

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on November 3, 2021 at 1:00 p.m. This meeting was held by electronic communication means using Zoom and a telephonic connection due to the COVID-19 state of emergency.

SUPERVISORS PRESENT: Mr. Ned Gallaway, Ms. Beatrice (Bea) J. S. LaPisto-Kirtley, Ms. Ann H. Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer, and Ms. Donna P. Price.

ABSENT: None.

OFFICERS PRESENT: County Executive, Jeffrey B. Richardson; Deputy County Executive, Doug Walker; County Attorney, Greg Kamptner; Clerk, Claudette K. Borgersen; and Senior Deputy Clerk, Travis O. Morris.

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

Mr. Gallaway said the meeting was being held pursuant to and in compliance with Ordinance No. 20-A(16), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster."

Mr. Gallaway said the persons responsible for receiving public comment are the Board of Supervisors of Albemarle County.

Mr. Gallaway said the opportunities for the public to access and participate in the electronic meeting are posted on the Albemarle County website, on the Board of Supervisors homepage and on the Albemarle County calendar.

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

Agenda Item No. 4. Adoption of Final Agenda.

Mr. Gallaway said there would be two changes to the agenda before he called for any others: Under item 6, there would be a resolution of appreciation added for George Ray, and discussion under item 20 from the Board about their meeting schedule in January 2022. He asked if there were any other changes.

Ms. Mallek asked to pull her minutes.

Mr. Gallaway asked what date she was referring to.

Ms. Mallek said it was June 3, 2020.

Mr. Gallaway asked if there were any other changes or items to pull from consent.

Hearing none, he asked if there was a motion to adopt the agenda as amended.

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. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Ms. Price.
NAYS: None.

Agenda Item No. 5. Brief Announcements by Board Members

Ms. Palmer stated that this Saturday is the annual apple harvest festival at Albemarle CiderWorks, which was a really lovely event that would be happening that afternoon. She said there was an amazing number of different kinds of apples to pick up, her favorite being the Albemarle pippin, which she would live off of for the next few months. She said it was a fun event and she wanted to let everyone know it was happening. She also stated that this weekend was a wonderful event in Esmont to pick up trash, with Supervisor Donna Price and new Samuel Miller District Supervisor Jim Andrews, Planning Commission member Karen Firehock, and some people from the SWAC committee, and a whole lot of citizens—and they picked up many bags of trash. She expressed appreciation for the benefits of the program and those who participated, as well as to Emily Kilroy and other staff.

Ms. McKeel said she had no real announcements but agreed with Ms. Palmer's comments and note that there had been some really good press about the pick-up.

Ms. Mallek announced that the 27th annual artisan studio tour would be November 14 and 15 in Charlottesville, Albemarle, Green, Madison, and Nelson, featuring hundreds of artisans and handmade things in galleries and studios to visit. She stated that she hoped people would check it out online and make themselves a map and have a tour. She also commended the many citizens who were out picking up trash along Earlysville Road this weekend. She said she did not know who organized that, but she was grateful for their efforts; things momentarily looked quite beautiful, and she hoped it would last.

M. Price commended all of those who had organized, planned, and participated in the Beautify Albemarle pickup. She said that Scottsville Town Councilor Stuart Munson and Scottsville Elementary School Principal Stacey England had participated in the activities. Ms. Price also mentioned that the Central Virginia Electric Cooperative (CVEC) Firefly 10,000 Connections event a few weeks ago had featured company president Gary Wood and exemplified the model, attitude, and ethos of Albemarle County—to leave no one behind. She said that Ed Brooks was her primary point of contact through the Yancey Community Center, and she thanked all citizens who participated in making Albemarle a little prettier for a little longer.

Ms. LaPisto-Kirtley acknowledged Fred Gerke from the Proffitt Road/Polo Grounds Road area and all other citizens who helped beautify those two roads a few weeks ago, which they do twice a year.

Mr. Gallaway thanked the election volunteers who had run the recent elections in Albemarle County, and it was great to observe that in a new Northside polling place. He said it always reminded him that polling stations have volunteers who go out to check voters in, make sure the process runs well, and see people off with their “I Voted” stickers.

Agenda Item No. 6. Proclamations and Recognitions.

Item No. 6.a. Resolution Celebrating Veterans Day.

Ms. Price **moved** to adopt the proclamation celebrating Veterans Day and read the proclamation aloud. Ms. LaPisto-Kirtley **seconded** the motion.

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

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

Mr. Gallaway said that Trevor Henry was there to accept this on behalf of local government.

Mr. Trevor Henry introduced himself as Assistant County Executive. He said he was also a former Navy officer and served on submarines for eight years, and it was an honor to be in this role and be asked to accept this resolution on behalf of veterans in the County. He thanked the Board for the resolution of appreciation and the systemwide holiday on November 11. He said there were over a hundred staff members who had served for local government and schools, and even more in their partnering agencies, who had all continued to serve the community in different ways.

Mr. Henry stated that they had started an Albemarle County Veterans Affinity Group several years ago, a chartered group that allowed veterans employed within the County to connect both internally and to resources and other veterans in the community. He said they had supported a very successful “SEAS the Day” event at Walnut Creek in August, one of the many things they do to raise awareness within their employment group. He stated that almost 450 students had an affiliation with military families in their area, and he did not think of Albemarle County as a military base, but they had Rivanna Station in the northern part of the County that was a significant employer to their region. He stated that between that location and the JAG School, they had quite a few military families and students. Mr. Henry said that a partner with the Veterans Affinity Group and also a friend, Jamie Gellner, was on the call. He said that she was a former Army captain who had been with the schools for over six years and serves currently as the division program evaluator.

Ms. Jamie Gellner thanked Mr. Henry for his remarks and said she would like to echo what Mr. Henry said and thank the Board for that recognition of veterans that serve in Albemarle County Public Schools, but also those who serve the community. She said she had met former service members and current service members working as coaches, volunteering as election officials as just mentioned, and continuing to serve in local government and the public schools. She said she would very humbly accept on behalf of all of those who continued to work, and she was happy that local government employees got the day off, but they just got a few days in the schools, so she would not complain too much. She thanked the Board again for the recognition.

Mr. Gallaway asked if there were any questions or comments from the Board members.

Ms. Palmer said she had nothing specific other than that the Board recognizes that veterans have a history of service and continue with public service, which was very much appreciated.

Ms. McKeel thanked Ms. Gellner and recognized local veterans, stating that the Board appreciates the service and help to the community and all the good work—both past and present.

Ms. Mallek also added her recognition to military families, because without family support, servicemen would never succeed in this effort. She said instead of one, it was probably four or so that were gathered around that one who is serving, that they need to remember. She thanked everyone.

Ms. Price said she was a retired Navy captain herself, Clerk Claudette Borgersen is a former Army captain, her son is a Marine captain, with many other family members had served. She said it is a family affair because if there were no family support, one would not stay in the military. She said she was

very fortunate, as many are, to have families who not only support but encourage service. She said it was so significant to see that service continued in the local government and local public school systems. She said thanked both of them for being there and accepting this resolution on behalf of the County.

Ms. LaPisto-Kirtley thanked Captain Gellner and asked if she was an Army captain.

Ms. Gellner confirmed that she was.

Ms. LaPisto-Kirtley stated that in her own family, her dad and brothers all were in the Army, except for one brother who was in the Navy. She said believed that when you were raised in the military, it gave you a unique perspective and appreciation for what our servicemembers do. She said it was a wonderful experience, traveling all around the world and living in different places, which gave you a great understanding of people in different countries and built a special comradery.

Mr. Gallaway thanked Mr. Henry and Ms. Gellner for being present.

Proclamation Celebrating Veterans Day

WHEREAS, the United States of America, founded on the principles of liberty and justice for all, has called on her men and women in uniform to protect our national security; and

WHEREAS, the preservation of our national interests, our rights and our freedom, has been ensured by the service of these individuals; and

WHEREAS, on Veterans Day we remember and pay tribute to the millions of patriots whose courage and sacrifice have secured our freedom and defended our values both at home and abroad; and

WHEREAS, over one hundred veterans continue to serve their country in public schools and government as teachers and other professionals providing services to the students and residents of Albemarle County; and

WHEREAS, these veterans employed by Albemarle County Public Schools and Local Government deserve recognition for their continued service;

NOW, THEREFORE, BE IT RESOLVED, that we, the Albemarle County Board of Supervisors, do hereby acknowledge the importance of celebrating Black History Month as an opportunity for all County residents to recognize the social, physical, and cultural contributions of Black Americans, and to reflect on the complex history of Albemarle County in order to create a stronger and more resilient community in the future.

Item No. 6.b. Proclamation Honoring Native American Month.

Ms. Mallek **moved** to adopt the proclamation honoring Native American Heritage Month and read the proclamation aloud. Ms. Price **seconded** the motion.

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

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

Mr. Gallaway said that Dr. Irtefa Binte-Farid would introduce the guest.

Ms. Irtefa Binte-Farid greeted the Supervisors and introduced herself as the County's Director of Equity and Accountability. She thanked the Board for taking time to restate their commitment to remembering a more inclusive history of their community, noting that one of her favorite things about her job was getting to know different parts of the community and connecting them to the Board through this proclamation process. She said the proclamations were an incredible opportunity for them to make these relationships part of the public record and hold themselves to higher accountability as community partners going forward. She stated that she was thrilled to introduce them to two citizens of the Monacan Indian Nation, who would accept the proclamation. She said Lou Branham-Parish was the daughter of Eleanor and Ronnie Branham, the first elected chief of the Monacan Indian Nation and a former council member and assistant chief, who was now was the director of the Monacan Nation Ancestral Museum. She said she had been an advocate of the Monacan Nation for all of her adult life.

Ms. Binte-Farid stated that also present was Teresa Pollock, who was the daughter of Diane Joan Shields, who was the chair of the Monacan Nation Cultural Foundation, and coauthor of the "Our History" booklet, which some of them may have read during their first Community Read. She said that Ms. Pollock has held many positions of leadership within the tribe over the last 20 years as a council member and secretary, and she currently sits on many committees with UVA as a Monacan representative and as a board member of the Virginia Tribal Education Consortium. She noted that the consortium works with state and local education agencies to promote the history of Virginia's tribal nations within the school curriculum.

Ms. Branham thanked the Board for having them and introduced herself as Lou Branham with the Monacan Indian Nation. She thanked the Board and said that on behalf of the Monacan people, she would accept this proclamation from the County of Albemarle. She thanked them for recognizing that the strength of their democracy is their diversity. She thanked them for honoring her people and bringing awareness to their community.

Ms. Pollock said thank you.

Mr. Gallaway invited Supervisors to comment.

Ms. Palmer thanked them both for being present and hoped they felt like they were part of the entire community, as that was very important. She said she had been thinking back 20 years ago when she moved here, and one of the very first events she had attended was a Monacan event in Crozet. She said it was marvelous fun, but she did not know that there were Monacan tribe members locally, so she got her first education on that at this event.

Ms. Branham thanked Ms. Palmer.

Ms. McKeel thanked both of them for joining the Board and agreed that their proclamation process was really important in recognizing many different people and cultures, noting that she had learned a lot through their proclamation process over the last few years. She said she found the history of the Monacan Indians fascinating and knew she had just barely touched on it. She also thanked Ms. Pollock and her mom, Diane, for attending her book club, where they had talked about the book her mom wrote.

Ms. Mallek thanked both representatives for attending and said she was fortunate to have been helped by neighbors in Earlysville who are part of the Monacan Nation and have always been very forthright with information. She said she was also looking forward to more information being found about the Lickinghole Basin settlement because even though it was protected by a flood, there were many things still there to be shared. Ms. Mallek said it was also important to continue working with the Nation to have the proper descriptions for their trail markers to help others learn about these settlements. She said she had been to see the archaeology at Morven and certainly learned about the polo grounds situation about 30 years ago with her science campers. She said she looked forward to learning more, and the recent interview on NPR with both Ms. Branham and Ms. Pollock had been fabulous.

Ms. Branham thanked Ms. Mallek.

Ms. Price thanked Dr. Binte-Farid, Ms. Branham, and Ms. Pollock for being present and commented that she too had learned so much through this process. She said Virginia had passed a racial integrity law in 1924 prohibiting intermarriage and requiring birth certificates to assign race with “white” or “colored.” She said she thought about the proclamation and was reminded of the 12 steps of forgiveness—in particular, steps eight and nine—and they must make amends. She said they had an obligation and a responsibility to acknowledge the things they had done wrong in the past, as that was part of their history and must be understood. She said they still faced a lot of these challenges today with marriages and identity, and it was important to learn from the past and take steps to ensure they do not fall into the same pitfalls in the future as they respect the dignity and work of all people.

Ms. LaPisto-Kirtley thanked them for the information they had received and said it was wonderful they had these markers or placards all along the roads so that anyone coming in can read about the historic significance of that spot. She said the proclamations were their local way of saying look at what happened before, look what happened in this area. She said it was an educational process, so she completely agreed with Supervisor McKeel in that this was an education, this was who they were, they need to recognize where they come from and what has happened before. She thanked them and said they had all been there a lot longer than some of them—for centuries or even thousands of years.

Mr. Gallaway said he would join with the other Supervisors in thanking the representatives for being here, acknowledging Ms. Price’s comments about accepting the role played in the past so that it does not turn around and happen again. He thanked them both for being there to accept the proclamation and thanked Dr. Binte-Farid for joining them.

Ms. Palmer asked if the link to the NPR interview could be shared.

Ms. McKeel mentioned that an app can now be put on a phone that can be used to explain what historic markers signified so that one doesn’t have to pull off the road and take their life into their hands to read a marker. She suggested that they somehow put that link or an app or something on their website, or somehow make it available to the public because a lot of people do not even know it exists and it was a great tool.

Ms. Mallek said the only add-on she had was that on Briar Mills Road, just 50 feet or so from Route 29 is the marker for Monasukapanough, which was a wonderful summation of the settlement and the trading post that was across 29 on Polo Grounds in the lowland there—which was thousands of years old and about the same age as Newgrange in Ireland. She said that was how far back these settlements have been reported, and European settlers were the latecomers.

Mr. Gallaway thanked them all.

Proclamation Honoring Native American Heritage Day

- WHEREAS,** the Monacan Indian Nation are known to be the indigenous stewards of present day Albemarle County; and
- WHEREAS,** by the 1740s, most Monacan people were pushed westward away from Albemarle by advancing colonial settlers and were instead forced to relocate in Amherst County, but the Monacans maintained connections to their ancestral landscape and visited their burial mounds in Albemarle County, with one such visit recorded by Thomas Jefferson in 1755; and
- WHEREAS,** the state of Virginia passed a Racial Integrity Law in 1924, prohibiting intermarriage and requiring birth certificates to assign race, with “white” or “colored” as the only option, thus disrupting the continuity of Monacan history in our region and throughout the commonwealth; and
- WHEREAS,** the Monacan people built community and maintained their traditions on Bear Mountain for centuries, ensuring the continuity of their long history within their citizens; and
- WHEREAS,** the Monacan Indian Nation was recognized by the state of Virginia in 1989, and finally by the federal government in 2018; and
- NOW, THEREFORE, BE IT RESOLVED,** that we, the Albemarle County Board of Supervisors, celebrate Native American Heritage Month by honoring the Monacan Indian Nation, the indigenous stewards of this land, for their perseverance and commitment to their community in the face of centuries of systemic oppression, and for their generosity in educating us about their long and memorable history so we all know a more comprehensive history of our County.

Item No. 6.c. Resolution Recognizing George Ray.

Ms. Mallek said it was a great pleasure to read this recognition as a motion recognizing George Ray. She said George Ray created the concept, built the coalition of supporters to carry out the project, and now welcomed the veteran community to the Oakley Veterans’ Memorial on Nichol’s Court.

Ms. Mallek **moved** to adopt the resolution recognizing George Ray and read the resolution aloud. Ms. McKeel **seconded** the motion.

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

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

Mr. Gallaway greeted Mr. Ray and said the Board invited him to say a few words.

Mr. Ray said he wanted to express his genuine appreciation to the Board and County staff for all their support, and to the Supervisors who were able to attend the dedication on September 26. He said he thought they had a great crowd, and the main speaker was a retired Marine Corps colonel from this area. He said Mr. Gallaway was also a featured speaker, and he was very eloquent in his support for veterans. He said he was very appreciative, and anyone could come to the park anytime they wanted to pay their respects, and once they had gotten through that solemn part, they could go right behind the main part of the memorial and play on the playground. He thanked the Board and told Mr. Gallaway congratulations on behalf of his reelection last night.

Mr. Gallaway thanked Mr. Ray and invited Supervisors to make remarks as they wished.

Ms. Palmer said she had been unable to make the memorial service, but she did stop by later to check it out, and it was quite nice. She said it was a wonderful contribution to their community, and thanked Mr. Ray again.

Ms. McKeel thanked Mr. Ray for his wonderful idea that had provided another opportunity for the community to thank veterans and their families. She said she drives by Rio Road fairly often because it is in her neighborhood, and it was amazing how often she saw people at the memorial—often with children but also by themselves—and it was greatly appreciated. She stated that many people did not realize how much time and effort Mr. Ray had put into making their community a better place, with the Paramount Theater restoration being one example.

Mr. Ray thanked Ms. McKeel.

Ms. Mallek thanked Mr. Ray for being here. She said she wanted to emphasize that this was a place where people who were wheelchair bound or had walking difficulties had very easy access to achieve, and she wished that Jim Shisler had lived long enough to see it because he worked for decades to try and improve the access to the Dogwood Memorial. She said she hoped that people would take an opportunity to benefit from Mr. Ray’s plan and make sure they can get up close and personal, and with

ease, with their families and their grandchildren there.

Mr. Ray thanked Ms. Mallek.

Ms. Price thanked Mr. Gallaway and thanked Mr. Ray for the work he had done. She said they had done a resolution for Veterans' Day, which honored the veterans who worked in Albemarle in their public school system, and it was also important to recognize those who were interested in and supportive of the military who did not work for the County, and his work and leadership were at the very top of that.

Ms. LaPisto-Kirtley thanked Mr. Ray and said she concurred with her colleagues. She thanked him for serving and for making all of this happen, adding that it was all too easy to be negative and complain about everything, but it was much harder and proved the worth of a person when you did something good for the community. She said she was looking forward to playing in the playground.

Mr. Ray said it was all ready for her.

Ms. LaPisto-Kirtley said thank you.

Mr. Gallaway stated that it was a solemn place to honor those who had sacrificed for the greater good. He said when thinking of the residents that were served by the Blake, the surrounding residents that can come together on a playground where children can play, he could not think of a better way to honor their memory than to have a place to do what they were fighting for, which was to live free and pursue happiness. He said to Mr. Ray that he appreciated his effort and seeing that vision come true. He said they had a wonderful, gorgeous day for that, and he knew there would be plenty of folks taking advantage of this because there were not many places in the urban area to come together that way. He noted that Mr. Ray's service continued, as he had done quite a bit for this area as Rio District representative on the Economic Development Authority, and they appreciated his continued service to the County in that manner as well. He thanked Mr. Ray again for being with them today.

Mr. Richardson thanked the Chair and said the Board had spoken from different perspectives on what Mr. Ray has meant to the community and how he was giving back. He said it was ironic that Mr. Gallaway mentioned his service on the Economic Development Authority because usually community leaders do so many things that the community sees, but in this case, they also just quietly help. He said about four years ago, Mr. Ray pulled him aside and said, "Let's go drive and let's go look at this community," so he took him to do a windshield tour of this community. He said Mr. Ray had shared over 30 years of experience in telling him stories and talked about how things evolved and worked, and he had been very kind and gracious. Mr. Richardson thanked him for that personal support and his general service to the community.

Mr. Ray commented that he had been at the memorial the day before yesterday and saw former Supervisor Lindsey Dorrier, who was a resident at the Blake, as his daughter was bringing him down in his wheelchair to visit the memorial. He said it brought tears to his eyes, and that was what it was all about. He said he was very pleased to see Mr. Dorrier be mobile enough to visit, and he was honored he had come to see the memorial and participate in honoring veterans.

Mr. Gallaway said that was wonderful and noted that this was why Mr. Ray had placed it where he did. He thanked him and said they appreciated all that he did.

Mr. Ray thanked him and the Board.

Resolution Recognizing George Ray

- WHEREAS,** George Ray created the concept, built the coalition of supporters to carry out the project, and has now welcomed the veteran community to the Oakleigh Veterans Memorial on Nichols Court; and
- WHEREAS,** Albemarle County residents now have a new memorial park, which is accessible to veterans and their families of all abilities, a memorial wall of honor with ADA access, a peaceful fountain, and a children's playground; and
- WHEREAS,** The Oakleigh Veterans Park is a Memorial dedicated to the honor of all American military and civilian support personnel who served the United States in the wars in the Middle East and associated regions. It is a place of contemplation and respect for the sacrifice of so many; and
- WHEREAS,** A prominent pan of this Memorial is a special recognition area for Gold Star mothers and fathers and their lost loved ones;
- WHEREAS,** The Memorial also femurs a special recognition of the 391st Engineering Battalion of the US Army Reserve headquartered in Greenville, South Carolina and to the four Battalion soldiers killed in combat near Asadabad, Afghanistan on March 12, 2006.
- NOW, THEREFORE, BE IT RESOLVED,** that we the Albemarle County Board of Supervisors do hereby honor and recognize George Ray for his initiative and final accomplishment of the Oakleigh Veterans Memorial.

Agenda Item No. 7. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Peter Krebs greeted the Board and introduced himself as a community organizer with the Piedmont Environmental Council (PEC). He stated that Albemarle County was an extraordinary place to live and was a community rich with history and culture, in which clearly defined neighborhoods were surrounded by distinct rural areas dotted with forests and farms, all bounded by a marquee national park, America's founding river, and neighboring rural counties. He said the fact it is such a great place to live created enormous challenges for managing growth and preserving the qualities that make it so wonderful. He said that for the past 50 years, PEC has played a central role in encouraging that balance by participating and engaging residents in the County's periodic reviews and renewals of its comprehensive plan. He said they often say that none of this happens by accident. He said it required planning, analysis, and commitment to execution, all driven by the wisdom and the energy of a fully engaged citizenry.

Mr. Krebs stated that today, they would officially launch the next chapter of the resolution to update this living document., and this iteration would include new challenges, tools, and opportunities. He said that Albemarle's Climate Action Plan and ongoing risk and vulnerability assessment provide key insights that, along with equity, should be organized in principles, not chapters or subsections. He said the County had a remarkable and longstanding commitment to land conservation and habitat protection. He said there were many useful tools such as the ACE program, but arguably the County's most important conservation tool was the comprehensive plan itself, and the clear distinction it makes between what was rural and what was urban. He stated that the last several years had included an excellent new commitment to connectivity and parks in those areas where most people lived, and the new affordable housing strategy provided some important framework for keeping families local and communities intact.

Mr. Krebs said there were several recent victories with the approach to economic development that rewarded homegrown enterprises and prioritized quality of life, healthy communities, and a ready workforce. He commented that the Piedmont Environmental Council was excited to take part in this periodic renewal that built upon the good and very intentional work that many of them had done and would continue with the support of County staff, residents, and organizations like PEC. He thanked the Board.

Agenda Item No. 8. Consent Agenda.

Mr. Gallaway noted that they had pulled the minutes from June 3, 2020.

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

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

Item No. 8.1. Approval of Minutes: May 20, June 3, and July 1, 2020.

Mr. Gallaway had read the minutes of May 20, 2020, and found them to be in order.

