ms. Price commented that with regard to Item 8.2, the budget calendar, she hoped that they would be able to have the December 13, 2023 meeting finished by no later than 5:00 p.m., and if it was necessary to have the meeting begin earlier in order to accomplish that, she would ask that Mr. Richardson let them know. She said that part of the calendar they set at the beginning of the year was to ensure that County staff had an opportunity for holidays, so she hoped they would be able to finish by 5:00 p.m. on that date.

Mr. Jeff Richardson, County Executive, said that it was noted.

Item No. 8.1. Approval of Minutes: September 27, September 29, October 14, October 27, November 9, December 1, 2021; and January 5, 2022.

Ms. McKeel had read the minutes of September 27, 2021 and found them to be in order.

Mr. Gallaway had read the minutes of September 29 and October 27, 2021 and found them to be in order.

Ms. LaPisto-Kirtley had read the minutes of October 14, 2021 and found them to be in order.

Ms. Price had read the minutes of November 9, 2021 and found them to be in order.

Ms. Mallek had read the minutes of December 1, 2021 and found them to be in order.

Mr. Andrews had read the minutes of January 5, 2022 and found them to be in order.

By the above-recorded vote, the Board approved the minutes of September 27, September 29, October 14, October 27, November 9, December 1, 2021; and January 5, 2022.

Item No. 8.2. Fiscal Year 2025 Operating and Capital Budget Calendar.

The Executive Summary as forwarded to the Board states that the process of developing the County’s Operating Budget for Fiscal Year 2025 (FY 25) and the Capital Improvements Program (CIP) for FY 25 - 29 is underway. Staff provides a proposed budget calendar on an annual basis.

Attachment A provides a preliminary budget calendar for the FY 25 budget process. The budget development calendar establishes specific dates for Board meetings and public hearings on the tax rate, the budget, and the CIP. Staff will continue to provide the public with as much notice as possible for planned community engagement opportunities, public hearings, and work sessions associated with the development of the upcoming budgets.

- There are several dates that are driven by Virginia Code requirements that are reflected in the attached calendar:
- Localities with a first-half tax year collection in June may adopt the tax rate on or before May 15.
 - There must be at least seven days between the public advertisement of the budget public hearing and the actual hearing date.
 - There must be at least seven days between the budget public hearing and the adoption of the budget.
 - Localities must provide at least seven days’ notice of, and conduct, an effective real estate tax rate public hearing if the reassessment would result in an increase of one percent or more in the total real property tax levied compared to the prior year’s real property tax levies.
 - The effective real estate tax rate public hearing must not be held at the same time as the annual

The preliminary budget calendar for the FY 25 budget process meets the Virginia Code requirements and closely mirrors the budget process from last year with two notable changes:

- The required notice of the effective real estate tax rate public hearing decreased from 30 days to seven days. As a result, the Board will have additional time before setting the tax rate for advertisement.
- The public hearings on the effective real estate tax rate and the proposed budget are scheduled to be held on two separate dates. Though prior budget development calendars met this requirement by having two separate hearings at different times on the same date, staff recommends a further distinction to use different dates and times.

This executive summary provides information on the FY 25 Budget development process.

Staff recommends that the Board adopt the preliminary budget calendar set forth in Attachment A..

By the above-recorded vote, the Board adopted the preliminary budget calendar set forth in Attachment A:

July 2023	
19 (Wed.)	Community Non-Profit Process Modifications
August 2023	
16 (Wed.)	Approval of FY 25 Budget Calendar
October 2023	
4 (Wed.)	Economic Outlook Report
18 (Wed)	Transit Work Session

November 2023	
15 (Wed.)	Long-Range Financial Planning – Initial Assumptions and Overview, Connection to Strategic Plan
December 2023	
6 (Wed.)	Long-Range Financial Planning – Joint meeting with School Board for Capital Improvements Plan (CIP)
13 (Wed.)	Long-Range Financial Planning – To include Tax Relief for the Elderly and Disabled Program
February 2024	
21 (Wed.)	County Executive’s presentation to Board – Recommended Budget and CIP
28 (Wed.)	Public Hearing on County Executive’s Recommended Budget and CIP
March 2024	
06 (Wed.)	Work Session #1
11 (Mon.)	Work Session #2 – School Board funding request and CIP
13 (Wed.)	Work Session #3
14 (Thur.)	School Board approves Public Schools budget request
25 (Mon.)	Work Session #4 – Board proposes budget and sets maximum tax rate for advertisement
27 (Wed.)	If needed - Work Session #5
April 2024	
Week of 1-5	Spring Break
10 (Wed.)	If needed - Work Session #6
17 (Wed.)	Public Hearing on Board’s Proposed Budget
24 (Wed.)	Public Hearing on the CY 24 tax rate
25 (Thur.)	School Board adopts Public Schools Final budget
May 2024	
1 (Wed.)	Board approves and appropriates FY 25 Budget and sets tax rate

Item No. 8.3. Revisions to Albemarle County Office of Housing Administrative Plan.

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

ACOH’s revised Administrative Plan contains nine individual changes to the previous plan with an effective date of September 1, 2023. A majority of these changes reflect a new method and schedule for documenting an increase in income for voucher-holders to limit the reporting requirements to the annual recertification process. This change reflects a best practice approach towards wealth-building and helps families prepare for emergencies. A summary of the proposed changes is available as Attachment A and the revised plan is provided as Attachment B. Excerpted changes are included in Attachment C. A copy of the unrevised plan is available for review with ACOH. The Administrative Plan continues to prioritize use of housing vouchers for people who work and live within Albemarle County, people experiencing homelessness, people with disabilities, veterans, and survivors of domestic violence.

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

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

By the above-recorded vote, the Board approved the Albemarle County Office of Housing's Administrative Plan (Attachment B).

Item No. 8.4. Proposed 2023-2024 Holiday Schedule for Local Government Employees.

The Executive Summary as forwarded to the Board states that Albemarle County Code § 6-111 establishes the Office of the Fire Marshal, enabled by Virginia Code § 27-30, and allows for the appointment of the Fire Marshal and the Assistant Fire Marshals by the Board of Supervisors pursuant to Virginia Code § 27-36. Albemarle County Code § 6-111 further provides that the Fire Marshal and/or Assistant Fire Marshals may be authorized to exercise the powers authorized by Title 27, Chapter 3 of the Virginia Code and those found in the Virginia Statewide Fire Prevention Code.

The Department of Fire Rescue's budget allocates six full-time equivalent (FTE) Fire Marshal positions in the Office of the Fire Marshal. Captain Gilbert Monroe was transferred to the Office of the Fire Marshal to fill one vacant position. Adoption of the attached resolution (Attachment A), appointing Captain Gilbert Monroe as an Assistant Fire Marshal with the powers authorized by Title 27, Chapter 3 of the Virginia Code and those found in the Virginia Statewide Fire Prevention Code, allows him to fulfill the necessary duties of the Office of the Fire Marshal as assigned by the Fire Chief or designee.

There is no budgetary impact associated with this appointment.

Staff recommends that the Board adopt the attached resolution (Attachment A) appointing Captain Gilbert Monroe as an Assistant Fire Marshal with the powers authorized by Title 27, Chapter 3 of the Virginia Code and found in the Virginia Statewide Fire Prevention Code.).

By the above-recorded vote, the Board adopted the resolution as presented in Attachment A, appointing Captain Gilbert Monroe as an Assistant Fire Marshal with the powers authorized by Title 27, Chapter 3 of the Virginia Code and found in the Virginia Statewide Fire Prevention Code:

**RESOLUTION TO APPOINT CAPTAIN GILBERT MONROE
AS AN ASSISTANT FIRE MARSHAL WITH POLICE POWERS**

WHEREAS, Virginia Code § 27-30 provides that the governing body of a county may appoint a fire marshal, and Albemarle County Code § 6-111 establishes the Office of the Fire Marshal; and

WHEREAS, Albemarle County Code §§ 6-111, 6-200, and 6-201 recognize the Fire Marshal as Albemarle County's Fire Official for the duties and responsibilities as established by Title 27 of the Virginia Code, the Virginia Statewide Fire Prevention Code, and the Albemarle County Code; and

WHEREAS, Virginia Code § 27-34.2:1 provides that the governing body of a county may authorize the fire marshal to have the same police powers as a sheriff, police officer, or law enforcement officer upon completion of required training; and

WHEREAS, Virginia Code § 27-36 provides that the governing body of a county may appoint one or more assistants, who, in the absence of the fire marshal, shall have the powers and perform the duties of the fire marshal; and

WHEREAS, the appointment of Captain Gilbert Monroe as an Assistant Fire Marshal will promote the efficient and effective operation of the Albemarle County Department of Fire and Rescue.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby appoints Captain Gilbert Monroe as an Assistant Fire Marshal who shall have all powers authorized by Title 27, Chapter 3 of the Virginia Code.

Item No. 8.5. Schedule a Public Hearing for Spot Blight Ordinance for 2087 Commonwealth Drive, Parcel ID 061W0-03-00-05600.

The Executive Summary as forwarded to the Board states that the presence of blighted and deteriorated properties can have negative safety, economic, and environmental impacts on properties and neighborhoods, resulting in unsafe communities and other public nuisances.

"Blighted property" is defined as a structure or improvement that is dilapidated or deteriorated because it violates minimum health and safety standards (Virginia Code § 36-3). Though blight is more often considered in the context of Development Areas; it exists also in the Rural Areas.

The Community Development Department (CDD) currently administers several regulations that relate to blight and building maintenance: uncontrolled vegetation (County Code § 7-501 et seq.), stagnant water (County Code § 7-505 et seq.), inoperable vehicles (County Code § 9-500), trash and refuse (County Code § 13-302), safety/health-related upkeep of residential rental properties (Virginia Uniform Statewide Building Code (USBC) § 104.1), unsafe buildings and structures (County Code § 5-300 et seq.), and Zoning Ordinance provisions that prohibit junk yards (County Code § 18-5.1.10).

On April 6, 2016, the Board authorized staff to address problem properties using the County's spot blight abatement authority enabled by Virginia Code § 36-49.1 :1. Previously, this process was used for the property located at 2514 Smithfield Road.

On December 1, 2021, the Board directed staff to continue to pursue spot blight abatement using the County's current authority and to report back on the results. Since that time, seven properties were investigated, with six properties identified as possibly blighted properties. The seventh, 2632 Hydraulic Road, was mitigated using other ordinances and remains an ongoing maintenance obligation today. The remaining six present ongoing public health and safety concerns.

Below, in this first report, staff is outlining the overall approach taken since 2021 on the six properties before the Board for consideration. The spot blight abatement process requires the Board to first set public hearings for each individual ordinance - one per property. Each of the related agenda items on the consent agenda at this meeting first authorizes staff to conduct future public hearings. If authorized at this meeting, public hearings will occur at future Board meetings yet to be scheduled.

The process to declare a property blighted includes the following steps:

1. A property complaint is received and investigated by staff.
2. Zoning, building, or other ordinance violations are explored and the overall condition of the structures on the property is evaluated.
3. If structures are found to raise public health and safety concerns, the owner is notified of the need to address the specific problems within 30 days of the date of the notice or to contact the Building Official with an abatement plan.
4. If structures raise other concerns during the investigation, other violations may be issued based on zoning, building, or other ordinances - each with specific actions required.
5. If the owner does not present an abatement plan within the designated timeframe, the owner is again contacted.
6. Led by the Building Official, the County develops an appropriate abatement plan, which may include the owner remediating the issues up to and including demolition of the structures, or the County may pursue correcting the issues.
7. If the County intends to correct the issues, the following process to declare the properties blighted begins:
8. The Board approves the scheduling of a public hearing for each property.
9. The public hearing is scheduled and appropriate notice is given.
10. A public hearing is held on each ordinance to declare a property blighted.
11. If declared blighted and sufficient County funding exists, the cleanup begins.
12. All expenses related to the cleanup are tracked and the tax liens process is used to apply the liens to the property.
13. If the County performs the abatement plan, all expenses incurred by the County will result in tax liens on the property.
14. When multiple blighted properties exist, the staff will recommend a prioritized list to the Board based on the investigations performed and the impacts on public health and safety. The Board may modify that list at the public hearings.
15. Cleanups will be performed and limited by the funding appropriated by the Board and the estimated costs of the corrections needed.

At this Board meeting, requests to set public hearings for the following properties are scheduled. In this staff report, the specifics for 2087 Commonwealth Drive are outlined. Properties 2-6 below are reviewed in subsequent agenda items for individual requests to set public hearings.

1. 2087 Commonwealth Drive, Parcel ID 061W0-03-00-05600
2. 8038 Blenheim Road, Parcel ID 13100-00-00-01200
3. 5005 Rolling Road, Parcel ID 11500-00-00-027A4
4. 3239 Rolling Road, Parcel ID 10300-00-00-05100
5. 3247 Rolling Road, Parcel ID 10300-00-00-051B0
6. 2941 Rolling Road, Parcel ID 10300-00-00-06700

Below is a summary of actions taken thus far on 2087 Commonwealth Road, which is being considered for a spot blight ordinance.

2087 Commonwealth Drive. Staff identified this property as a "blighted property," and initiated the required steps to abate the identified blight. Specifically, as the County Executive's designee, the County Building Official made a preliminary determination that the property was blighted and sent notice to the property owners specifying the reasons why the property was blighted. Because the property owners failed to respond within 30 days with a written spot blight abatement plan acceptable to the County Executive's designee, staff is requesting that the Board schedule and advertise a public hearing in the future to consider an ordinance declaring this property to be blighted.

Staff has engaged with the property owner to summarize the following items to be corrected by the owner in the County-generated Abatement Plan: "The work is limited to the exterior and to include removal of the deck, replace missing and rotted siding, repairing eaves, installation of gutter and downspouts as needed, and painting. Also included will be the removal all tall grass and weeds."

If the Board authorizes a public hearing, staff would generate the necessary information, including a cost estimate for this work. In addition, CDD would work with the Department of Finance and Budget to determine a funding source and recommendation.

This agenda item, if approved, would authorize the scheduling of a public hearing on a spot blight ordinance for 2087 Commonwealth Drive, Parcel ID 061W0-03-00-05600.

Abatement costs for 2087 Commonwealth Drive, Parcel ID 061W0-03-00-05600, would be presented at the public hearing, if approved.

Staff recommends the Board authorize a public hearing for a spot blight abatement ordinance on 2087 Commonwealth Drive, Parcel ID 061W0-03-00-05600.

By the above-recorded vote, the Board authorized the Clerk to schedule a public hearing for a spot blight abatement ordinance on 2087 Commonwealth Drive, Parcel ID 061W0-03-00-05600.

Item No. 8.6. Schedule a Public Hearing for Spot Blight Ordinance for 2941 Rolling Road, Parcel ID 10300-00-00-06700.

The Executive Summary as forwarded to the Board states that the presence of blighted and deteriorated properties can have negative economic and environmental impacts on properties and neighborhoods, resulting in unsafe communities and other public nuisances.

"Blighted property" is defined as a structure or improvement that is dilapidated or deteriorated because it violates minimum health and safety standards (Virginia Code §36-3). Though blight is more often considered in the context of Development Areas; it exists also in the Rural Areas.

The Community Development Department (CDD) currently administers several regulations that relate to blight and building maintenance: uncontrolled vegetation (County Code §7-501 et seq.), stagnant water (County Code § 7-505 et seq.), inoperable vehicles (County Code § 9-500), trash and refuse (County Code § 13-302), safety/health-related upkeep of residential rental properties (Virginia Uniform Statewide Building Code (USBC) § 104.1), unsafe buildings and structures (County Code § 5-300 et seq.), and Zoning Ordinance provisions that prohibit junk yards (County Code § 18-5.1.10).

On April 6, 2016, the Board authorized staff to address problem properties using the County's spot blight abatement authority enabled by Virginia Code § 36-49.1:1. Previously, this process was used for the property located at 2514 Smithfield Road.

On December 1, 2021, the Board directed staff to continue to pursue spot blight abatement using the County's current authority and to report back on the results. Since that time, seven properties were investigated, with six properties identified as possibly blighted. The seventh, 2632 Hydraulic Road, was mitigated using other ordinances and remains an ongoing maintenance obligation today. The remaining six properties on the Board's consent agenda present ongoing public health and safety concerns.

This specific item requests the scheduling of a public hearing for a spot blight ordinance for 2941 Rolling Road, Parcel ID 10300-00-00-06700. The overall process was outlined in the executive summary for the spot blight ordinance for 2087 Commonwealth Drive and will not be repeated here. All six requests for spot blight ordinances followed the same process.

In this staff report, the specifics for 2941 Rolling Road, Parcel ID 10300-00-00-06700, are outlined.

Staff identified this property as a "blighted property," and initiated the required steps to abate the identified blight. Specifically, as the County Executive's designee, the County Building Official made a preliminary determination that the property was blighted and sent notice to the property owners specifying the reasons why the property was blighted. Because the property owners failed to respond within 30 days with a written spot blight abatement plan acceptable to the County Executive's designee, staff is requesting that the Board schedule and advertise a public hearing in the future to consider an ordinance declaring this property to be blighted.

Staff has engaged with the property owner to summarize the following items to be corrected by the owner in the County-generated Abatement Plan: "The work is to include the razing of the structure, removal of debris to an authorized facility, and grading/seeding the disturbed area."

If the Board authorizes a public hearing, staff would generate the necessary information, including a cost estimate for this work. In addition, CDD would work with the Department of Finance and Budget to determine a funding source and recommendation.

This agenda item, if approved, would authorize the scheduling of a public hearing on a spot blight ordinance for 2941 Rolling Road, Parcel ID 10300-00-00-06700.

Abatement costs for 2941 Rolling Road, Parcel ID 10300-00-00-06700 would be presented at the public hearing, if approved.

By the above-recorded vote, the Board authorized the Clerk to schedule a public hearing on a spot blight ordinance for 2941 Rolling Road, Parcel ID 10300-00-00-06700.

Item No. 8.7. Schedule a Public Hearing for Spot Blight Ordinance for 3247 Rolling Road, Parcel ID 10300-00-00-051B0.

The Executive Summary as forwarded to the Board states that the presence of blighted and deteriorated properties can have negative safety, economic, and environmental impacts on properties and neighborhoods, resulting in unsafe communities and other public nuisances.

"Blighted property" is defined as a structure or improvement that is dilapidated or deteriorated because it violates minimum health and safety standards (Virginia Code §36-3). Though blight is more often considered in the context of Development Areas; it exists also in the Rural Areas.

The Community Development Department (CDD) currently administers several regulations that relate to blight and building maintenance: uncontrolled vegetation (County Code §7-501 et seq.), stagnant water (County Code § 7-505 et seq.), inoperable vehicles (County Code § 9-500), trash and refuse (County Code § 13-302), safety/health-related upkeep of residential rental properties (Virginia Uniform Statewide Building Code (USBC) §104.1), unsafe buildings and structures (County Code§5-300 et seq.), and Zoning Ordinance provisions that prohibit junk yards (County Code § 18-5.1.10).