Ms. McKeel had read the minutes of July 1, 2020, and found them to be in order.

By the above-recorded vote, the Board approved the minutes of May 20 and July 1, 2020 as read.

Item No. 8.2. Schedule a Public Hearing on an Ordinance to Approve County Police and Fire Rescue Sworn and Uniformed Employee Bonuses.

The Executive Summary forwarded to the Board states that staff is requesting authorization from the Board to schedule a public hearing to consider the adoption of an ordinance approving the payment of one-time bonuses to Albemarle County Police and Fire Rescue sworn and uniformed employees.

During the 2021 General Assembly Special Session II, the General Assembly allocated the Commonwealth's Fiscal Year 2022 (FY 22) distribution of federal American Rescue Plan Act (ARPA) funds. This funding provided one-time \$3,000 bonus payments to Compensation Board-funded sworn positions in Sheriff's offices, which included Sheriffs and Sheriffs' Deputies in FY 22. The impact to Albemarle County is that it included funding for bonuses for only 11 of the 26 sworn personnel, as these are Compensation Board-funded positions. In order to receive the State's ARPA funding for the Sheriffs bonuses, the bonuses are required to be paid out on or before November 30, 2021.

The State also allocated \$98,171 in funding to the Albemarle County Police Department in January 2021. These additional funds are to be used to promote the recruitment and retention of the most qualified local police department sworn personnel and to support the costs associated with criminal justice reform, which could include bonus pay for retention purposes and sign-on bonuses for recruitment purposes.

On May 11, 2021, the United States Treasury provided an allocation of \$21.2 million in federal ARPA State and Local Fiscal Recovery Funds (SLFRF) monies to the County of Albemarle to be deposited in two tranches. On August 4, 2021, the Board approved the spending plan for the County's ARPA allocation to include: \$4 million for FY22 Economic Vitality (Human Services and Economic Development) and \$4.5 million to support Broadband, the remaining funding would be a source to support the FY 23 - FY 27 budget development.

In addition to the identified priorities for ARPA funding in FY 22 as noted above (and consistent with eligible uses for ARPA), workforce stabilization efforts would also be explored as part of the FY 23 budget process. ARPA SLFRF allows for a type of premium pay for "workers that faced or face heightened risks due to the character of their work, which includes frontline public safety workers. Given the timing of the State's use of ARPA funding to support a portion of the County's sworn personnel, a workforce stabilization and internal equity review commenced and supported moving on the recommendations provided in FY 22, rather than waiting until FY 23. The recommendations outlined in the discussion are all eligible expenses for Federal and State funding.

By the above-recorded vote, the Board authorized the Clerk to schedule a public hearing on December 1, 2021 to consider the adoption of the proposed ordinance (Attachment A) to Approve County Police and Fire Rescue Sworn and Uniformed Employee Bonuses:

Draft: October 21, 2021

ORDINANCE NO. 21-A()

AN ORDINANCE TO AUTHORIZE THE PAYMENT OF MONETARY BONUSES TO ELIGIBLE PUBLIC SAFETY EMPLOYEES OF THE COUNTY OF ALBEMARLE, VIRGINIA

WHEREAS, current conditions in the job market include trends of fewer qualified persons applying for public safety positions, and peer localities providing sign-on bonuses and offering higher starting pay than that offered by the County of Albemarle; and

WHEREAS, the Board desires to retain and recruit the most qualified sworn and uniformed personnel for the Albemarle County Police Department and the Albemarle County Department of Fire Rescue; and

WHEREAS, the Board is authorized by Virginia Code § 15.2-1508 to provide for the payment of monetary bonuses; and

WHEREAS, an appropriation to fund one-time and sign-on bonuses authorized by this ordinance is included as part of an appropriation being considered by the Board on December 1, 2021.

NOW, THEREFORE, BE IT ORDAINED that the Albemarle County Board of Supervisors hereby authorizes the payment of monetary bonuses as follows:

1. A one-time payment of \$3,000 shall be paid to all sworn or uniformed full-time and part-time regular employees of the Albemarle County Police Department and the Albemarle County Department of Fire Rescue who:
 - A. Are an active employee as of December 1, 2021; and
 - B. Fill a total full time equivalent of 0.7 and above.
2. A sign-on payment of \$3,000 shall be paid to all sworn or uniformed full-time and part-time regular employees of the Albemarle County Police Department and the Albemarle County Department of Fire Rescue who:
 - A. Have a hire date between December 1, 2021 and November 30, 2022; and
 - B. Fill a total full time equivalent of 0.7 and above.

Draft: October 21, 2021

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of ____ to ____, as recorded below, at a regular meeting held on _____.

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Gallaway	_____	_____
Ms. LaPisto-Kirtley	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Ms. Price	_____	_____

Item No. 8.3. Schedule a Public Hearing to Consider the Adoption of an Ordinance to Amend County Code Chapter 15, Taxation.

The Executive Summary forwarded to the Board states that the Department of Finance and Budget is recommending updates to the Transient Occupancy Tax regulations in Albemarle County Code Chapter 15, Taxation, to conform to recent changes in State law. Virginia Code §§ 58.1-3818.8, 3819, and 3826 were amended to provide that, beginning September 1, 2021, the retail sales and use tax and transient occupancy taxes on accommodations may be collected and remitted by an “accommodations intermediary”, such as VRBO, instead of only by the “accommodations provider” (the property owner).

By the above-recorded vote, the Board authorized the Clerk to schedule a public hearing to consider the adoption of the proposed ordinance (Attachment A) to amend County Code Chapter 15, Taxation at a future Board meeting:

Draft: October 14, 2021

ORDINANCE NO. 21-15()

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15, TAXATION, ARTICLE 9, TRANSIENT OCCUPANCY TAX, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 15, Taxation, Article 9, Transient Occupancy Tax, is hereby amended as follows:

By Amending:

Sec. 15-900 Definitions
Sec. 15-901 Transient occupancy tax imposed; amount.
Sec. 15-902 Collecting and remitting the tax; reports.
Sec. 15-903 Preserving records.
Sec. 15-905 Enforcement; duty of Director of Finance.

By Amending and Renaming:

Sec. 15-904 Duty of ~~lodging provider~~ when going out of business.

Chapter 15. Taxation

Article 9. Transient Occupancy Tax

Sec. 15-900 Definitions.

As used in this article, the terms that appear in Virginia Code § 58.1-3818.8 have the definitions given in that section. The following definitions apply to this article:

~~*Lodging provider* means any person who operates a hotel, motel, boarding house, travel campground, or other facility offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days in the County.~~

~~*Purchaser* means any person who rents a room or space in a hotel, motel, boarding house, or travel campground for fewer than 30 consecutive days of continuous occupancy.~~

(Code 1988, § 8-41; Ord. No. 98-8(2), 6-10-98; § 15-900, Ord. 98-A(1), 8-5-98; Ord. 17-15(1), adopted 6-14-17, effective 8-1-17; Ord. 19-15(1), 4-17-19)

State law reference(s)—Va. Code §§ 58.1-3818.8, 3819.

Sec. 15-901 Transient occupancy tax imposed; amount.

A transient occupancy tax is hereby imposed on the ~~occupancy use or possession~~ of all rooms or spaces in hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms ~~rented out for continuous occupancy~~ for fewer than 30 consecutive days ~~in the County~~ as follows:

- A. *Tax rate.* The rate of this tax is five percent of the amount charged for the ~~occupancy use or possession~~.
- B. *Applicability of Virginia Code §§ 58.1-3819 and 3826 to this article.* Except as otherwise provided in this article, Virginia Code ~~§§ 58.1-3819 and 3826 apply~~ applies to this article.

(11-28-73; 8-15-74; 4-13-88; 3-19-97; § 8-41; Code 1988, § 8-42, Ord. No. 98-8(2), 6-10-98; § 15-901, Ord. 98-A(1), 8-5-98; Ord. 08-15(1), 10-1-08; Ord. 17-15(1), adopted 6-14-17, effective 8-1-17; Ord. 19-15(1), 4-17-19)

State law reference(s)—Va. Code §§ 58.1-3819, ~~3826~~.

Draft: October 13, 2021

Sec. 15-902 Collecting and remitting the tax; reports.

Each ~~lodging accommodations intermediary or accommodations~~ provider shall collect and remit the tax imposed under this article; and submit reports, in accordance with Virginia Code § 58.1-3826, and as follows:

- A. ~~Duty of lodging provider to collect the tax.~~ The ~~lodging accommodations intermediary or accommodations~~ provider has the duty to collect the tax at the time payment for the lodging becomes due and payable, regardless of ~~whether payment is made in cash or on credit by means of a credit card or otherwise~~ how payment is made.
- B. ~~Tax added to the cost of the room or space.~~ The ~~lodging accommodations intermediary or accommodations~~ provider shall add the amount of the tax owed by the purchaser to the cost of the ~~room or space~~ accommodation.
- C. ~~Taxes collected held in trust until they are remitted.~~ The taxes collected shall be held in trust by the ~~lodging accommodations intermediary or accommodations~~ provider until remitted to the County.
- D. ~~Lodging Accommodations provider entitled to commission.~~ ~~For the purpose of compensating lodging providers for the collection of the tax imposed by this article, every~~ Every accommodations lodging provider is allowed a commission of three percent of the amount of tax due and accounted for; ~~provided that however, the lodging an accommodations provider is not allowed a commission if any part of the amount of taxes due is delinquent at the time of payment.~~
- E. ~~Reporting.~~ The ~~lodging accommodations intermediary or accommodations~~ provider shall complete a report on a form and containing the information as the Director of Finance may require, showing the amount of gross receipts collected and the tax required to be collected.
- F. ~~When report delivered and taxes remitted.~~ The ~~lodging accommodations intermediary or accommodations~~ provider shall sign and deliver the report to the Director of Finance with remittance of the tax. The reports and remittance of the tax shall be made on or before the twentieth day of each month.

((§ 15-902: 8-15-74, 4-13-88; § 8-42; Code 1988, § 8-43, Ord. No. 98-8(2), 6-10-98; § 15-902, Ord. 98-A(1), 8-5-98) (§ 15-903: Code 1988, § 8-44; Ord. No. 98-8(2), 6-10-98; § 15-903, Ord. 98-A(1), 8-5-98) (§ 15-904: Code 1988, § 8-45; Ord. No. 98-8(2), 6-10-98; § 15-904, Ord. 98-A(1), 8-5-98); § 15-902, Ord. 19-15(1), 4-17-19)

State law reference(s)—Va. Code § 58.1-3819.

Sec. 15-903 Preserving records.

Each ~~lodging accommodations intermediary or accommodations~~ provider who is liable for collecting and remitting the taxes imposed by this article shall keep complete records as follows:

- A. ~~Records required to be kept.~~ The ~~accommodations intermediary or accommodations provider~~ seller shall keep and preserve records showing the gross receipts, the amount charged the purchaser for each ~~state possession or use~~, the date thereof, the taxes collected thereon, and the amount of tax required to be collected by this article.
- B. ~~How long records must be kept.~~ The ~~lodging accommodations intermediary or accommodations~~ provider shall retain the records identified in subsection (A) for three years.
- C. ~~Inspection of records by the Director of Finance.~~ The Director is authorized to examine the records at reasonable times and without unreasonable interference ~~with the business of the lodging provider~~ for the purpose of administering and enforcing this article. The Director is authorized to make ~~any~~ copies of ~~all or any parts of~~ any records.

Draft: October 13, 2021

(Code 1988, § 8-46; Ord. No. 98-8(2), 6-10-98; § 15-905, Ord. 98-A(1), 8-5-98; § 15-903, Ord. 19-15(1), 4-17-19)

State law reference(s)—Va. Code § 58.1-3819.

Sec. 15-904 Duty of ~~lodging~~ provider when going out of business.

When any lodging accommodations provider ~~required to collect and remit the taxes imposed under this article~~ ceases to operate or otherwise dispose of ~~his~~ its business, any tax payable under this article shall become immediately due and payable and that person shall immediately make a report and pay the tax due.

(Code 1988, § 8-47; Ord. No. 98-8(2), 6-10-98; § 15-906, Ord. 98-A(1), 8-5-98; § 15-904, Ord. 19-15(1), 4-17-19)

State law reference(s)—Va. Code § 58.1-3819.

Sec. 15-905 Enforcement; duty of Director of Finance.

The Director of Finance ~~shall~~ may promulgate rules and regulations for the interpretation, administration, and enforcement of this article. The Director shall ascertain the name of every lodging accommodations provider liable for collecting the tax imposed under this article who fails, refuses, or neglects to collect the tax or to make the reports and remittances required by this article.

(Code 1988, § 8-48; Ord. No. 98-8(2), 6-10-98; § 15-907, Ord. 98-A(1), 8-5-98; § 15-905, Ord. 19-15(1), 4-17-19)

State law reference(s)—Va. Code § 58.1-3819.

Sec. 15-906 Violations of article.

- A. *Class 1 misdemeanor.* Any person who commits the following acts shall be guilty of a Class 1 misdemeanor:
1. *Willful failure to collect, account for, or remit.* Any corporate or partnership officer as defined in Virginia Code § 58.1-3906, or any other person required to collect, account for, and remit the tax under this article, who willfully fails to collect or truthfully account for, and remit any such tax.
 2. *Evasion or attempt to evade.* Any person who willfully evades or attempts to evade the tax or payment thereof.
- B. *Conviction does not relieve.* A person's conviction under this section does not relieve any person from the payment, collection, or remittance of the taxes or penalties provided for in this article.
- C. *Agreement to pay taxes or penalties does not relieve criminal liability until fully paid.* Any agreement by any person to pay the taxes or penalties provided for in this article by a series of installment payments does not relieve any person of criminal liability for violating this article until the full amount of taxes and penalties agreed to be paid by that a person is received by the Director of Finance.
- D. *Each violating act is a separate offense.* Each failure, refusal, neglect, or violation, and each day's continuance thereof, is a separate offense.

(Code 1988, § 8-52; Ord. No. 98-8(2), 6-10-98; § 15-911, Ord. 98-A(1), 8-5-98; Ord. 07-15(2), 10-3-07, effective 1-1-08; § 15-906, Ord. 19-15(1), 4-17-19)

State law reference(s)—Va. Code §§ 58.1-3906, 58.1-3907; as to punishment for class 1 misdemeanor, see § 18.2-11.

Draft: October 13, 2021

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of _____ to _____, as recorded below, at a regular meeting held on _____.

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Gallaway	_____	_____
Ms. LaPisto-Kirtley	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Ms. Price	_____	_____

Item No. 8.4. Memorandum of Agreement between the County and the Town of Scottsville Regarding the County’s Collection and Remittance of the Town’s Motor Vehicle License Taxes.

The Executive Summary forwarded to the Board states that the County has been collecting and remitting Motor Vehicle License Taxes on behalf of the Town of Scottsville since 2015 pursuant to a verbal agreement.

Virginia Code § 46.2-752(M) enables a county treasurer or comparable officer and the treasurer of any town located within the county to enter into a reciprocal agreement, with the approval of the respective local governing bodies, for the county to collect motor vehicle license taxes for the town and to remit those tax revenues to the town.

The County may obtain reasonable compensation for the County’s efforts to collect any current and delinquent Motor Vehicle License Taxes due to the Town.

By the above-recorded vote, the adopted the attached Resolution (Attachment B) approving the attached MOA (Attachment A) and authorizing the County’s Chief Financial Officer/Director of Finance to sign the MOA once it has been approved as to substance and form by the County Attorney:

**RESOLUTION APPROVING MEMORANDUM OF AGREEMENT
TO GOVERN COUNTY COLLECTION OF SCOTTSVILLE MOTOR VEHICLE LICENSE TAXES**

WHEREAS, Virginia Code § 46.2-752(M) allows the Albemarle County CFO/Director of Finance and the Treasurer of the Town of Scottsville to enter into a reciprocal agreement, with the approval of their respective governing bodies, for the County to collect license taxes on motor vehicles and other property owed to Scottsville on the Town's behalf; and

WHEREAS, the Board of Supervisors finds it is in the County's best interest to enter into an agreement with the Town of Scottsville allowing the County to collect motor vehicle license taxes owed to Scottsville on the Town's behalf.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that, under authority of Virginia Code § 46.2-752(M), the Board hereby approves the above referenced Memorandum of Agreement, and authorizes the CFO/Director of Finance to sign the Memorandum of Agreement once it has been approved as to substance and form by the County Attorney.

* * * * *

Memorandum of Agreement Between the County of Albemarle and the Town of Scottsville

This Memorandum of Agreement ("MOA") is made and entered into this 7th day of December, 2021 by the County of Albemarle, Virginia (the "County") and the Town of Scottsville, Virginia (the "Town") a municipal corporation located within the County.

WHEREAS, the County now sends bills to and collects current and delinquent Motor Vehicle License Taxes for the Town's taxpayers; and

WHEREAS, Virginia Code § 46.2-752(M) enables the County's Chief Financial Officer/Director of Finance and the Scottsville Treasurer to enter into a reciprocal agreement, with the approval of their local governing bodies, that provides for the County treasurer to collect such license taxes, account for, and pay over such amounts to the Town; and

WHEREAS, the County may obtain reasonable compensation for the County's efforts to collect any current and delinquent Motor Vehicle License Taxes due to the Town.

NOW, THEREFORE, the parties agree as follows:

Collection and Disbursement

1. The County will mail bills and collect current and delinquent Motor Vehicle License Taxes based on the most recently received relevant Town ordinance.
2. Effective on and after January 1, 2022, the County will withhold an administrative fee of 2% of the Motor Vehicle License Taxes collected for the Town as reimbursement of the County's administrative costs.
3. The County will send the collected funds, less the 2% administrative fee, to the Town quarterly.
4. The funds will be remitted on or before the twentieth day of the months of April, July, October, and January representing, respectively, the funds collected during the preceding quarters ending March 31, June 30, September 30, and December 31.
5. The Town will provide signed copies of any future ordinances it adopts regarding its Motor Vehicle License Taxes to the County's Chief of Revenue Administration and the County's Revenue Manager within 10 days of adoption. The Town is responsible for any inaccurate or delayed remittance resulting from failure to timely provide the ordinance.

Termination

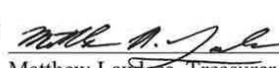
6. This MOA may be terminated by the County Board of Supervisors or by the Town Council, upon written notice to the other party.

WITNESS, the following authorized signatures:

COUNTY OF ALBEMARLE, VIRGINIA


TOWN OF SCOTTSVILLE


Nelsie L. Birch, CFO/Director of Finance Date 12-7-2021


Matthew Lawless, Treasurer Date 11/23/21

Approved as to form:

Approved as to form:


County Attorney

remote work session 11/8/21
Town Attorney

Item No. 8.5. Albemarle Broadband Authority Quarterly Report, **was received for information.**

Item No. 8.6. Board-to-Board, October 2021, a Monthly Report from the Albemarle County School Board to the Albemarle County Board of Supervisors, **was received for information.**

Agenda Item No. 9. **Action Item** – SE202100032 The Square LLC Homestay Special Exceptions.

The Executive Summary states that the applicant has requested two (2) special exceptions in association with the proposed homestay at 1234 Carter Street:

1. Increase the Number of Guest Rooms - Pursuant to County Code §18-5.1.48(i)(1)(i), the applicant is requesting a special exception to permit up to three (3) guest rooms, instead of the two (2) guest rooms otherwise permitted by County Code §18-5.1.48(j)(1)(iii).
2. Waive Owner-Occupancy - Pursuant to County Code § 18-5.1.48(i)(1)(iv), the applicant is requesting a special exception to waive the owner occupancy requirement of County Code § 185.1.48(j)(1)(iv), to allow a tenant resident manager for the homestay.

Staff recommends that the Board adopt the attached Resolution (Attachment F) to approve both special exceptions with the conditions contained therein.

Ms. Rebecca Ragsdale greeted the Board and said she would share her screen to get them started with the presentation for this item, which covered several homestay special exceptions.

Ms. Ragsdale said the first was a special exception request that Square LLC had submitted. She said they usually started these homestay presentations with the zoning context or the ordinance regulatory context. She reported that this was a half-acre parcel zoned residential, and their residential districts allow up to two guestrooms for homestay lodging, no use of accessory structures, and no whole house rental. She said that whole house rental was when the owner or manager was not present, and there was a limited number of days where they allowed that in a rural area on larger parcels.

She said all homestays were required to obtain a zoning clearance, and during that process, that was the final check of the owner or tenant manager occupancy, parking, a couple of other steps, but they knew that owner-occupancy was one of those possible special exceptions. She said there were three areas that residential parcels could ask for special exceptions, as the 125-foot setback did not apply for rural area parcels. She said in this case, the request was to increase the number of guest rooms to three, so only one additional guest room, and to waive the owner-occupancy requirement to allow a tenant to serve as that resident on the property on the lower level. She said when they analyze those requests, they looked at the context of the neighborhood and surrounding properties and make sure there was no detriment to the abutting properties or harm to public health, safety, or welfare.

Ms. Ragsdale presented an aerial view of the downtown Crozet area and said the homestay was located along Carter Street, visible with a green asterisk on the screen. She said the property was facing Carter Street and oriented towards the downtown area, with the post office and some commercial uses across the street. She said some surrounding residences were notified, but they did not hear from any of the property owners or residents in the immediate neighborhood following that notice. She showed a zoning map with the Downtown Crozet District, which this property bordered, and it was in an area that was still zoned residential but was on the edge of the downtown area.

Ms. Ragsdale said that it was designated for mixed use, and this block has been designated since the first master plans; it did not change with the recent update, so the information in the staff report was current based on adoption of the new master plan. She said the red on the map was the area shown for the downtown core, and the pink was the area shown between the neighborhoods and downtown as a transition area. She said it was recommended for mixed use but for uses that were of the size and scale provide that transition from downtown, and it was an area where they would expect it to transition over time into commercial uses.

Ms. Ragsdale showed a zoomed view of the property, noting how it was set back from Carter Street. She said there was substantial vegetation between the homestay and the abutting properties where residences were currently.

Ms. Ragsdale summarized that staff recommended approval of this request. She said the increase was for one additional guest room, and there was also a request to waive the owner-occupancy requirement, with the owner's office just a block away on the Crozet square. She said this was a property that was designated for mixed use in the master plan, and small-scale commercial use was compatible with the residential uses that were encouraged throughout the master plan. She said they also talked about the need to support tourism. She noted that they had heard from two community members and did not hear from any immediate residents, but they heard from one farm winery owner who said he enthusiastically supported the request and that there was a need for lodging in the Crozet area. She said they also received an email, which she would characterize as having no objection, and the concerns of that email were that approving a homestay on this property might remove existing housing stock around the downtown area.

Ms. Ragsdale said there were other neighborhoods specifically designated for neighborhood and residential as primary uses, further around the downtown area. She said in this case, this was an existing residence that would remain and contribute to the housing stock, where the tenant would be living. She noted that there had also been mention of the need for hotels in downtown Crozet, and they passed those comments along to economic development, and they also may have some private interests in hotels. She said that led staff to their recommendation of approval, with the typical conditions that you see that would limit the activity to the areas on that exhibit in terms of parking and guest rooms. She noted that it would

limit the number of guest rooms to three and maintain the screening that was closest to the residences there.

Ms. Palmer asked how they found out about this particular request and if this was discovered when they were surveying homestays.

Ms. Ragsdale said this one was not one of those they had found to be in violation. She said they had been listing this one for 30 days at a time. She said the owner had been in touch off and on throughout the homestay process, and she believed it was proactive in terms of the application.

Ms. Palmer asked if they were listing it for 30 days at a time prior to this.

Ms. Ragsdale said that yes, a short-term, or long-term tenant, transient occupancy for less than 30 days at a time, anything over 30 days at a time is still considered a residential use. She said it was a property that she thought had longer-term tenants, and then they tried out to market more than 30 days at a time and decided that homestay use would be better and more profitable.

Ms. Palmer said she understood why homestay would be more profitable. She said she was concerned about this one because they had a lot of discussions about affordable rentals. She said Crozet certainly had an incredible run-up on housing prices, as much of the community had. She stated that her understanding was that this individual owned several rental properties in the area. She asked if the other properties were advertised at 30 days.

Ms. Ragsdale said there was a mix of properties under the same ownership with different zonings. She said they had very few homestays that were not, and there were very few homestays in the Crozet development area. She said the other lodging that was offered was on properties that were zoned Downtown Crozet District. She said that she thought it had been brought up that there were a lot of things they wanted to balance in the master plan recommendations, and they had specific areas where they were encouraging commercial uses as primary versus residential, and they also had the neighborhoods where they wanted to maintain naturally occurring affordable housing. She said she thought there was more work to be done in that area, and this was one with no concern from the housing stock perspective that staff had identified, given the recommendations in the master plan for this property in the downtown area for that block.

Ms. Palmer asked if this tenant was staying in other houses or if it was their permanent residence. She said she was a little confused on how that was responding to the care of the other properties and asked if there were other rental properties that this person was moving into and staying there.

Ms. Ragsdale responded that they had talked about this with a few of the other special exceptions regarding owner occupancy that had been approved. She said there would be a full-time resident on the property, which was a requirement of the ordinance, and it would just be a rental instead of an owner-occupancy situation.

Ms. Palmer said she would like to hear what other Supervisors had to say. She said she was a little dubious of this, seeing that it appeared to be reasonably affordable housing for longer-term rental.

Ms. McKeel stated that she wanted to make sure that if they approved this, she was a little concerned about the change from owner occupancy. She said they were not setting a precedent there, and she asked Ms. Ragsdale to address what she and Ms. Palmer were concerned about with this change.

Ms. Ragsdale said she had mentioned precedent, and the ones they had approved related to owner occupancy had been in areas where they were more commercial or had specific recommendations in their plans about supporting tourism. She said the property would still be zoned residential, and this was not rezoning the property. She said it was allowing for both uses, the resident use and the homestay use, in terms of the proposal with the three rooms upstairs and then the lower level as a rental unit for residents.

Ms. McKeel said that she guessed as they approved more and more of these, they were not locking themselves into something; in general, she was concerned about waiving the owner occupancy, but she recognized that the location seemed to make it more appropriate.

Ms. Mallek said she was following the same thing and appreciated when owners spent time and money fixing up old houses. She noted that there was another property just at the back lot of this one that may or may not be following the same path. She asked Ms. Ragsdale how many properties a resident manager got to take care of, because if there were three or four units all with the same owner, the resident manager needed to be a resident in one of those, and they did not automatically approve three or four down the street with the same resident manager.

Ms. Ragsdale responded that they did not have a limit in the ordinance, and it was something to keep an eye on if they saw more of these requests. She said they did not have a limit to how many. She said that some of the others that were owned by this owner were commercial properties, but she did not have any more requests like this for owner occupancy, and they knew Crozet in the downtown area was unique from any other part of the County.

Mr. Bart Svoboda, Zoning Administrator, stated that he was not sure if she was asking if they were permitting the LLC for a blanket resident manager. He said this was really about this specific parcel and it had to be owner-occupied; it was not about extending the approval off to any other parcels or an individual or this LLC would own.

Ms. Mallek said that if there were a resident manager here, that person would be identified by name so that if the one on Taylor Street or on the square or Blue Ridge Avenue came up, they would all have to have their own resident managers.

Mr. Svoboda said that was correct.

Ms. Mallek said she was trying to identify whether there was a sudden possibility of four houses that became this instead, all within a two-block area.

Ms. Kamptner clarified that the resident manager had to reside in the house that was subject to that particular special exception.

Ms. Mallek said she understood the boundary of the DCD (Downtown Crozet District) being Carter Street. She said that Blue Ridge Avenue, which was the backside of this property, was the oldest street in the community and part of the historic district—so there was no way that should be encouraged to be commercial. She said that while a homestay may be a commercial side of residential to support the commercial uses across the street and the new rescue squad across the street, she would not want anyone to think this was an expansion of commercial uses westward into really old neighborhoods that were also under tremendous pressure from all other directions.

Ms. Price asked Ms. Ragsdale how many total bedrooms were in this structure.

Ms. Ragsdale responded that there were three upstairs, and there were units downstairs.

Ms. Price asked what the unit downstairs consisted of.

Ms. Ragsdale said she thought it was just one bedroom.

Ms. Price said that concerning the County staff determination that a resident manager in a single bedroom downstairs did not impact the availability of housing stock in a four-bedroom house, she would have to disagree with that assessment. She said she saw a big difference between a family being able to move into a residence and a resident manager who could perhaps be a couple, but clearly no more than two people, and she had some questions as to that determination. She noted that the applicant ran a vacation rental business that had three units already registered in the homestay program, and they also rented two units that were offered for 30 days or longer. She said that if this were approved, it would be a fourth homestay, which struck her as being more of an Airbnb business than what she understood the homestay in Albemarle County to be: a collateral use that produced income to a primary resident. Ms. Price expressed her concern.

Ms. Ragsdale responded that Ms. Price was technically not characterizing it correctly under the zoning ordinance. She explained that this was the only homestay under the regulations on a residentially zoned parcel, and it would only be approved for that one property. She said they knew he owned others around that block, but this was specifically for that property; the other types of lodging they were seeing in Crozet were zoned Downtown Crozet District. She said they were not approved as homestays, they were approved as commercial lodging because that district allowed commercial uses. She said she thought he got a different type of zoning clearance for those properties.

She said that using them as short-term rentals, there was the one house—a single-family detached unit that was close to the square—and then two one-room units above the square. She said those were one-bedroom efficiency-style apartments. She said those were the three she believed he was referring to, but they were not technically homestays. She said that in terms of what was technically a homestay, in transition areas or residential areas, they only had about three, including this one. She said there was one on St. George and another in a different part of Crozet. She said the limit was two guest rooms by right for the rest of Crozet, and they had not seen any other application or preapplication activity; there had not been a lot of it.

Ms. Price said that was an important clarification, but it still left unanswered the question of an LLC, and there appeared to be support of family forms of LLC to keep the family farm, for example—which appeared to be different than a general business operation. She asked if this were to be approved, if there were numerical rental day limits on this property, either on a monthly or a calendar year basis.

Ms. Ragsdale responded that they did not have that limitation for this type of rental.

Ms. Price asked if it could literally be rented short term every day.

Ms. Ragsdale said she believed Ms. Price said every day, but her audio had frozen.

Ms. Price asked if they could hear her. She asked Ms. Ragsdale if there were no numerical days of the year limitation on the rental of this unit if it were approved. She asked if that was correct.

Ms. Ragsdale said that was correct.

Ms. Price said she had no further questions. She thanked Chair Gallaway and Ms. Ragsdale.

Mr. Gallaway said there was a request for Ms. Ragsdale to repeat. He said Supervisor Palmer asked why the others were not technically homestays. He asked for the answer she had provided.

Ms. Ragsdale stated that they were approved under the hotels, motels, and inns land use category in the Downtown Crozet District. She said homestays were specific to residential or rural area zoned parcels, and the district allowed a house by right to convert to short-term lodging in the downtown core area. She said this was a different type of use, and it was not a homestay.

Mr. Svoboda added that as Ms. Ragsdale mentioned earlier, it was similar to the hotel that was brought up during the staff report. He said a hotel, which was considered short-term lodging, was allowed in that district—so a single-room hotel was a permissible use, as is a 20-room hotel.

Ms. Price said she thought that was a very important clarification to make on those different properties to differentiate them from this one.

Ms. Palmer asked if there were other places in the County where that would be the case.

Ms. Ragsdale confirmed that they would be in the County's commercial districts and any of their districts that allow hotels, such as highway commercial, C1, commercial office, and possibly planned developments, but those were always unique so they would not even bring those up with the different codes of developments or application plans. She said that this was generally speaking across the conventional districts in their ordinance.

Ms. LaPisto-Kirtley said she was concerned about the full-time resident manager and asked if they had visited the downstairs and if it were a complete apartment with all of the amenities, as someone could live there full-time.

Ms. Ragsdale affirmed this.

Mr. Gallaway said he appreciated the email they had received about the housing stock and affordable housing, which was not an objection but just a point to keep in mind. He said he knew they had approved similar things because of the tourism district, and they had disapproved a few items because they were not in tourism zones. He said the fact that this was in the tourism zone seemed appropriate, or at least in some ways consistent with some other decisions they had made, and he supported this proposal.

Ms. Palmer asked if all of downtown Crozet, or all of the development area of Crozet, was a tourism district.

Ms. Ragsdale confirmed that this was correct, and the master plan elaborates on tourism for certain areas.

Ms. Mallek **moved** that the Board adopt the resolution in Attachment F, to approve the homestay special exception SE2021-32. Ms. LaPisto-Kirtley **seconded** the motion.

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

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

NAYS: Ms. Palmer, Ms. Price, and Ms. McKeel.

Agenda Item No. 10. **Action Item** – Resolution of Intent to Update the Comprehensive Plan.

The Executive Summary states that at a work session on October 6, 2021, the Board endorsed the Comprehensive Plan (Comp Plan) Project Goals and Phasing Plan (Attachment A) and supported the approach of completing concurrent, phased updates to the Comp Plan and the County's Zoning Ordinance.

At a work session on October 6, 2021, the Board endorsed the Comprehensive Plan (Comp Plan) Project Goals and Phasing Plan (Attachment A) and supported the approach of completing concurrent, phased updates to the Comp Plan and the County's Zoning Ordinance.

Staff recommends that the Board:

1. review and affirm or recommend revisions to the Phase 1 Engagement Plan & Goals (Attachment B); and
2. adopt the Resolution of Intent to update the County's Comprehensive Plan (Attachment C).

Ms. Tori Kanellopoulos introduced herself and said she was joined by Rachel Falkenstein and Makayla Accardi. She stated that they would be providing an overview of the proposed Phase 1 Engagement Plan for the comprehensive plan update. She said this would be an opportunity for the

Board to provide feedback and/or affirmation of the phase 1 engagement plan. She noted that there was a resolution of intent for the comprehensive plan update as included in Attachment C.

Ms. Kanellopoulos said they would start with a summary of the Board and Planning Commission meetings and discussions to date, along with a brief review of the overall project phasing plan. She said they would then provide an overview of the Phase 1 Engagement Plan, including engagement goals and the structure of different groups and engagement methods. She said they would then turn it over to the Board for discussion, questions, and action.

Ms. Kanellopoulos said that while the Board was very familiar with the comprehensive plan, they wanted to provide an overview for attendees listening in. She said the comprehensive plan was a guiding document for the County and was a 20-year plan that included housing, transportation, land use, economic development, natural and historic resources, and public utilities and infrastructure. She said it was created in collaboration with County staff, community members, the Planning Commission, and the Board of Supervisors. She said the plan established a vision for the County, which was implemented through policies and recommended action steps. She said recommendations were used to inform decisions on funding, including the capital improvement program, the creation of additional plans, review of applications, rezonings and special use permits, and updates to the zoning ordinance. She said the plan also included master plans for each development area and small area plans.

Ms. Kanellopoulos said the comprehensive plan update was needed now, as was discussed during the Board's October 6 meeting, because since the current plan had been adopted in 2015, there had been a variety of new policies, plans, and plans adopted by the Board, including the Climate Action Plan, an updated housing policy, project ENABLE, and an updated strategic plan. She said that additionally, the Office of Equity and Inclusion was created at the County, and the Board adopted the new organizational value of community. She said these values and policies would be integrated into the updated comprehensive plan. She said the County continued to grow, with approximately 4,000 new dwelling units built since the 2015 update.

She said the County's population would continue to grow, and there was an increasing demand for urban services and infrastructure, such as schools, parks, roads, and broadband. She said the plan update would include prioritization of recommended action steps and more clear criteria for tracking progress. She said there had also been several updates to state codes since the 2015 plan update, including consideration of transit-oriented development to reduce greenhouse gas emissions through coordinated planning of transportation, housing, and land use. She said the plan update would also use best practices, including examples from recent comprehensive plan updates from other localities, including several in Virginia.

Ms. Kanellopoulos said this was also a reminder of the phasing plan for the overall project that was presented at the October 6 Board meeting. She said they were currently in phase 1, growth management, policy, and framework, which included a capacity analysis for housing and economic development and an updated growth management policy. She said phase 2 would identify the main topics of the comprehensive plan, evaluate existing conditions for each, and provide updated frameworks using the lenses of equity and climate action. She said phase 3 would identify recommended action steps to implement the plan and metrics to track progress, and phase 4 would finalize the document for adoption.

Ms. Kanellopoulos said there were two Board discussions of the Community Development Department work program on March 4, 2020, and May 5, 2021. She said the work program and priorities were adjusted after the March 4 meeting due to the COVID-19 pandemic. She said for the current work program, the Board had expressed support for current comprehensive plan and zoning ordinance updates, and work on both of those projects had started.

Ms. Kanellopoulos reported that at the February 3 and March 17 Board work sessions earlier that year, staff had presented a draft phasing plan and budget estimate. She said the Board provided feedback that there was a desire for a more streamlined process to allow for concurrent work on the comprehensive plan and other high-priority CDD projects. She stated that the Planning Commission had provided feedback on the draft phasing plan at their April 13 meeting and also supported the current comprehensive plan and zoning ordinance updates. She said at the Board of Supervisors work session on October 6, the Board supported the current phasing plan, which was included in today's materials as Attachment A.

Ms. Rachel Falkenstein stated that as they had shared in the past, they intended to scope their engagement plans for each phase of work as their process evolved, so that meant they would take time at the start of each of the four phases to share engagement plans for the subsequent phase for their review. She said she hoped it allowed them to be reflective and responsive to community feedback on effective methodologies, and this would also allow them to be mindful of the content for each of the phases as they design engagement methods and activities.

Ms. Falkenstein stated that keeping in mind the updated organizational value of community, they drafted some engagement goals for this project. She said the first goal was to conduct their outreach and collaborate with community members whose perspectives had not historically been well-represented in the County processes—and this meant different demographic qualities such as age, race, and also place of residence and income. She said they hoped to develop and implement a transparent community engagement process and decision-making process so that people had a clear understanding of what feedback they were receiving and how they were using that to inform their recommendations. She said

that they would also provide consistent and varied opportunities for community input throughout the whole update process.

Ms. Falkenstein said that to help inform their engagement approach, they looked at a few examples of processes from other localities with recent comprehensive planning efforts, and especially those that had aligned with their stated goals. She said she would share three examples that informed their engagement approach. She said the first was Minneapolis 2040. She said the City of Minneapolis completed a comprehensive plan in 2019, and at the beginning of their process, they developed engagement goals. She said this allowed them to take an intentional approach with the design of their engagement methods, and they were able to then evaluate their methods throughout their process. She said this was both as they were designing their activities, and then retroactively, after they completed engagement activities, to check in and see if they were achieving those goals. She said they liked this approach and thought it would help them to do the same and create a responsive engagement process, and as seen on the previous slide, they had drafted some goals to inform their process.

Ms. Falkenstein stated that with Richmond 300, the city created an advisory council to assist in shaping and reviewing the content of their comprehensive plan, and also to help build awareness of the project and to encourage community participation. She said they developed an application process to allow people to serve on this advisory council and received a large amount of interest from community members who wanted to participate. She said they selected members to try and achieve a diversity of perspectives on their advisory committee based on age, ethnicity, and place of residence. She said they were also seeking out a diverse range of professional expertise, including people with backgrounds in planning fields such as architecture or real estate, and community members that did not have expertise in these typical planning fields. She said the last thing was that she wanted to cite some research that was compiled by the American Planning Association, which was a professional association for urban planners. She said they had also adopted a code of ethics for planners. She said APA had compiled some research and guidance about engagement and suggested that planners try and serve the diverse public—not just people who were the most active, but all members of the community. She said they also recommend planning activities to integrate historical context, equity, and social justice.

Ms. Falkenstein stated that their engagement approach for phase 1 was summarized in Attachment B, and the image on the slide was also included in that attachment. She said this image showed a four-pronged process that would be how they would use engagement and feedback to develop content for the comprehensive planning process. She said they would conduct engagement with internal staff across various departments within the organization, convene a working group comprised of community members, and conduct broad outreach with an open invitation to all community members to participate. She noted that the last step was the legislative review piece, which included engagement with the Board of Supervisors and Planning Commission, with the Board having the ultimate decision-making task. She said their engagement methods would also be a mix of online and in-person outreach and communications to try and spread the word about the project. She said that this four-pronged approach to engagement would be discussed in more detail in the subsequent slides in the presentation.

Ms. Falkenstein stated that there were three things she wanted to point out. She said first was the intentionality and trying to integrate the new organizational community value, which stated that they expected diversity, equity, and inclusion to be woven into how they lived their mission. She said that second was that the engagement plans aligned with staff capacity and resources that the Board had agreed to allocate to this project with the Community Development work program and the budget. She said that the Board had stated a desire for a strategic update to the comprehensive plan with a phased approach. She said based on that feedback, they designed an engagement plan that offered the appropriate level of engagement to support the stated goals of the project, and it also focused resources and staff efforts on achieving those goals.

Ms. Makayla Accardi stated that she would talk through each aspect of the phase 1 engagement plan that was detailed in Attachment B in the staff report. She said the first aspect of the engagement plan was internal engagement with County staff across various departments and divisions. She said this engagement plan included creating a team of interdepartmental leaders, with the purpose of this team being to coordinate planning efforts across local government and gather input on the existing comprehensive plan and draft content. She said coordination with external partners such as the City of Charlottesville, University of Virginia, Virginia Department of Transportation, Rivanna Water and Sewer Authority, Albemarle County Service Authority, and others, would also support this team's work.

Ms. Accardi stated that additionally, neighborhood planning staff would prepare several work products as part of this first phase of work. She said the work products included a background report that had a summary of existing conditions and the history of the comprehensive plan. She said this background report would be used to inform a comprehensive plan update process and serve as the foundation for educational materials. She said they also would produce a case study and precedent research on growth management best practices, and ultimately draft a growth management policy for the Board's consideration.

Ms. Accardi said this engagement plan also included a project working group, which would be an approximately 8-to-12-person group of community members whose role it was to advise County staff on plan recommendations, community engagement methods, and support staff's community outreach efforts by sharing information within their networks, neighborhoods, and/or communities. She said that working group meetings would occur monthly and include staff-led training on fundamentals of urban planning and community development before discussing potential recommendations or policy options. She said the goal of integrating these trainings was to ensure that all members had shared understanding and

background information to inform their discussions.

Ms. Accardi said that in alignment with the engagement goals for this process, County staff in planning, the Office of Equity and Inclusion, and communications and public engagement would use a County demographic data and equity profile to design selection criteria and a selection process that was representative and inclusive. She said staff had access to working group resources from several award-winning planning and design efforts that used a similar approach. She said they were grateful to learn from the lessons of other localities and were excited to design a context-specific approach for Albemarle County.

Ms. Accardi reported that County staff would provide a variety of opportunities for community members to actively participate in the planning process for community workshops. She said community workshops would provide opportunities for members to learn about existing conditions in Albemarle County and planning practices, provide input on potential policies and conceptual plans, and review draft policies and plans. She said there was a variety of formats and methods that would be used, including virtual and in-person events that reflected what they might typically envision when they heard the word “workshop” with presentations, videos, and activities. She said they would also pursue pop-ups for a roadshow-style approach at various locations throughout Albemarle County, have online and paper questionnaires, work with community partners on events, and host in-person or virtual meetings for specific populations, depending on the content or topic.

Ms. Accardi stated that County staff would facilitate work sessions with the Planning Commission to review policy and planning options, existing conditions data, community engagement summaries, and draft planning concepts and policies. She said that work sessions would be held with the Board at the start and end for the transition point of each phase to review draft comprehensive plan content and the scope of work for the upcoming phase. She noted that planning staff would also compile summary reports for the Board’s consent agenda.

Ms. Accardi said that these different aspects of internal and external engagement would be supported by a comprehensive communications and outreach plan, including an online hub that was consistently updated with plan progress, upcoming engagement opportunities, summaries of past events, and educational materials. She said that staff would also utilize existing County outreach and communications tools, including Albemarle County News, the email newsletter, and social media accounts, also leveraging the networks of the working group. She said that materials and engagement opportunities would be provided in both English and Spanish, with translation services for other languages made available as was possible and needed based on attendees. She said that additionally, County staff would be regularly available for online discussions and community outreach during pop-ups in various locations in Albemarle County.

Ms. Accardi commented that the engagement plan reflected the new organizational value of community by building equity into the structure of the process, and it reflected an intentional approach that aligned with existing staff capacity and resources allocated to this project, as well as the Board’s desire to conduct the strategic update with focused content.

Ms. Accardi said that County staff would be facilitating a work session with the Planning Commission on this content on Tuesday, November 16. She said they would be refining the working group selection criteria and process, and the capacity analysis and background research that was already underway would continue. She stated that the first interdepartmental leaders meeting would take place in December, and they anticipated a public kickoff in January 2022.

Ms. Palmer said she appreciated all the work and recognized there was a huge amount of organization and effort involved in this. She said her biggest concern currently was the working group and the criteria and choosing the members, and she asked if the Board would know what the criteria were before they chose or went out and looked for people to fill that. She asked if the Board and Planning Commission should be included in this too.

Ms. Accardi responded that they could bring their criteria to the Board if they wished to review them. She said they would want to be mindful of their project timelines since they would like to have a kickoff for this at the very start of the new year. She said that it would be a staff-advised group, so it would not be an adopted or appointed body by the Board of Supervisors.

Ms. Palmer said she would not be there next year, so she was not sure when these decisions were being made, but she would certainly like to see the criteria. She said she thought it would be a good idea for the Board just to understand going forward what the criteria looked like. She said she also thought they should see the number of people in the working group, the criteria, and just a little bit more about how that developed as they went through their process. She said that other than that, everything else looked fine.

Ms. McKeel said she too appreciated the work. She said it looked very thoughtfully done. She said she had a question also about the working group, and because they needed a diverse group of folks at the table for the working group. She asked for their thoughts about how they might accommodate their ability to meet; certainly, this working group could not necessarily just meet in the daytime or during the week when people had jobs and other commitments. She said she was just trying to get a sense of how accommodating people would be; they always had a group of people who were willing to volunteer, and it was great. She said they had time during the day and could come Monday through Friday, 9 to 5. She said she recognized that they worked a lot more than Monday through Friday 9 to 5, but she was just

trying to figure out what their thoughts were on accommodating a group of diverse folks from the community.

Ms. Accardi said they would like to include a question, or maybe it looked like a couple of questions to the community members on the application about what they would need to support their participation in this type of group. She said that could be things like the time of meeting, transportation, location in general, childcare, and they would like to be open and flexible to members that were willing to participate, because they would like to engage with them throughout this process and recognized it was a significant time commitment, and their perspective was valued. She said they hoped to provide options that they can respond to the application and design a meeting locations time format based on the members.