On April 6, 2016, the Board authorized staff to address problem properties using the County's spot blight abatement authority enabled by Virginia Code §36-49.1:1, discussed in more depth below. Previously, this process was used for the property located at 2514 Smithfield Road.

On December 1, 2021, the Board directed staff to continue to pursue spot blight abatement using the County's current authority and to report back on the results. Since that time, seven properties were investigated, with six properties identified as possibly blighted. The seventh, 2632 Hydraulic Road, was mitigated using other ordinances and remains an ongoing maintenance obligation today. The remaining six properties on the Board's consent agenda present ongoing public health and safety concerns.

This specific item requests the scheduling of a public hearing for a spot blight ordinance for 3247 Rolling Road, Parcel ID 10300-00-00-051B0. The overall process was outlined in the executive summary for the spot blight ordinance for 2087 Commonwealth Drive, and will not be repeated here. All six requests for spot blight ordinances followed the same process.

In this staff report, the specifics for 3247 Rolling Road, Parcel ID 10300-00-00-051B0, are outlined.

Staff identified this property as a "blighted property," and initiated the required steps to abate the identified blight. Specifically, as the County Executive's designee, the County Building Official made a preliminary determination that the property was blighted and sent notice to the property owners specifying the reasons why the property was blighted. Because the property owners failed to respond within 30 days with a written spot blight abatement plan acceptable to the County Executive's designee, staff is requesting that the Board schedule and advertise a public hearing in the future to consider an ordinance declaring this property to be blighted.

Staff has engaged with the property owner to summarize the following items to be corrected by the owner in the County-generated Abatement Plan: "The work is to include the razing of the structure, removal of debris to an authorized facility, and grading/seeding the disturbed area."

If the Board authorizes a public hearing, staff would generate the necessary information, including a cost estimate for this work. In addition, CDD would work with the Department of Finance and Budget to determine a funding source and recommendation.

This agenda item, if approved, would authorize the scheduling of a public hearing on a spot blight ordinance for 3247 Rolling Road, Parcel ID 10300-00-00-051B0.

Abatement costs for 3247 Rolling Road, Parcel ID 10300-00-00-051B0 would be presented at the public hearing, if approved.

Staff recommends the Board authorize a public hearing for a spot blight abatement ordinance on 3247 Rolling Road, Parcel ID 10300-00-00-051B0.

By the above-recorded vote, the Board authorized the Clerk to schedule a spot blight abatement ordinance on 3247 Rolling Road, Parcel ID 10300-00-00-051B0.

Item No. 8.8. Schedule a Public Hearing for Spot Blight Ordinance for 3239 Rolling Road, Parcel ID 10300-00-00-05100.

The Executive Summary as forwarded to the Board states that the presence of blighted and deteriorated properties can have negative safety, economic, and environmental impacts on properties and neighborhoods, resulting in unsafe communities and other public nuisances.

"Blighted property" is defined as a structure or improvement that is dilapidated or deteriorated because it violates minimum health and safety standards (Virginia Code §36-3). Though blight is more often considered in the context of Development Areas; it exists also in the Rural Areas.

The Community Development Department (CDD) currently administers several regulations that relate to blight and building maintenance: uncontrolled vegetation (County Code §7-501 et seq.), stagnant water (County Code § 7-505 et seq.), inoperable vehicles (County Code § 9-500), trash and refuse (County Code § 13-302), safety/health-related upkeep of residential rental properties (Virginia Uniform Statewide Building Code (USBC) §104.1), unsafe buildings and structures (County Code §5-300 et seq.), and Zoning Ordinance provisions that prohibit junk yards (County Code §18-5.1.10).

On April 6, 2016, the Board authorized staff to address problem properties using the County's spot blight abatement authority under Virginia Code §36-49.1:1, discussed in more depth below. Previously, this process was used for the property located at 2514 Smithfield Road.

On December 1, 2021, the Board directed staff to continue to pursue spot blight abatement using the County's current authority and to report back on the results. Since that time, seven properties were investigated, with six properties identified as possibly blighted. The seventh, 2632 Hydraulic Road, was mitigated using other ordinances and remains an ongoing maintenance obligation today. The remaining six properties on the Board's consent agenda present ongoing public health and safety concerns.

This specific item requests the scheduling of a public hearing for a spot blight ordinance for 3239 Rolling Road, Parcel ID 10300-00-00-05100. The overall process was outlined in the executive summary for the spot blight ordinance for 2087 Commonwealth Drive, and will not be repeated here. All six requests for spot blight ordinances followed the same process.

In this staff report, the specifics for 3239 Rolling Road, Parcel ID 10300-00-00-05100, are outlined.

Staff identified this property as a "blighted property," and initiated the required steps to abate the identified blight. Specifically, as the County Executive's designee, the County Building Official made a preliminary determination that the property was blighted and sent notice to the property owners specifying the reasons why the property was blighted. Because the property owners failed to respond within 30 days with a written spot blight abatement plan acceptable to the County Executive's designee, staff is requesting that the Board schedule and advertise a public hearing in the future to consider an ordinance declaring this property to be blighted.

Staff has engaged with the property owner to summarize the following items to be corrected by the owner in the County-generated Abatement Plan: "The work is to include the razing of the structure, removal of debris to an authorized facility, and grading/seeding the disturbed area."

If the Board authorizes a public hearing, staff would generate the necessary information, including a cost estimate for this work. In addition, CDD would work with the Department of Finance and Budget to determine a funding source and recommendation.

This agenda item, if approved, would authorize the scheduling of a public hearing on a spot blight ordinance for 3239 Rolling Road, Parcel ID 10300-00-00-05100.

Abatement costs for 3239 Rolling Road, Parcel ID 10300-00-00-05100 would be presented at the public hearing, if approved.

By the above-recorded vote, the Board authorized the Clerk to schedule a public hearing for a spot blight abatement ordinance on 3239 Rolling Road, Parcel ID 10300-00-00-05100.

Item No. 8.9. Schedule a Public Hearing for Spot Blight Ordinance for 5005 Rolling Road, Parcel ID 11500-00-00-027A4.

The Executive Summary as forwarded to the Board states that the presence of blighted and deteriorated properties can have negative safety, economic, and environmental impacts on properties and neighborhoods, resulting in unsafe communities and other public nuisances.

"Blighted property" is defined as a structure or improvement that is dilapidated or deteriorated because it violates minimum health and safety standards (Virginia Code § 36-3). Though blight is more often considered in the context of Development Areas; it exists also in the Rural Areas.

The Community Development Department (CDD) currently administers several regulations that relate to blight and building maintenance: uncontrolled vegetation (County Code § 7-501 et seq.),

stagnant water (County Code § 7-505 et seq.), inoperable vehicles (County Code § 9-500), trash and refuse (County Code § 13-302), safety/health-related upkeep of residential rental properties (Virginia Uniform Statewide Building Code (USBC) § 104.1), unsafe buildings and structures (County Code § 5-300 et seq.), and Zoning Ordinance provisions that prohibit junk yards (County Code § 18-5.1.10).

On April 6, 2016, the Board authorized staff to address problem properties using the County's spot blight abatement authority enabled by Virginia Code § 36-49.1:1. Previously, this process was used for the property located at 2514 Smithfield Road.

On December 1, 2021, the Board directed staff to continue to pursue spot blight abatement using the County's current authority and to report back on the results. Since that time, seven properties were investigated, with six properties identified as possibly blighted. The seventh, 2632 Hydraulic Road, was mitigated using other ordinances and remains an ongoing maintenance obligation today. The remaining six properties on the Board's consent agenda present ongoing public health and safety concerns.

This specific item requests the scheduling of a public hearing for a spot blight ordinance for 5005 Rolling Road, Parcel ID 11500-00-00-027A4. The overall process was outlined in the executive summary for the proposed spot blight ordinance on 2087 Commonwealth Drive, and will not be repeated here. All six requests for spot blight ordinances followed the same process.

In this staff report, the specifics for 5005 Rolling Road, Parcel ID 11500-00-00-027A4, are outlined.

Staff identified this property as a "blighted property," and initiated the required steps to abate the identified blight. Specifically, as the County Executive's designee, the County Building Official made a preliminary determination that the property was blighted and sent notice to the property owners specifying the reasons why the property was blighted. Because the property owners failed to respond within 30 days with a written spot blight abatement plan acceptable to the County Executive's designee, staff is requesting that the Board schedule and advertise a public hearing in the future to consider an ordinance declaring this property to be blighted.

Staff has engaged with the property owner to summarize the following items to be corrected by the owner in the County-generated Abatement Plan: "The work is to include the razing of the structure, removal of debris to an authorized facility, and grading/seeding the disturbed area."

If the Board authorizes a public hearing, staff would generate the necessary information, including a cost estimate for this work. In addition, CDD would work with the Department of Finance and Budget to determine a funding source and recommendation.

This agenda item, if approved, would authorize the scheduling of a public hearing on a spot blight ordinance for 5005 Rolling Road, Parcel ID 11500-00-00-027A4.

Abatement costs for 5005 Rolling Road, Parcel ID 11500-00-00-027A4 would be presented at the public hearing, if approved.

Staff recommends that the Board authorize a public hearing for a spot blight abatement ordinance on 5005 Rolling Road, Parcel ID 11500-00-00-027A4.

By the above-recorded vote, the Board authorized the Clerk to schedule a public hearing for a spot blight abatement ordinance on 5005 Rolling Road, Parcel ID 11500-00-00-027A4.

Item No. 8.10. Schedule a Public Hearing for Spot Blight Ordinance for 8038 Blenheim Road, Parcel ID 13100-00-00-01200.

The Executive Summary as forwarded to the Board states that the presence of blighted and deteriorated properties can have negative safety, economic, and environmental impacts on properties and neighborhoods, resulting in unsafe communities and other public nuisances.

"Blighted property" is defined as a structure or improvement that is dilapidated or deteriorated because it violates minimum health and safety standards (Virginia Code § 36-3). Though blight is more often considered in the context of Development Areas; it exists also in the Rural Areas.

The Community Development Department (CDD) currently administers several regulations that relate to blight and building maintenance: uncontrolled vegetation (County Code § 7-501 et seq.), stagnant water (County Code § 7-505 et seq.), inoperable vehicles (County Code § 9-500), trash and refuse (County Code § 13-302), safety/health-related upkeep of residential rental properties (Virginia Uniform Statewide Building Code (USBC) § 104.1), unsafe buildings and structures (County Code § 5-300 et seq.), and Zoning Ordinance provisions that prohibit junk yards (County Code § 18-5.1.10).

On April 6, 2016, the Board authorized staff to address problem properties using the County's

spot blight abatement authority enabled by Virginia Code § 36-49.1:1. Previously, this process was used for the property located at 2514 Smithfield Road.

On December 1, 2021, the Board directed staff to continue to pursue spot blight abatement using the County's current authority and to report back on the results. Since that time, seven properties were investigated, with six properties identified as possibly blighted. The seventh, 2632 Hydraulic Road, was mitigated using other ordinances and remains an ongoing maintenance obligation today. The remaining six properties on the Board's consent agenda present ongoing public health and safety concerns.

This specific item requests the scheduling of a public hearing for a spot blight ordinance for 8038 Blenheim Road, Parcel ID 13100-00-00-01200. The overall process was outlined in the executive summary for 2087 Commonwealth Dr., and will not be repeated here. All six requests for the scheduling of public hearings followed the same process.

In this staff report, the specifics for 8038 Blenheim Road, Parcel ID 13100-00-00-01200, are outlined.

Staff identified this property as a "blighted property," and initiated the required steps to abate the identified blight. Specifically, as the County Executive's designee, the County Building Official made a preliminary determination that the property was blighted and sent notice to the property owners specifying the reasons why the property was blighted. Because the property owners failed to respond within 30 days with a written spot blight abatement plan acceptable to the County Executive's designee, staff is requesting that the Board schedule and advertise a public hearing in the future to consider an ordinance declaring this property to be blighted.

Staff has engaged with the property owner to summarize the following items to be corrected by the owner in the County-generated Abatement Plan: "The work is to include the razing of the structure, removal of debris to an authorized facility, and grading/seeding the disturbed area."

If the Board authorizes a public hearing, staff would generate the necessary information, including a cost estimate for this work. In addition, CDD would work with the Department of Finance and Budget to determine a funding source and recommendation.

This agenda item, if approved, would authorize the scheduling of a public hearing on a spot blight ordinance for 8038 Blenheim Rd, Parcel ID 13100-00-00-01200.

Abatement costs for 8038 Blenheim Rd, Parcel ID 13100-00-00-01200 would be presented at the public hearing, if approved.

Staff recommends that the Board authorize a public hearing for a spot blight abatement ordinance on 8038 Blenheim Rd, Parcel ID 13100-00-00-01200.

By the above-recorded vote, the Board authorized the Clerk to schedule a public hearing for a spot blight abatement ordinance on 8038 Blenheim Rd, Parcel ID 13100-00-00-01200.

Item No. 8.11. SE202300019 Brookhill Town Center Stepback Special Exception.

The Executive Summary as forwarded to the Board states that under County Code §18-8.5.5.3(a)(1), the Board of Supervisors may vary yard requirements, build-to lines or ranges, maximum structure heights and minimum lot sizes found in a Code of Development. According to Section 2.3.2 of the Brookhill Code of Development (ZMA201500007), buildings greater than three stories must step back a minimum of 15' after the third story or provide a minimum 15' front or side setback adjacent to a street. The applicant requests a special exception for a waiver to the 15' building stepback requirement for proposed structures in Block 1 of the Brookhill project. Block 1 is designated by the Application Plan and Code of Development of ZMA201500007 as the mixed-use Town Center of Brookhill. Residential and Commercial uses are permitted in this block and buildings may be as tall as four stories by-right, provided that buildings taller than three stories provide a minimum 15' stepback on the front or side of the buildings when adjacent to a street.

The applicant is proposing to construct six buildings that would be four stories tall in Block 1, and would not provide the 15' stepback along the front or side of the buildings where adjacent to Stella Lane. The stepback requirement may be waived by the Board of Supervisors through a Special Exception.

The applicant specifically seeks a waiver of the minimum 15' stepback requirement for Buildings #1, #2, #5, #6, #8, and #9 in Block 1 of Brookhill.

Staff analysis of the request is provided as Attachment C.

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

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

**RESOLUTION TO APPROVE
SE 2023-00019 BROOKHILL TOWN CENTER
STEPBACK SPECIAL EXCEPTION**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE202300019 Brookhill Town Center Stepback Special Exception application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the relevant factors in Albemarle County Code §§ 188.5.5.3 and 18-33.9, the Albemarle County Board of Supervisors hereby finds that the proposed special exception would:

- (1) be consistent with the goals and objectives of the Comprehensive Plan,
- (2) not increase the approved development density or intensity of development,
- (3) not adversely affect the timing and phasing of development of any other development in the zoning district,
- (4) not require a special use permit, and
- (5) be in general accord with the purpose and intent of the approved application.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves as a special exception a variation to the Brookhill Code of Development, in general accord with the special exception application submitted by Collins Engineering, dated March 13, 2023.

Item No. 8.12. SE202300023 Dunlora Park Phase II (Rear Setback Reduction Request) Special Exception.

The Executive Summary as forwarded to the Board states that the applicant requests a special exception to reduce the minimum rear setback required by County Code § 18-4.19 as it applies to Parcel IDs 062F0-04-00-02900, 062F0-04-00-03000, 062F0-04-00-03100, 062F0-04-00-03200, 062F0-04-00-03300, and 062F0-04-00-03400. Under Albemarle County Code § 18-4.19, R-4 Residential Non-Infill Residential lots generally must have a minimum rear yard setback of 20 feet. However, County Code § 18-4.19(2) allows any minimum setback to be reduced by special exception. The proposed units front on Rio Road and Varick Street with access to the rear of the lots for parking from Lindley Place, an access easement that is an alley. The proposed special exception would reduce the rear minimum setback of 20 feet along Lindley Place to allow planned decks and covered porches to extend over driveways (Attachment A). County Code § 18-4.11.1 allows up to a four-foot projection for covered porches, balconies, chimney, eaves and like features. Though the applicant had sought a reduced setback of only five feet, County Code § 18-4.11.1 also restricts these features from being located closer than six feet to any lot line.

Staff recommends that the Board adopt the attached Resolution (Attachment C) to approve a special exception for a reduced 10-foot setback on the subject parcels, allowing the projected features to be as close as six feet to the lot lines, as permitted.

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

**RESOLUTION TO APPROVE
SE 2023-00023 DUNLORA PARK PHASE II**

WHEREAS, upon consideration of the staff reports prepared for SE2023-00023 Dunlora Park Phase II and the attachments thereto, including staff's supporting analysis, any comments received, and all relevant factors in Albemarle County Code §§ 18-4.19, 18-4.11.1, and 18-33.9, the Albemarle County Board of Supervisors hereby finds that the proposed special exception:

- (i) would be consistent with the intent and purposes of the R-4 Residential district under the particular circumstances, and satisfy all other applicable requirements of Albemarle County Code § 18-4.19; (ii) would be consistent with R-4 Residential district design principles; and (iii) would not adversely affect the public health, safety, or general welfare.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves a special exception to reduce the 20-foot minimum rear setback required by County Code § 18-4.19 to 10 feet on Parcel IDs 062F0-04-00-02900, 062F0-04-00-03000, 062F0-04-00-03100, 062F0-04-00-03200, 062F0-04-00-03300, and 062F0-04-00-03400.

Item No. 8.13. Albemarle Broadband Authority Quarterly Report, **was received for information.**

Item No. 8.14. Board to Board, July 2023, A Monthly Report from the Albemarle County School Board to the Albemarle County, **was received for information.**

Agenda Item No. 9. **Discussion Item:** Community Development Department Fee Restructuring.

The Executive Summary as forwarded to the Board states that on March 1, 2023, the Board directed staff to proceed with a fee restructuring to achieve the following goals:

- 1) Consolidate fees into one unified fee schedule in one place in the County Code.
- 2) Simplify fees that are easier for customers to understand and for staff to administer.
- 3) Consolidate and align fees to be consistent with the staff work required while maintaining projected revenue levels.
- 4) Adopt the fee structure in such a way as to provide the option to amend as needed, and
- 5) Implement the new fee structure prior to launching the new Community Development System (CDS).

This fee project is only a restructuring of the fees and does not involve a study of the costs of service.

Staff examined the County's current fees for a variety of services and compared/contrasted them with seven localities to evaluate best practices, with the assistance of a consultant, the Berkley Group (Attachment A). The Berkley Group's comparative analysis found that Albemarle County has almost twice as many fee categories as most localities studied. The proposed fee schedule would consolidate fees from 312 to 154, a reduction of over 50 percent.