Ms. McKeel said that sounded good, and it would be critical that they were as efficient with those meetings as possible. She said when they were trying to take care of families and jobs, and they were not retired like she was, it was very important that they come to a meeting, the meetings were structured so that they got the most out of every meeting, and they did not have to take a lot of time from their lives to get the work done.

Ms. Accardi agreed.

Ms. McKeel said that for now, those were all of the questions she had.

Ms. Mallek said she had a couple of short things, so she would go down the list and ask them to answer as they went along. She said she knew that they had all put a tremendous amount of thought into this, so she was not trying to throw cold water on anything, but she did see some gaps, and she just wanted to make sure they did not fall into holes that had been fallen into in the past. She asked if they could talk about case studies. She asked what a case study was, what that meant, and how it would be used.

Ms. Accardi thanked Ms. Mallek for that question. She said she inserted some architecture school jargon into there, so she apologized for that. She said a case study would be an example from another locality. She said in that context, she was talking about growth management practices. She said they often found it helpful to look at work that other localities were doing and research what had worked and what had not worked well so that they were not starting from scratch, they were able to leverage the work from other localities, recognizing that Albemarle County needed design approaches that were context specific. She said it was sort of like how Ms. Falkenstein discussed some research for the engagement approach, they would conduct similar research about growth management.

Ms. Mallek said that always keeping in mind that it would be different here, likely, because in the long history of people who had been involved in comprehensive planning here for a long time. She said they would move onto the working group. She asked if this was an advisory group that was advising on legislative items, in which case they were going to be expected to learn all the background of all these different chapters and how to make meaningful recommendations, or if it was an advisory group about process on how to carry out the rest of the activity.

Ms. Accardi said they would ask the working group to advise on community engagement methods and comprehensive plan content.

Ms. Mallek said it sounded like both, with the process as well. She said in the very small, tiny comparison, with a smaller group of people, 5000 as opposed to 50,000, and the very small geography in the Crozet Master Plan, there was a challenge to help people get enough background to understand what they were being asked. She said getting that knowledge base would prevent a lot of frustration that happened when people were asked to respond to a survey about which they were given no information. She said they just got mad, and they needed to try and keep everybody feeling positive and engaged, so it was a real chicken-and-egg thing about boring them to tears, because process could go on and on about comprehensive planning, but it may not be high on the priority list for other people, especially if they had little children jumping around who wanted to have dinner. She said it was hard to get people comfortable enough to ask questions and truly engage because they felt like they had enough background. She said that was just a concern she wanted them to consider.

Ms. Mallek stated that she knew that with the Rio group with the Rio corridor plan, there was supposed to be an advisory group and that was abandoned, so whatever lessons they learned from that, they needed to make sure they were doing things differently for this to be able to succeed with it. She said she would hope that they would consider, for the benefit of the entire Board, who may not have been involved before 2015 in this, or 2016, and also for the community members who could benefit from either hearing live or the archive of more thorough presentations to the Board as was done in the past, so that the whole community participated basically through public hearings and public work sessions that were frequent, but it made a tremendous engagement level for a large number of people. She said that they may not have all come to the meetings, but at least it was in the press and available to be understood by people. She said that she guessed that in trying to reach people who had participated before, using the same methods they had so far and expecting a different result was perhaps not the best way to go. She said she thought that she would encourage people to think about meetings in church parish halls with large groups of people who know each other and were comfortable with their neighborhood, as opposed to standing in front of the library and getting people to walk up and somehow have to give a meaningful input when they were on their way to somewhere else.

Ms. Mallek said she looked forward to learning about their next round of conclusions and steps before this hit the street. She said that they may have feedback immediately about what her concerns were.

Ms. Price thanked Chair Gallaway, Ms. Falkenstein, Ms. Kanellopoulos, and Ms. Accardi.

Mr. Gallaway asked Ms. Mallek if there were questions she wanted answered.

Ms. Mallek asked if there were any things that people could answer now. She said she rattled off four or five things that were of concern, and if they were things that had already been dealt with then they should take those off the table now, and if not, they would all get back and do this again another time.

Mr. Gallaway said he was sorry to interrupt Supervisor Price. He said if they wanted to get answers, they should put a question out and get the answer. He said that putting four or five out frankly was confusing as to whether it was down the road or if the answer was wanted now. He asked if staff wanted to respond to some of this.

Ms. Accardi did want to highlight that they planned to integrate training into the working group meetings so that folks were aware of the content and the background that they need to participate, and they intended to be creative with this engagement approach with the community workshops and were open to feedback that Board members had throughout this process.

Mr. Gallaway asked if there were any other items that they wanted to respond to now.

Ms. Price thanked Chair Gallaway and those who presented. She said that she thought what they articulated was a lot of thoughtful work into a plan and a process, which she supported. She said she recognized, as some of the other supervisors did, that they had challenges, principally, it sounded like, with how to effectively gather information from a productive working group, but she did have confidence that they would find a way to make that work.

Ms. LaPisto-Kirtley thanked them for the presentation. She said they did not have an easy job. She said they had a very daunting, difficult job in front of them. She said she was not around for the last comprehensive plan that was put together. She said it was going to take time. She said it was also a learning curve, for some of them. She said she would say she did like their idea of the community workshop, and she also liked what Ms. Accardi said, that if they went along, they were being flexible enough -- and she hoped she understood that-- they were being flexible enough to change what they do to meet the needs of the community, and if something was not working, then they should go to something else, but not to just go ahead and do something that was not giving productive results. She said that like she said, the community workshops were set, they were going to get input. She said she liked that idea. She said they did not want to do a fly-by-night thing. She said she thought they did have a good plan forward, but the only thing she would say was to keep their flexibility there to be able to switch and get information as needed, not only from the community but from the staff and the Supervisors and the Planning Commission.

Mr. Gallaway said his questions were about the working group. He said he would be supportive of the selection criteria coming back before the Board on consent or whatever. He said his questions would be answered by seeing those criteria. He said it would help him understand what this working group was going to do for them and how it would help. He said he did not want to ask a lot of questions if that criterion were yet to be established, but he thought a lot would be answered by seeing what it was. He said he thought the engagement process, having a group advise on engagement process would be wise based on, and he forgot who mentioned it but perhaps it was Supervisor Mallek, what they could learn from the Rio Road corridor study. He said there were good ideas there that did not come to fruition. He said having an advisement group on how best to engage in some of these places might be a good idea. He said he also thought that it could be frustrating, he could imagine, for everybody involved, where community members maybe come late to the game.

Mr. Gallaway stated that they do their best effort to put things out there, but this was going to be worked on, these ways to participate were there. He said if they were missed, they would get a response of where is this coming from, or this was coming in at the eleventh hour or things like that. He said whatever they needed to do PR-wise to assist their work to engage the community they would have to do. He said if the information had been put out, and the people did not see it or participate in it, he hated to say it, but that was on them. He said they could not just say they did not know anything about this if they had done their effort to try and put it out. He said that if that were email or press releases or something to try and endorse their support or participation, obviously he would be in favor of that. He said that otherwise, he appreciated the work here, and he believed the schedule and the phase and what their structure, outlines, and approach would be and seemed to be one that he understood and followed along. He asked if Supervisors had any other questions or comments before they moved on.

Ms. McKeel asked if she should make a motion.

Mr. Gallaway asked if there were any other questions or comments.

Ms. McKeel **moved** that the Board adopt Resolution of Intent (Attachment C) to update the Albemarle County Comprehensive Plan. Ms. Palmer **seconded** the motion.

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

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

Mr. Gallaway said that he hoped that if there were questions or comments that had come up that did not get directly addressed, if that could come back to them, even if it was in the form of an email summary as they considered things throughout. He said he only offered that to staff so that next time this came before them, they did not have to go back and rehash things that were mentioned here today that could come out to them in another form. He said he would appreciate any responses on that.

**RESOLUTION OF INTENT
FOR COMPREHENSIVE PLAN UPDATE**

WHEREAS, Virginia Code § 15.2-2230 requires that each locality's Comprehensive Plan be reviewed at least once every five years; and

WHEREAS, Albemarle County's Comprehensive Plan establishes policies, recommendations, goals, and strategies for land use, transportation, growth management, natural resources, housing, parks and recreation, historic and scenic resources, economic development, and public facilities and utilities; and

WHEREAS, Albemarle County's current Comprehensive Plan was adopted on June 10, 2015; and

WHEREAS, Albemarle County has seen continued growth and development since the adoption of the current Comprehensive Plan, with significant growth expected in the next 20 years; and

WHEREAS, Albemarle County has established new priorities, policies, and plans since the adoption of the current Comprehensive Plan, including the Climate Action Plan, Project ENABLE, and multi-modal transportation planning; and

WHEREAS, Albemarle County has established the value of 'Community', which includes diversity, equity, and inclusion, since the adoption of the current Comprehensive Plan; and

WHEREAS, engagement for the Comprehensive Plan update will apply the new Community value, through an equitable engagement process designed to represent a diversity of voices and to reach community members whose perspectives have not historically been well-represented in County processes; and

WHEREAS, since the adoption of the current Comprehensive Plan, there have been additional criteria for Comprehensive Plans added to the Virginia Code, including consideration of transit-oriented development for the purpose of reducing greenhouse gas emissions through coordinated transportation, housing, and land use planning (§ 15.2-2233.4); and

WHEREAS, it is desirable to have recommendations, goals, strategies, and policies that reflect Albemarle County's current priorities, policies, plans, and values, and that reflect current conditions and projected future growth; and

WHEREAS, the Department of Community Development's FY2022 Work Program identified updating the Albemarle County Comprehensive Plan as a recommended project.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good planning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending the Albemarle County Comprehensive Plan as deemed necessary in order to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT the Albemarle County Planning Commission shall hold a public hearing on the Comprehensive Plan update proposed by this resolution of intent and forward its recommendation to the Board of Supervisors at the earliest possible date.

Recess. The Board recessed its meeting at 2:55 p.m. and reconvened at 3:12 p.m.

Agenda Item No. 11. **Action Item** – Draft 2022 Thomas Jefferson Planning District (TJPD) Legislative Program.

Mr. David Blount, Director of Legislative Services with the Thomas Jefferson Planning District Commission, greeted the Chair and members of the Board. He thanked them for the opportunity to be there with them this afternoon. He said that he was there to present the regional legislative program for 2022 for their approval. He said as he had noted in the memo that was included in their packet, the draft program listed three top legislative priorities. He said they were number one, support for recovering communities, number two, budgets and funding, and number three, broadband. He said these were the same priorities from 2021. He said they would recall last year they did some scaling back and streamlining of the program. He said there were some language changes to these priorities that he would

just like to briefly point out. He said the first one was that there were some amendments that really just adds some language to speak to maximizing use of federal and state support for the benefit of Virginia residents. He said he guessed that when they did this program last year, they did not have as much knowledge about what pockets of federal money and state assistance may be out there for COVID relief. He said that under number two, budgets and funding, there was some language to urge the inclusion of school bus drivers in the SOQ funding formula, and also for providing funding for mental health positions and services in schools. He said that was an issue that came up in other parts of the region.

Mr. Blount stated that for the broadband position, there was use of language that had been added to emphasize cooperative work among providers and to stress the affordability of broadband. He said the next section was the legislative section that focused on the most critical recommendations and positions in other areas of current interest and concern in the region. He said again, in their packet, there was a summary of the items that had been proposed to be amended. He said he wanted to highlight a few of those for them. He said noting one, the position on environmental and water quality. He said these were previously separate position statements, and they had been combined into one, simply for the reason that the water quality statement was very short.

He said it only had three or four different positions. He said those had been maintained to the word in this combined position. He said there was also some language that had been added more in the environmental part to stress local authority on solar, wind, and energy storage facilities. He said that was way down in the ninth bullet. He said there was some new language there. He said to highlight a couple of others, they had strengthened the position on internet business regulations to put more emphasis on local authority. He said that was in the first bullet under the general government section. He said they also added in the same position in the sixth bullet some support for expanding the allowable uses of electronic meetings outside of emergency declarations.

Mr. Blount reported that there was also a strengthened position on state funding for elections due to the possibility of some extra elections due to the delay in census numbers coming down and redistricting. He said those were just a few of the highlights. He said he was glad to discuss any of these items with them today, answer any questions they may have, and again, he was looking for them to adopt the program this afternoon.

Ms. Palmer said she had no questions and it all looked good to her.

Ms. McKeel thanked Mr. Blount and said she appreciated the good work.

Ms. Mallek said it would be fascinating to see how this all played out. She said she certainly appreciated all the changes that they had added. She said she was very glad to see the bio-solids thing back in there, and she would love to have it even stronger, but she was not there to work on that. She said the dam safety was something she was very glad they included because more and more constituents in their County and neighborhoods were now being sent to the cleaners by getting these letters from DCR (Virginia Department of Conservation and Recreation) saying, "By the way, hire an engineer for \$10,000 or \$20,000 or \$30,000 and send a piece of paper saying the dam was fine."

She said farmers and rural landowners were getting these as well. She said she hoped there would be some serious modifications in this process or at least more state help to have people be able to navigate something incredibly challenging and fairly scary if one had any kind of body of water on their property, so said she appreciated that. She asked if a vote was held at the planning district about the number one bullet about not expanding any coverage from the Chesapeake Bay at.

Mr. Blount said that was a position that had been in the program for several years.

Ms. Mallek said she understood.

Mr. Blount said that some of the localities did not want to see mandated expansion but the TJPDC still tried to preserve the option, as they all had done to do things voluntarily and on their own.

Ms. Mallek said she understood the tightrope he was walking and thanked him.

Ms. Price thanked Mr. Blount for his presentation. She said she did not have any questions, but she had a couple of other thoughts on some legislative things for maybe in the future that she would just first run off with some Board members and the County attorney.

Ms. LaPisto-Kirtley thanked Mr. Blount. She said she had one question regarding the use of electronics, she assumed Zoom, continuing for other CAC meetings and things like that. She asked if that was what he was referring to.

Mr. Blount stated that he was trying to keep a broad statement in there. He said the discussions going on right now at the state level in terms of some sort of a compromise piece of legislation really kind of focusing on the type of meeting rather than the type of body, so not that you would make a distinction between a Board of Supervisors versus an advisory committee that may be a mix of appointed and elected officials. He said that he thought that was a good thing. He said he was talking to folks at VML and VACo and others that were involved and they had some good discussions with the press association. He said he had not seen a final draft, but there seemed to be something coming together that he thought would be helpful.

Ms. LaPisto-Kirtley said she hoped so too because she could see a lot more participation from the public, and from the members of the different organizations, vis-a-vis the Zoom meetings.

Mr. Blount said that he knew those other groups recognized that, and they had seen a lot of that from the past 18 months, in the very beginning, and were certainly appreciative and were looking to see if there could be ways to kind of maximize and continue that and move forward.

Ms. LaPisto-Kirtley thanked Mr. Blount.

Mr. Gallaway thanked Mr. Blount. He said the required elections piece and strengthening that position, did they have a sense of, he guessed he was thinking specifically about redistricting and that process of how that would play out election wise and how many [inaudible] it would be for.

Mr. Blount asked if he meant support and function funding or if he was talking about just the process.

Mr. Gallaway clarified that he meant the funding piece of it. He said that the election would be at the same time as a normal election. He said it would just be an additional race, or the house would be up potentially at a different time than they normally would. He said that it could go based on historical turnout in terms of balance like they saw yesterday, what they could have ready for them. He said he was trying to look into the future a little bit and go when might this hit, when might this funding be needed, was it realistic that they could pass and potentially get us funding in time, all of the above.

Mr. Blount said what they were trying to do was, election administration at the local level had been historically underfunded by the state, and there were several years where those school dollars were being cut even more, or more requirements were being put on the local offices of election for printing and other costs, so they were just trying to highlight what could be some additional cost to the localities and just to give them some more firm ground to stand on in advocating from additional state support. He said they did put some additional dollars in this past year after putting in the early voting provisions, and also some supplemental compensation for registrars. He said he thought it was in that vein. He said he did not know any specifics to address his question of how it might all play out. He said the ball was kind of in the Supreme Court's court right now in terms of where redistricting lands, and they did not really have any time constrictions or timelines in which they had to do their work, unlike the commission that just was working in the recent months.

Mr. Gallaway said that he would imagine this was one that other planning commissions would be advocating for as well. He said this was not partisan.

Mr. Blount said it was not.

Mr. Gallaway asked if it was even a local-specific request. He said that Albemarle did their own legislative priorities. He said they had very specific things to Albemarle. He said these were six counties and not an issue disjointed among them—this would help everybody, so he would think this would be a better plan.

Mr. Blount said it would seem so.

Mr. Gallaway said he thought it would seem similar for the Children Services Act and the piece in there. He said he was wondering if Mr. Blount had a reading of the crystal ball, as this seemed to be non-partisan and affected all localities as well. He asked if there was any movement on that one or hope for that particular one.

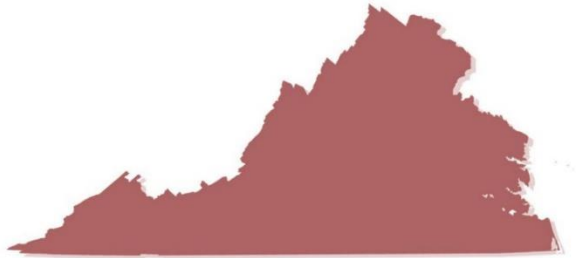
Mr. Blount said that if there was any opportunity there, it may just be in the area of the administrative cost. He said there was a study going on that right now he did not believe was going to be ready until next year related to how that program might be structured a little differently in terms of how the state funding flowed. He said the administrative cost the state typically had put forward was again, just a very small fraction of what they spent locally. He said there probably was going to be, and particularly with what they went through in the mental health arena, they had been hearing a lot about the capacity at state hospitals and the time spent that local law enforcement was spending transferring folks to facilities where they did not have room for them. He said that that was going to be an area semi-related to what Mr. Gallaway had asked about. He said there may be some more discussion and emphasis.

Mr. Gallaway said thanked Mr. Blount and said those were all the questions he had. He asked if there were any other comments or questions for Mr. Blount.

Ms. Mallek **moved** to approve the Draft 2022 Thomas Jefferson Planning District (TJPD) Legislative Program. Ms. McKeel **seconded** the motion.

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

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



Thomas Jefferson Planning District
2022 LEGISLATIVE PROGRAM

DRAFT

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

October 2021

Jesse Rutherford, Chair
Christine Jacobs, Executive Director
David Blount, Director of Legislative Services

instructional and non-instructional positions, to include school bus drivers; increasing state-funded staffing ratios; and providing funding for mental health positions/services in schools.

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

We believe a changed business landscape will necessitate a review of revenue sources to localities, along with new ideas and actions to broaden and diversify local revenue streams. Any tax reform efforts also should examine the financing and delivering of state services at the local level. Accordingly, we support the legislature 1) making additional revenue options available to localities in order to diversify the local revenue stream; and 2) further strengthening for counties, those revenue authorities that were enhanced during the 2020 legislative session. The State also should not eliminate or restrict local revenue sources or confiscate or redirect local general fund dollars to the state treasury. This includes Communications Sales and Use Tax Trust Fund dollars and the local share of recordation taxes.

Broadband

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

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

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

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

LEGISLATIVE POSITIONS

Children’s Services Act

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

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

Economic and Workforce Development

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

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

Education

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

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

Environmental and Water Quality

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

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

General Government

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

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

Health and Human Services

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

- We support full state funding for the local costs associated with Medicaid expansion, including local eligibility workers and case managers, but oppose any shifting of Medicaid matching requirements from the State to localities.
- The State should provide sufficient funding to allow Community Services Boards to meet the challenges of providing a community-based system of care that helps divert people from needing

a state hospital level of care, as well as having services such as outpatient and permanent supportive housing available. We also support measures to address census pressures at state hospitals that will enable them to receive admissions of individuals subject to temporary detention orders without delays; such delays have been burdensome for law enforcement agencies making these transports.

- We support the provision of sufficient state funding to match federal dollars for the administration of mandated services within the Department of Social Services, and to meet the staffing standards for local departments to provide services as stipulated in state law.
- We support continued operation and enhancement of early intervention and prevention programs, including the Virginia Preschool Initiative and Part C of the Individuals with Disabilities Education Act (infants and toddlers).

Housing

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

- We support the following: 1) local authority and flexibility in the operation of affordable housing programs and establishment of affordable dwelling unit ordinances; 2) grants and loans to low- or moderate-income persons to aid in purchasing dwellings; 3) the provision of other funding to encourage affordable housing initiatives; and 4) measures to prevent homelessness and to assist the chronic homeless.
- We support incentives that encourage rehabilitation and preservation of historic structures.

Land Use and Growth Management

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

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

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

Public Safety

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

- The Compensation Board should fully fund local positions that fall under its purview, to include supporting realistic levels of staffing to enable constitutional offices to meet their responsibilities and limit the need for localities to provide additional locally-funded positions. The Compensation Board should not increase the local share of funding for Constitutional offices or divert money away from them, and localities should be afforded flexibility in the state use of state funds for compensation for these offices.
- We urge state funding of the HB 599 law enforcement program in accordance with *Code of Virginia* provisions.
- We support adequate and necessary funding for mental health and substance abuse services at juvenile and adult detention facilities and jails.
- We encourage needed funding for successful implementation of programs that supplement law enforcement responses to help individuals in crisis to get evaluation services and treatment, and state funding for alternative transportation options for such individuals.
- Jail per diem funding should be increased to levels that better represent the costs of housing inmates, and be regularly adjusted for inflation. The State should not shift costs to localities by altering the definition of state-responsible prisoner.
- We support the ability of local governments to adopt policies regarding law enforcement body worn cameras that account for local needs and fiscal realities. The State should provide financial support for localities using such camera systems.

Transportation

The Planning District's member localities recognize that revenues for expanding and maintaining all modes of infrastructure are critical for meeting Virginia's well-documented transportation challenges and for keeping pace with growing public needs and expectations. In the face of revenues falling short of projections, we encourage the State to prioritize funding for local and regional transportation needs. Accordingly, we take the following positions:

- As the State continues to implement the "Smart Scale" prioritization and the funds distribution process, there should be state adequate funding and local authority to generate transportation dollars for important local and regional projects across modes.
- We support additional authority to establish mechanisms for funding transit in our region.
- We support the Virginia Department of Transportation utilizing Metropolitan Planning Organizations and regional rural transportation staff to carry out local transportation studies.
- We oppose attempts to transfer responsibility to counties for construction, maintenance or operation of current or new secondary roads.

- We support ongoing state and local efforts to coordinate land use and transportation planning, and urge state and local officials to be mindful of various local and regional plans when conducting corridor or transportation planning within a locality or region.

Agenda Item No. 12. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Richardson thanked the Chair and thanked the Board for the opportunity to be there this afternoon. He said that as Mr. Gallaway noted, this was the County Executive's report, typically offered at the 6 o'clock hour but to try and manage the Board's afternoon and evening schedule, they worked to put this at a time that might be mutually beneficial to their community and to the Board, so they had adequate time to get through their afternoon and evening scheduled agenda. He said he had with him today several folks he would like to recognize on the call that would help him to go through the information that they had for the Board today.