This effort included opportunities for feedback from key stakeholder groups (the Blue Ridge Home Builders Association and the Charlottesville Albemarle Developers Roundtable) and a survey that was distributed to previous permit applicants and the broader community. Staff has engaged with key stakeholder groups from the beginning of this project. Many recommendations from the survey have been incorporated into the revised proposed fee schedule (Attachment B).

Staff presented this information to the Planning Commission on July 11, 2023 (Attachment C). The Commission supported the unified fee schedule and had a few questions and suggestions for clarity (Attachment D).

The proposed changes create a Bundled and Tiered Single-Family Residential Fee Structure. To consolidate and simplify fees, staff proposes bundling fees for building permits for single-family residential applications into different categories or tiers, based on the dwelling's size. The bundled fee would be applied across single-family residential applications in tiers based on the total size of the project. The fee would include the following services: a building plan review and the first two inspections per inspection-type. This approach is supported as one of the recommended best practices for fee schedules and would replace the current fee schedule approach where the single-family residential building permit fees are based on three different calculations, including finished space, unfinished space, and gross square feet of the project. The pricing of the six proposed tiers acknowledges that larger homes require more extensive plan review and inspection time. To validate the single-family residential tier pricing, staff compared the proposed bundled fees to actual fees charged based on the current fee schedule for single-family residential permits filed since July 1, 2021. The proposed pricing levels for the bundled fees were adjusted based on the comparisons.

Once a final proposed fee schedule is approved, staff will bring forward for the Board's consideration the adoption of an ordinance to amend the County Code such that fees are in their own section of the Code.

Because commercial building permits are complex and highly variable, staff recommends maintaining the current fee structure for commercial permits. Compared to benchmark localities, staff determined that Albemarle's current commercial permit fee structure is relatively simple and transparent.

There are no budget impacts identified with this item. The fee restructuring is intended to be revenue neutral.

Staff recommends the Board's input on the proposed fee schedule (Attachment B) based on the approved goals for the project.

Mr. Dave Shifflett, Assistant Director of the Community Development Department (CDD), said that he was joined by Amelia McCulley, the Special Projects Manager in CDD, as well as Chris Musso and Darren Coffey of the Berkley Group. He said that the Berkley Group had examined their current fee schedule structure, compared and contrasted with benchmark localities, and recommended changes based on that evaluation and best practices. He said that for background, this project served a few key purposes as well as being a critical step toward facilitating the implementation of the new Community Development System, the permit and application and tracking platform that would replace their current platform, County View.

Mr. Shifflett said that key themes in the restructuring project were to simplify and consolidate fees, moving from 312 separate fees in six separate co-categories to one co-category. He said that with staff's recommended fee schedule, there would be 154 total fees, or over 50% reduction in the number of fees they had currently. He said that the resulting unified fee schedule would be moved to a new County

Code section that would make it easier to revisit and amend on a regular basis.

Mr. Shifflett said that for the methodology, they could begin in 2007 when they had consultants named Public Financial Management Group complete a comprehensive cost analysis for providing services associated with the various applications and permits in the department. He said that these fee ordinance amendments were adopted in 2008 and 2009, and the current fee restructuring work did not include a service costs study. He said that in 2008, the Board established a policy to update fees based on approved changes to staff compensation, and these updates were intended to occur every two years but were not routinely completed. He said that in fact, since 2008 they had updated all of the CDD fees together only two times, and the most recent update to fees was adopted April 21, 2021, and effective July 1, 2021. He said that this update included a new technology fee based on 4% of the total application fee based on the authority in Virginia Code.

Mr. Chris Musso of the Berkley Group said that for the past year, they had worked with the CDD staff to create a new, streamlined, simplified, and unified fee schedule that would live in its own separate chapter of the County Code. He said that they accomplished this through combining like fees and removing redundancies in fee categories. He said that the scope of this project did not include an analysis of individual fee costs, but individual fee charges had been modified for condensing, combining, and simplifying based on best practices. He said that they approached the project with an intent to maintain revenue neutrality, which was a rigorous process to maintain within about 2% to keep everything revenue-neutral, especially building fees.

Mr. Musso said that a major aspect to this project was benchmarking, for which they chose six peer localities of similar size and development pattern, as well as the City of Charlottesville. He said that these localities had been used in the past and were chosen with the advice of County staff. He said that benchmarking of these locality's individual fee costs was avoided where possible, and for this project they were only looking at a snapshot comparison of their best practices for fee structure and how benchmark schedules were put together.

Mr. Musso said that the overall goal of this project was simplifying and streamlining the fee categories to create a new fee schedule based on these best practices. He said that in all, they found that Albemarle County was doing a lot of things correctly, such as using square footage for costs for building permits. He said that these lined up with best practices and they made modifications where necessary.

Mr. Musso said that the best practices used for these projects were compiled from nationwide research, were relied upon throughout the project, and were incorporated into the proposed fee schedule. He said that in addition, they used the separate data sources for the project as indicated on the slide. He said that they primarily looked at benchmark community structure, and in addition used data readily available from the resources, especially to create residential building fees based on home prices. He said that mean and median home prices versus regional income patterns were used to create subcategories that they would examine later.

Mr. Musso said that most importantly, they engaged with the community, where possible, to get input on the project. He said that they reached out to two stakeholder groups for this project, CADRe and Blue Ridge Home Builders, and they had regular contact throughout with both groups. He said that County staff also met with Blue Ridge Home Builders and drafts were shared with both stakeholders throughout the process to receive their input. He said that in addition, they compiled a survey for Engage Albemarle, with draft fees shared among 2,726 community members who had gone through the development process in the past and they were asked for their input.

Mr. Musso said that they only received 16 survey responses, but in their experience, when people did not have anything to say, it usually meant they were doing something right. He said that the general feedback they received from the survey was positive, people liked the simplified fees and streamlined approach, and some comments were there to help with clarity and transparency, and these were addressed and updated in the current draft.

Mr. Musso said that he would review some of the charts detailing the work of the project. He said that the chart shown on the slide displayed the number of fee categories for Albemarle and its benchmark localities. He said that the major takeaway was that Albemarle's number of fee categories were the highest among the benchmarks. He said that in addition, the column highlighted in yellow showed the proposed new number of fee categories, and compared with the current fee categories, it would result in an over 50% reduction in overly complex or redundant fees to better align the County with its peers.

Mr. Musso said that the slide shown displayed a lot of the same information, with the pie charts representing a total of all the fee categories from peer localities and Albemarle County. He said that Albemarle County was shown in turquoise, and it could be seen how much of the pie that Albemarle County took up. He said that the proposed fee categories made Albemarle County much more aligned with the number of fee categories by the benchmark localities.

Mr. Musso said that in summary, they believed that the adoption of the proposed fee schedule would help simplify and streamline the process for Albemarle staff and applicants, and was done so by reorganizing, consolidating, simplifying, and removing redundancies in the current Community Development fees.

Mr. Shifflett said that he would review the proposed changes. He said the first was the single-family residential fee structure. He said that to consolidate and simplify these fees, they proposed

bundling fees for building permits for single-family residential applications into different categories or tiers based upon the size of the home. He said that the effort was supported as one of the recommended best practices for fee schedules. He said that single-family residential fees were chosen because they were a frequent building permit type and more conducive to bundling fees.

Mr. Shifflett said that commercial permits, while also important, were fewer in number and far more complex, and based on Berkley Group's assessment, the current fees were quite transparent and fair.

Mr. Shifflett said that in the current fee schedule, the single-family residential building permit fees were based on three different calculations, which were \$0.58 per square foot for finished space, \$0.18 per square foot for unfinished space, and \$0.05 per gross square foot minus the area of unfinished basement, which all went into the fee for plan review. He said that a bundle fee was applied across all types of square footages and included building plan review and the first two inspections per inspection type.

Mr. Shifflett said that determining the tiers for these bundled fees involved extensive assessment and data modeling to ensure the proposal was revenue-neutral and did not represent substantial changes from current fees paid. He said that the proposed fees were tested against single-family building permit applications received since July 1, 2021, to evaluate the expected revenues with adoption of the updated fee schedule. He said that the proposed tiers recognized that larger homes required more extensive plan review and inspection time than smaller homes. He said that they were proposing six tiers for bundled fees as listed in the executive summary based on house size.

Mr. Shifflett said that additional proposed changes included newspaper and mailing notice requirements, explaining that the increasing costs of postage and advertising in the newspaper such as the Daily Progress had far exceeded their current fees. He said that to better address those costs, it was proposed that the fee pay for notices to be changed to the actual cost for the advertisement when an advertisement was applicable, and the actual cost of the postage for mailings as well. He said that the initial application fee would include a standard administrative fee for the notice, and the actual cost for the notice would be charged following the mailings and prior to the issuance of related permits. He said that while this did not allow for complete predictability for the fee, staff recommended it as the best way to capture costs.

Mr. Shifflett said the next proposed change was the merger of multiple fee categories for single flat fee, which was consistent with best practices. He said that fee categories had been combined and the overall number of fee categories was reduced. He said that it included multiple separate fees involved in a single application combined into one fee category. He said that an example would be with Virginia Erosion and Sediment Control, where the agreement or plan review was one fee and the permit inspection was a separate fee; those fees were proposed to be combined into one fee. He said that it also included multiple separate fee categories combined into one category. He said that an example was that there were 20 existing fee categories for special use permits and five fee categories were proposed.

Mr. Shifflett said the next proposed change was for fee consistency, so where they had found inconsistencies in CDD fees, they had sought to establish a common fee where relevant. He said that fees for transactions related to performance bonds and for appeals of decisions under several regulations were two examples of proposed changes to establish consistency.

Mr. Shifflett said that rounding to the nearest dollar was the last proposed change. He said that as a result of fee increases over the years, some resulting fees included dollars and cents, for example \$118.86 for a letter of revision, or it was uneven numbers, such as \$592 for a variance application for the Board of Zoning Appeals, or \$237 for an easement plaque. He said that the proposed fee schedule rounded fees to the nearest dollar ending in zero or five.

Mr. Shifflett stated that staff had presented the proposed unified fee schedule to the Planning Commission on July 11, 2023, and overall feedback from the Planning Commission was positive. He said that Commissioners offered several questions and suggestions that were contained in Attachment D of the Board packet. He said that for next steps, they would consider revisions relevant to any input received and would share that with stakeholders.

Mr. Shifflett said that public hearings were scheduled as noted on the slide, which showed a public hearing with the Planning Commission on October 10 and with the Board of Supervisors on December 6. He said that staff recommended an effective date of July 1, 2024, which would allow CDD the time to make necessary changes to their information systems and would limit cost impacts on contracts for developments currently underway.

Ms. Mallek said that the changes would allow for much better understanding of these complicated fees, and she was grateful for the work. She said that the bundle fee included permits for the first two inspections per type, and that she would like to know if electrical, footings, and plumbing all be different types or if they would be one type involved with construction.

Mr. Shifflett answered that they were different types of inspections.

Ms. Mallek asked if there were 10 or more covered in the bundle.

Mr. Shifflett said that was correct.

Ms. McKeel said that the rounding of numbers made sense for simplifying things as everyone was used to doing so for their taxes. She said that she understood the July 1, 2024, adoption, but asked if staff could clarify about why that date specific was given.

Ms. Amelia McCulley, Special Projects Manager, replied that the date allowed staff to get the word out to let people know, put it on the website, and put it in the front office. She said that people who were making applications after July 1, 2024, would be subject to the new fees.

Ms. McKeel said that she assumed the word would spread quickly because it was a simplification. She asked if it was correct that they should be looking at these fees every three to five years.

Mr. Shifflett said that was correct.

Ms. McKeel asked if that was going to be institutionalized. She said that she did not want to find that in 20 years this process had not been revisited. She asked how they would get that into their culture.

Mr. Shifflett stated that he would be a part of building that into their culture in CDD, but this was just a first step in a continuing improvement process and was not something that would necessarily ever be finished and would be continued at regular intervals over time.

Ms. McKeel asked if someone would be keeping track of the calendar.

Mr. Shifflett said that that was his task currently.

Ms. LaPisto-Kirtley said that she liked their efforts to keep things simple, and the streamlined approach would be very effective and welcome. She asked if the newspaper and mailing notice requirements would continue to utilize the newspaper.

Mr. Shifflett said that was correct.

Ms. LaPisto-Kirtley said that she mentioned that because their local newspaper was problematic at best regarding mailing it. She said that if everyone could see it online, that would take care of itself, but she wondered if there were any new advances in notification beyond mailing and newspaper.

Ms. McCulley said that they were following state code requirements for notice, and at this point she did not know of any pending bills to allow it to be more digital than typical newspaper-wide distribution. She said that they would have to follow whatever the state code had, and she was unsure if that was changing.

Ms. LaPisto-Kirtley asked if that would be done with their local newspaper.

Mr. Shifflett said yes.

Ms. LaPisto-Kirtley said that she was supportive of staff's proposed changes.

Mr. Andrews stated that he was supportive as well. He said that the more he read the details, the better he felt about it. He said that looking at the number of fees was not necessarily convincing him of what was going to be clarifying about this, but as he looked closely, it did seem a lot better.

Mr. Andrews said that in the review of benchmarking, there were comments to the extent that they were already more straightforward than some of the peers that may have been looked at. He said that he definitely thought that they should be regularly updating, but did not suggest that they should look to the same peers if that was not necessarily the best approach.

Mr. Andrews asked if there was more explanation about moving fees to their own chapter. He said that his expectation was that reading code was not where they went to find what their fees would be, but at the same time, each of these was part of a separate chapter because they were very separate concepts in terms of what was being applied.

Mr. Shifflett replied that the idea of consolidating to one code section was to keep them in one place as well as making it easier for them to update those fees and go to one spot instead of six separate spots.

Ms. McCulley added that in terms of public information or applicant information, while the fees would be repealed from within the six individual codes in which they were currently located, there would be a reference of where to find them, which would be evident on the web and in association with the payment portals, application information, and other items. She said that she appreciated the point that it needed to be very clear to people what the cost was associated with the application they were about to make.

Ms. Price said that she was looking forward to these changes, as she had faced difficulty in understanding the fees in her own permit applications, and what they were doing to simplify it would particularly help those who were not professional developers to be able to do it. She acknowledged and appreciated the action that would continue to update these periodically, so they did not find themselves too far off-base in one way or the other. She said that she appreciated Mr. Williamson's comments about the positive aspect of the work and reiterated her support of the item.

Ms. Mallek said that the more clarity they put in prevented people from accidentally getting permits for things they actually did not need, and these changes would all make things so much better.

Mr. Jeff Richardson, County Executive, asked Mr. Shifflett to recognize the staff present who had participated in achieving this work.

Mr. Shifflett recognized Michael Dillinger, Building Official; Cameron Langille, Planner; and Lisa Green, Manager of Code Compliance.

Ms. Price gave her thanks to those staff, as well as those who were not present, and other CDD staff including Ms. Filardo and Mr. McDermott.

Mr. Richardson said that this team was in the field on a day-to-day basis and worked extremely hard with code compliance and zoning enforcement. He said that these staff were not often in Lane Auditorium because they were in the field from early in the morning to late in the afternoon.

Mr. Richardson noted that yesterday, a builder was leaving the building, and he asked him how his service was. He said that the builder said that he was going to his car to get some things because he was receiving help from CDD, and later that afternoon, he emailed Mr. Richardson and said that it was great to see him and that he wanted to follow up with his experience today in CDD.

Mr. Richardson said that the email went on to say that Maggie Noel had helped him start a new application, and that they quickly got past the place where he was bogged down, and she was so helpful. He stayed until 1:15 p.m. working on the application knowing that he had great assistance from her if he needed help. He said that as he was leaving, he stopped at the window to thank her, and he believed she had left for lunch, but let Emily Clifford, Intake Support Specialist, know that he was in the lobby. He said that she said that she was the CAMINO intake person and would be happy to help with a phone call or an email to help him get through the process. He said that she even gave him Dan Ratzlaff's card for the swap, as he knew he would need some help with that. He knew, as Mr. Richardson would have hoped, that the staff were extremely helpful and a joy to talk with.

Mr. Richardson said that there were times when people had very tough issues in the community with building and building permits, and their staff worked diligently to try and help. He said that Mr. Williamson had made some comments earlier about the community outreach, which equated to more work on the front end. He said that he appreciated those comments because staff had worked very hard to get them to where they were today.

Ms. Price said that some items had been moved up on the agenda.

Agenda Item No. 10. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Jeff Richardson, County Executive, said that this report was given on a monthly basis with the help of a lot of people in the organization to try to do a decent job of capturing some of the things going on around them every day, that without an opportunity to tell them about it with a snapshot, they would not know it was happening. He said that Abbey Stumpf, Manager of the CAPE (Community and Public Engagement) Division, had been working diligently to put these reports together not only to pull it together with a focused theme of the Strategic Plan, but also so that there were notes available for Supervisors to share with the community when they were in an applicable situation. He said that staff continued to improve every single month.

Mr. Richardson stated that the picture displayed on the slide was supporting Goal 1 in the Strategic Plan, which was about nurturing a safe and healthy community. He said that today, August 16, a discussion-based tabletop exercise was held to validate plans, policies, and procedures across their entire community related to dam emergency scenarios. He said that this was the most recent event in a FEMA (Federal Emergency Management Agency)-led series of trainings and work sessions to plan and prepare for dam-related emergencies.

Mr. Richardson said that examples of the session topics included floodplain management, hazard mitigation, evacuation, shelter in place preparation, risk communications, and public engagement. He said that staff from Facilities and Environmental Services (FES), Fire Rescue, Police, Communications, and Public Engagement, along with local dam owners, regional emergency managers, and state and national experts. He said that Virginia's Department of Conservation and Recreation (DCR) believed that there were about 239 dams in their community that were large enough to be regulated. He said that this was such good cross-departmental work, and with so many people from different departments coming together with regularity, it reflected that these were complex issues, and it required help from a lot of different areas.

Mr. Richardson said that he was pleased to announce that Albemarle County staff would be joining the General Government Steering Committee of VACo (Virginia Association of Counties). He said that this supported the work across all strategic goals. He said that Ms. Emily Kilroy had been appointed to this committee, which considered proposals from member counties for inclusion in VACo's legislative program. He said that they also provided direction to the VACo staff on policy issues arising from legislative and state agency studies. He said that the General Government Steering Committee

considered issues such as Freedom of Information procurement, public safety, and cybersecurity. He said that the first meeting was on August 17.

Mr. Richardson said that County staff recently graduated from the Virginia Institute of Government at UVA's Senior Executive Institute. He said that this related to goal 6, which was that they were trying to recruit, retain, and grow their engaged public servants who provided quality government services to advance their mission. He said that two of their organizational team members, Ms. Kilroy on the right and Ms. Kristy Shifflett on the left, were gone for two weeks in July to attend this schooling at UVA.

Mr. Richardson said that they had a longstanding relationship with the University of Virginia and their Senior Executive Institute, and he told the two staff who participated to evaluate the program to ensure it was meeting their needs or to determine if they needed to broaden. He said that initial information from both participants said that it had exceeded their expectations and was an excellent two weeks. He said that they would continue to invest this time and energy with the University, and he was thankful that they were a neighbor. He noted that they had participants in this program from all over the United States.

Mr. Richardson stated that the photograph on the slide was from the Commonwealth Drive fire response from July 25. He said that this related to the goal of supporting community safety through highly responsive services. He said that on July 25, crews were dispatched to a multi-story apartment building fire that had come completely through the roof. He said that no injuries were reported, in part due to the quick response from Fire Rescue and Police.

Mr. Richardson explained that police officers were first on the scene to immediately check every apartment for occupants, including the top two which were already heavily congested with fire and smoke conditions. He said that the officers first on the scene who helped with the evacuation were Officers Chip Riley, James Potter, Kristian Hernandez, and Gabrielle Whitford. He said that the first arriving fire units arrived four minutes after the dispatch and crews were able to keep the fire from spreading to adjacent buildings. He said that personnel worked closely with local partners to provide effected residents the necessary support and resources.

Mr. Richardson said that the initial reports of multiple children and babies trapped inside this building made this call very stressful, and thankfully as they got there and began to work through the building, they found that that was not accurate information. He said that the Police Department and Fire Rescue leadership had reinforced the support resources available to personnel that they continue to respond to life-threatening and traumatic events. He said that he was very pleased with the team in responding to this very serious fire, as the outcome was better than they could have anticipated.

Mr. Richardson announced that the Community Climate Action Grant had been awarded, which related to goal 2, designing programs and services that promoted an equitable and engaged climate-resilient community. He said that Albemarle County had announced five community-driven projects selected to receive community climate action grants totaling \$100,000. He stated that the awardees were Autism Sanctuary, Community Bikes, International Rescue Committee's New Roots Farm, Flip Incorporated, and the Peabody School. He said that projects ranged from grassland restoration to green jobs training, and these grants would support creative local projects that supported the County's Climate Action Plan. He said that projects would take place in Albemarle County or involve people who lived, worked, and went to school in the County. He said that 13 total applications were received in the program's first open grant process.

Mr. Richardson said that he would next discuss electronic voucher systems. He said that this related to strategic goal 6.3 in which they were looking to modernize business processes and technology to transform customer service demands. He said their staff from Information Technology collaborated with Finance and Budget and Social Services Departments to provide an electronic payment option for the housing voucher program. He said that work sessions with staff in the three departments provided universal understanding of the process, how the data moved between the systems, and how their work and requirements impacted other departments and offices.

Mr. Richardson said that that some successes from the team's work included housing voucher payments being integrated with Zelle, which was similar to Venmo but was owned by the banking industry and what the County used. He said that this integration of Zelle allowed for recipient payments to be sent quickly and safely, and reduced waiting times from 3 – 4 weeks to 3 – 4 days, and was a developed and easier to use form that would benefit all housing office vendors and would save staff time by minimizing incomplete form submissions and speeding up the enrollment process.

Mr. Richardson said that it added a layer of control for all vendor records by centralizing all vendor maintenance in the Procurement Office. He said that the three departments had to map all the information out in order to understand where it all went throughout the County and where the gaps were. He said that it was really analyzing how one department's work affected another, and it began to build relationships cross-departmentally.

Mr. Richardson stated that Albemarle County was recognized by the Center of Digital Government, supporting goal 6.3, modernizing business processes and technology to transform customer service demands. He said that in partnership with NACo (National Association of Counties) and the Center of Digital Government (CDG), they conducted an annual survey that served to benchmark tools for state, city, and county governments. He said that these surveys assessed how local jurisdictions were

doing and how they applied technology to better serve their constituents. He said that the digital County survey identified the best technology practices among U.S. counties, including initiatives that streamlined delivery of services, reduced data analytics to allow decisions based on performance and outcomes, enhancing cybersecurity, and applying innovative and emerging technologies.

Mr. Richardson said that Albemarle County was ranked 10th nationally in the "Up to 150,000" population category of the 2023 Digital Counties Survey. He said that this reflected projects completed in a 12-month period ending in March. He said that their County was recognized among a distinguished group of counties that had worked hard to improve their digital citizen and government experience through technology and leadership. He said that NACo and CDG recognized Albemarle for its continued participation in the survey since it began 20 years ago, with top 10 status every year, and for the contributions made toward making government better.

Mr. Richardson said that it was an example of the commitment to continuous improvement and benchmarking across the state and the country. He said that they heard some of that today with their consultant, Baker Tilly that so much of what government did was open for public inspection, meaning that they could benchmark, and when they were behind the pack they needed to pick it up, and where they led the pack they needed to recognize the work, and for that he thanked Mr. Roderick Burton, IT Director, and his team.

Mr. Richardson stated that Let's Talk Albemarle received a 2023 VACo Achievement Award, which related to goal 2, design programs and services that promote equitable, engaged, and climate-resilient community. He said that the Let's Talk Albemarle van was recognized throughout the community and the project was selected for a recent 2023 award. He said that it successfully held over 50 pop-ups in more than 30 locations and had met thousands of community members across Albemarle County since April 2021 where they were in the community. He said that the van was a prime example of the benefit of meeting their community out in the community.

Mr. Richardson stated that some of the Board members may have participated in the most recent National Night Out, which supported Goal 1, the outreach and a nurturing, safe, and healthy community. He said that he participated in every one of these events since being here, and this year it was turned inside out so that instead of having it at a place like Stonefield or the mall, the Albemarle County Police Department (ACPD) thought about it differently and decided to go to multiple locations in the community where people would most benefit from them going there. He said that a mobile team of ACPD staff connected with over 150 individuals during visits to five housing communities for a hyper-local approach to community engagement.

Mr. Richardson said that the ACPD organized the event differently than in years past, both with a mobile team visiting locations through the County and a centralized event that invited the public to them. He said that this year's strategy allowed for deeper and more meaningful conversations in some of the neighborhoods with some of the residents where they saw higher risk. He said that he was proud of the team for being so innovative with the event.

Mr. Richardson said that the Yancey Community Center hosted a back-to-school event supporting goal 2, designing programs and services that promoted equitable, engaged, and climate-resilient community. He said that the free backpack giveaway combined with roller-skating had over 100 attendees, with 60 skaters and 49 backpacks distributed. He said that the event was sponsored by the Yancey Food Pantry volunteers as part of the annual community service activity. He said that Yancey was a very alive community center, and he appreciated the leadership from Parks and Recreation and all of the folks involved.

Mr. Richardson stated that staff attended the Soul of Cville Event at IX Art Park, which was a part of goal 2, to design programs and services to connect to the community. He said that CAPE and OEI (Office of Equity and Inclusion) staff attended to promote community engagement opportunities, including the upcoming 21-day equity challenge. He said that over the two days, staff connected with 850 people and served over 500 snow cones.

Mr. Richardson stated that the new emergency alert system launched by the ECC (Emergency Communications Center) was now in place. He said that it had been migrated to an improved software platform. He said that this was from the Code Red system previously used, and this free service provided timely notifications, critical information that may impact the community's safety. He said that their public safety agencies worked with the ECC to utilize this system when they needed to alert the community in situations such as missing persons or a type of active threat. He said that they were working to promote registration in the community, explaining that community members could register for this free service at www.cua.911.gov.

Mr. Richardson stated that Via had been selected as CAT's (Charlottesville Area Transit's) vendor to implement the microtransit service. He said that the contract was awarded to Via as the top choice out of three national companies, one local company who provided them with RFP (Request for Proposals) proposals. He said that Via was the clear top choice by the RFP Panel, which included CAT, the City of Charlottesville, and County staff. He said that a full presentation by Via to the Board of Supervisors was planned for September 20, and launch was expected this fall.

Ms. Mallek said that she hoped Roderick Burton had a great trip to Austin, as that was a great picture. She said that there were so many things mentioned that were so important. She said that regarding the FEMA work session, flood management was of great importance, and she added that

protection was important as well, so that any structures or items in the floodplain were not washed away or required cleanup after a major flood event. She said that she was especially interested in the shelter and planning ahead for emergencies, and she looked forward to hearing more about that. She said that ever since the derecho, she knew that County staff had been working so hard on trying to make all of those emergency-type operations much more easy and seamless to share.

Ms. Mallek said that the Institute on Government was a very important government agency, dealing with things at the behest of the General Assembly any time there were inter-jurisdictional things like annexation. She said that she was very glad that they were able to participate in their classes, as she had found the classes very useful.

Ms. Mallek said that regarding the National Night Out, she was grateful to the ACPD. She said that when she had asked them if staff people from the Planning District could jump in two days ahead, it was very short notice to set up a table and meet with people about the long-range plan, the officers were very helpful and Planning staff was very grateful because they met many people who would never have necessarily come downtown to a meeting or gone to a survey and they felt that they had gotten important feedback from that.

Ms. Mallek said that the CUA (Charlottesville-UVA-Albemarle) 911 program had gone off probably a dozen times this summer alone for weather alerts, and it was so important that people continued to sign up. She said that hearing the alerts was very important because they had had tornado warnings all around them for the past two weeks, and they all needed to do their jobs to stay informed.

Ms. McKeel said that as the representative for Commonwealth, she recognized that it was a scary fire that could have had a terrible outcome. She said that she was appreciative of Fire Rescue and Police personnel who responded to the call. She said that the grant program was very cool, and she was glad they were going back to it. She said that she hoped they included that in future budgets. She stated that she appreciated that different County departments were getting out of their silos and working together, including getting out of their County government silo and working with the County school system.

Ms. McKeel reiterated that working with the community, the schools, and their own internal departments was very important and thanked staff for the work. She said that when she served on the School Board, they talked about a continuous improvement model, and it was very important to keep reminding people. She said that the National Night Out was an example of an improved model in which they visited citizens rather than having the citizens visit them.

Ms. LaPisto-Kirtley said that the common theme in Mr. Richardson's report had been streamlining and improvement of services for the community, which she knew they were all very much in favor of. She said that it showed that they were moving forward into the next 10 to 20 years.

Ms. LaPisto-Kirtley said that enhancing cybersecurity was also very important, and people did not realize how much that was important, especially with recent reports that the County had fended off 1 million cybersecurity threats in the past 3 months. She said that it provided a level of safety for the community as they went forward, and she hoped everyone else did that.

Ms. LaPisto-Kirtley said that reducing the wait time for housing vouchers was very important because it affected people's lives. She said that it was extremely important for the County to do that, and she expressed her appreciation for Mr. Richardson and staff for the work they continued to do.

Mr. Andrews expressed his gratitude for all that staff was doing, and all the item presented were impressive. He said that when local government touched so many aspects of life in their communities, he was grateful that no one was injured including first responders when there were so many hazards going into a fire like they did. He gave his gratitude for the housing voucher wait time from 3 – 4 weeks to 3 – 4 days, which was amazing.

Ms. Price said that she was so impressed with how many reported items had been tied to specific points in the Strategic Plan. She said that it meant that they not only had a plan but were actually effectuating it. She said that it was a very impressive report and she concurred with the comments from the other Supervisors on things like the grant program. She said that she attended three of the locations on the National Night Out, and it what was impressive was the attitude of the officers there, who clearly wanted to be engaged with the community, which made a great difference in how the community responded to them.

Ms. Price said that there were 3,143 counties in the United States, and by coincidence over half of the population of the United States lived in just 143 counties, and there were over 2,500 counties in the United States that had a population of less than 150,000. She said that to come into the top 10 out of over 2,500 was very impressive. She thanked Mr. Burton and his staff for their work in keeping them safe.

Mr. Richardson stated that most of the information he received from the departments made him aware of the improvement efforts going on, so he wanted the Board to know that so much of the good work of this organization across departments started at the departmental level. He said that the nice part about how they tied this report out to them and tying it back through the Strategic Plan, it began to drill down into the organization and how important people's work was, then tied it back to the Board's strategic goals. He said that he learned so much every month about things he had not known to be happening, and he shared this because so many good ideas came to the County Executive's Office, but it did not start in the County Executive's Office.

Ms. Price said that when they had a good plan and good, empowered people, they were able to get things done.

Agenda Item No.11. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Mallek stated that there was a Workforce meeting that she attended with Vice Mayor Wade, representing the local Piedmont Council, and a meeting was planned in Richmond on September 14 which their local delegation would attend. She said that they would find out what the newest wrinkles were in their reorganization of the job training centers that was underway.

Ms. McKeel said that she wanted to share with the Board the 2022-2023 Annual Report from the Advisory Committee on Environmental Sustainability in the School System. She said that as they probably knew, the advisory committee looked at environmental sustainability through the Public School System, and she was the Board liaison along with Kate Acuff for this particular committee, and were also represented by Gabe Daley, Climate Protection Program Manager, on the committee.

Ms. McKeel asked the Board to please read the report and noted that the connections between the School Division and County Government work were really starting to pay off. She said that she appreciated the teamwork happening at the School and County level. She stated that there was information pertaining to transportation and the purchase of electric buses and how they were reducing the amount of mowing on the County school property, and it was a fascinating report full of information.

Ms. McKeel said that through the action of the Board of Supervisors, she and Ms. Price served on the Chamber of Policy Committee, which met on August 9. She said that the Chamber was planning a legislative forum for the first time ever for Wednesday, September 27 at 8:30 a.m., with location and details to follow. She said that there would be outside speakers coming at the state level, and they were discussing a panel of individuals to be speaking. She clarified that the location would be at the Center.

Ms. LaPisto-Kirtley said that she was at the SPCA (Society for the Prevention of Cruelty to Animals) a few weeks ago, and she had a very enjoyable time. She said that the Interim Director Sue Freedman had done a great job and she wanted to recognize her for that.

Ms. LaPisto-Kirtley said that County Parks Foundation had its articles of incorporation and was finishing up the MOU (Memorandum of Understanding) between the County and the Parks Foundation, and once that happened, current Board members would meet to do by-laws. She said that they were anxious and eager to get going to raise money for their parks.

Ms. LaPisto-Kirtley said that at their CAC (Community Advisory Committee) meeting, there was a lot of interest in microtransit, so she would be looking forward to doing that.

Ms. LaPisto-Kirtley said that lastly, everyone was invited to Maple Pine Thai Kitchen's grand opening, sponsored by the Chamber of Commerce, on August 31 at 4:00 p.m. She said that this location was near Grit Coffee on Route 20. She said that she had already visited the restaurant a few times and could confirm the food was great.

Mr. Andrews thanked Ms. McKeel for mentioning the environmental annual report for the Schools. He said that he had no further comments.

Ms. Price said that in addition to Ms. McKeel, Mr. Williamson was also a member of the Chamber of Public Policy Committee, and they had set the date of February 15, 2024 for the state of the community event that would be in the afternoon. She said that they were still finalizing other plans, but she asked everyone to mark their calendars for February 15, 2024.

Agenda Item No.12. Closed Meeting.

At 4:08 p.m., Ms. LaPisto-Kirtley **moved** that the Board go into a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- under subsection (7), to consult with legal counsel and receive briefings by staff members pertaining to probable litigation relating to a claim arising from law enforcement activity, where consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the County and the Board; and
- under subsection (8), to consult with and be briefed by legal counsel regarding specific legal matters requiring legal advice relating to the Americans with Disabilities Act of 1990.

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

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

ABSENT: Mr. Gallaway.

Agenda Item No.13. Certify Closed Meeting.

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

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

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

NAYS: None.

ABSENT: Mr. Gallaway.

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

There were no speakers.

Agenda Item No. 15. **Public Hearing: ACSA202300001 Albemarle County Service Authority Jurisdictional Area Amendment (Hunters Way).**

PROJECT: ACSA202300001 2305 Hunters Way Request for Limited Water Service

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCELS: 079000000004P0

LOCATION: 2305 Hunters Way

PROPOSAL: Request to amend the Albemarle County Service Authority Jurisdictional area to authorize water service for a proposed 43, 500 square foot warehouse. Service would be for fire suppression only and no domestic water consumption.

ZONING: HC Highway Commercial – commercial and service; residential by special use permit (15 units/ acre)

PROFFERS: No

ENTRANCE CORRIDOR: Yes

POTENTIALLY IN MONTICELLO VIEWSHED: Yes

OVERLAY DISTRICT: EC, Entrance Corridor

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

The Executive Summary as forwarded to the Board states that pursuant to Virginia Code § 15.2-5111, the Board has adopted jurisdictional areas for parcels that may be served by Albemarle County Service Authority (ACSA) water and sewer. The boundaries of the Development Areas generally define the ACSA's Jurisdictional Area (ACSAJA). The subject parcel (described in the Attachment A application and shown on the map in Attachment B) and others within the Hunters Way commercial and industrial subdivision are not designated for any public water or sewer service.

As noted in the Community Facilities chapter of the County's Comprehensive Plan, changes to ACSAJA boundaries outside of the Development Areas should be the exception and should be allowed only when: (1) the area to be included is adjacent to existing lines; and (2) public health and/or safety is in danger. A detailed staff analysis is provided as Attachment C and the ACSAJA Service Designations Map is provided as Attachment D. Staff has found that the application does not meet the second criterion as no policy currently exists that addresses criteria for limited service for fire suppression. However, other factors that may be considered with this application potentially support approval of the request.

If this application were approved, there would be no budget impact to the County. The property owner would bear the cost of the water connection.

Staff recommends that the Board adopt Attachment E, a resolution to disapprove the proposed amendment to the ACSAJA. Alternatively, if the Board chooses to approve the proposed amendment, staff has also provided a resolution to approve (Attachment F).

Ms. Rebecca Ragsdale, Planning Manager, stated that the Albemarle County Service Authority (ACSA) was requesting to amend the jurisdictional area, which was the area established by the Board to identify what properties in the County could be served by public water or sewer and what type of service they had. She said that this request was for a property that had no service, and the request was for limited water service for the purpose of fire suppression. She said that the property was located along Richmond Road, Route 250 East, between the Shadwell Market and the Shadwell I-64 Interchange, on the corner of Hunter's Way and Richmond Road.

Ms. Ragsdale said that displayed on the slide was the jurisdictional area map. She said that it was a map established by the Board of Supervisors in terms of the service that was allowed to parcels. She said that Hunter's Way and the area between the Shadwell Interchange and Shadwell Market Area was not served by public water and sewer. She said that areas such as Pantops and the Village of Rivanna were development areas prioritized for full water and sewer service.