Mr. Richardson said that first he had Nelsie Birch. He said Ms. Birch was their Chief Financial Officer. He said that she had been with their organization since around the beginning of the pandemic, so she came onboard when they were working from home, and as they had evolved through the pandemic and moved through the changes they had made as the pandemic changes, Ms. Birch had evolved with them. He said also they had Andy Bowman, the budget director. He said he was with them today and would be going through some of the slides and helping to answer questions that the Board may have. He said he also had Mia Coltrane. He said Mia was their Human Resources Director for Albemarle County government, and she was in her second month and had hit the ground running, which was an understatement. He thanked Ms. Coltrane for rolling her sleeves up and being such a wonderful addition to this organization.

Ms. Coltrane thanked Mr. Richardson.

Mr. Richardson said he also had Emily Kilroy with them today, who was always important in helping them with their messaging and communications and also the connectivity back to the organization and community served. He said Mr. Morris and Mr. Walker were here from the County Executive's Office. He said what was important today was that they said things that were correct, so any of these folks that were on the call with him, raise their hand and add to the comments he had, that may answer the Board's questions. He said again, what mattered was that they got this right, not who was right. He said for the County Executive's report today, they were talking about three budgets. He said there were three budgets in front of the Board, and those were FY20, FY 21, and FY22. He said under that they could see the 3-6-6-12 model. He said today was much more than just a brief check-in with how FY21, the middle circle on the slide, was connected to the budget year they were in, and it was connected to FY20, which he would talk about in just a second. He said today was about much more than just a brief check-in. He said that how they were wrapping up FY 21, it was about much more than that, because the last 20 months had been unlike any in his professional working career. He said he probably spoke for staff when he said that their challenges and the kinds of issues and problems they faced were unlike any they had faced in their career.

Mr. Richardson said to the Chair that staff would walk through some financials and talk to the Board and try to connect where they had been recently with their strategic plan update, where they had been recently with the joint fiscal planning discussion with the Albemarle County School Board, and also where they had been recently with their joint meeting with the EDA. He said all of this connected together in a meaningful way. He said he would respectfully remind the Board that 601 days ago, Albemarle County began immediate steps to adjust the final quarter of the FY20 budget, while simultaneously, totally redoing the FY21 budget. He said if he recalled correctly, the staff did that in about 17 days. He said they took the FY21 budget, which had been presented to the community three weeks earlier on February 19th, and the Board had completed five budget sessions, the fifth being March 11th, in Room 241. He said the room was packed and the Board, staff, and key community agents. He said their primary topic was transportation. He said one day later, Albemarle County issued a state of emergency, and 601 days later, they continued to work through their global pandemic.

Mr. Richardson said he wanted to talk for a few minutes. He said as he had mentioned, March 11 was the fifth budget session. He said they worked three weeks into the FY21 process. He said they went back and mainly looked at the first quarter of 20, and they were looking primarily at managing expenditures over the final quarter. He said they immediately hit the brakes in a very direct way with all the spending. He said they were in a mandatory stay-at-home situation beginning on March 12th. He said they judiciously worked their way through the final three months of the budget, and they did land FY20. He said the first three quarters carried them through the fourth quarter. He said they were able to wrap that budget up with no sustained damage to their budget and their financial condition. He said as he mentioned, they simultaneously redid the FY21 budget. He said they artificially lured their budget base, so they had to go in and make drastic cuts for FY21. He said he mentioned FY20. He said they modeled that final report and modeled the worst-case scenario. He said he felt very good that they did because they made the necessary expenditure cuts, they manufactured savings not knowing how bad the damage was going to be with their revenue structure, not just for those first three months but the final three months of FY20, but going into FY21, they had hardly any time to make decisions on how far to cut.

Mr. Richardson said they had three scenarios that they talked to the Board about, which were most severe, severe, and less severe. He said they took the middle of the road for FY21. He said they took the middle of the road, modeled severe budget cuts, which did lower their base, and cut without cutting positions and laying people off, and without cutting services, and without substantially redesigning service delivery throughout the organization. He said he was very proud of their staff, their team, and their Board that stepped up when they had more questions than answers in trying to work through the early days of FY21 budget planning. He said one of the things he did want to emphasize to the organization and the community was that they emphasized preserving staff positions. He said they froze vacant positions and had goals in mind, but they also emphasized their emergency services frontline employees who were in the field. He said they did not cut positions that were forward-facing in the field, but rather we cut positions that we felt would allow them to keep as much of the service delivery to this community they served intact over FY21. He said the first six months of 21, each quarter got better. He said they were getting some encouraging economic news that the stability of their financial condition was okay.

Mr. Richardson stated that in the middle of that, their staff was also working and looking at their debt, and Ms. Birch was coming onboard, and they were analyzing short-term and long-term debt. He said the Board worked hand-in-glove with them on looking at their debt structure and also pausing projects with a clear message from the Board. He said that was don't hit the brakes across the board. He said they had to continue to move the community forward but do it with a level of caution and a level of conservativeness, because there was an element of their economy that they just did not know. He said to borrow from Doug Walker, they had got to buy time to be able to determine as the fog lifts, was there sustained damage to their economy, was there structural damage to the economy. He said that he was pleased to report today as they worked into FY22 because they went through the first six months, they went through the second six months, and they were beginning to get economic trend data that suggested their strategy of 3-6-6 and now 12 had worked for this organization. He said they had sustained service delivery intact across the board, so their financial condition continued to be strong. He said their AAA bond rating continued to be strong. He said as they went out for refinancing, they visited with all three bond agencies, and this Board was aware of that.

Mr. Richardson said their Finance Department took on a significant amount of heavy lifting to

work through that, but they also created financial capacity for this organization in doing so. He said he remembered bragging across their organization about their finance team taking on additional work during a time when they did not have additional capacity, but they knew they had to get it done in order for the organization to not just maintain financial condition but to strengthen the financial condition for the future needs of the organization and the community that they served. He said he would turn it over to Mr. Bowman, and he would let Mr. Bowman go into some detail with this Board about how FY21 was wrapping up. He said he would remind the Board that at this point, this was an audit and would be back in December. He said Mr. Bowman would share a few slides of information, stop and answer questions from the Board, and then turn it back over to him, and he would make a few observations as they moved forward. He said then he would ask Ms. Birch to step in and close out and clarify and answer questions, but also clarify for the Board what was next between now and the second meeting of December.

Mr. Andy Bowman thanked Mr. Richardson for the introduction. He said before looking at the unaudited numbers for how the General Fund performed compared to budget year and FY21, he wanted to provide some context for how unusual the end of FY21 was. He said before he showed any data, he wanted to provide some perspective. He said the County's revenues across all four quarters of the fiscal year were not equal. He said that what he meant by that was that, over the past five years, about 46% of General Fund revenues were consistently received in the fourth quarter. He said that had to do with the timing of billings and other things throughout the year when those were normally received. He said when there was a significant change in the fourth quarter compared to the prior three quarters, it could have a significant impact on how the total year and picture looked. He said with that concept in mind, he would start sharing some data. He said he would talk through this slowly because there were about to be some numbers on the slide that he would bring in a little bit at a time. He said to begin to watch the comparison of what happened in the first three quarters of the fiscal year to the last quarter.

Mr. Bowman said he would begin with data from FY18 and FY19. He said the top row on the slide showed FY18, revenues grew 4.7% over the same period in FY17. He said the fourth quarter was comparable to that at 4%. He said it was a little bit slower but within one percentage point. He said in FY19, there was a similar number story, revenues grew at 5.4% over the same rate it did in FY18. He said that fourth quarter was comparable, again, within a percentage point at 6%. He said they did not put data going back on the slide further, but going back in history, revenue growth in the first three quarters, more often than not, that last quarter was usually within 1%, either plus or minus. He said it was a pretty good indicator. He said that however, when they got to FY20, as the Board may have expected, they began to see a very different picture. He said they saw in the first three quarters of FY20 as this Board had heard before, growth at 4.4% over the prior quarters in the fiscal year. He said that was also within the range of what they had seen in the prior years.

Mr. Bowman said that at the onset of the pandemic, that changed dramatically, where the revenue grew 0.6%. He said when going to FY21, again they saw something different. He said the first three quarters were higher at the onset of the pandemic, at the end of FY20. He said they went up from 0.6% to 2.6%. He said that 2.6% was notably below a stable economy in the years before the pandemic. He said once again, there was a very significant swing in the fourth quarter, where those revenues increased 7% over the prior year, at the end of FY21. He said staff projections anticipated an improvement in the overall economy, but the degree of that improvement and how fast it came in FY21 versus FY22 was much greater than what was anticipated. He said he would highlight the last thing on this slide to bring things full circle to the same point he started with. He said in the last five years, 46% of General Fund revenues collected in the fourth quarter, so when there was a significant change in that quarter that happened prior to that year, that could significantly shift the County's financial position for the worse as it was in FY20, or for the better in FY21.

Mr. Bowman stated that FY21 revenues exceeded the budget by 5.3%. He said this was again primarily due to the major swing in stronger than anticipated performance that took place in the fourth quarter. He said another historical reference point was that staff set a target to have an actual revenue variance compared to a budget of 2% or less. He said that was a target that as used by many Virginia localities who like their county were AAA rated, and a standard used in many governments and financial organizations to kind of have a target of good, measured performance. He said he could report from FY18 through FY20, the last three years heading into the pandemic, that the 2% target was met, so they had an aberration from that with the pandemic and in particular what happened with the fourth quarter, where that was a variance of 5.3%. He said that moving to the expenditure side, there was also a budget variance of 4.9%. He said this was 4.9% under budget, which was where they would want to be on the expenditure side. He said he should note that that was unusual as well. He said it was the highest variance they had had in expenditures since the onset of the Great Recession, where there was a dramatic decrease in expenditures as the revenue picture began to change quickly.

Mr. Bowman stated that of that \$15.4 million, about roughly \$10.4 million, or two thirds of that amount, were actually seen in FY21. He said they either had been or were recommended for reappropriation in FY22. He said to elaborate on what he meant by that was that those reappropriations would include things such as purchase orders for items that were planned on being purchased in FY21, but due to changes in responding to the pandemic or supply chain, they were not able to be delivered on time as expected, and those expenditures were now to be taking place in FY22. He said that also included substantial funding with reserves the Board established, whether that be additional funding for the County's climate action initiatives or funding to modernize the County's business operations. He said the Board also created in the middle of FY21 some local funding dedicated to supporting the County's pandemic response. He said all that funding was making up about 2/3 of that \$15.4 million.

Mr. Bowman said because he just mentioned the pandemic response, a question that may be on

the Board's mind or the public's mind, was to what extent either CARES funding or ARPA funding from the federal government impacted this financial picture. He said CARES stood for Coronavirus Aid Relief Economic Security Act, and ARPA stood for the American Rescue Plan Act which the Board had discussed over the last eighteen months or so. He said those revenues and expenditures were accounted for separately from the General Fund, which was done for audit purposes, but there were impacts to the General Fund of CARES funding. He said the first thing was that CARES funding had assisted the County financially by providing funding for pandemic-related programs that would have otherwise required support from local sources. He said that the efforts that went in to support individuals and businesses through relief programs, the funding for any pandemic response at County facilities, that was able to be funded by the CARES program.

Mr. Bowman said the other notable area where CARES impacted was the County was able to reimburse a significant portion of its public safety expenditures, which created one-time savings in the middle of FY21. He said the Board of Supervisors then used to establish a local pandemic reserve. He said that was done prior to ARPA funding being made available by the federal government and reserve because it was able to fill in some of those gaps that could not be met by what CARES was designed to do or what ARPA was designed to do. He said that post-pandemic, that funding could also be available to apply to another area of the Board's strategic priority. He said the Board may recall that was intended to be used in part to support broadband before federal ARPA funding came along to be a solution for that. He said the pandemic reserve at the end of FY21 totaled \$4.7 million, which was about 30% of the unexpended budget in FY21, again highlighting the significance of those reserves and items that would be reappropriating.

Mr. Bowman stated that ARPA funding was not received until the very end of FY21, in May. He said based on the framework they discussed with the Board, that funding really would be spent a little more slowly and deliberately, so no funding took place in FY22. He said that did not have an impact in FY21. He said in summary, FY21 was an unusual year in many ways, between the strong revenue growth in the fourth quarter, the expenditure savings that would be reappropriated the following year, both due to the pandemic and reserves, and also how that CARES funding factored into the County's response to the pandemic. He said those were the primary reasons that they had larger budget variances than they had seen historically. He said the final thing before he turned it back to Mr. Richardson was related to FY21 performance. He said they also needed to take a moment and separately talk about the County General Fund fund balance.

Mr. Bowman said that in the County's financial policies, there was a fund balance in the General Fund, and the first bullet that he added to the slide was right from their financial policies. He said that read "the fund balance is built over the years from savings to provide the County with working capital to enable it to finance unforeseen emergencies without borrowing." He said at the end of each fiscal year when they were working through the audit, staff would prepare their analysis where they would look at their General Fund fund balance and they would begin to say what amount was needed to meet financial policies, to meet the Board established policies and targets. He said after the analysis, they then look through what amount of fund balances were already appropriated, whether it was in the initial budget or reappropriated, what were those other obligations that may be out there for that fund now, and some of those things may be planned uses. He said after that, there was a remainder of one-time funding that was available to be programmed by the Board of Supervisors in the County's upcoming financial plans. He said the result of that, without going through a lot of math, as they kind of went through that calculation was that, unaudited, they expected it to be \$13.2 million in one-time funding that was going to be available to be reprogrammed as the County was heading again into the season of financial planning over the next five years through the operating and the capital budget. He said at this point, for the next slide, he would turn it back over to Mr. Richardson.

Mr. Richardson thanked Mr. Bowman. He said to the Board that he wanted to talk for just a minute about how they needed to look, as they, in his mind, put behind them the 3 in the 3-6-6-12 model, and that would be the final notes on FY20, over 600 days ago. He said how they, as they began to wrap up FY21, divided that into 6 and 6, because they needed to slow down and buy time because time would tell them about their economic outlook, financial foundation, and the top of the triangle, the workforce stabilization. He stated that they needed time, so they divided FY21 into two six-month segments to slow down, to slow the pace, to slow the tempo, to slow the decisions they had to make, and they did that. He said as they began to wrap up 21 and they built on the trend data that Mr. Bowman was talking about, they were beginning to see that this economy for their region and Albemarle County was extremely strong, and there was resilience in their economy and their revenue structure that was beginning to show trend data that showed them they were back on very stable ground and they needed to move forward. He said they needed to continue to look at their strategic plan and ask the question of where their biggest opportunities were now to make a meaningful impact in their community. He said he would give them an example: John Bandy came to speak to the Board last fall in their budget retreat. He said he came to speak to staff prior to that, and one of the things he said was in their organization, local government structures should match the challenges and problems that they faced.

Mr. Richardson applauded this Board for their leadership and their vision to move forward, not just with the broadband authority, but with the creation of the broadband office. He said structures should match the challenges and problems that they faced. He said Mike Culp's leadership with the broadband authority with the Board of Supervisors with the funding and the matches and the leadership to move broadband more judiciously and move it expediently through this community, they were addressing the challenges and problems that they faced. He said broadband was just one example, but other blocks of strategic priorities were there in front of them, and he would suggest that with their wrap-up of the 21 years, as they moved into the beginning of the budget process, he would ask and urge this Board to take

a look at their strategic priorities to begin to talk and discuss. He said they would have opportunities to do that soon about where were their biggest opportunities, where they needed to look to put more one-time funding, the top right-hand corner which said economic development program was one that he wanted the Board to take a hard look at. He said that he thought they should not just replenish the economic development fund, but that they had met recently with the EDA. He said he thought they needed to consider doing more, and now was the time to do more to set themselves up in the future to help business expansion and to be a catalyst in this community to continue to strengthen their economic foundation for this community as they continued to stabilize and grow further. He said he also wanted to talk about workforce stabilization more in depth just for a minute. He said he went back and looked, and unless he missed it, this current Board of Supervisors had 44 years of collective experience serving this Board. He said that was a very, very seasoned Board of Supervisors.

Mr. Richardson stated that he also had a highly talented and experienced staff. He said there may have been times where they would have disagreed, specifically in the last two years, on what they should do, when, and how. He said there was something he knew they all agreed with, that over the past 20 months, their employees had been asked and challenged to work differently, their employees had been asked to continue to do their job, and to take on the high risk in some cases with the frontline responsibilities of serving the public and managing the pandemic. He said their employees had been asked to do additional duties, much of which were pandemic related. He said they had been a leader in this region. He said their County had the highest vaccination rate of any County in the state as they approached 79%. He said their organization had a full vaccination rate of 87%, and they were 100% fully COVID compliant as they rolled out into the second month of their mandatory testing for the 13% who were not.

Mr. Richardson said they asked their employees to implement change, they asked their employees to make adjustments continually. He said their employee base, which 50% of their employees had children under the age of 18 in their household, so their worlds had collectively been turned upside down, much like the community they serve. He said their EAP services over the past year had doubled. He said thankfully, they had a strong benefits program, and their employees had leaned hard on that. He said to the Board that they had to look at midyear adjustments, and he would be coming back in December, and he would be recommending with the guidance from their HR director and the guidance from their finance department, and with the input from their organizational leadership team, he would be recommending to the Board in December that the Board consider a midyear adjustment to the plan.

Mr. Richardson said he knew the Board had fully supported a paying classifications study under Ms. Coltrane's direction over the next year. He said he was satisfied that it would be well-received and help them greatly. He said that was probably 8 to 12 months away. He said he would tell the Board that just in the short time that Ms. Coltrane had been with them, she had analyzed and looked, and they had 26 current vacancies in their organization that they were recruiting for. He said she had seen a trend of them posting positions and they were receiving on average, 5 to 7 applications.

Mr. Richardson stated that in addition to that, she had also looked at the current fiscal year they were in, and she was in the process of working with human resources to develop a process. He said there were 12 retirements currently and another 21 were planned, so by the end of this fiscal year, it was expected they would process 33 retirements within their organization, compared to a year ago with 19. He said the current year they were in would have approximately twice the number of staff retiring, so they had to maintain competitiveness and they had to maintain entry-level salary ranges that were competitive in the market. He said he was increasingly concerned that while the financial foundation under them was much stronger than it was 20 months ago, the economic vitality in this community had trend data that suggested it was as strong as ever, but the ground they stood on with workforce stabilization was very fragile at this point. He said they all had their stories with their families or with their work of what they saw around them. He said they saw it too; local government was not immune to it.

Mr. Richardson said with the Board's support, they would come back in December, because not only was their one-time money increased, but also the base had increased. He said if they got nothing else from his comments, he wanted them to understand that they artificially lowered their base at the end of FY20 and the beginning of FY21 because they needed to do that to manage through the uncertainties of this pandemic. He said as they grow back, as they get on solid ground with their economy and their financial base, they had to be more aggressive and make up for lost ground with their workforce stabilization. He said he appreciated them allowing him to share those comments. He wanted to publicly thank the workforce of Albemarle County government. He thanked them for sticking with them over the last 20 months. He thanked them for staying with this organization. He thanked them for the services they had provided their citizens. He said he appreciated it very much, and the sacrifices they made to their community for them to be able to do their work and do it to the level it was needed at.

Ms. Birch thanked Mr. Richardson and introduced herself to the Board as Nelsie Birch, the Chief Financial Officer. She said she wanted to make sure the Board and the community understood, particularly because they had thrown a lot of information out there, was that they had several items, and in the next slide she would get to that. She said she would walk them through how they were going to socialize their thought process and the recommendations that they would be bringing forward to the Board for their consideration. She said tonight they did not need to make any decisions. She said they wanted to start and kind of introduce what opportunities they had because FY21 had presented a fourth-quarter revenue enhancement that was allowing them to have \$13.2 million of one-time funding that they could use to make a transformative movement with the priorities that had been established by the Board. She said that as part of the FY23 process, the Board was likely familiar that historically, whenever they had this positive variance after they had accounted for all of their obligations, they typically built that into

the future budget they were about to go into. She said that would continue to be the case here. She said that what they would be working with them on over the next two months was how they could use the \$13.2 million to support not only what they saw on the righthand side of the slide, to support the needs they had, not ongoing, but also making sure they were supporting.

Ms. Birch said when she reflected on what the pandemic had taught them, and some of the words that Mr. Richardson was mentioning, was that they learned a lot about themselves, about their community, their environment, and their needs. She said they did and made decisions at times, and they did not know that for instance, CARES funding was coming, or ARPA funding was coming. She said now there was the reality of their economic base being stabilized. She said the knowledge of what this additional funding had done to allow them to offset some of their cost, and at the same time, knowing that there were things like economic development they needed to continue to support the opportunities in front of them. She said the Board had conversations recently about that. She said affordable housing was another area that they might want to use this funding to support additional funding to advance the priorities that the community and the Board had discussed. She said they already talked a little about workforce stabilization, and she would get to Mr. Richardson's point in the ongoing FY22.

Ms. Birch stated that there were also things they could do with this one-time funding to help smooth the impact of some of the decisions they had made already, for instance, they had received FEMA grants to offset the cost relative to additional firefighters. She said that grant did go away in this five-year horizon, so how they could be strategic there and help to smooth the impact to the General Fund as those grants start to retire. She said they would be providing a plan to the Board as they work with them through the five-year financial plan, as well as the FY23 budget of how they could use this budget to support those initiatives. She said that was discussing the one-time funding and some of the thoughts they had there, they would have further discussions, which she would talk about in just a moment. She said Mr. Richardson was correct that their revenue base had grown.

Ms. Birch said fundamentally, when they looked at the fourth quarter and the opportunities as presented to them, they had shifted their base, so there would be more revenue in FY22 than they anticipated. She said some decisions needed to be made when that happens so that they did not have this large variance as they had in FY21 that they were planning now to help utilize appropriately that funding—so they stayed in the variance that they were always striving for, which was within that 2% that Mr. Bowman had mentioned. She said why they were bringing forward the December 1st conversation with the Board some workforce stabilization initiatives, was because there was a sense of urgency. She said as they were looking and scanning the environment that was around them and the competitive nature of the workforce and the jobs available, she could tell them that every department head that had tried to hire somebody in the last six months had a story to tell about the difficulties in recruiting. She said several pieces to this were all leading to them needing to do something in this current fiscal year and bringing forward in December that could help offset and stabilize the workforce that they needed to really execute all the priorities that the Board discussed at every meeting they had.

Ms. Birch said that was the sense of urgency they had, and what she wanted the Board and community to understand was that there were going to be a few conversations that would happen to allow for them to get comfortable and that they could do this unprecedented thing, which was a midyear adjustment. She said she did not know in the history of Albemarle if this had been done, but it certainly had not been done in the last ten years since the Great Recession. She said they would give the Board comfort as they continued to provide the financials to suggest that their base had considerably moved, and it had moved without the knowledge of what the reassessment on the real estate taxes and the real estate property were going to provide for them in FY22. She said this was before they even considered that additional revenue and was the next step. She said there was an audit committee meeting they would have on November 19th that was open to the public. She said that was the first moment that they would show the fiscal year-end results for FY21, so it was much of the same, a little bit more detail of the unaudited information that they had. She said that would then be presented to the Board at their December 15th meeting, and she believed they put it on the consent agenda, but it would be part of the formal record.

Ms. Birch stated that they would start to have conversations about the management of FY22, which was the current budget they were working in now. She said on November 17th, which was their next meeting, they were going to see the first-quarter financials. She said that was going to show them that their base was moving. She said the performance of FY22 was higher than they budgeted. She said they would bring back, as they mentioned, on December 1st some recommended adjustments to that budget that focused on workforce stabilization. She said not only midyear adjustments, but they also had talked to the Board over the last couple of months relative to this strategic plan and kind of building capacity to be able to execute. She said there were also some strategic additional positions that they were going to bring forward to the Board for consideration that they thought would help based on the world that they were currently living in and some of the pressures they had. She said a few of them of note were community development positions they were looking at, and DSS and the challenges they had there, focusing on either positions or some innovative retention and attraction things. She said they were still working through that and would bring it back in December.

Ms. Birch said another question that the Board and the community might be having was that this was great, but they should make sure they do not make decisions now that affect them in the future. She said the nice thing and opportunity they had was that they would be able to show the Board the impact of some of these recommendations as they talked about the five-year financial plan. She said this was already teed up for their agenda at the next meeting, November 17th. She said they would start to see that five-year financial plan and some of the considerations in front of the Board, some additional taxing

authority they had, and some additional expenditures they knew were coming down the pipe over the next five years. She said they would be able to start to see how this could play into the five-year financial planning, and they could respond accordingly. She said at the same time, the CIP Advisory Committee would be meeting to talk about the five-year CIP and the projects that were currently part of the discussion, so that they could provide a recommendation to the County Executive to incorporate as he and they saw fit in the FY23 budget planning. Ms. Birch said at the bottom of the slide was the FY23 budget process, which was already underway. She said the five-year plan was the place where they already had to start thinking about FY23 to put that together.

Ms. Birch reported that there was going to be a recommended change, something that they did not envision. She said normally, the real estate reassessment presentation came to the Board in January. She said this year, in talking to their County assessor, particularly related to the challenges they had had with mail delivery services, they feared that they would not have the reassessment notices in the hands of people in time to be able to meet the appeal process that happened after that if they did it in January as they typically did. She said the Board would see this was a change, so December 15, they would be bringing the reassessment of their projected reassessment for the 2022 land book, and what that would not include was some of the new construction and things that would happen as they solidified the land book in January. She said they would make sure to update them all accordingly.

She said that they hoped that would allow for enough time for people to get that assessment and reassessment notice and be able to go through the process and not have the mail challenges delay that. She said on February 23rd, they would be bringing forward the County Executive's recommended budget to the Board. She said that Mr. Richardson talked to the front-end of how FY20, FY21, and FY22 kind of were interplaying. She said she was now ending with how 21 and 22 were interplaying with their work for 23. She said that was what they had there, and that was the end of the formal presentation for them today. She said she knew they were all happy to take any questions they all had related to the information they provided. She thanked them very much.

Ms. Palmer thanked them for all the information. She asked Mr. Bowman to please email the Board his numbers and information on how the CARES Act affected the budget. She said she could not write things down fast enough and it was not on the screen, so she would love to have that sent. She asked for his explanation of the American Rescue Plan money also. She said she was particularly interested in the CARES. She said to Ms. Birch that it was a lot of information and thanked her. She said she knew they were going to get a lot more in December. She asked if, on the assessments, if they put in an estimate when it was said that the money was prior to taking into consideration any increase in assessment. She asked if there was a figure put in there assuming that there was one or two percent or something like that.

Ms. Birch said that Mr. Bowman could identify the exact percentage they used for the budget. She said she thought it was 1.7% increase.

Mr. Bowman said 1.75% was the assumed reassessment for calendar year 22.

Ms. Birch thanked Mr. Bowman. She said that stayed, and any adjustment to that would be additional revenue they would get in 2022.

Ms. Palmer said she assumed they would get this in December, but what she would like to see was a percentage on this variance or to know what was attributed to refinancing their bonds, what was attributed to the other revenue sources they had, just to sort of break down so they understood where this additional money was coming from. She said she thought that would be very important for them as they go out and talk to constituents to clearly understand that and be able to articulate the sources of those dollars. She said if they could get that information before the packet came out, that was great because it gave them a little extra time to think about it. She said they probably would be getting questions on this prior to that package coming out, so anything they could get sooner would be helpful, recognizing that they had a lot of work to do in putting out the packets for discussion for December.

Ms. Birch said absolutely.

Ms. Palmer said those were all of her requests for right now.

Ms. McKeel said that was a great presentation and said it was very informative. She said she appreciated the background in carrying them forward, and it was excellent. She said they had been talking for a long time about the baby boomers retiring, and it was upon them. She said she thought she was one of them a couple of years ago. She said they had to figure out how to deal with this. She said she appreciated their recommendations, and she knew they would talk about all of those later, so she did not want to get into a lot of that. She said she thought they were going in the right direction, and she appreciated that very much and she looked forward to future discussions. She said she thought Ms. Palmer had some great ideas about information for them to get, and she did not really feel at this point she had anything to add or request.

Ms. Mallek said she felt like she was bowled over by a bulldozer here, but that was okay. She said one thing to add to their list of helpful materials for the future, was that when looking at different categories of investment if they could include information about which ones had funding matches from outside sources. She said that would be a good way they could double their money, and she would always want to know that as part of that discussion. She said she thought she understood, but she was not quite sure if Mr. Bowman wanted to add any more, about the impact of these federal dollars. She said

she would assume that was a major impact on their fund. She said she knew he said they were separate accounts, but they were almost replacing local money and allowed them to do so many things with public safety, etc. She said if there was anything more useful he wanted to say now, that was great, and if not, she would do her homework when more materials came out.

Ms. Birch said she would take Supervisor Mallek's question and Mr. Bowman could add if he needed to. She said what she would say was that they were going through and looking at the numbers. She said they made decisions based on receiving CARES and then receiving ARPA. She said that she believed Mr. Bowman had mentioned broadband was the best example of that. She said she did not know if in FY21, they could have advanced broadband but for CARES, and then they said hold on, ARPA was coming, and maybe it was more appropriate for ARPA funding. She said it was a hard question to answer because the decision making was a point in time where they might have made different decisions if the money had not been there, but based on Supervisor Palmer's request, they could talk about where they could piece out that funding and how it did impact 21 in the numbers because it absolutely was in there. She said they could tease that out and provide that information. She said hopefully that was helpful.

Ms. Price thanked Chair Gallaway. She thanked Mr. Richardson, Ms. Birch, and Mr. Bowman for their presentation. She said to Mr. Richardson that she had only about two years of experience with the Board, but she had more years than she could calculate of her 25 years in the Navy dealing with all of these issues to specifically include workforce stabilization. She said she saw what happened when they did not take care of their people. She said she saw what happened in the Navy when they put the burden on the people. She said the unit would be coming back from an 8- or 10-month deployment, and the ship came home, but people would get cross-decked to go on another ship and do the same thing, and when they did that there would be a mass exodus. She said not only did they have these baby boomers who were retiring, but they also had placed tremendous demands on their personnel over these last couple of years because of the pandemic, where they had fewer people doing more work. She said it reminded her of the term "ephemeralization," which dealt with technology. She said the concept was that technological advancement allowed people to do more and more with less and less, so eventually, everything could be done with nothing.

Ms. Price said if they did not take care of their people, what they would be looking at would be trying without people to work. She said she was going to bring up what she thought was the elephant in the room and that was that they would have to increase their compensation. She said they were going to have to fill these positions, they would have to increase the compensation, and their community needed to be prepared for that discussion because if they did not, they were going to lose people. She said when she talked to different segments of their County population, both County staff as well as in the school system, what she was hearing was that they cannot recruit, and they were going to have a hard time retaining individuals because the compensation they were paying in Albemarle County was substantially lower than their surrounding counties. She said they had a much better place for people to live, but they were not paying what other communities were paying. She said the community needed to look at this.

She said she had raised this several times, and she knew County staff had listened, they were going to have to have a full compensation review of all of their positions, but right now, in particular, first responders, law enforcement, and schoolteachers were the areas where they were really hurting. She said in return, they had reduced the workforce as they allowed positions to remain open during the pandemic to avoid the potential of having to lay people off. She said they had increased demands and had seen the impact of that in some of their departments, where there was a real struggle right now to keep up with the work that was coming because the economy was increasing, and externally, she had read recent articles that said wages increased more in the last few months than in the last 25 to 30 years in the United States, so Albemarle County would have to do their part if they were going to keep their quality people.

Ms. LaPisto-Kirtley said she did agree with everything Supervisor Price had said. She said she thought that adequately and making sure that their teachers were at a higher-level pay scale to recruit the best and the brightest, that was what someone did if they wanted to get an outstanding educational system. She said it was directly related. She said of course, their first responders and police, also. She said she would say that she did like, in the presentation, the idea that they were giving the assessment out early. She said she thought that was being proactive and thinking ahead. She said she thought what was very typical of their staff at Albemarle County was that they do project and do think ahead and were very innovative.

Mr. Gallaway said he agreed with where this was going and obviously looked forward to the conversation coming back. He said he was thinking about two "what-if" questions that may be useful, at least for him, to understand or maybe put this in some additional context in addition to the questions or the requests that other Supervisors had made. He said when the pandemic hit, they were amid the pandemic like Mr. Richardson had said. He said they went back, and in 17 days they revamped it and made all the decisions they made. He said that was for the 21 budget. He asked if this was correct. He asked what happened if the pandemic did not occur, if they could play that what-if scenario of, they did not freeze positions, they did not do cost-saving measures, they did not do the conservative things they did. He said they maybe could use as the variable, the revenue predictions were within a percent, our expenditures were within a percent or within the historical whatever of the last year or two. He asked where the surplus ended up, theoretically, if things did not hit the way they did. He said for him, that helped give a comparison of the budgeting work they did, but also told a different story than in the past when this County had big surpluses or end-of-year funding balances, it had been for different reasons. He said this was a very unique situation as to why this fund balance or surplus existed.

Mr. Gallaway said that question was what if the CARES and ARPA funding did not come down, where would they be. He said to him, that almost was a what-if question that told him how good they were in that first revamp of 17 days. He said he expected, based on the way he was thinking about this with the numbers that had been thrown out, that they would have been fine and would not have had to go, he knew they had three stages, he believed they were in stage two, and he did not think they would have to get to stage three, but that was a what-if question he would like to consider and confirm if it was possible. He said if they thought those were worthwhile questions to help contextualize this \$13.2 million, then he would love some teasing out of that if possible, and maybe that could come back to the Board as well at the appropriate time. He said otherwise, like he said, he liked where this was going, and he thought the areas that had been mentioned he certainly would be supportive of, and there would be plenty of time, as Supervisor McKeel said, for getting into those weeds, and for discussing that down the road. He asked Mr. Richardson if there were any additional items here.

Mr. Richardson said there were some final things he would say to the Board. He thanked them for the time that they had allowed them. He said they allowed them a lot of extra time today in the County Executive's Report because they were at a place and at a crossroads where they had to determine what the things they were talking about doing that could wait until the FY23 budget process, that could be addressed in the normal context, in the normal cadence of the FY23 process, versus what were the things that they were duty-bound to address now. He said they saw trend data, data that suggested they had troubling issues that could not afford to wait until a passed budget in the May timeframe. He said they were talking about a six-month jumpstart. He said in the areas they had highlighted for the Board this evening, he thought they had some good, strong data that suggested why they needed to do this now as opposed to the FY23 budget process. He said their inflation rate had moved very quickly over the last 12 months. He said that affected their workforce. He said several of them had mentioned how much they had seen wages go up, and for the past 20 months, they had done minimal raises and some bonuses to keep their workforce as stable as possible.

Mr. Richardson told the Chair and members of the Board that they were very conservative because that was the part of the budget that they had the most control of quickly, without undue service disruption to the community that they served. He said that Ms. Birch said it best when she said they could go through this organization and talk to the hiring managers and they all had a story to tell about the difficulty, the issues, and the challenges they had. He said they had to be able to recruit talent and retain talent. He said that turnover was expensive, and there was natural turnover with the retirement, and they were going to lose people for better opportunities, but they had to do everything they could to stabilize their workforce. He thanked them very much for the opportunity to be there this evening and have a bit of a longer discussion. He said they were in a good spot. He said he was proud of their Board, their staff, their leadership, and their discipline. He said they were in a great spot right now to turn a corner and make meaningful headway as they went into 23 and the long-term planning

Mr. Gallaway thanked Mr. Richardson. He said he thought all of the Board would agree that the work around the budget in dealing with all of this over the last two years or year and a half had been phenomenal. He said he knew many of them had said that publicly on several occasions. He thanked them for this information today.

Agenda Item No. 13. Closed Meeting.

At 4:23 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 (1) to discuss and consider 1) the annual performance of the County Attorney and County Executive, and 2) appointments to the Economic Development Authority, the Community Policy and Management Team, and three County advisory committees; and
- Under Subsection (8) to consult with and be briefed by legal counsel regarding specific legal matters requiring legal advice related to joining the settlement of litigation pertaining to opioid production and distribution.

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

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

Agenda Item No. 14. Certify Closed Meeting.

At 6:01 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.

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

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

Agenda Item No. 15. Boards and Commissions.

Item No. 15. a. Vacancies and Appointments.

Ms. Price **moved** to appoint the following people to Boards and Commissions:

- **Appoint**, Mr. John Mottola to the Economic Development Authority as the White Hall District Representative with said term to expire January 19, 2025.
- **Appoint**, Ms. Anne Oliver to the Pantops Community Advisory Committee with said term to expire June 30, 2023.
- **Appoint**, Ms. Chanley "Sage" Bradburn to the Solid Waste Alternatives Advisory Committee to fill an unexpired term ending May 31, 2022.
- **Appoint**, Ms. Victoria Walsh to the Solid Waste Alternatives Advisory Committee with said term to expire May 31, 2025.
- **Appoint**, Ms. Ginna Kelly to the Village of Rivanna Community Advisory Committee with said term to expire March 31, 2023.
- **Appoint**, Mr. Ryan Davidson to the Community Policy and Management Team as the Local Government Representative

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

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

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

Mr. Kent Schlusel greeted the Board and introduced himself as a resident of the Rio District. He said a few weeks ago, the Board had a presentation by Line+Grade consultants on their work on the Rio Road corridor. He said although they presented some interesting ideas, the process had many faults that made this study less than what the residents along the corridor had hoped. He said first, the process was faulty. He said in the beginning, the County put out a call for residents to join focus groups to enhance this study. He said after filling out a generic survey then it came there were problems along this corridor, and volunteering for these several focus groups, he knew no one who was placed on the focus groups. He said after calling the County, they were told that the correct demographics were not met, so there would be no focus group of residents. He said strike one.

He said second, the consultants said they walked and drove along the affected streets in the corridor study. He said walking and driving a few times along the streets was much different than living in the neighborhoods and using the streets day in and day out. He said the data obtained by the consultants by walking and driving was lacking. He said strike two. He said third, the consultant claimed they talked to develop some parts of interest along the corridor and gathered data. He said if he understood correctly, developments were more important in this study than the citizens who lived along the corridor. He said as a member of the Dunlora HOA Board, and chairman of the Dunlora Trails Committee, the consultant never reached out to anybody in Dunlora. He asked why not. He said they represented a large portion of the community. He said the one developer that seemed to influence this study was the developer for Rio Point. He said the proposed roundabout at Rio Road and John Warner Parkway had one person who was greatly benefited from the consultant's recommendation, and that was the developer of the property—strike three.

Mr. Schlusel said the public was led to believe that the Board of Supervisors would not consider any rezoning requests in this quarter until after completion of the Rio Road corridor study, yet they were now scheduling a rezoning request of Rio Point. He asked why they even considered this road a rezoning request before the whole corridor study was completed. He said Rio Road was moved to its current location away from residential houses for reasons many years ago, with the approval of this Board. He said to not go back on past commitments. He said to delay any rezoning requests until after completion of the Rio Road corridor study. He said to gather the comments from the citizens, study past decisions, and listen to the citizens of the community. He said to think about the decision of the future of this area. He said to not make this another northern Virginia. He thanked the Board.

Ms. Judy Schlusel stated that she is Rio District resident and was on the Rio 29 CAC. She said she was here to speak about her discontent with the decisions that they, the Board, continuously made concerning the development, mostly in the Rio corridor. She said the quality of life of Albemarle County was quickly eroded and overshadowed by requests for approval to build on every single piece of green space, causing this area to have the same atmosphere as northern Virginia. She said they yielded as soon as they heard the term affordable housing, listening to a very slick presentation indicating that there will be X number of units affordable for so many years. She said the pandemic had changed their lifestyle

for the foreseeable future. She said that building materials that were considered affordable during the presentation had now skyrocketed in cost. She said as a businessperson, the industrial cost would be passed onto the consumer, therefore making the affordable housing less affordable for those who were in the intended residences. She said to take a moment to evaluate the actions of constantly approving every single building request. She said developers give a glorified projection of how their 300-plus unit development would not have any impact on traffic, especially as they dangled a few thousand dollars as proffers. She said this money offered barely covered paperwork and administrative costs.

Ms. Schlusel stated that very shortly, the Rio Point project would be presented as a rezoning application. She said the developer will gloss over many of the obvious negatives but will highlight how the handful of affordable units would potentially sell the housing shortage row. She said she urged them to consider the future of their County and not approve this request. She said another slick presentation was the Rio corridor study by Line+Grade, highlighting a terrible design location of a roundabout literally and figuratively in the backyards of residents of the Dunlora community, claiming there would be no additional impact on air or noise pollution. She said she urged them to travel the area and look outside the box, considering all potential developments along this corridor.

She said she was sure they had all experienced firsthand the headline news regarding extremely poor daily mail delivery service. She asked if they thought approving more large residential developments, even with cluster-box delivery, would improve the mail service. She said this situation was only one example of how unchecked building created additional woes in their community. She said all developers glorify the benefits of their project. She said as she drove around the area, it was quite apparent that a business that was directly benefiting from all of their approvals was the manufacturers of the orange fencing and orange traffic cones. She said she did believe she missed her opportunity to become a millionaire investing in this orange cone and fencing industry, or better yet, she wished she had developed the design and applied for a patent. She said that however, these thoughts were in hindsight.

Ms. Schlusel asked that they please not use them as an example of not looking closer to the future of Albemarle County, adding to the congestion traffic woes. She said to take a moment instead to decide to preserve the quality of life that was a factor in choosing to make Albemarle their forever home.

Mr. Gallaway said they would now close matters from the public.

Agenda Item No. 17. **Public Hearing: SP202100011 Field School of Charlottesville SP Amendment.**

PROJECT: SP202100011 Field School of Charlottesville – Digital

MAGISTERIAL DISTRICT: Jack Jouett

TAX MAP/PARCEL: 06000000006800

LOCATION: South side of Barracks Road, approximately 750 feet west of the intersection with Montvue Drive

PROPOSAL: Request to amend existing special use permit SP201900012 to eliminate condition #9, which requires construction of the private school to commence by February 28, 2022, and to update the concept plan with minor revisions to reflect an approved boundary line adjustment plat.

PETITION: Special Use Permit request for private schools under section 10.2.2.5 of the Zoning Ordinance, on a 21-acre parcel. No increase in student enrollment proposed. No dwelling units proposed.

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

ENTRANCE CORRIDOR: Yes

OVERLAY DISTRICT(S): Airport Impact Area

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 states that at its meeting on September 14, 2021, the Planning Commission (PC) conducted a public hearing and voted 6:1 to recommend approval of SP2021-00011, with the conditions and revisions as recommended by staff in the staff report, with a revision to condition #9 that the deadline to commence construction be extended by three and one-half (3 ½) years, to August 28, 2025, instead of being eliminated completely. Attachments A, B, and C are the PC staff report, action letter, and meeting minutes.

The PC discussed the applicant's request to eliminate condition #9 of the previously approved Special Use Permit SP2019-00012 (which itself was an amendment to the originally approved SP2015-00024, allowing the private school use), which requires the construction of the approved private school use to begin by February 28, 2022. Issues raised by the PC during the meeting included the effects of the continued growth in traffic along Barracks Road over the coming years and how this private school use could affect that traffic over the coming years, as well as concern over allowing the applicant an unlimited amount of time to commence the use without subsequent review of the proposal based on the conditions of the transportation network when construction eventually begins. The PC also discussed the timeline of the commencement of the use, as the applicant has already had nearly five years to begin construction. The original Special Use Permit (SP2015-00024) was approved in February 2017, with the deadline for commencement of construction set for a period of five years (February 28, 2022) at that time. Instead of fully eliminating condition #9 as requested by the applicant, the PC chose to recommend that condition #9 be revised to extend the deadline to begin construction by 3 ½ years, to August 28, 2025.

Since the PC meeting, the applicant has provided a revised project narrative (Attachment D) with additional information to address the PC's comments and staff's recommended revisions, including additional information regarding the revised timeline for construction and additional information about how the revised timeline could have effects on the future flow of traffic in the surrounding area. In addition, comments from a community member that were received after the PC staff report was published have been included as Attachment F.

Staff has revised the proposed conditions to reflect the Commission's discussions (Attachment E). Condition #9 has been updated to extend the deadline to commence construction by 3½ years, to August 28, 2025, from the current deadline of February 28, 2022.

Staff recommends that the Board adopt the attached Resolution (Attachment G) to approve SP202100011 with the revised conditions.

Mr. Andy Reitelbach began his presentation on the slide titled "Location." He said he was a senior planner with the Albemarle Planning Department. He said the public hearing was for SP2021-00011 Field School of Charlottesville. He said he would provide context for the location of the property for the special-use permit. He said it was TMP60-68, located on the south side of Barracks Road. He said it was approximately 400 feet southeast of Colthurst Drive and 750 feet northwest of Montvue Drive. He said the parcel was 21 acres in size, was zoned rural areas, and was designated rural areas in the comprehensive plan.

Mr. Reitelbach moved to his next slide titled "Comprehensive Plan." He said the slide showed a map of the zoning and comprehensive plan designations for the property and the surrounding parcels.

Mr. Reitelbach moved to his next slide titled "Purpose of the Public Hearing." He said the purpose of the public hearing was the applicant's request to amend an existing special-use permit, SP2019-00012. He said that SP2019-00012 was approved in July of 2020 to change the boundaries that the special-use permit applied to and the location of a tree buffer. He said that the special-use permit permitted a private school in the rural area zoning district as required under section 10.2.2 of the zoning ordinance. He said it was important to note that the special-use permit itself was an amendment to the original special-use permit that was approved for use. He said the original special-use permit was SP2015-00024, and that it was approved in March of 2017. He said the original permit was approved with a condition that required the commencement of the construction of the use of the private school to be within 5 years. He said that the 5-year mark would be February 28, 2022. He said that the purpose of the applicant's current request was to eliminate the 5-year condition, specifically condition 9. He said that condition 9 said that the construction must commence by February 28, 2022, or else the permit is deemed abandoned and the authority granted thereunder shall terminate. He said that the applicant requested the elimination of condition 9 to allow more time for construction activities to commence.

Mr. Reitelbach reported that the applicant had made minor changes to the concept plan. He said the changes updated labels and notes to reflect boundary line adjustment plat that was recorded after the special-use permit was approved the previous year. He said that condition 1 was proposed to be amended, but only to reference the revised version of the concept plan. He said it was important to note that student enrollment was not changing with the request and would remain at a maximum of 150 students. He said that the hours of operation of the school were not changing. He continued that the layout of the site, including the entrance onto Barracks Road, was not changing.

Mr. Reitelbach moved to his next slide. He said that the slide showed the concept plan for the school.

Mr. Reitelbach moved to his next slide titled "Factors for Consideration: SP202100011." He said that the favorable factors for consideration in the County staff's review were that no enrollment increase was requested, no revisions to the site layout were proposed, and the hours of operation were the same. He continued that the proposed changes were not expected to have an impact on the surrounding area. He said that there were no unfavorable factors identified.