Ms. Ragsdale noted the colors on the map, green representing areas designated for water only or limited service. She said that those with limited service included the Market, where water was limited to existing structures only, which was the case at Clifton Inn, and water only to Stone Robinson. She said that there were an array of designations with the jurisdictional area, but there was no service to any of Hunter's Way at that time.

Ms. Ragsdale said that Hunter's Way was an industrial and commercial subdivision. She said that on the slide, the parcels in light blue were zoned Light Industrial (LI), and then Highway Commercial (HC) was located at the corner of Hunter's Way and Richmond Road. She said that the parcel to the right showed that it was already developed, as was most of Hunter's Way. She said that they continued to see proposed new businesses and expansion of existing businesses such as the requested expansion for the subject parcel.

Ms. Ragsdale said for background, this parcel had an existing 6,000 square foot building, and a previous jurisdictional request went through what was referred to as the two-step process, with staff not recommending that they schedule a public hearing for that item, however the Board ultimately did schedule that for a public hearing, so staff recommended approval of the request, noting that it was a request that addressed public safety and would not extend waterlines further into the Rural Area.

Ms. Ragsdale stated that concerns were expressed about the inconsistency of the approval with the Growth Management Plan, and the Board ultimately denied that application, indicating concerns about requests for future water service and acknowledging that there were alternative means to address the possible public safety issue related to fire suppression. She said that since that time, this parcel in particular had had several actions and recent applications, including several special exceptions approved in June related to the proposed 43,600 square foot warehouse, which was the building requested for limited service.

Ms. Ragsdale said that the Board approved a critical slopes waiver and a special exception to allow an increase in industrial use on the property. She said that the warehouse was considered an industrial use, so the special exception approved in June authorized industrial uses, in this case a warehouse of up to 43,600 square feet, where the limit in a commercial zoned property was 4,000 square feet. She said that an initial site plan was approved for the warehouse, and with that approval, the initial plans typically had a number of conditions that must be addressed with final design and engineering at the final site plan approval, including any water and sewer provisions and fire suppression provisions necessary to satisfy the fire code requirements, before the final site plan was approved.

Ms. Ragsdale said that the slide on the screen indicated the property and displayed the existing building of 2305 Hunter's Way, and behind that building was where the proposed warehouse would be located. She stated that it would be a 43,600 gross square foot floor area total with a 21,800 square foot footprint. She said that the waterline ran along Richmond Road and a hydrant was located on the other corner of Hunter's Way on the west side. She said that staff typically came forward with one recommendation that they were strongly encouraging, but in this case, they found both factors for approval and denial, ultimately leading with the recommendation for denial because it was consistent with prior Board decisions.

Ms. Ragsdale said that when they looked at the criteria for these types of requests, they had certain strategies and objectives related to their Growth Management Policy, the ACSA jurisdictional area boundaries being a strong tool in terms of implementing that policy. She said that in this case, they prioritized bringing water and sewer to the Development Areas, and continuing to provide water and sewer prioritized to the jurisdictional areas because of the concern that too many expansions of water and sewer could be a catalyst for growth in the Rural Area. She said that the policy indicated that it should be the exception.

Ms. Ragsdale stated that they typically analyzed these under the two criteria in the policy, which was whether the parcel was adjacent to the line, which they knew it was in this case, and whether there was a danger to public health and/or safety. She said that typically it had been considered an existing public health or safety issue when water or sewer service had been authorized, such as a failing septic system with no alternatives or water contamination issues. She said that they did not have a history of approving these types of requests, which was limited to water for fire suppression, which would address the public safety need.

Ms. Ragsdale said that since the last request, there were some other factors and items for consideration regarding this request that were unique to what they typically saw for jurisdictional area requests for service. She said that they did not see this as an extension or expansion of waterlines into the Rural Area where they did not already exist since they were along Route 250 already. She said that the request was limited to what was necessary for fire suppression.

Ms. Ragsdale said that this was an area that, given the legacy zoning, the amount of industrial and commercial zoning that was there, the character and the development in the Rural Area had already happened, so the granting of this request would not result in development that could not already occur.

She said that they acknowledged that it was development that was more intensive than what they would recommend for the Rural Area. She said that those were factors they felt were included as part of the conversation and could be supportive of approving the request.

Ms. Mallek asked where the location of the hydrant was in relation to the parcel.

Ms. Ragsdale stated that it was across Hunter's Way, in front of 101 Hunter's Way.

Ms. Mallek asked if it was located on Route 250 or on Hunter's Way.

Ms. Ragsdale stated that it was on Route 250.

Ms. Mallek asked if it was a safe distance to the property.

Ms. Ragsdale said that it was about 100 feet to the property line of this parcel, so 300 feet to the proposed warehouse.

Ms. Mallek said that this property had always been outside and never within the jurisdictional area, and it was common knowledge that this area had no water, and people considering being there needed to know that. She said that she did not recall this being talked about when the issue was before the Board in June for a warehouse, and did not recall it was a factor that should be taken into consideration for that approval.

Ms. Ragsdale said that was correct. She said that report focused on the criteria in the Highway Commercial District and regulations for granting an increase for that type of use.

Ms. Mallek asked for clarification that Ms. Ragsdale was referring to the warehouse use.

Ms. Ragsdale said yes.

Ms. Mallek said that that did not have anything to do with water at all. She asked if Ms. Ragsdale could explain why this proposal was not considered the same thing as the other requests which had been denied in the past in order to not provide water to the adjacent parcels.

Ms. Ragsdale said that they were looking at the context of Hunter's Way itself. She said that Hunter's Way had been developing without water service. She said that she did not think it would put pressure on any other parcels in the County except for perhaps increased requests for other parcels in Hunter's Way for water service.

Ms. Mallek said that it may include 2440 or something to the east, because that had connection through Hunter's Way as opposed to on Route 250. She said that there were many parcels that would be next in line to come for this.

Ms. McKeel said that she had a concern that they had to evaluate each proposal on the merits of that proposal.

Mr. Andrews asked if there was any indication to staff that the time that the special exception request came in June that this request was coming forward, or if this was something that arose later in the review of the site plan.

Ms. Ragsdale said that it was submitted at that time, but it was not scheduled for the Board. She said that they did not raise an issue with the square footage request because they were looking at it under that criteria and knew that there were alternatives available where they could move forward with the warehouse use and provide other means of fire suppression without public water.

Mr. Andrews asked if it was fair to ask what fire suppression was employed at the other locations on Hunter's Way. He noted that there were multiple large structures on Hunter's Way.

Ms. Ragsdale stated that the fire marshal may be able to provide details of the layouts of the buildings, but staff was aware that other warehouses had utilized a tank and other means that did not involve public water.

Mr. Andrews said that when talking about the ACSA's views on this particular request, he would ask if the possible extension to similar properties, like those on Hunter's Way that were so close by, having the same thing considered, was that something they could ask, whether it had been a problem to extend it to all of them. He asked about more information regarding the status of this area under the Comprehensive Plan and at what point they could be reviewing Hunter's Way under the Comprehensive Plan in light of the buildout.

Ms. Ragsdale said that the item was before the Board this evening as a unique request for a specific parcel. She said that there was opportunity within their upcoming work session on AC44 to discuss this more comprehensively, and it was going to be a part of the four topics brought forward to them in September. She said that with the Comprehensive Plan update, there was an opportunity to revisit these policies and look at where they had legacy zoning and how it was approached with policy related to the jurisdictional area. She said that the timing was such that they had an opportunity to think about other parcels next month, but this request had to be brought forward to the Board ahead of that.

Ms. Price asked to see the first slide. She said that she had driven Hunter's Way many times for the UPS facility there, but it was not until looking at the aerial image provided on the slide that she realized that the curve of the property brought it so close to Route 250. She said that this was a proposal to put an additional building on the same piece of property that an already-existing building was on. She asked to see slide 3. She asked if it was correct that the yellow with the asterisk on the map over Hunter's Way meant that there was some limited service.

Ms. Ragsdale said that the yellow indicated the parcel boundaries, but the color was similar to the color used for limited service, which was more green.

Ms. Price asked what the colors on slide 4 represented on the left side. She asked if any water service was provided to any of the parcels.

Ms. Ragsdale said no.

Ms. Price asked if there was no water provided to any of the properties highlighted on the screen.

Ms. Ragsdale said that was correct.

Ms. Price asked to see slide 7, then slide 8. She asked if legacy zoning meant that most of the development along Hunter's Way had taken place before the 1980 zoning.

Ms. Ragsdale said yes.

Ms. Price asked if there were any additional questions.

Ms. LaPisto-Kirtley asked for clarification that when the applicant requested the special exception for the 43,600 square feet, at that time they asked for it to be hooked up to sewer and water but it was not presented to the Board because there were other alternatives.

Ms. Ragsdale said that the application came in at the same time as the special exceptions, but they did not get it scheduled at the same time as the special exceptions. She said that the request was for water service limited to what was necessary for fire protection.

Ms. LaPisto-Kirtley said that she understood that the other buildings in the area had either tanks or a dry hose.

Ms. Ragsdale said yes, and there were other alternatives, which was how Hunter's Way had been developing. She clarified that there was no sewer request, and this request was limited to water provided for sprinklers for the building.

Ms. LaPisto-Kirtley asked if all of the other buildings on Hunter's Way used an alternative method for fire suppression.

Ms. Ragsdale indicated that was correct.

Ms. LaPisto-Kirtley said that the information provided stated that they would be able to supply enough water for the sprinkler system, which they were required to put in.

Ms. Ragsdale stated that the ACSA had not indicated a problem with being able to provide service with this request. She said that they had not moved forward with the final site plan process where they were getting into the detailed analysis of the fire flow calculations with the fire marshal and the ACSA.

Ms. LaPisto-Kirtley said that the report indicated that that could be solved with tanks such as what the other businesses used.

Ms. Ragsdale confirmed that was correct.

Ms. McKeel asked for clarification that the proposed warehouse was not an item for the Board to consider tonight.

Ms. Ragsdale said no. She said that they were dealing with water service to the property.

Ms. McKeel said that that warehouse was already approved at an earlier meeting.

Ms. Ragsdale said yes. She said that the special exception to allow warehouse use within the 43,600 square foot building was approved in June.

Ms. McKeel asked for confirmation that the item they were discussing was the water service.

Ms. Ragsdale said that was correct.

Ms. McKeel said that they were not actually looking at the ability to build a warehouse on that property but were looking at the water situation.

Ms. Ragsdale said yes.

Ms. Price opened the public hearing.

Mr. Justin Shimp, representing the applicant, stated that he was joined by Ms. Kelsey Schlein, planner, and Mr. Anthony Woodard and Mr. Chris Virgilio, property owners.

Mr. Shimp stated that the only similar request had been submitted 30 years ago on the same parcel. He explained that Alan Dillard had a NASCAR team at the time, and he proposed a racecar shop. He noted that the staff had recommended approval of the proposal on the grounds that it improved the fire suppression system. He stated that concerns had been expressed by the community about taking water from the then-newly constructed waterline for the Village of Rivanna, and the Board had denied the request. He noted that since then, there was shown to be ample water supply in the water system.

Mr. Shimp said that they applied for the jurisdictional request and the special exception at the same time, on March 27, 2023. He said that the proposal could be built without approval because the zoning was separate from the request. He said that there was a technical requirement for fire suppression, and they were requesting the best way to do it.

Mr. Shimp noted that there were approximately 46,500 total parcels in the County, and 112 of them were commercial or industrial zoned properties outside of the Growth Area. He continued that 40 of those parcels were outside the jurisdictional area. He stated that five of the 40 parcels have an existing water service line within the property but were not within the jurisdictional area.

Mr. Shimp stated that when they submitted the request for the special exception, a variety of positives were cited for the warehouse expansion, but now they wanted to build it in the safest way possible. He said that they would be able to divide the building with firewalls to avoid sprinkler requirements, but that would take away some of the tenant space. He stated that they would be required to provide a fire hydrant adjacent to the building if there was a sprinkler system.

Mr. Shimp said that connecting to the public water system would be the best fire suppression method and the most reliable. He noted that the ACSA inspected the hydrants, and they would not have to worry about power outages. He said that the connection would provide the best technical and most reliable fire suppression method, and they were not trying to expand the facility.

Mr. Chris Virgilio, Woodard Properties, said that they owned and operated a great amount of commercial space in the City, and over the last year, they would have leased the building easily. He noted that the space met the needs for Light Industrial, warehouse, office, or store-front space. He said that existing tenants and companies were looking to expand, but the space was difficult to find. He said that the location was convenient within the County and not far from the City. He said that without the sprinkler system, it would limit the expanse of the space and the available uses in the building. He said that it may be a non-starter to use a tank system due to the costs. He said the goal was to keep the businesses looking for the space close to the County and the City.

Ms. Mallek clarified that the waterline they were requesting to access was the blue line on Route 250. She said she did not know about the water system technology and asked if they were able to tap into an existing high-pressure line.

Mr. Shimp responded yes, and it was done almost every day.

Ms. Mallek noted that the site was a pre-existing nonconforming use, and it was chosen for commercial-industrial in 1980. She said she understood the history, that the landowner selected the uses. She noted that different types of uses would be able to use the site if a sprinkler system was available. She asked how the sprinkler availability and jurisdictional area would allow the change from an affordable warehouse district to a hotel use or other use desirable in the Growth Area.

Mr. Shimp clarified that the request was only for fire suppression, and the property was limited by the 400 gallons per site acre per day. He said that fire suppression would not permit a restaurant or hotel use because they would exceed the water consumption regulations. He said that the resolution did not affect the underlying zoning that restricted the water usage. He said that if a hotel could be built on the site, a tank could be installed to meet building codes. He noted that a hotel use could not be built on the site because of site-area restrictions.

Ms. Mallek said she had thought the 400-gallon use regulation had been foregone. She clarified that the 400 gallons per acre per day regulation applied to the lot.

Mr. Shimp said yes. He explained that there were uses where the regulation applied regardless, and then there were uses, such as hotels or any commercial use, including the warehouse, that was a low user of water, that had to meet the 400-gallon requirement.

Ms. McKeel asked for clarification about the alternatives. She said she saw neighborhoods burn down across the country. She noted some fires were started by electricity, and water was unable to be pumped because there was no electricity.

Mr. Shimp explained that there were three options. He said they could connect to the public system, and they could use gravity-fed systems. He noted that the County system was pressurized and stored in tanks offsite. He said that otherwise, the code would require the building to be divided into smaller spaces with masonry wall divisions to not have a fire suppression system. He said that they could build their own tank and pump.

Mr. Shimp said he recently went to a site in Fluvanna that did not have adequate fire flow, and they sized a 110,000-gallon tank and series of electrical pumps. He said that the systems existed and worked, but more could go wrong. He noted that the public system was constantly monitored and tested. He said there were levels of complexity that made it less reliable.

Ms. LaPisto-Kirtley clarified that of the three options, the developer had not decided yet what to do with the square footage of the space because it was not rented and there were no leases. She asked if that was correct.

Mr. Shimp replied yes. He said that they needed to know the action from the Board to determine how to proceed. He said that they always wanted to build the structure as a full-stand, and if they installed firewalls, they would not be able to re-open the space. He said they wanted to build the space as open as possible so they could use temporary walls.

Ms. LaPisto-Kirtley asked whether the developer knew a sprinkler system was required when they applied for the special use permit.

Mr. Shimp said they may have to use a sprinkler system and noted that the special exception was for the square footage. He said they submitted them at the same time because they wanted to know how to move forward. He said they could still construct the building, but they needed to have the Board take action on the fire suppression request to know how to move forward.

Ms. LaPisto-Kirtley asked whether they submitted the special use permit knowing of the sprinkler requirement and the need to provide water supply.

Mr. Shimp stated that they knew what the three options were, and they submitted the special exception for the total square footage.

Ms. LaPisto-Kirtley said that in the staff report, she was concerned that continued connections to properties in the Rural Area should be the exception, as further extension of lines into the Rural Area could strain limited water resources and capacity. She said she agreed with Mr. Andrews, that if the Board were to consider the request, it should go into the Comprehensive Plan. She noted that the site was not in the Development Area, but it was in a commercial area. She said she was worried about opening the floodgates. She said she had concerns about the request.

Mr. Shimp noted that was how the County historically ran its processes. He explained that there were five parcels out of 46,000 parcels where the request was applicable. He said that the Comprehensive Plan did not address the issue because it was a narrow topic, and only one other request had come up 30 years ago.

Ms. LaPisto-Kirtley noted that there were no parcels in the area which accessed the public water system.

Mr. Andrews asked for information about the cost of a tank system for the subject site.

Mr. Shimp responded that the systems were expensive, and they could cost about \$0.5 million or higher.

Mr. Andrews noted that there was an existing hydrant that was referred to and asked if there would be a need for additional hydrants.

Mr. Shimp said that they would need one hydrant on the site. He said there was a hydrant across from Hunter's Way, and the fire marshal wanted to install a hydrant on the other side of the street. He said that they would build a six-inch line that would end at the hydrant because only one hydrant was permitted on a six-inch line. He said if they did that, the line could not continue up Hunter's Way.

Mr. Andrews clarified that the line could not serve any further than the site.

Mr. Shimp responded that state code prevented any more fire hydrants on a six-inch line.

Mr. Andrews noted that the request was submitted at the same time as the special exception. He asked if the Board should be aware of any future requests regarding the development beyond site review.

Mr. Shimp said that there should not be any further requests. He said they listed their needs upfront—the special exception, slope waiver, and water request. He said if they were all approved, they would submit the final site plan.

Ms. Mallek asked if the jurisdictional area was expanded to the lot, could a different pipe size be installed that would allow the extension of the line on Hunter's Way.

Mr. Shimp said that it could be done, but it also could not be done. He said that if the Board had concerns about the extension, approval could be granted with a condition limited the pipe size to six inches.

Ms. LaPisto-Kirtley clarified that if approved, the approval followed the land, and another proposal would have an opportunity to connect to the public water.

Ms. Ragsdale stated that the request was a limited-service request, so it was limited to the specifics of the request. She said that the request did not authorize water service. She said the request was limited to the building, and if the building was converted to other commercial uses, there was the ordinance. She said that it was limited service, not water service, and the water could only be used for fire suppression.

Ms. LaPisto-Kirtley clarified that if the site transferred ownership, the water could only be used for fire suppression.

Ms. Ragsdale said that the request was for the building, and they would need to clarify if the limited-service action was specific to the warehouse or if it converted to other businesses. She said that there was Highway Commercial zoning, so there may be flexibility because of the fire suppression.

Ms. LaPisto-Kirtley said that the property value would be increased if there was fire suppression.

Ms. Ragsdale said that it would be important to clarify in the action.

Mr. Andrews said he was concerned about how the request related to other properties. He noted that they expected there were other potential users for the service in the area.

Ms. Price asked whether the one existing hydrant was sufficient for the totality of the development on Hunter's Way.

Mr. Howard Lagomarsino, Fire Marshal, responded that when they reviewed the plan, they considered it from the standpoint of what they were building and the required fire flow based on the building design. He said that there was a table in the Fire Code appendix which listed several calculations. He said that when they performed a plan review, he requested a note be added to the plan indicating the required fire flow for the building, and he requested information about the available fire flow. He said if it was in an area without public water service, he asked where the water would come from.

Mr. Lagomarsino said he did not know what the fire flow was for the hydrant, but the location was the same as the live burn training. He said that the hydrant was used for the building during the training. He said that if the hydrant served the property, they would have to lay the hose across the road, and once the hose was on the road, no other fire equipment would be able to enter. He said that they could design a system on the property based on the fire flow required for the building. He said that typically, the fire flow had a flowrate limit and duration limit. He said that the ACSA did those calculations when they did the hydrants. He said that if they had multiple buildings on the site, the one hydrant would not be the only one used, and they would use tankers and other equipment.

Ms. Price noted that the hydrant was on the west side of Hunter's Way, and if there was a fire on the east side, they would have to run a waterline across the road. She noted that it would prevent tankers or other equipment from coming into the site.

Mr. Lagomarsino said that was right. He said that if they were to have something further up the hill, they would have to use relay pumps to keep the right pressure.

Ms. Mallek clarified that they wanted to require a hydrant on the east side of Hunter's Way so that the pipe was underground and kept the road available for emergency vehicles.

Mr. Lagomarsino said that was one solution. He said that a hydrant on the property was also dependent on the use. He said that the occupancy type would depend on the square footage before a sprinkler system was required. He said anything above 12,000 square feet would have to have a sprinkler system. He said they could use fire-rated walls or floors to compartmentalize the structure. He said that any structure with an aggregate of 24,000 square feet required a sprinkler system. He said that once a sprinkler system was required, there had to be connection on the building to supplement the flow and pressure. He said they typically looked for a hydrant within 100 feet to not block further access.

Ms. Price explained that even if there was a hydrant on the east side of Hunter's Way, they would still require a relay system if there was a fire further up the road to keep the pressure up.

Ms. McKeel asked for information about alternative fire suppression strategies.

Mr. Lagomarsino responded that as the code was written, any building constructed had to have a water source to provide the needed fire flow. He said that further in the code, the types of water sources were outlined. He said it had to be a fixed water source, such as a pond, a reservoir, or public water main. He said that they considered whether they could safely and efficiently operate in the area. He said that when they considered different alternatives, any type of system, if properly engineered and maintained, was as good as any other. He said that if ACSA was involved, then they knew the processes. He said that

if there was a private water system, it was on the property owner to ensure it was maintained.

Ms. LaPisto-Kirtley asked what other businesses in the area used for fire suppression.

Mr. Lagomarsino responded that the hydrant was the only water source for any site in the area, except for the UPS site which had a tank system. He said that there was a project off Craig's Road in Crozet, but the owner could not get the proper grade for the driveway. He said that in order to get the driveway waiver, the owner installed a sprinkler system and bladders within the walls to supply the sprinkler system. He said that they tell people that they need the water, and that the people need to engineer it and come back to them and show them that it was going to work.

Ms. LaPisto-Kirtley noted that one condition of approval was being able to supply water via a water tank.

Mr. Lagomarsino responded that if they could identify a static water source, then they would be able to supply 500 gallons per minute as long as the source was within 1.5 miles of the site. He said that there was a company teaching how to do water supply, and they designed systems capable of drawings thousands of gallons per minute.

Ms. McKeel asked what would happen if a pond was the static water source and it dried up.

Mr. Lagomarsino said that was a problem because they could not control the weather conditions. He said that if a pond was a water source, there was an analysis of the historical drought patterns.

Mr. Andrews clarified that the sprinkler system would activate before there was a human response.

Mr. Lagomarsino said the sprinkler system was designed to catch the fire in early stages. He said fires could grow to overcome the suppression system and required human intervention. He said that when they discussed the necessary fire flow for a building with a sprinkler system, they included the system in the equation.

Mr. Andrews clarified that a tank system had to supply the sprinkler system and be able to fight the fire.

Mr. Lagomarsino said that was correct.

Ms. Mallek asked if the available flow was impacted if the sprinkler system used the public connection.

Mr. Lagomarsino responded that it could if the system was not designed properly, but he had not noticed the problem in the County.

Ms. LaPisto-Kirtley asked if there was a tank system, would they be able to access the hydrant to fill up the tanks.

Mr. Lagomarsino responded that they could use the hydrant during a firefight, but they would likely go some other place. He said if they used a private water source, they often flushed the pumps until it returned clear water.

Ms. LaPisto-Kirtley clarified that they would not use the hydrant.

Mr. Lagomarsino said that the hydrant was on the public system. He said that during a firefight, they would use the hydrant, but once the fire was out, they would fill up the tanks at another location to flush the tanks.

Ms. Price clarified that in 1993, staff recommended approval, but now staff recommended denial. She asked for information about why there was a different staff recommendation.

Ms. Ragsdale stated that in 1993, staff struggled to determine a recommendation. She said they initially held to the first recommendation to not have a public hearing. She said there must have been some indication that the Board was supportive of it when the public hearing was scheduled, and that staff recommendation had an approval. She noted that the last action by the County was a denial, upholding the policy and other reasoning as outlined by staff. She noted that it had been 30 years, so they were not always in line with prior staff decisions.

Ms. Mallek said that the matter had come up multiple times while she was on the Board. She said that they relied on the policy, and the Board had been consistent in its decision making.

Mr. Shimp said that they were aware of the water and sewer jurisdictional area history. He said that the fire protection issue was complicated. He said that a cistern collected silt, which dirtied the Fire Department pumps. He noted that there was limited capacity from a tank. He said that another hydrant would provide a public benefit to all businesses in the area. He said there was more to consider than the water usage, and the connection positives outweighed the detriment.

Mr. Shimp said the request was to allow a superior system. He noted that this may be the only

place where this request would make sense. He said that if the Board approved the request, there had been discussion about what the requirement would be tied to. He noted that the zoning was already restrictive, and all commercial uses were subject to the water restriction. He requested that the Board not restrict approval to a specific zoning. He said that the public water line would not run out of water, and it would prevent the fire pumps from contamination.

Mr. Andrews asked whether any of the properties had wells or if they were serviced in other ways for water at the source.

Mr. Shimp responded that they all had wells, and none of the properties had a water meter. He said they would continue to have wells on the property.

Ms. Price closed the public hearing and brought the item back to the Board for comments.

Ms. Mallek said that the history of the policy was to restrict the intensity of the use appropriate in the Rural Area. She said that one way was through the jurisdictional area. She said she was surprised the application had been submitted all together. She said she would not have supported the prior approval if she had known about the present request. She said she had concerns about the use and the size. She said she tried to operate within the lines of the established policies.

Ms. McKeel said that all of the applications were submitted at the same time, and the applicant was not trying to hide aspects of the project. She noted that that building had been approved. She said in the matter of public safety, she was supportive of the second hydrant. She said she was concerned about the damage she was seeing from fires across the country. She said she liked the sprinklers with early detection, and she liked that ACSA maintained the public lines. She said that the Board should limit the request if it was approved. She said she was supportive of approving the request for fire suppression.

Ms. Price reopened the public hearing so staff could provide clarification.

Ms. Ragsdale said that the application before the Board as presented was specifically for fire suppression for a warehouse. She said that if they wanted to have other uses on the property, it would result in another jurisdictional area discussion.

Ms. Mallek clarified that the extra process would be the only method of enforcement. She asked how they enforced the fire suppression only requirement.

Ms. Ragsdale responded that it was enforced through the building permit process.

Ms. Mallek asked how it would be enforced after they moved in.

Ms. Ragsdale said there was the zoning clearance process.

Ms. Mallek asked if there were annual inspections of the commercial properties.

Ms. Ragsdale explained that the applicant requested the warehouse use, so it would go through the building permit process and the site plan process with the notations related to the jurisdictional area limitations. She said there was a zoning clearance process where if a tenant changed without requiring a building permit, there was still a mechanism to track special conditions. She said that the mechanisms were in place.

Mr. Lagomarsino said that if a permit was required from the fire marshal, they would receive an annual inspection. He said they required submission of annual sprinkler testing, and they monitored the reports for discrepancies. He said if there were discrepancies, they dispatched an inspector.

Mr. Shimp explained that to use the water connection, there was a separate meter. He said that at building inspection time, it was confirmed the piping was only for the sprinkler system. He noted that it would be a crime to use the piping for other purposes.

Ms. Price reclosed the public hearing.

Ms. LaPisto-Kirtley said that she understood the fire safety issue and appreciated that. She said that written in their code, which may relate to putting it into the Comprehensive Plan coming up, was that this was going beyond what they asked for. She said that the boundaries of the Development Area were to be delineated into jurisdictional areas, and there were two criteria, one being the area to be included was to be adjacent to existing lines, and the other one was public health and/or safety was in danger. She said that the staff analysis said that the water should be reserved for the Development Areas and that this issue did not meet the criteria for public health or safety in danger because they had ways to get water such as with a tank.

Ms. LaPisto-Kirtley said that maybe in the new Comprehensive Plan they could say that everyone got to use public water, and if that was what they wanted, then they had to get the Rivanna Water and Sewer Authority (RWSA) involved along with staff to find out what they wanted to do in a comprehensive way and not just piecemeal what they had done in the past. She said that they should make this part of

what they wanted to do if this was in fact what they wanted to do. She said that this did open it up for a Development Area, which involved the Comprehensive Plan and if using the public water system would have any effect on the Development Area. She said that they specifically restricted public water in the commercial area for a reason, and if they wanted to change that as a Board, they should do it.

Mr. Andrews said that he appreciated the comment that they had a Comprehensive Plan and a process, and this may be a way to try and get at something in a different way. He said that he was hearing tonight that this was fairly narrowly limited and was fire suppression that could be done in other ways but would operate well with a first response prior to any hydrant or having a sprinkler system that worked was a matter of public safety. He said that he would not want to send their firefighters in there if they did not have to because of a good fire suppression system. He said that if they approved this, while he agreed that he wished they had it all before them at once, the fire suppression system was an important thing to have in this kind of a building.

Ms. Price said that she recognized that they were here to deal with one application. She asked to see slide 4. She said that it would be fiction for them to say that the areas on the left side shaded in blue and red were not actually a Development Area. She said that whether they called it a Development Area or not, that clearly was developed. She said that she had driven Hunter's Way many times and there were at least 20 businesses there, with a large number of them on the right side in Lot 660, and they could not help but miss the 15 large businesses on that road. She said that they were not present to deal with the Comprehensive Plan, but they were present to look at the reality of what had happened over the last 30 or 40 years, specifically since this legacy zoning took place in 1980.

Ms. Price said that sometimes facts operated faster than ordinances and regulations could catch up with them. She said that she was not comfortable relying on 20 or more individual businesses to ensure that they did not have a fire with the density of development along Hunter's Way. She said that if this was an application outside of the shaded areas on the left, she would definitely be voting against it because it would be an expansion of the Development Area, which was not consistent with their plan. She said that it was a de facto Development Area, and it was a fiction to say that Hunter's Way was not a Development Area, whether the Comprehensive Plan covered that or not.

Ms. Price said that she also did not presume that individuals would engage in misconduct. She said that they expected their community members to comply with the law and knew that all of them did not, but that worked with everything else they had done. She said that she also was not as concerned about the cost that may be incurred by the applicant in terms of a private fire suppression system, but she was concerned about public safety. She said that she was not comfortable relying on 20 or more private systems with a density of development they had there, in light of the fire hazards they all knew were facing them. She said that she would be supportive of this application.

Mr. Andrews said that he was worried that they were talking about more than just this property. He said that if they allowed this, they were allowing fire suppression system that could be attached to public water for this property. He said that at this point, everyone along Hunter's Way would have to come in separately to ask for any other permission to tap into this, and they did not have that before them at this point. He said that he did not disagree that there was the de facto situation here, but they should think in a Comprehensive Plan mode about what this area was. He said that he wanted to make that point because this application was just this one property.

Ms. Price said that she supported this with the condition that it be for fire suppression only. She said that she would like to see more than a six-inch line so that if later on there was the opportunity to expand fire suppression farther up Hunter's Way, they would not be limited to the one hydrant.

Ms. LaPisto-Kirtley said that regarding the Development Areas, she was referring to residential development that this could potentially open up. She said that she realized the area was developed with businesses, which was separate from residential areas, but this had potential to open up.

Ms. Price said that there were virtually no parcels on Hunter's Way that would be subject to that.

Ms. Price **moved** that the Board adopt Attachment F, a resolution to approve ACSA202300001 Hunters Way for the limited purpose of fire suppression.

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

AYES: Mr. Andrews, Ms. McKeel, and Ms. Price.

NAYS: Ms. LaPisto-Kirtley and Ms. Mallek.

ABSENT: Mr. Gallaway.

**RESOLUTION TO APPROVE
ACSA202300001 HUNTERS WAY
FOR PARCEL ID 07900-00-00-004P0**

WHEREAS, in application ACSA202300001 ("ACSA 2023-01"), the owner of Parcel 07900-00-00-004P0 ("Parcel 79-4P") has applied for an amendment to the Albemarle County Service Authority (ACSA) Jurisdictional Area to include Parcel 79-4P in the area for limited water and sewer service; and

WHEREAS, on August 16, 2023, the Albemarle County Board of Supervisors held a duly noticed public hearing on ACSA 2023-01; and

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for ACSA 2023-01 and all of its attachments, the information presented at the public hearing, and the relevant factors in Virginia Code § 15.2-5111, in Chapter 12.1, Community Facilities, Strategy 9a, of the Albemarle County Comprehensive Plan, and in the Comprehensive Plan's Growth Management Policy and Land Use Plan, the Albemarle County Board of Supervisors hereby approves ACSA 2023-01.

Agenda Item No. 16. **Public Hearing: SP202200029 and SE202300010 Park Road Manufactured Home Park.**

PROJECT: SP202200029 and SE202300010 Park Road Manufactured Home Park

MAGISTERIAL DISTRICT: White Hall

TAX MAP/PARCEL: 05600-00-00-04800

LOCATION: 934 Agatha Dr.

PROPOSAL: Special use permit and special exception for a manufactured home park.

PETITION: A request for a special use permit under Section 18-16.2.2 for a manufactured home park on a 14.94-acre parcel. The property is currently a non-conforming manufactured home park with 73 units. The proposal seeks to bring the property into conformance and to request an additional 14 units for a total of 87 units at a gross density of 5.82 dwelling units/acre. Associated with this request are several special exceptions to the manufactured home park special regulations outlined in Section 18-5.3.

ZONING: R-6 Residential - 6 units/acre

ENTRANCE CORRIDOR: No

OVERLAY DISTRICT: Steep Slopes – Preserved

COMPREHENSIVE PLAN: Middle Density Residential – residential 6 – 12 units/acre (up to 18 units/acre considered with additional affordable housing units and/or small-scale housing types); supporting uses such as religious assembly, schools, childcare, institutional, commercial/retail, and other small-scale non-residential uses; Neighborhood Density Residential – residential 3-6 units/acre; supporting uses such as religious assembly, schools, childcare, institutional, commercial/retail, and other small-scale non-residential uses; and Green Systems – sensitive environmental features including stream buffers, floodplains, and steep slopes; privately-owned open space; natural areas, in the Crozet Master Plan.

The Executive Summary as forwarded to the Board states that SP202200029 Park Rd Manufactured Home Park for the reasons stated in the staff report, with all but one of the conditions recommended in the staff report. Several members of the public spoke and were generally supportive of the application. Attachments A, B, and C are the PC staff report, action letter with the revised conditions, and meeting minutes.

Overall, the PC unanimously supported the proposed special use permit. The PC's discussion largely focused on whether to require a sidewalk and street trees along Park Road, as well as adequate recreational amenities, as conditions of development. The PC ultimately recommended a revision to Condition #2 to allow a path rather than a sidewalk along Park Road. The PC also recommended that staff re-examine special exceptions #21 (Recreation), #22 (Sidewalk), and #23 (Street Trees).

After the PC's public hearing, the Applicant submitted a revised Application Narrative and Concept Plan (Attachment D and E). The updated Application Narrative states that a path and trees along Park Rd will be provided at site plan. A note was added to the Concept Plan to address a comment associated with a special exception waiver/modification (#16-Stormwater). The applicant did not provide any new information about provision of additional recreational amenities.

Based on the PC's discussion and the Applicant's revisions, Staff has also revised the Special Exception Matrix with Staff Comments and Recommendations (Attachment F). As mentioned above, the PC supported special exceptions #1-20, but suggested Staff revisit #21 (Recreation), #22 (Sidewalk), and #23 (Street Trees). Staff believes that the proposed special use permit conditions address the previous concerns and comments regarding special exceptions #22 and #23. As long as a path and trees are provided along Park Rd from Adele St. to Alfred St., staff will work with the Applicant to finalize those details at site plan review.

However, staff still does not support special exception #21 (Recreation). Staff believes that additional onsite recreational amenities should be provided. The PC discussed and encouraged recreation, but did not include it in its motion, believing that final design should be left to a resident process. Staff remains concerned. Staff believes that waiving the requirement would not satisfy the purposes of the Zoning Ordinance to at least an equivalent degree. Based on County Code §18-4.16, a total of 87 units would require a minimum of 17,400 square feet of recreational area and two tot lots. Because of the proximity to Crozet Park and the trails system, staff is supportive of reducing on-site amenities to one tot lot or equivalent. Staff recommends a condition be added to the special use permit.

Below are PC and staff-recommended conditions, with slight modifications made by the County Attorney's Office:

1. Development of the use must be in general accord with the revised conceptual plan titled "Crozet Mobile Home Community," prepared by Shimp Engineering and submitted 7/26/2023. To be in general accord with this Conceptual Plan, development must reflect the following major elements essential to the design of the development:
 - a. Location of buildings;
 - b. Location of parking areas;
 - c. Location of roads, alleys, and cul-de-sacs; and
 - d. Location of trail and access easementMinor modifications to the plan that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.
2. Prior to final site plan approval, the owner must provide a pedestrian path and trees along Park Road from Adele Street to Alfred Street.
3. The manufactured home park must not exceed eighty-seven (87) manufactured homes.
4. Final site plan design must include on-site recreational amenities, including a minimum of one tot lot, or equivalent substitutions as may be approved by the Director of Planning, in accordance with *County Code* Section 18-4.16.2.1.

Staff recommends that the Board adopt the attached Resolutions (Attachment G and Attachment F) to approve SP202200029 and Special Exceptions 1-20, 22, and 23 of SE202300010 Park Rd Manufactured Home Park, with the revised conditions. Staff also recommends that the Board adopt the attached Resolution (Attachment I) to disapprove proposed Special Exception 21.