Mr. Reitelbach moved to his next slide titled "Planning Commission Recommendation: SP202100011." He said that the Planning Commission held a public hearing on SP202100011 on September 14, 2021. He said that the Planning Commission voted 6-1 to recommend approval of the special-use permit with the conditions and revisions as recommended by County staff in the staff report. He said that while the staff had recommended that condition 9 be eliminated, the Planning Commission recommended that the condition be retained but that the deadline for commencement of the construction of the use be extended by 3 1/2 years from February 28, 2022 to August 28, 2025.

Mr. Reitelbach moved to his next slide titled "Recommended Conditions: SP202100011." He said that the slide listed the conditions proposed for the special-use permit. He said that condition 1 was only being amended to change the dates of the concept plan to reference the most updated version. He said that condition 2 and 3 remain the same. He said that conditions 4 through 8 remain the same as in the current special-use permit. He said that condition 9 was being revised to extend the deadline for commencement to August 28, 2025, from February 28, 2022.

Mr. Reitelbach moved to his next slide titled "Suggested Motions: SP202100011." He said the slide listed the suggested motions from the staff for the special-use permit.

Mr. Reitelbach moved to his next slide titled "Questions." He said he was available for questions and would be available after the public comment period.

Mr. Gallaway thanked Mr. Reitelbach.

Ms. Palmer said she had questions. She said she appreciated having the planning commissions verbatim minutes. She said she wanted to read for her part of her comment. She said she was struck by the conversation and that she agreed with the Planning Commission's recommendation. She said an example was when the commission was asked why there was a recommendation for no sunset clause or ending to the application when there had been one before. She said she would read off of the minutes of the meeting. She read: "Mr. Reitelbach responded that his understanding is that the ordinance included in the factors for the SP that there were deadlines so it was a matter of practice to include them to commence a use or they would be invalidated. He explained that since then, they, the staff, had moved away from putting in deadlines on SP proposals, including conditions on such proposals."

She said that when the Planning Commission questioned further why this was, that, according to the minutes: "Mr. Reitelbach explained that it is his understanding that it would run into situations like this where events happen and applicants or property owners were not always able to commence the use by what was designated in the SP, so they would come back and request an amendment to allow for additional time. He stated that ended up creating additional applications and gave staff time to the process for these types of amendment applications."

She said she believed that the minutes showed that the County staff was trying to optimize its use of time. She said that was perfectly reasonable. She said that the Board had had a point in its legislative agenda for several years. She said she would read from the Board's legislative agenda: "Stop extending sunset provisions in VA Code 15.22209.1 support allowing the sunset provisions in that code to expire. First adopted in 2009 to extend the validity of certain land use approvals during the Great Recession, the general assembly has repeatedly extended sunset clauses for these approvals resulting in nonvested and underdeveloped but approved projects that can be fifteen years old or more and that may no longer be consistent with the localities current planning policies or zoning or site development requirements."

She said that there seemed to be a contradiction between what the Board had been supporting and what the County staff's intentions were to optimize time. She said she was not sure if this would be a discussion for a later time because it was a general comment, or if the staff had anything they would like to say about it. She said she thought it was something that needed to be worked out if it was staff's intention not to put sunset clauses into applications for special use permits while the Board was requesting them. She said that was her first question and that she wanted to hear if there was a response before moving on to her next point.

Planning Director Charles Rapp said that the statute Ms. Palmer read had to deal with site-planning extensions during the recession. He said that there were several extensions to site plans to ensure their validity due to them not being able to be constructed. He said that that resulted in site plans that were between 15 and 20 years old. He said that those plans were approved with ordinance requirements that were in place 5, 10, 15 years ago, so those extensions that the state granted were extending the conditions and not requiring them to be updated to local ordinances. He said that was the reason for opposing the extensions to the site plans. He said he believed Mr. Kamptner could speak on the topic as well. He said it was a different topic than special use permits. He said it had to do with approved site plans never expiring. He said they typically expire after a 5-year period.

Ms. Palmer thanked Mr. Rapp for his explanation. She said her further comment was that she thought the Board needed to discuss whether it wanted sunset clauses on special use permits as well. She said Mr. Kamptner had a comment to make.

Mr. Kamptner said that the statute that Ms. Palmer read also included special use permits and special exceptions, and it did continue their validity. He said that traditionally, Albemarle County used to have a similar provision in its zoning ordinance that automatically imposed a requirement to start construction and start the use within a narrow period of time. He continued that, in line with what Mr. Reitelbach said, one of the reasons why sunset clauses were taken out as a regulation was that so many applicants were requesting a condition or a waiver of the regulatory imposed provisions. He said that it then became a condition that could be imposed or modified for each applicant for the initial special-use permit. He said it may be enough that the staff reports include a reminder to the Board and the Planning Commission that the authority to impose a condition, to put a sunset clause in place, exists.

Ms. Palmer asked Mr. Kamptner to clarify if the Board's legislative agenda item applied to site plans and special use permits.

Mr. Kamptner said yes.

Ms. Palmer said that it was a conflict between what was happening, and it may lead to another discussion. She said she had sent her next question to Mr. Kamptner. She asked that if the sunset clause expired, and the applicant did not renew or apply for an extension, would they then have to reapply for certain waivers, like the critical slopes waiver.

Mr. Kamptner said that he looked at the special exception, the resolution, and the conditions that were imposed. He said that the direct answer was no, the critical slopes waiver special exception did not automatically expire, but there was a practical limitation. He said that one of the conditions tied the waiver

to a specific concept plan that was approved in conjunction with the special use permit. He said the applicant could not make use of the critical slopes waiver unless it developed in the same manner that was shown in that concept plan.

Ms. Palmer asked that if the applicant developed as per the original concept plan, then the critical slopes waiver could be used.

Mr. Kamptner said yes. He asked Ms. Palmer to ask her question again because he might have misunderstood the question.

Ms. Palmer asked if they go with the same concept plan, would they still have that waiver.

Mr. Kamptner said yes.

Ms. Palmer said if they change the concept plan, then they clearly would not have the waiver.

Mr. Kamptner said it would show the area of disturbance. He said if the applicant were to develop, as shown on the concept plan, the critical slopes waiver would continue because it did not have an expiration date and was not tied to the validity of the special use permit.

Ms. Palmer said she had another question. She said she had questions after reading the Planning Commission minutes. She said she was thinking about a situation where there was no sunset clause and the special-use permit was in place, and that in 10 years they decided to build, and they still had the special-use permit. She said that the applicant would have to go by the rules and regulations for stormwater and other things that would be in place at the time of building. She said that a site plan was different than a special-use permit. She continued that the applicant would apply the ordinances that would be in place in 10 years. She said that was her understanding.

She asked if it was the same for federal, state, and local ordinances. She said she asked because the Board was in discussions about stream health and how to strengthen the ordinances related to water protection. She asked if there was a local ordinance, would the applicant be grandfathered from that. She said that the applicant would have to follow the state and federal regulations. She wanted to know what had to be followed.

Mr. Kamptner said that the special-use permit allowed the particular use. He said that the particular use was the disturbance of the steep slopes. He said that he would separate the use from the actual development of the site when the actual land-disturbing activity occurred. He continued that the development would be done in conjunction with a site plan which would be subject to the rules in effect when the site plan application was submitted. He said plans for erosion, sediment control, and stormwater would be submitted for approval around that time. He said that it would be those rules in effect at that time. He emphasized he was separating use from the actual development.

Ms. Palmer asked that if there was no sunset clause, and a site plan was drafted sometime in the future, how long would the site plan be good for.

Mr. Kamptner said that the initial site plan, the first step of the process, is valid for one year. He said that period of time allowed a final site plan to be filed and submitted. He said that the final site plan has the final engineering. He asked if someone could say how long after that was filed.

Mr. Reitelbach said that site plans were valid for 5 years.

Ms. Palmer said that the applicant could essentially take another 6 years in dealing with the site plan and still be compliant with the ordinances and regulations that were in place when the site plan was approved.

Mr. Kamptner said that was correct.

Ms. Palmer said that was all the questions she had at the moment. She was thankful for the answers.

Ms. McKeel said that Ms. Palmer had asked many of the questions she had concerning the conflict with the legislative packet. She said an example was the construction project on Hydraulic Road that was approved in 2004. She said it was only just being built because of waivers granted by the General Assembly. She said that was a separate issue. She said she had comments and questions for the Field School folks. She said she would let the other supervisors speak ahead of her.

Ms. Mallek said she was ready to move on to the presentation, and that she might have some questions later.

Ms. Price said she did not have questions.

Ms. LaPisto-Kirtley said she would wait to ask her questions.

Mr. Gallaway said the meeting would move to the public hearing portion. He asked who was speaking for the applicant.

Ms. Larissa Sneathern, Field School Board Chair, said that Mr. Charles 'Charlie' Skipper, Head of Field School, was speaking on behalf of the Field School. She said she believed he was muted.

Ms. Price asked if the applicant should be reminded of the time allotted.

Mr. Gallaway said he was trying to figure out who he was talking to. He said that Dr. Skipper had 10 minutes for his presentation and that he did not have to use all of the time.

Dr. Charles Skipper thanked the Board and said he would not use all of the time. He said he knew the Board had a lot to do, so he was going to keep it brief. He said he was the new head of the Field School. He said that he would give an update on the Field School. He said that the Field School's goal was to come onto the new campus as soon as it was able to accomplish it. He said the school was engaged in fundraising as well as the planning processes to make sure that it was happening. He said his goal was that he hoped to be on the property within 5 years. He said since the plan had been approved, the school had undergone a head-ship transition. He said he had succeeded the founding head of the school, and that those usually took a little more time. He said there was a strong transition plan that included attention to fundraising and work on the new campus. He said he was hired in December 2019, and when March 2020 happened things became different. He said that it was the third year distorted by COVID.

Dr. Skipper said the school had started to get back to what he considered more normal school processes. He said the schools were not fully there, and he said he thought the Board knew that from its own interactions about schools with the community and families. He said it was more normal than it used to be. He said fundraising in the independent school world was a stand-walk-run process and that the school was just able to stand. He said that on the planning side, the school was dealing with cumulative COVID-related effects such as supply-side issues and material costs. He said that the material costs projected for the campus had increased by 50% in the previous 12 months. He said the price increase did not appear to slow down. He said there were a lot of issues and many moving pieces. He said that the school was confident in being able to manage and accomplish its goal, but that there were time constraints and issues. He said that the request to remove the sunset clause would bring the permit into line with current County practice and that it would be helpful to help the school navigate the challenging times and accomplish its long-term goal. He said that the long-term goal was to build the new campus. He said that Crozet Elementary was a great place and that he appreciates the landlords, but that it would be great to have its own school. He said he would be happy to answer any questions. He added that Larissa Sneathern, who was also available to speak, was the Field School Board Chair and a parent.

Ms. Palmer said she had no questions.

Ms. McKeel said that she had a question. She said that Dr. Skipper had mentioned fundraising and that she had been following the Field School's website. She said that she was curious about how the Field School approached fundraising because there was nothing about fundraising on the website. She said that there were non-profits in the community that had been able to fundraise significantly through COVID. She said she appreciated the school. She said it was a boys' middle school. She said she thought there was a need for that. She said she was not negative about the school, she wanted to know about the fundraising. She said Dr. Skipper could answer, and that she would have other comments.

Dr. Skipper said that Ms. Sneathern could add in or correct anything that he missed. He said that the website was in the process of substantial improvements. He said the website was not as current as he would like it to be. He said in terms of fundraising, the school had approached major donors and had arranged for a significant gift. He said the donor of the gift had requested to keep the donation discrete. He said that part of the process in the head transition was to work on the government arrangement. He said that a founding head school tended to be narrowly focused and that the founding head would make a lot of the decisions. He said that the school now had more normative board structures and processes. He said they had engaged with a consultant, George Conway, who was working on the campaign. He said that the leadership was actively involved in the campaign and had been since the previous year. He said that was why there had not been a public splash or any of the normal hallmarks. He said that he had been doing the head-world for a while. He continued that the school had a four-year window and a total of 85 students. He said that the size of the school over time was more challenging than other situations.

Ms. McKeel said she understood that there was a change in leadership as well as other issues. She thanked Dr. Skipper for his time.

Ms. Mallek said she was reading over the staff report, and that she would speak later.

Ms. Price said she had no questions.

Ms. LaPisto-Kirtley said she had one question regarding Ms. McKeel's question. She asked if the school had fundraised in the prior two years since the permit was approved in 2017, or if it had just started to fundraise.

Dr. Skipper said that parts had been working and going forward. He said that he knew approaches were made and conversations and discussions were had and that some had to do with land acquisition and clearing up issues related to the land acquisition. He said that the real campaign was what he was getting launched.

Ms. LaPisto-Kirtley thanked Dr. Skipper and said it sounded like a good project.

Mr. Gallaway said that he did not have questions for the applicant. He said he believed that there were no speakers signed up. He asked for confirmation.

Ms. Borgersen said Mr. Gallaway was correct.

Mr. Gallaway said that the public hearing portion was closed and that the matter was back before the Board for additional questions and comments for the staff or the applicant.

Ms. Palmer said she had no more questions but would comment that she agreed with the planning commission. She said she thought that the commission was thoughtful and that she was fine with the timeline. She said she was uncomfortable with approving the amendments without any deadlines. She said she carefully read the description and noted that starting construction did not necessarily mean finishing by the deadline. She said she hoped that the Board would discuss timelines and sunset clauses on special use permits so that it was clear going forward what the Board's expectations and concerns were. She said that the Field School was great and that she wished it were around when her children were in middle school.

Mr. Gallaway asked Ms. Palmer if she was good with the extension and the timeline.

Ms. Palmer said she was good with what the Planning Commission had suggested in terms of an extension, just not an indefinite one.

Ms. McKeel said she was concerned about not establishing a timeline. She said she was comfortable with the 2 1/2-year extension that was first recommended and discussed with the Planning Commission. She said she understood why the compromise was made with 3 1/2 years. She said that was where she landed. She said she agreed with Ms. Palmer and that the Board needed to have a discussion with itself and staff about the issue at a later time. She said she was happy to accept the recommendation by the Planning Commission and staff for the extension.

Ms. Mallek said that with the way the process had been changed and the fact there was no additional impact due to delay, the staff strongly recommended to the Planning Commission that the removal of the expiration date was fine. She said she copied quotes from the report. She said Mr. Herrick said that it still retained all the other conditions and would meet the zoning ordinances of the time when it came forward. She said that it took away the conflict which the Board had seen where older permits were granted that did not have to meet the new expectations. She said that some old-timers lived under the rules of 1986 or 2004, and that was different from the circumstances that exist now. She said she listened to the Planning Commission meeting in its entirety. She said there was discussion about better ways to fundraise. She said she did not think that was what the Planning Commission should focus on. She said she was surprised the commission spent a lengthy amount of time trying to tell people how to fundraise. She said that a few members thought 5 years was fine and others thought it was fine for there to be no deadline. She said that she thought there was no reason why there would be different rules for the project when other projects do not have expiration dates. She said that fairness was important and that she hoped others would consider it. She said it was not a development with houses and stores that would take 20 years to finish. She said there was a large project in the northern part of the County that had been underway for 18 years. She said that she would support no deadline or a longer deadline.

Ms. Price said she had 3 brief comments. She said she did not believe in forever as a general proposition. She said she meant that in a sort of humorous way. She said that the applicant had determined the site to be its forever site. She said who knows what the future may be and that a larger site might be needed. She said that forever should not apply to an application without an end. She said there should be the expectation that it be developed within a reasonable period of time and that the Board had the flexibility to adjust that period. She said that the absence of a time limit on other applications did not preclude a time limit on the application going forward because times and circumstances changed. She said that the bottom line was that she supported the recommendation that came through the Planning Commission for the 3 1/2 years. She said that as a general comment, she was supportive in a variety of different types of schools. She said one of her daughters attended a women's college. She said there were times, places, situations, and students where it was better to have the variety and options for students.

Ms. LaPisto-Kirtley said that she supported the extension, but she did not support doing away with the sunset clause completely. She said she believed in different types of education to meet various students' needs. She said the project was good and that she supported extending the project and giving the applicant additional time.

Mr. Gallaway said he tried to review the original intent behind the sunset clause and was having trouble finding information. He said he was not on the Board in 2017, and he could not find a discussion about condition 9, and he wanted to know if the original deadline was set because of changing impacts.

Ms. McKeel said that there was a lot of discussion about the deadline, the road, and the traffic. She said that since 2017, the traffic had increased along the road. She said that she did not want to get into the concerns around the property because the permit passed. She said that the road had changed dramatically. She said it was the default for Crozet. She continued that there was a lot of concern around the impact on Barracks Road, Georgetown Road, Hydraulic Road, and the traffic in general. She said that was her memory of the discussion. She said she did not think forever was a good idea, and that there should be a deadline of some sort.

Mr. Gallaway said he understood and was trying to understand the initial reason.

Ms. McKeel said that was her understanding, and that Ms. Mallek might have something else to say.

Ms. Mallek said her response was about the institution of deadlines, not about the particular project. She said because of the 20-year-old projects which had no expirations, every project had an expiration date when the applicant's project came through initially. She said that was the phase when there were deadlines for all projects. She said it evolved away due to unintended consequences from the 2014 era. She said there was discussion about the roadway, but, she continued, once a project was approved, the approval was not revoked if circumstances changed.

Mr. Gallaway asked if Ms. Palmer had anything to add.

Ms. Palmer said she remembered that the primary discussion was about traffic. She said she was more concerned about how regulations and ordinances would change concerning stream health and erosion and sediment control. She said she understood the staff's point about the difference between a site plan and a special-use permit and what regulations would need to be met. She continued that she hoped there would be a conversation about sunset clauses in general. She said she believed sunset clauses were important. She said that since it was in the Board's legislative agenda to include sunset clauses, there should be a conversation to discuss the staff's intent to not recommend sunset clauses.

Mr. Gallaway said he wanted to understand the original idea, and he was thankful for the responses. He said his concern about the absence of a time constraint was that it seemed that applicants would return with additional changes to the project. He said that if there were deadlines on some things that had not been mentioned, then there would not be revisions. He said that the Planning Commission's conversation about extending the deadline by an additional 3 1/2 years seemed appropriate. He said he was not ready to get rid of any deadline. He said that while it may or may not have been appropriate for the Planning Commission to discuss fundraising tactics, it was a point well made that if there was a deadline it would not hurt the fundraising effort because fundraisers can be given a deadline. He said he appreciated comments made by the Planning Commission members. He said that there should be caution around using COVID as an excuse for why projects were not completed. He said he was prepared to support the Planning Commission's recommendation. He asked if there were any additional questions or comments. Hearing none, he asked if there was a motion.

Ms. McKeel **moved** to adopt the resolution in Attachment G to approve to approve the Special Use Permit SP202100011, Field School of Charlottesville, with the conditions contained therein. Ms. Mallek **seconded** the motion.

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

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

RESOLUTION TO APPROVE SP 202100011 FIELD SCHOOL OF CHARLOTTESVILLE

WHEREAS, upon consideration of the staff report prepared for SP 202100011 Field School of Charlottesville and the attachments thereto, including staff's supporting analysis, the information presented at the public hearing, any comments received, and all of the factors relevant to the special use permit in Albemarle County Code §§ 18-10.2.2(58) and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

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

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP 202100011 Field School of Charlottesville, subject to the conditions attached hereto.

* * *

SP 202100011 Field School of Charlottesville Special Use Permit Conditions

1. Development of the use shall be in general accord with the concept plan entitled "Special Use Permit Concept Plan and Exhibits, Field School of Charlottesville, SP2021-00011 – Amendment to SP2019-12, Tax Map 60, Parcel 68, Albemarle County, Virginia," prepared by Shimp Engineering, P.C., dated May 17, 2021, last revised July 7, 2021, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the concept plan, the development and use shall reflect the following major elements as shown on the concept plan:
 - a. Locations of buildings and sports fields within the indicated envelopes
 - b. Maximum total building footprint of thirty thousand (30,000) square feet
 - c. Maximum footprint of twelve thousand (12,000) square feet for any single building

- d. Preservation and installation of tree buffers as indicated
 - e. Preservation of wooded areas and slopes outside of building and sports field envelopes as indicated
- Minor modifications to the plan which are in general accord with the elements above may be made to ensure compliance with the Zoning Ordinance. Modifications are to be considered in terms of minimizing or improving impacts on adjoining properties and roadways. Buildings and parking may be developed in phases.
2. The maximum enrollment shall be one hundred fifty (150) students.
 3. Classroom instruction shall not begin before eight o'clock a.m. (8:00 a.m.) and shall not continue later than five o'clock p.m. (5:00 p.m.). These hours shall not apply to sports events. Classes shall not be held on Saturday or Sunday.
 4. Occasional non-sporting school-related events may occur on and after five o'clock p.m. (5:00 p.m.) on Monday through Friday and at any hours on Saturday and Sunday. Occasional community events may occur on and after six o'clock p.m. (6:00 p.m.) on Monday through Friday and at any hours on Saturday and Sunday.
 5. No construction for the use shall begin without written approval of the proposed septic facilities from the Virginia Department of Health.
 6. No outdoor lighting of sports fields shall be installed for this use.
 7. There shall be no outdoor amplified sound associated with this use.
 8. Any new outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at the property lines to no greater than 0.3 foot candles shall be submitted to the Zoning Administrator or his designee for approval.
 9. If the construction of the private school for which this Special Use Permit is issued is not commenced by August 28, 2025, the permit shall be deemed abandoned and the authority granted thereunder shall thereupon terminate.

Agenda Item No. 18. **Public Hearing: SP0202100006 Ivy Landfill Solar Facilities.**

PROJECT: SP-2021-00006 Ivy Landfill Solar Facilities

MAGISTERIAL DISTRICT: Samuel Miller

TAX MAP/PARCEL(S): 07300-00-00-02800

LOCATION: 4576 Dick Woods Rd., Charlottesville, VA 22903-7205

PROPOSAL: Solar-energy electrical generation facility, with solar panels occupying approx. 15 acres

PETITION: Solar energy system allowed by special use permit under section 10.2.2.58 of the Zoning Ordinance on a 300.59-acre parcel. No dwellings proposed.

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

OVERLAY DISTRICT(S): Entrance Corridor, Flood Hazard Overlay District

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 states that at its meeting on August 3, 2021, the Planning Commission voted 6:0 to recommend approval of SP202100006, with conditions recommended by staff. The Planning Commission staff report, action letter, and minutes are attached (Attachments A, B, and C). Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve SP202100006, subject to the conditions contained therein.

Mr. Scott Clark began his presentation on the slide titled "SP202100006 Ivy Landfill Solar Facilities." He said that he was with the Community Development Department. He said that the public hearing regarded SP202100006, the Ivy Landfill Solar Facilities.

Mr. Clark moved to his next slide titled "Petition." He said it was a proposal for a utilities scale solar energy generation. He said it was on about 15 acres of the total 300 acres of the Ivy Landfill property of the Rivanna Solid Waste Authority.

Mr. Clark moved to his next slide titled "Details of the Proposal." He said that the proposal would include a solar energy facility with 3 areas of photovoltaic panels and just over 3 megawatts of capacity. He said the panels would be located on top of an enclosed and capped portion of the landfill. He said that the design did not require excavation or underground foundations. He said it would rest entirely on the surface of the landfill. He said that the applicants would describe the design in more detail. He said that the applicants had previous experience in constructing this sort of landfill facility.

Mr. Clark moved to his next slide of an aerial ground image. He said the slide showed the location of the Ivy Landfill on Dick Woods Road between Dick Woods Road and I-64 in the rural areas.