PROPOSED MOTIONS:

To approve Special Use Permit SP202200029:

I move to adopt the resolution attached to the staff report as Attachment G.

To approve Special Exceptions 1-20, 22, and 23 of SE202300010:

I move to adopt the resolution attached to the staff report as Attachment H.

To disapprove proposed Special Exception 21 of SE202300010:

I move to adopt the resolution attached to the staff report as Attachment I.

Ms. Price said that a public hearing was required for one item, but not for the other, and they would have two separate votes. She asked the Deputy County Attorney if additional clarification was needed.

Mr. Andy Herrick, Deputy County Attorney, said that Ms. Price was correct, and he pointed out that for the special exception request, there was a total of 23 special exception requests, and there were two resolutions before the Board for those.

Mr. Kevin McCollum, Senior Planner II, stated that the Crozet Mobile Home Community was a manufactured home park located in Crozet just off of Park Road, about a 0.25 mile southeast of Crozet Park. He said that the surrounding area was primarily residential, and that some of the surrounding communities included West Hall, Brookwood, and Glenbrook. He said that the Crozet Mobile Home Community had been in existence for over 40 years, and the property itself was home to over 73 manufactured homes and was nearly 15 acres in size.

Mr. McCollum said that the existing zoning of the site was R-6 Residential. He said that because the mobile home park had been there for so long, it actually predated their Zoning Ordinance and was considered a nonconforming use. He said that the use was allowed to continue and they were allowed to replace existing homes when they needed repair, but if they were to make any changes to the overall site layout or add any additional units, they would need additional approvals including a special use permit, a site plan, and a WPO (Water Protection Ordinance) VESMP (Virginia Erosion and Stormwater Management Program) plan.

Mr. McCollum said that the proposal before the Board was to add an additional 14 units to the site. He said that on the screen was an excerpt from the conceptual plan provided by the applicant. He said that some of these additional units were along Park Road and the others were in the rear of the property near the cul-de-sac of Adele Street. He said that the proposal included several special exceptions that were intended to bring the rest of the park into compliance with the current regulations.

Mr. McCollum said that the proposal included several waivers and modifications to manufactured home park regulations. He said that this was because the site was nonconforming, and the existing homes were put in before these regulations went into effect. He said that some of the standards not met by the homes included setbacks, building separation, screening from adjacent properties, markers for lots, parking, and recreational amenities.

Mr. McCollum said that shown on the screen was an aerial image to illustrate the existing conditions. He said that again, some of these homes did not meet lot size minimums, setbacks, building separation, and current street design standards such as curbing, lane widths, and sidewalks. He said that some of the lots had off-street parking, but a majority currently parked in the street.

Mr. McCollum said that staff generally supported all of the included special exceptions for these

existing homes. He said that the mobile home community, the homes themselves, and the transportation network had been in existence since before these regulations went into effect, and it would be extremely costly to have to move the homes and may even cause displacement of residents. He said that staff was recommending approval of special exceptions 1–20, 22, and 23. He said that all of these special exceptions could be found in Attachment F.

Mr. McCollum said that they wanted to have the newly proposed homes to meet as many regulations as they could. He said that the proposal included 14 additional homes that did meet a majority of these regulations. He said that the new units met setbacks, building separation, lot minimums, and had off-street parking. He said that other improvements to the site included a new alleyway to access the new units along Park Road, a new cul-de-sac to meet Fire Rescue and lot width requirements, and a trail access easement leading to the Jonna Street right-of-way. He said that the applicant had also included exhibits that showed how the park could meet other certain site-level details and requirements.

Mr. McCollum said that the map on the slide indicated the Crozet Master Plan land use recommendations for the property. He said that a majority of the property was designated as Middle Density Residential in the color orange, with a smaller piece designated as Neighborhood Density Residential in yellow. He said that the green systems were indicated by the blue-green color in the rear where there was an existing stream buffer. He said that the proposed density of 5.82 units per acre was consistent with these land use recommendations and the permitted density in the R-6 Residential zoning district.

Mr. McCollum said that the Crozet Master Plan also emphasized the importance of a sidewalk along Park Road, and the future bicycle and pedestrian network map was displayed on the slide. He said that on the right side of the screen was a zoom-in on Park Road so they could see the future sidewalk and pedestrian path along Park Road. He said that the master plan stated that this sidewalk connection was the top priority sidewalk project in Crozet.

Mr. McCollum said that staff found the positive aspects for this application were that the proposed use was consistent with the Comprehensive Plan, the proposed density was consistent with the land use recommendations within the Crozet Master Plan and the R-6 zoning district, and that 14 additional manufactured homes positively impacted affordable housing needs in Albemarle County. He said that the proposal provided a needed housing type and a level of affordability to the community.

Mr. McCollum said that staff had concerns with the proposal regarding that recreational amenities had not been provided and that there was no existing or proposed sidewalk along Park Road. He said that the image on the screen illustrated those two concern areas, with the frontage along Park Road and the open space area in the rear where recreational amenities could be provided.

Mr. McCollum said that at the PC (Planning Commission) meeting, the PC generally supported the special use permit proposal but had concerns about a sidewalk, street trees along Park Road, and inadequate recreational amenities. He said that staff believed that these outstanding concerns had been addressed by the revised special use permit conditions and the revisions the applicant had made since the PC meeting.

Mr. McCollum stated that the updated application narrative provided by the applicant stated that a path and trees along Park Road would be provided at the site plan. He said that this had also been reflected in revised Condition 2, and staff had worked with the County Attorney's Office to revise the wording in Condition 2 to read that prior to the issuance of the Certificate of Occupancy for the 74th manufactured home, which would be the next manufactured home on the subject property, the owner must provide a pedestrian path and trees along Park Road from Adele Street to Alfred Street.

Mr. McCollum said that Condition 4 also was added to address the concerns regarding recreational amenities. He said that this condition stated that the recreational amenities must be provided, but allowed the owner some flexibility in how those amenities were provided. He said that these details of the recreational amenities, pedestrian path, and the trees would be finalized during their site plan review.

Mr. McCollum concluded that staff recommended that the Board adopt the attached resolutions (Attachment G and Attachment F) to approve SP202200029 and Special Exceptions 1–20, 22, and 23 with the revised conditions. He said that staff also recommended that the Board adopt the attached resolution (Attachment I) to disapprove proposed Special Exception 21, which was the special exception to waive the recreation requirements.

Ms. Price noted that the revised resolutions were available in the handout on the dais. She asked if there were any questions for staff.

Ms. LaPisto-Kirtley asked if the mention of pedestrian paths referred to sidewalks.

Mr. McCollum said that the applicant wanted the ability to work with staff on how to provide an appropriate pedestrian path at the site plan. He said that the applicant was concerned with the cost of a sidewalk, so they amended the language to say pedestrian path so that they could work with them at the site plan stage.

Ms. LaPisto-Kirtley asked what an alternative to doing a pedestrian path would be.

Mr. McCollum said that they had discussed a crushed gravel path that was not fully paved or

concrete, something more inexpensive.

Ms. LaPisto-Kirtley asked if asphalt would be less expensive.

Mr. McCollum said that the applicant could speak to that question.

Ms. LaPisto-Kirtley said that it would be difficult to take a stroller on a gravel path, as well as little kids walking.

Mr. Andrews said that the additional 14 mobile homes were referred to as affordable units. He said that affordability was what he would expect in a mobile home park, but it was because it was de facto. He asked if there was any real commitment to affordability here, or if this was assuming the nature of it to be affordable.

Mr. McCollum stated that the Housing Department reviewed the application and reiterated the comments that it positively impacted affordable housing in Albemarle by providing those additional units. He said that he had no further information regarding the subject.

Ms. Price commented that crushed gravel, such as on the Saunders Monticello Trail, was amenable to strollers.

Ms. Price opened the public hearing.

Ms. Kelsey Schlein of Shimp Engineering stated that she was representing Crozet MHC LLC, the property owner and applicant for this application. She said that they were before the Board to request this nonconforming manufactured home park into conformance with current regulations and to add 14 additional manufactured home units for a total of 87 units, which was aligned with the by-right permissible density within the R-6 Residential zoning district.

Ms. Schlein said that this proposal was done with a great deal of collaboration from staff, and she gave her thanks to them for that. She said that it took a lot of collaboration because these requests were not often before the Board. She said that since the adoption of the 1980 zoning regulations, only two such requests had been before them, which were Townwood Mobile Home Community in 2003 and the Airport Road Manufactured Home Park. She said that these manufactured home parks served a very important affordable housing need in their community. She said that she would quote the U.S. Department of Housing and Urban Development (HUD) Office of Policy and Development research that notes that manufactured housing was the source of unsubsidized affordable housing in the United States.

Ms. Schlein said that despite that statistic, and public benefit that this housing supply provided, it was incredibly burdensome to realize this type of housing, not only in Albemarle County but in many localities for various reasons. She said that it was largely because they were not permitted by right in any zoning district. She said that they were developing at a density that they could develop as townhomes, apartments, or single-family homes that would not be before the Board tonight with a request. She said that they were before the Board because they were requesting manufactured housing, which served an incredible benefit in this community but was incredibly burdensome to realize.

Ms. Schlein said that the Crozet Mobile Home Community looked much as it did back in 1974, but a lot around it had changed. She said that these residents and the community had been there for decades, and some of them would be heard from tonight who had lived there their entire lives. She said that a little bit had changed around it, but the community remained, and this was a request to add 14 additional units in areas that were largely devoid of woody materials or had existing units. She said that the additional 14 units proposed were on vacant land already within the property.

Ms. Schlein displayed an aerial image from the concept plan of the proposal. She said that when they approached how to submit the application, how to go through the supplementary regulations that guided manufactured home development in Albemarle County, and how they were going to navigate the 23 special exception requests that they needed to pursue to bring the property into conformance and to add additional units, they looked at it through the lens of safety. She said they researched what they could make that was a safety improvement and what might be extra fluff that might not be necessary. She said that they would get into a little more with the conditions proposed tonight and some conversations she had the opportunity to have with residents.

Ms. Schlein said that they approached this with the lens that they understood the intent of these regulations, and while they were there, some of them served a public safety benefit and some of them might just be a nice thing to have in the community. She said that they were proposing to increase the existing cul-de-sac radius for Fire Rescue access, proposing a new travelway to access units from the rear, or the units that would be fronting on Park Road.

Ms. Schlein said that from a VDOT and transportation perspective, that was viewed favorably because they were utilizing existing entrances, not creating additional points of conflicts on public roads. She said that widening existing streets to improve circulation of Fire Rescue vehicles, as well as providing the opportunity for some of the units to have off-street parking, allowing for the travelway widths to be clear for emergency vehicles.

Ms. Schlein said that when going through some of the special exceptions and what was required, the requirements for sidewalks, street trees, and recreational requirements were consistent with the requirements for many other types of housing developments. She said that however, in this particular case she wanted to draw their attention to when they looked at the land available on this site and what was feasible from a cost standpoint. She said that in addition to the safety improvements they would have to provide, they must find how to evaluate the additional items that were required but not necessarily a safety improvement. She said that looking at the recreational access, she wanted to bring attention to the access through public means to Crozet Park.

Ms. Schlein said that they proposed on their plan a pedestrian access easement for the residents of the site, from Claudius Street to Jonna Street, and a mulch or primitive path in there, perhaps to a higher standard once they got to site plan. She said that they would be able to define a path for residents to walk down a nice asphalt path split between the two homes on Jonna Street, and on the Crozet trail to Crozet Park. She said that it was a very pleasant walk and was easy to get to. She said that it took her three minutes to walk, but she estimated it as a five-minute walk for those enjoying a leisurely nature walk. She said that it was very accessible to get to the dog park and to get to Claudius Crozet Park on the trail on public land.

Ms. Schlein said that when looking at Crozet Park and the broader connectivity, they understood that the sidewalk connection was one of the top sidewalk priorities in the master plan, however, there was approximately 1,900 linear feet between Brookwood Road and Crozet Park, and an estimated sidewalk construction of \$3 million and \$8 million according to the Crozet Master Plan. She said that according to the master plan, the site had approximately one-third of that frontage, which translated to \$1 million to \$2.4 million in cost, which was unfeasible. She said that it was also unreasonable given that the residents of this property did have public access to Crozet Park.

Ms. Schlein said that the sidewalk infrastructure that had come online with many of the developments that had happened around Crozet Park was indicated on the slide in dark magenta, and there was more largely in those new neighborhoods. She said that she wanted to point out the main paths; on Park Road and Brookwood Road had sidewalks on one side of the street, on Eastern Avenue, there were sidewalks and landscape strip on either side, and they could access them through the public greenway easement to Crozet Park. She said that it was a pleasant connection.

Ms. Schlein said that what had been reviewed with staff and what was proposed in the conditions, they understood the connection was important, and they asked if they could realize something other than a sidewalk given the estimated cost for that. She said that Albemarle County had in its design standards manual several options for them to pick from, including class b, type 2, high maintenance pedestrian path trail, which translated to a stone dust path as shown on the slide. She said that they also could do class a, type 1, low maintenance pedestrian trail, which was an asphalt path. She said that they had explored alternatives with staff and were appreciative for that opportunity.

Ms. Schlein said that specifically in reference to Condition 2 and Condition 4, she had heard from a resident who said that they did not want a sidewalk across the front of the property and did not want recreational equipment and just wanted a roof over their head in Albemarle County. She said that they believed they could make the conditions work and appreciated the collaboration with staff but just requested to hear what some of the residents had to say about some of these improvements tonight.

Ms. LaPisto-Kirtley asked Ms. Schlein to repeat what the resident said to her.

Ms. Schlein said that she spoke with one woman after the Planning Commission meeting who said that she did not care about a sidewalk on the front of the property and did not care about recreational amenities, but cared about having a roof over her head in Albemarle County.

Ms. LaPisto-Kirtley said that she could agree with that.

Ms. Allison Wood, a 40 plus-year resident of Crozet Mobile Home Community, said that she chose to raise her two children there, and that regardless of income, everyone should be able to enjoy the beautiful mountain scenery, the best education in this area, and to live where their neighbors felt like family. She said that that was right in old Crozet. She said that unfortunately, things happened, some rich people took over, the poor got kicked out, and then they had no affordable housing. She said that Virginia passed a law in 2022 that required local governments to support construction of mobile homes, and this was a chance right here.

Ms. Wood said that also in 2022, the Biden Administration put into action programs targeted to help support mobile home communities. She said that everyone saw the importance of this affordable housing problem in the United States. She said that the Crozet Mobile Home Community was the last affordable housing, family community in Crozet. She said that they were within a beautiful walking distance to the park and could hang out at each other's houses. She said that there was no need for a recreation park or center just for outside neighborhood kids to come in and vandalize stuff just as they had in the past.

Ms. Wood said that adding these 14 units did not entail chopping down three whole forests or adding 10 more roads, as they simply wanted to take the property and use it to its full potential. She said that not approving this expansion left all lower-income, older, and disabled people pretty much homeless.

She said that they did not have \$8,000 to \$10,000 to move a mobile home, and then there was question of where they would put it. She said that in closing, this was very personal issue for her. She said that she watched her father, her hero, her everything take his last breath in that home that he worked so hard for, so today she was asking the Board not to take those treasured moments and memories away from any of them, because they could not get those back.

Ms. Marilyn Wood, onsite manager of the mobile home park, said that she had a few questions that she would like to ask the Board of Supervisors and the County. She said that she was present to talk about the recreation center that was proposed. She asked if the County was going to pay for the upkeep of the recreation center. She asked if the County was going to hire employees to monitor for safety and pay the insurance. She asked what other subdivision in Crozet had a recreation center. She said that she knew that the mobile home park on Route 240 did not have a recreation center. She asked if people living on the outside of the mobile home park would be allowed to come in there and use it. She asked why the Crozet Mobile Home Community Park should be responsible for paying for it.

Ms. Wood said that the reason she felt they did not need a recreation center was because they lived within walking distance of the Crozet Park. She said that at the park, there was a basketball court, a skateboard park, a tennis court, a volleyball court, a horseshoe pit, soccer fields, T-ball fields, baseball and softball fields with batting cages, public restrooms, swimming pools, and right up the road in Greenwood was a skating rink. She asked why they needed a recreation center in their park. She said to let the people utilize the Crozet Park for recreation. She said that they just wanted an affordable place to live.

Ms. Price said that the applicant had up to five minutes for rebuttal.

Ms. Schlein said that revisiting the proposed conditions, this was something that they were very appreciative of the collaboration done with staff, and these conditions were something that they felt they could make work at site plan, however, regardless of the level of improvement, there were additional costs.

Ms. Schlein said that after further conversations with the residents and hearing from a lot of them at the Planning Commission meeting, and hearing what they had to say about the connection across the front of the property for Park Road and recreational requirements, they did not feel that it was something necessarily desired at present by the residents in the community. She reiterated that they could make the conditions work, but Conditions 2 and 4 had been identified as bringing additional costs to the development, and they felt that it was something that was not what residents had wanted to have in their community.

Ms. Mallek asked if a more concrete description could be given about the recreational amenities. She said that she did not believe a building had been proposed, but it was a playground.

Mr. McCollum said that the Zoning Ordinance would require a park of this size to have two recreational areas or tot lots, which were playgrounds. He said that at the existing size of 73 units, they only required one tot lot, but at 87 units, two tot lots would be required. He said that they wrote that condition to allow for some flexibility, thinking one tot lot at minimum, and at the PC meeting, Ms. Schlein discussed that they may work with residents to see what other kind of recreational amenity they might want, potentially a picnic area with something as simple as a picnic table.

Mr. McCollum said that there was a significant area of open space in the rear, so working with the applicants to clear out some of that area to create a place for children to play in that space. He said that staff was looking at the requirements for the two tot lots and understood where the applicants and residents were coming from, but they did want to see some sort of recreation given the size of the mobile home community.

Ms. Mallek said that having a grassy place to play was wonderful, and there was a considerable amount of grassy space along Park Road that had been used to play on that would now be covered with individual houses. She said that she understood the requirements, but wanted to make sure it was understood that they were not requiring a small version of the Greenwood Community Center to be put in at the park's expense and for management of the neighbors.

Ms. McKeel said that the manager mentioned upkeep of the recreational center and insurance and safety, which would be for a playground. She asked if Ms. Schlein could address those comments.

Ms. Schlein said that when they were looking at these regulations months and months ago, one of the first items that did come up from ownership was insurance concerns about playgrounds in particular. She said that in talking with staff and at the PC, there may be an alternative that would be proposed such as a gazebo, but after hearing the residents at the PC and speaking with them afterwards, everyone enjoyed hanging out on their porches, going to each other's houses and going to the park. She said that the more they continued the conversation, it became evident that it was not a resident-driven desire to have anything as a common area to gather.

Ms. McKeel said that she recognized that playground equipment could lead to injuries and the

concerns about that. She said that she liked the idea that the final design should be left to the resident process, so if they did not want the playground equipment to figure out another area that could be utilized without equipment that may lead to insurance fees or risk for the community.

Ms. Schlein said that was correct. She said that the way that the condition was currently written, it was flexible enough for them to continue that conversation. She said that the minimum requirements that were put in place for that condition did offer some flexibility. She said that she mostly just wanted to note the conversation that was had at the PC and after the PC, and once they heard a little more from the residents on their thoughts on it, they did not feel that it was a need.

Ms. McKeel said that maintenance of the roads were taken care of, which was good. She said that she was not a fan of dog parks, and thought they were bad for dogs as well as people. She said that it was fine if the residents wanted a dog park, but she was not a fan of them.

Ms. LaPisto-Kirtley asked if the dog park already existed next to Crozet Park.

Ms. Schlein said that was correct.

Ms. McKeel said that she was speaking generally of dog parks.

Ms. LaPisto-Kirtley said that she liked the fact that there was flexibility, and she liked the idea of a tot park, but also understood that perhaps equipment was not necessary, and talking with the residents to see what they wanted. She said that she thought that the older children should absolutely be going to Crozet Park because it was not a long walk, but a grassy area or whatever the residents wanted for the kids to play at, a family to hang out and picnic at, or something like that would be beneficial. She said that the flexibility part was fantastic, and she was in support of that. She asked who would maintain the path.

Ms. Schlein said that any pedestrian path along the front of the property would have to be maintained by the residents. She said that VDOT would only accept the sidewalk or a 10-foot-wide multiuse path, and this path would not meet either of those standards. She said that it would not be in the VDOT right-of-way and would have to be maintained by the owner.

Ms. LaPisto-Kirtley asked if they could do a low maintenance path such as gravel.

Ms. Schlein said yes, there were other alternatives available than a sidewalk with much less significant cost, however they were still a cost and a maintenance item.

Mr. Andrews said that if they had a single-family residence on a large lot, the kids could play in the yard and were not necessarily near traffic, but on really small lots like this, to have someone step outside for a moment with a small child, it would be a matter of safety to be able to go a few feet to a tot lot to be able to talk on the phone and watch a kid without watching for cars coming in and coming out. He said that it was not only an amenity but a matter of offering up a possibility of safety. He said that a sidewalk or path along the road, especially with five additional trailers coming closer to Park Road, to delineate some space for people to walk safely along Park Road was important.

Ms. Mallek said that insurance and maintenance had been mentioned as somehow the responsibility of the people who lived there. She asked if that would not be part of the owner's responsibility. She said that if she was a homeowner, she had slip-and-fall insurance for her house. She asked if she could receive clarification on that.

Ms. Schlein said that it would fall onto the owner, but with consideration for keeping rents as low as possible on this property for as long as possible, any additional costs had to be factored into that.

Ms. Mallek said that she would like to see a condition about institutionalizing the owners to work with the residents to determine, rather it being vague.

Mr. Andrews said that there were no restrictions with respect to the market rental of a property on which a mobile home would sit. He said that he understood that if they imposed costs, those costs would be something that the owner would have to pass on, but they also would not have any control of the profits of the owner.

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

Ms. Mallek said that she found that preserving the units and the ability for the people who had lived there for so long to continue to do so was incredibly important. She said that she found that making sure they had a condition that applied to the process by which to determine the recreational spaces most desired was important. She said that she was concerned that people felt that if this addition was not going to be approved that they would be evicted. She said that that was a horrifying prospect, and she had no idea where that came from, but there was a lot of anxiety. She said that she felt very badly about that because there had been effort to make something that hopefully would work that would meet the rules that they could.

Ms. McKeel said that she looked favorably at this application. She said that working with staff and the community about the final design regarding a playground or whatever they wanted, she would also

like the process to go forward rather than just saying they had to do this. She said that she was pleased to see the manufactured homes coming to them, and she hoped that they could talk about that in the Comprehensive Plan discussion.

Ms. LaPisto-Kirtley said that she was favorable of the process, especially involving the residents and what they would like, and what was necessary to meet their needs. She said that she liked the idea of a tot lot because the older children could go to the park.

Mr. Andrews said that he was favorable. He said that his grandfather lived in a trailer park during the winter and his father lived in a trailer park for some of his later years. He said that he agreed with Ms. McKeel that he did not think that this should be a recreational facility that was just imposed without discussion and input from the residents, but at the same time he did not think that it should be waived. He said that there must be some compromise there for the recreational space.

Ms. Price said that she concurred with the other Supervisors and was very supportive of this. She said that she appreciated the way that staff and the applicant had worked together to favorably be able to address some things that were requirements. She said that she was happy to accept the path rather than a sidewalk, which was both less expensive and more consistent, but she believed that with 87 units or even the 73 current units, it was important that there be some sort of an amenity or recreation area, which was not a recreation center.

Ms. Price said that she did not care if the amenity space had playground equipment or not, and the residents could make that decision, but there needed to be an area that was set aside on this property. She said that it may be a short walk for some people but may not be convenient with children or grandchildren, so it was important to have an area on the site itself, and the community members could decide what that was going to be to have some amenity space on the property.

Ms. Mallek said that Condition 4 clearly spelled out that it must include on site, including a minimum of one tot lot. She asked if that could be amended to take out the minimum requirement. She said that a tot lot to her represented a paved space with swings. She asked if wording could be suggested to memorialize what they had discussed, which was the collaboration with the residents to best meet the recreation needs, and that should happen and not just be dreamed about.

Ms. McKeel said that it also mentioned equivalent substitutions, so she believed that was what that wording indicated.

Mr. Steve Rosenberg, County Attorney, said that the way that Condition 4 was drafted allowed for flexibility that was desired without striking the reference to a tot lot, with the language equivalent substitution said that it may be approved by the Director of Planning. He said that the Director of Planning could work with the applicant and incorporate whatever feedback came from the community through the applicant to arrive at a final decision concerning the nature of the recreational improvements to be included on the property. He said that it was not necessary to strike the language concerning the tot lot in order to achieve that outcome.

Ms. Mallek asked if it could say at the very beginning that a consultation with residents would be included. She said that it was important that this was a major stipulation made by the applicant today, so she would like to write it down in some way.

Ms. Price said that it was contemplated that this would be something agreed upon by the applicant and the County staff, and they could trust the applicant to represent the community, because she had heard today that they were working collectively to come to County staff.

Mr. Rosenberg said that it was within the discretion of the Director of Planning to vary from the requirement of the condition, so if the Director of Planning was not satisfied with the basis for the applicant's proposal to fulfill the condition, he could choose not to approve the proposed substitution.

Ms. Mallek said that it still did not make any requirement on the applicant to do what they had said they were going to do, and she was trying to write these things down.

Ms. Price said that her difficulty was in how to craft what that process would be for applicant-resident input, and that was where they had to rely upon the applicant to be working with the community members to bring that forward.

Ms. Mallek said that County staff had heard that direction, so hopefully they had written down that this was what the Board had heard and what was approved. She said that she hoped she was not giving up too soon.

Mr. Rosenberg asked if Mr. McCollum could display the motions on the screen. He said that earlier, he sent an email to the Board and certain members of County staff with two resolutions. He said that there were three motions on the screen, with the first one being the blue sheet, which was attached in the email he sent. He said that the reason they had this was because if they had the second page, Condition 2 had been revised to change the timing from what was originally proposed. He said that it was not important how that timing was changed, but it was important that that was the change on the blue sheet.

Mr. Rosenberg said that at the last moment, they recognized that the second resolution, which

was the subject of the second motion on the screen, also needed to be revised because it had attached to it as an exhibit the same four conditions that were attached to the blue sheet, except that Condition 2 had not been revised.

Mr. Rosenberg said that they now had two revised resolutions, one revised resolution, which was the blue, to approve the special use permit, and a second revised resolution not printed but attached to the email that approved Special Exceptions 1–20, 22, and 23, and the only change to that resolution was to conform Condition 2 so that it matched Condition 2 in the first resolution. He said that if it was the Board's pleasure to adopt those two resolutions, when they made the motions, he suggested that he did so by moving to adopt the revised resolutions in the form presented to the Board. He said that the third resolution was to deny Special Exception 21, which concerned the recreational amenities.

Ms. Price asked if it disapproved it so that they would not be required to have the amenities.

Mr. Rosenberg said no. He said it disapproved the special exception so that they were required to have the amenities.

Ms. Price said they were ready for a motion.

Ms. Mallek **moved** that the Board adopt SP202200029 Manufactured Home Park resolution 8/16/23 revised.

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

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

NAYS: None.

ABSENT: Mr. Gallaway.

**RESOLUTION TO APPROVE
SP202200029 PARK ROAD
MANUFACTURED HOME PARK**

WHEREAS, upon consideration of the staff report prepared for SP 202200029 Park Road Manufactured Home Park and the attachments thereto, including staff's supporting analysis, the information presented at the public hearing, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-16.2.2 and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the R-6 Residential zoning district, with the applicable provisions of Albemarle County Code § 18-5, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP 202200002 Park Road Manufactured Home Park, subject to the conditions attached hereto.

* * *

SP202200029 Park Road Manufactured Home Park Special Use Permit Conditions

1. Development of the use must be in general accord with the revised conceptual plan titled "Crozet Mobile Home Community," prepared by Shimp Engineering and submitted 7/26/2023. To be in general accord with this Conceptual Plan, development must reflect the following major elements essential to the design of the development:
 - a. Location of buildings;
 - b. Location of parking areas;
 - c. Location of roads, alleys, and cul-de-sacs; and
 - d. Location of trail and access easementMinor modifications to the plan that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.
2. Prior to final site plan approval, the owner must provide a pedestrian path and trees along Park Road from Adele Street to Alfred Street.
3. The manufactured home park must not exceed eighty-seven (87) manufactured homes.
4. Final site plan design must include on-site recreational amenities, including a minimum of one tot-lot, or equivalent substitutions as may be approved by the Director of Planning, in accordance with *County Code* Section 18-4.16.2.1.

Ms. Mallek **moved** that the Board adopt the resolution to approve Special Exceptions 1–20, 22, and 23 for SE202300010 Park Road Manufactured Home Park, resolution amended 8/16/23, as revised.

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

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

NAYS: None.

ABSENT: Mr. Gallaway.

**RESOLUTION TO APPROVE SPECIAL EXCEPTIONS 1-20, 22, AND 23 FOR
SE202300010 PARK ROAD MANUFACTURED HOME PARK**

WHEREAS, County staff recommends that certain special exceptions sought by the applicant (listed in its submission as Special Exceptions 1, 2, 8-15, and 20) be approved by the Albemarle County Board of Supervisors; and

WHEREAS, County staff also recommends that certain other special exceptions sought by the applicant (listed in its submission as Special Exceptions 3-7, 16-19, 22 and 23) be approved by the Albemarle County Board of Supervisors with conditions; and

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the special exceptions application SE202300010 Park Road Manufactured Home Park and the attachments thereto, including staff's supporting analysis, the recommendations of the Planning Commission at its June 27, 2023 meeting, and all of the relevant factors in Albemarle County Code §§ 18-5.3.3(a), 18-5.3.4(d), 185.3.5(a), 18-5.3.5(b), 18-5.3.5(c), and 18-5.3.5(d), 18-5.3.7(b), 18-5.3.8(a), 18-5.3.8(b), 18-5.3.8(b)(3)(a), 18-5.3.8(b)(3)(b), 18-5.3.8(b)(3)(e), 18-5.3.8(b)(3)(g), 18-5.3.8(b)(3)(j), 18-5.3.8(b)(3)(k), 185.3.8(b)(3)(i), 18-5.3.8(b)(3)(m), 18-5.3.8(d), and 18-5.3.8(g), the Albemarle County Board of Supervisors hereby finds that as to proposed Special Exceptions 1-20, 22, and 23, a modified regulation would satisfy the purposes of Zoning Ordinance to at least an equivalent degree as the specified requirement.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves each of the following Special Exceptions, all subject to the conditions attached hereto, for and on County Parcel ID 05600-00-00-04800:

1. A special exception from the provisions of County Code § 18-5.3.3(a) to waive the minimum lot size regulation of existing lots.
2. A special exception from the provisions of County Code § 18-5.3.4(d) to reduce the minimum distance between the existing structures that do not meet the required 30' of separation on all sides.
3. A special exception from the provisions of County Code § 18-5.3.5(a), to reduce the 50-foot setback for manufactured homes and other structures from the right-of-way of the existing public street.
4. A special exception from the provisions of County Code § 18-5.3.5(b) to reduce the 50-foot setback for manufactured homes and other structures from the property line when it is adjacent to a residential or rural district.
5. A special exception from the provisions of County Code § 18-5.3.5(c) to increase the setback distance of 25 feet allowed between manufactured homes and other structures at roadway intersections and along internal public streets.
6. A special exception from the provisions of County Code § 18-5.3.5(d) to waive the setback requirement of at least six feet for an existing structure and the manufactured home space lot line.
7. A special exception from the provisions of County Code § 18-5.3.7(b) to waive the requirement to post and maintain markers for all existing lots, provided that each new proposed lot receive a marker and be clearly defined.
8. A special exception from the provisions of County Code § 18-5.3.7(b) to waive the outdoor living area requirement for all pre-existing and proposed lots and to waive the storage area requirements for all existing structures.
9. A special exception from the provisions of County Code § 18-5.3.8(a) to waive the requirement for off-street parking for all existing and proposed lots.
10. A special exception from the provisions of County Code § 18-5.3.8(b) to waive the 40 foot right-of-way minimum for all existing and proposed to remain streets.
11. A special exception from the provisions of County Code § 18-5.3.8(b) to waive the minimum typical sections for park streets that abut manufactured home sites for all existing streets.
12. A special exception from the provisions of County Code § 18-5.3.8(b)(3)(a) to waive the required minimum width provided that a clear unobstructed travelway width of 22' be sufficient.
13. A special exception from the provisions of County Code § 18-5.3.8(b)(3)(b) to waive the pavement requirements for all private roads that are pre-existing and proposed to remain.
14. A special exception from the provisions of County Code § 18-5.3.8(b)(3)(e) to waive the minimum horizontal centerline curve radius of 250 feet.
15. A special exception from the provisions of County Code § 18-5.3.8(b)(3)(g) to waive the minimum radius of edge of pavement intersections of 25 feet provided that no parking signs be provided at intersections to allow for safe turns.
16. A special exception from the provisions of County Code § 18-5.3.8(b)(3)(h) to waive the drainage requirements as the pre-existing and proposed to remain system does not pose any flooding issues for the property.
17. A special exception from the provisions of County Code § 18-5.3.8(b)(3)(j) to waive the requirement that driveways should be paved the same as streets to the right-of-way line.

18. A special exception from the provisions of County Code § 18-5.3.8(b)(3)(k) to waive the curb drop inlets requirement as there are no known drainage issues and drainage will be addressed with the VSMP Plan which will meet all state and county requirements.
19. A special exception from the provisions of County Code § 18-5.3.8(b)(3)(l) to waive the requirement that storm sewers shall be designed in accordance with VDOT criteria as there are no known drainage issues and that grading and drainage will be addressed with the VSMP Plan which will meet all state and county requirements.
20. A special exception from the provisions of County Code § 18-5.3.8(b)(3)(m) to waive the requirement that all construction and materials should be in accordance with current VDOT road and bridge standards and specifications since the streets are existing and there are no new streets being proposed.
22. A special exception from the provisions of County Code § 18-5.3.8(d) to waive the requirements of pedestrian access.
23. A special exception from the provisions of County Code § 18-5.3.8(g) to waive the landscaping and screening requirements provided that street trees are provided along Park Road.

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Park Road Manufactured Home Park: Special Exception Request Conditions

1. Development of the use must be in general accord with the revised conceptual plan titled "Crozet Mobile Home Community," prepared by Shimp Engineering and submitted 7/26/2023. To be in general accord with this Conceptual Plan, development must reflect the following major elements essential to the design of the development:
 - a. Location of buildings;
 - b. Location of parking areas;
 - c. Location of roads, alleys, and cul-de-sacs; and
 - d. Location of trail and access easement

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

2. Prior to final site plan approval, the owner must provide a pedestrian path and trees along Park Road from Adele Street to Alfred Street.
3. The manufactured home park must not exceed eighty-seven (87) manufactured homes.
4. Final site plan design must include on-site recreational amenities, including a minimum of one tot-lot or equivalent substitutions as may be approved by the Director of Planning, in accordance with County Code Section 18-4.16.2.1.

Mr. Herrick said that the Board still had before it Attachment I, which did not require revision, but would disapprove Special Exception 21, the request to be relieved of the recreational requirements. He said that staff was recommending the Board adopt Attachment I, which would disapprove the request to be relieved from the recreational requirements.

Ms. Price asked if that meant that by approving this, they were still requiring the recreational amenities.

Mr. Herrick said that by disapproving the application, the recreational requirements would still be implemented. He said that Attachment I, unamended, was still before the Board.

Ms. Mallek **moved** that the Board disapprove proposed Special Exception 21 of SE202300010, and to adopt the resolution attached to the staff report as Attachment I.

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

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

NAYS: None.

ABSENT: Mr. Gallaway.

RESOLUTION TO DISAPPROVE SPECIAL EXCEPTION 21 FOR SE202300010 PARK ROAD MANUFACTURED HOME PARK

WHEREAS, County staff recommends that proposed Special Exception 21 sought by the applicant be disapproved by the Albemarle County Board of Supervisors; and

WHEREAS, upon consideration of the Memorandum prepared in conjunction with special exceptions application SE202300010 Park Road Manufactured Home Park and the attachments thereto, including staff's supporting analysis, the recommendations of the Planning Commission at its June 27, 2023 meeting, and all of the relevant factors in Albemarle County Code § 18-5.3.8(c), the Albemarle County Board of Supervisors hereby finds that as to proposed Special Exception 21, a modified regulation would not satisfy the purposes of Zoning Ordinance to at least an equivalent degree as the specified requirement..

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby disapproves proposed Special Exception 21 for and on County Parcel ID 05600-00-00-04800.

Ms. Mallek stated that the first National Night Out was held at the trailer park and was such a great night. She said that people were barbecuing, and children were riding bicycles while police officers handed out helmets. She thanked them for building such a fabulous community there and holding themselves together.

Agenda Item No. 17. Adjourn to September 6, 2023, 1:00 p.m. Lane Auditorium.

At 8:33 p.m., the Board adjourned its meeting to September 6, 2023, 1:00 p.m. Lane Auditorium. Opportunities for the public to access and participate in this meeting are posted on the Albemarle County website on the Board of Supervisors home page and on the Albemarle County calendar. Participation will include the opportunity to comment on those matters for which comments from the public will be received.

Chair

Approved by Board
Date: 04/02/2025
Initials: CKB