Mr. Clark moved to his next slide of an aerial ground image. He said the slide showed the

applicants a conceptual plan for the layout of the solar panels. He said at the bottom were the facilities of the Materials Utilization Center and the offices of the facility. He said the blue bars were roughly where the panels would be located along with the related facilities such as inverters and a power conduit.

Mr. Clark moved to his next slide of an aerial ground image. He said the slide showed more detail on one of the areas designated for solar panels. He highlighted the solar panels and the inverters. He said the inverters convert the DC current from the solar panels to AC current for the electrical grid.

Mr. Clark moved to his next slide of an aerial ground image. He said the slide showed a closer view of the area closer to the existing facilities. He said that all 3 solar fields fed into conduits that connect to the electrical transmission line at the southern side. He said the electrical transmission line would not be upgraded or changed to accommodate the solar facility.

Mr. Clark moved to his next slide titled "No substantial detriment." He said he would review the standards zoning ordinance for special use permit approval. He said that first, there should be no substantial detriment to adjacent lots. He said that the main impact of the facilities was noise from the converter units. He said that the noise from the units was comparable to residential A/C or heat pump units. He said that given that the distance to the nearest dwelling was 1500 feet, the noise impacts were significantly under 10 dB and occur only in the daytime, so no significant impact was expected on adjacent properties. He said that related to the visual impacts, the applicant's extensive analysis found that the vegetation around the site and on the site blocked site lines from the nearby residences and the roads. He said that the glint and glare study noted no impacts on roads or dwellings. He mentioned that from his experience, modern solar panels were efficiently designed and did not produce a significant amount of glare and reflection because the panels absorbed most of the light.

Mr. Clark moved to his next slide titled "Harmony." He said that the requirement "harmony with the purpose and intent of this chapter" was an unusual one for the project. He said that usually in the rural area, the requirement intended the preservation of agricultural lands and water supply. He said that the project was on an existing landfill with no potential agricultural or forestry-based use. He said that the utility facility was closed and had few potential uses for the surface of the site. He said the site was located in the watershed of the South Fork Rivanna Reservoir. He continued that the site was on an impervious surface and that the degree of imperviousness would not change. He said stormwater would be dealt with during the site plan review and that there were no concerns about additional impacts from the use. He said that there was no service delivery because the service was outgoing from the site. He said that as far as natural, scenic, and historic resources go, there were no important historic resources on the capped landfill and the scenic impacts were limited by the surrounding vegetation.

Mr. Clark stated that as far as public health, safety, and welfare, a recommended condition for approval required the applicant to train the Department of Fire Rescue in the proper handling of emergencies regarding the solar facility. He said that as far as road safety, the Virginia Department of Transportation had not found any concerns. He said that the only traffic impact was during the construction phase. He said there was plenty of capacity on Dick Woods Road, and that there was parking capacity on the site to hold the construction equipment.

Mr. Clark moved to his next slide titled "Consistency with the comprehensive plan." He said that the comprehensive plan called for the promotion of the conservation and efficient use of energy resources. He said that the solar facility was a renewable energy production site, so it fit within the goal. He said approval would not typically be recommended for large impervious facilities within the water resource protection area. He continued that, however, the site was already an impervious site. He said that the utilities-scale solar site satisfied the County's objective to improve energy production in terms of carbon reductions and climate change mitigation.

Mr. Clark moved to his next slide titled "Summary." He said that the County staff found favorable factors. He said that the staff found that the site provided a source of renewable power generation, was in compliance with the comprehensive plan and was already impervious so the solar panels did not add a significant new impact on water quality. He said the staff did not find unfavorable factors in the proposal.

Mr. Clark moved to his next slide titled "Recommended Action for Special Use Permit." He said there were several proposed conditions listed on the slide. He said that condition 1 was about compliance with the conceptual plan and developing in accordance with it. He said that conditions 2, 3, and 4 were the decommissioning plan. He said that facilities required a decommissioning plan that required the eventual removal of the facility once its use had expired. He said that condition 5 was about notifying the County in the case of abandonment or discontinuance. He said that condition 6 was about decommissioning as well. He said that the condition was about the removal of materials. He said that removal was simpler in the case of the solar facility because it rested on the cap of the landfill. He said other facilities had concrete foundations for the panel arrays. He said that condition 7 was the expiration date. He said that condition 8 was about compliance with the performance standards in the County code. He said condition 9 had to do with the cleaning materials. He said condition 10 was a site change from the previous facility which allowed no above-ground wires. He said in this use case, there had to be above ground conduit running over the cap because the wire cannot be buried in the cap. He said the conduits would only run along the surface of the capped landfill to the nearest pole to connect to the transmission facility. He said it would not be an extensive array of high, new wires. He said that condition 11 was the training for Fire Rescue. He said that condition 12 allowed access to the site for inspection. He said that condition 13 was the standard condition for outdoor lighting.

Mr. Clark moved to his next slide titled "Questions and Public Hearing." He said he would be

happy to take any questions. He said the applicants would provide more details. He said he would be available before or after the hearing.

Mr. Gallaway asked if there were questions for the staff.

Ms. Palmer thanked Mr. Clark. She said she had already heard this presentation as a board member of the Rivanna Solid Waste Authority. She said she was thrilled it was happening. She said she had two questions. She said she could not remember the expected lifespan of the facility.

Mr. Clark said it varied per site. He said that in general, he's heard it was a 25- to 30-year-long lifespan. He said that the permit continued, so it would be possible to replace the individual panels to extend the lifespan. He said that applicants have said they expect 25 to 30 years. He said that as technology improved, it would be worth it to replace the panels and arrays to extend the life of the facility.

Ms. Palmer asked why there was a 3-year deadline for starting construction.

Mr. Clark said it was in case there were changes to the facility or the surroundings that needed to be adapted to. He said it usually was a 2-year deadline, but the applicant requested 3 years. He said the 3 years were requested to ensure that the DEQ process was followed and the state requirements were fulfilled.

Ms. Palmer said that it made sense that the applicant requested more time to complete the DEQ process. She thanked Mr. Clark.

Ms. McKeel said she supported the proposal. She thanked Mr. Clark for his presentation.

Ms. Mallek said that the facility was not using a greenfield, cutting down forests, or losing farmland. She said she was excited, and that Mr. Clark had already answered her questions. She asked if there was a provision for testing the land. She recalled that the staff report mentioned testing every 5 years for heavy metal runoff among other tests. She said other states required such tests. She asked if there was information about testing.

Mr. Clark said that he was not aware of any information regarding testing.

Ms. Mallek asked if there was a bond taken for future removal in case of ownership changes. She said that removing the facility was not free, and if the facility was abandoned then the County taxpayers or RSWA would be responsible.

Mr. Clark said yes. He said condition 3B required a bond or a letter of credit that would cover the removal costs.

Ms. Mallek confirmed that the removal amount was escalated every five years. She thanked Mr. Clark.

Ms. Price said that condition 3B read "The amount of the guarantee shall be the identifying conditions 4E and 4F." She said that there was no condition 4E or 4F. She said there was a 2E and 2F. She asked if that was what 3B meant to refer to.

Mr. Clark said yes and that it was a typo. He apologized.

Ms. Price said it was ok and that the typo could be covered. She continued to read from condition 3B, "to guarantee the performance of condition 8." She said that condition 8 was in compliance with the Albemarle County Code. She said that she wanted to be sure that condition 8 was being referenced, and not condition 2.

Mr. Clark said that it should be condition 2.

Ms. Price said that line one should read "to guarantee the performance of condition 2," line five should read "in compliance with condition 2," and then the clause should read "the costs identified in 2E and 2F."

Mr. Clark said that was correct.

Ms. Price thanked Mr. Clark. She said she fully supported the plan and that she was prepared if someone wanted to make a motion with the amendment to the conditions.

Ms. LaPisto-Kirtley said that the facility was a great use for the land. She said she was fully supportive.

Mr. Gallaway said that Ms. Price took his comments about the Es and Fs and Bs. He said he had a question about the training for the Fire Rescue. He asked what the perimeter of the facility was like. He asked if there was security to prevent people from getting into the facility.

Mr. Clark said that he did not know if there was security. He said it was an unusual site because it was a public landfill so there was some degree of access. He said that other sites had fencing, so the applicants would be better to answer the question.

Mr. Gallaway said that this stood out. He said that the Fire/Rescue Department needed to understand what the materials were and what the equipment was. He said that he assumed that the proper firefighting lifesaving procedures were for install and during construction. He said that he was led to believe it was for the post-installation of the facility as well. He asked if the facility did catch on fire, would the firefighters have to deal with a lightning storm. He said he did not go down this line of thinking until after reading the condition. He said that he would talk to the applicant about that condition.

Mr. Clark said that the condition was applied to the 2 previous facilities that the County had approved. He said that the condition was not applied because the facilities or the materials were particularly dangerous. He said that it was an electrical facility which was a new use for the County, so it was better to have Fire Rescue prepared.

Mr. Gallaway said that he was glad to hear Mr. Clark say on the previous ones. He said he did not remember the condition standing out before, but he presumed the condition would have been in the proposal.

Mr. Gallaway said the meeting would move to the public hearing portion. He asked who was speaking for the applicant.

Ms. Rachel Boots, Civil Engineer of Community Power Group, said she would be speaking for the applicant.

Mr. Gallaway said that Ms. Boots had 10 minutes.

Ms. Boots said that she was glad to hear positive feedback before her presentation. She said she wanted to elaborate on Community Power Group. She said she was a licensed civil engineer with Community Power Group. She said she was excited to work on the project because she was a proponent of solar energy, it was a good use of undevelopable space, and she was a graduate of the University of Virginia. She said she was excited to see the County explore sustainable and renewable energy generation projects. She said she had a short slideshow to present and then she would answer questions.

Ms. Boots began her presentation on the slide titled "About CPG." She said that Community Power Group was started in 2010. She said that the group had almost two gigawatts of solar panels in operation or development. She said that there were several projects already on landfills. She said that a majority of those projects were in Maryland or Massachusetts. She said the group was eager to continue its project footprint in Virginia. She said the company focused on the mid-Atlantic region with several projects in Maryland and Virginia, and that it was located outside of D.C.

Ms. Boots moved to her next slide titled "History of the Site." She said an RFP was won from the Rivanna Waste Authority in 2017. She said it was a long time waiting and that it was exciting to be at this stage.

Ms. Boots moved to her next slide titled "Ivy MUC Solar Facilities." She said that the project was three solar facilities. She said each facility supplied one megawatt, for a total of three megawatts. She said that was a distributed generation maximum as set by the Virginia Clean Economy act. She said the facility maxed out the three megawatts that would be allowed and utilized the three capped areas of the landfill. She said that each facility covered about five acres, and it was 15 acres total. She said the 15 acres was the only space needed out of the 300-acre site. She said there were talks with Dominion to connect the facility to Dominion's grid with the interconnection process that was underway.

Ms. Boots moved to her next slide titled "Ivy MUC Solar Facilities." She said the slide showed the preliminary concept plan layout. She said the blue represented the solar panels and the pink lines were contours. She said it was important when designing solar facilities to place them on flat areas. She said that the solar panels were on the top of the capped areas to avoid high slopes. She said that the solar panels faced south to get the most amount of sun. She said the orange lines represented the conduit, which joined into one connection point.

Ms. Boots moved to her next slide titled "Ivy MUC Solar Facilities." She said the slide showed examples of real-life installations of projects the group had done in the top right and bottom left. She continued that there were also examples of how the panels were installed on top of landfills because the Planning Commission had expressed interest in knowing. She said it was important to not disturb the landfill cap. She said that the only disturbance would be in the topsoil. She said a concrete ballast would be placed on the ground that the panels would be attached to. She said that the conduit would be above ground but still secured to the ground so that they were not overheard.

Ms. Boots moved to her next slide titled "Noise Study." She said Mr. Clark had mentioned the noise study. She said that the inverters were the only noisemakers. She said the inverters were at the same decibel level as an A/C unit. She the site was far from any residential uses, exceeding 1,500 feet. She said no complaints or differences were expected from any of the residences. She said another important aspect was that the inverters were only active during the day when they converted the solar energy. She said that the noise should not be noticeable along with the other uses of the landfill.

Ms. Boots moved to her next slide titled "Glare Study." She said the other item Mr. Clark mentioned was a glare study. She said the program Forge Solar was used to check and confirm that

there would be no impact of glare from the adjacent roads. She said the study, when completed in the program, did not take into account the vegetation or topographies. She said the study went above and beyond because there was significant vegetative screening for the landfill. She said there was no indication of glare or glint from the major roads. She said those findings were included in the application.

Ms. Boots moved to her next slide titled "Permitting and Approvals." She said the next steps after the special-use permit approval included a site plan and the Virginia DEQ. She said it was expected that the full two to three years were needed before construction could begin. She said one year was needed to move through the Virginia DEQ process. She said the process would address any landfill cap issues. She said the DEQ would collaborate to ensure that the ground-mounted ballasts were in accordance with the land closure plan and that the stormwater management was up to date and that all things went according to plan. She said that the County building permits and electrical permits for construction would be acquired.

Ms. Boots moved to her next slide titled "Construction Phasing." She said that the next year would be needed to secure the required permits. She said after the permits were secured, equipment would be procured for construction in the spring of 2023. She said that was a conservative timeline. She said that the map on the slide showed how the area onsite could be utilized to not disturb the road traffic. She said that staging, construction, and crew parking would be within the facility. She said that the Rivanna Solid Waste Authority had collaborated to create the plan.

Ms. Boots moved to her next slide titled "Community Power Group." She said the slide showed photos from her recent site visit. She said it was a beautiful site with lots of sun. She said she was happy to work with the Board, the County, and the Rivanna Solid Waste Authority on the project. She said she was available for questions.

Mr. Gallaway thanked Ms. Boots. He asked if there were any questions.

Ms. Palmer said she did not have any questions.

Ms. McKeel thanked Ms. Boots for the presentation and said she appreciated the information.

Ms. Mallek said it was exciting. She asked if there was any information about soil testing, for heavy metals particularly. She said that maybe the concrete ballasts would solve the problem as opposed to having underground infrastructure.

Ms. Boots asked if Ms. Mallek was concerned about the existing soil or the potential contamination of the soil.

Ms. Mallek said she was asking about future contamination. She said it had been learned at other sites that magnesium and manganese removed the future agricultural ability for properties that were not done on a landfill. She said she understood it was a different situation.

Ms. Boots said that the landfill cap was not deep, that it was just topsoil. She said the soil of the area would not be able to be tested. She said that the stormwater management facilities would be assessed to ensure that they were up to code and to ensure there were no excessive contaminants. She said the impervious area was not being changed, but she understood the concern. She said different equipment was being added to the site that would runoff into the existing stormwater management facilities. She said there was no toxic or hazardous material used in the solar panels. She said that the Virginia DEQ would collaborate on any necessary protective measures.

Ms. Mallek said thank you.

Ms. Price thanked Ms. Boots for her presentation. She said she had a comment. She said that the glare study was important for the present application as well as for future applications. She said she was glad to see the glare study done, and that she would like to see it in future applications.

Ms. LaPisto-Kirtley said she appreciated Ms. Boots' presentation. She asked if the facility would provide 3 megawatts of electricity.

Ms. Boots said that was correct.

Ms. LaPisto-Kirtley asked how many homes would be served.

Ms. Boots said she did not have the exact conversion. She said that three megawatts generated millions of kilowatt/hours. She said homes could use a kilowatt/hour or less.

Ms. LaPisto-Kirtley asked over what time period the kilowatt/hour was used.

Ms. Boots said that a kilowatt/hour was measured by the hour. She said that one kilowatt of energy would be used and that homes use a fraction of a kilowatt. She said watts were used in the house, and the facility generated megawatts.

Ms. LaPisto-Kirtley said she understood, and that she appreciated the answer.

Mr. Gallaway asked how the facility was secured. He asked if it was necessary to secure. He

said it might even be fenced already.

Ms. Boots said the landfill was fenced. She said that access from the public would not be feasible. She said it was not planned to secure additional fencing around the solar facilities. She said the existing security fencing around the whole landfill facility would be utilized. She said that the fence posts would penetrate into the landfill, and that was to be avoided.

Mr. Gallaway said he imagined that there would be signage or a warning.

Ms. Boots said there would be appropriate signage associated with the electrical equipment, especially around the transformers. She said there would be one transformer at each facility. She said she believed Mr. Gallaway also had questions about fire and emergency vehicle access. She said that electrical warning signs could be posted to the transformers, or posted adjacent, in the case of an emergency.

Mr. Gallaway asked if there was a motion if there were no more questions or comments.

Ms. Palmer said she could make a motion, but she asked if this was not a public hearing.

Mr. Gallaway said that he was told that there were no speakers and he forgot to say it publicly. He asked for confirmation that there were no speakers signed up.

Ms. Borgersen, the Clerk, said that there were no speakers signed up.

Mr. Gallaway said if there were no other questions or comments, then he was ready for a motion.

Ms. Palmer said she could make the motion with the corrections that Ms. Price had made. She said that Ms. Mallek had a comment.

Mr. Gallaway apologized to Ms. Mallek.

Ms. Mallek said she hoped that there would be some kind of gate to prevent tourists from driving down the road between the panels. She said it was a basic assumption of hers. She said it was not necessary to fence the whole site, but she did not want to invite people to drive down the road.

Mr. Gallaway said he knew how people were, and that he did not know how tall the fence was. He said if it was a big open area, regardless of what the previous use was, and if people were used to going over the fence and hanging out in the area, then the signage should indicate that the area was now used for an electrical facility.

Ms. Palmer said she felt the facility was secure. She said she would make one comment that would not change her vote. She said that the transfer station at the landfill site had a beautiful view and that she would not want to see solar panels disrupt the view. She said the solar panels were a great use. She asked Mr. Kamptner how the corrections Ms. Price had made should be added to the motion.

Mr. Kamptner said that there were five corrections. He asked Ms. Boots to stop sharing her presentation so that he could share a copy of the motion with the revised condition 3B.

Ms. Palmer asked if she should move the attached resolution and attachment D, and then read it all.

Mr. Kamptner said he thought it would be fine to refer to the corrections and that the corrections would be made in the final copy of the resolution.

Ms. Palmer **moved** that the Board adopt the attached resolution, Attachment D, to approve SP202100006, subject to the conditions contained therein with corrections in condition 3B. Ms. Mallek seconded the **motion**. Roll was called and the motion carried by the following recorded vote:

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

RESOLUTION TO APPROVE SP202100006 IVY LANDFILL SOLAR FACILITIES

WHEREAS, upon consideration of the staff report prepared for SP 202100006 Ivy Landfill Solar Facilities and the attachments thereto, including staff's supporting analysis, the information presented at the public hearing, any comments received, and all of the factors relevant to the special use permit in Albemarle County Code §§ 18-10.2.2(58) and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

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

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP 202100006 Ivy Landfill Solar Facilities, subject to the conditions attached hereto.

* * *

SP202100006 Ivy Landfill Solar Facilities Special Use Permit Conditions

1. Development and use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the plans prepared by Community Power Group titled "Conceptual Plan – Special Use Permit," dated May 13, 2021 (hereinafter "Concept Plan") and included as Attachment C. To be in general accord with the Concept Plan, development and use must reflect the following major elements as shown on the Concept Plan:
 - a. Location of solar development envelopes,
 - b. Location of equipment yard, and
 - c. Retention of wooded vegetation in stream buffers.

Upon the approval of the Zoning Administrator and the Director of Planning, minor modifications may be made to the Concept Plan that (i) do not otherwise conflict with the elements listed above and (ii) ensure compliance with the Zoning Ordinance, and State or Federal laws.

2. The applicant must submit a decommissioning and site rehabilitation plan (hereinafter "Decommissioning Plan") with the building permit application. The Decommissioning Plan must include the following items:
 - a. A description of any agreement (e.g. lease) with the landowners regarding decommissioning;
 - b. The identification of the party currently responsible for decommissioning;
 - c. The types of panels and material specifications being utilized at the site;
 - d. Standard procedures for removal of facilities and site rehabilitation;
 - e. An estimate of all costs for the removal and disposal of solar panels, structures, cabling, electrical components, roads, fencing, and any other associated facilities;
 - f. An estimate of all costs associated with rehabilitation of the site; and
 - g. Provisions to recycle materials to the maximum extent possible.

The Decommissioning Plan must be prepared by a third-party engineer and approved by both the party responsible for decommissioning and all landowners subject to the project. The Decommissioning Plan is subject to review and approval by the County Attorney and County Engineer, and must be in a form and style suitable for recordation in the office of the Circuit Court of the County of Albemarle.

3. Before a grading permit may be issued:
 - a. The Decommissioning Plan shall be recorded by the applicant in the office of the Circuit Court of the County of Albemarle; and
 - b. To guarantee performance of Condition 6, the permittee shall furnish to the County's Zoning Administrator a certified or official check, a bond with surety satisfactory to the County, or a letter of credit satisfactory to the County (collectively, the "guarantee"), in an amount sufficient for, and conditioned upon compliance with Condition 6. The amount of the guarantee shall be the costs identified in Conditions 2(e) and 2(f), and the amount of the guarantee must be updated as costs are updated as provided in Condition 4. The type of guarantee shall be to the satisfaction of the Zoning Administrator and the County Attorney.
4. The Decommissioning Plan and estimated costs must be updated upon (a) change of ownership of either the property or the project's owner or (b) written request from the Zoning Administrator, but in any event at least once every five years. The applicant must record any changes or updates to the Decommissioning Plan in the office of the Circuit Court of the County of Albemarle.
5. The owner must notify the Zoning Administrator in writing within 30 days of any abandonment or discontinuance of the use.
6. All physical improvements, materials, and equipment (including fencing) related to solar energy generation, both above ground and underground, must be removed entirely, and the site rehabilitated as described in the Decommissioning Plan, within 180 days of any abandonment or discontinuance of the use.
7. If the use, structure, or activity for which this special use permit is issued is not commenced by November 3, 2024, the permit will be deemed abandoned and will thereupon terminate.
8. The facility must comply with all provisions of the *Albemarle County Code*, including § 18-4.14.

9. Panels may be cleaned only with water and biodegradable cleaning products.
10. No above ground wires are permitted except for those associated with (a) the panels and attached to the panel support structure; (b) the “above-ground conduit” shown on the Concept Plan; and (c) tying into the existing overhead transmission wires.
11. Before activating the site, the applicant must provide training to the Department of Fire Rescue. This training must include documentation of onsite materials and equipment, proper firefighting and lifesaving procedures, and material handling procedures.
12. The property owner must grant the Zoning Administrator (or any designees) access to the facility for inspection purposes within 30 days of any such request.
13. Outdoor lighting for the facility is permitted only during maintenance periods. Regardless of the lumens emitted, each outdoor luminaire must be fully shielded as required *by County Code* § 18-4.17, except for any outdoor lighting required by state or federal law.

Agenda Item No. 19. **Public Hearing: SP202000016 Claudius Crozet Park**

PROJECT: SP202000016 Claudius Crozet Park

MAGISTERIAL DISTRICT: White Hall

TAX MAP/PARCEL(S): 056A2010007200; 056A20100072A0; 056A20400000A4

LOCATION: 1075 Claudius Crozet Park, Crozet, Virginia 22932

PROPOSAL: Request to amend existing special use permit SP199500043 in order to expand the existing community center at Crozet Park with a fitness center and a pool expansion, along with additional parking spaces and pedestrian connections.

PETITION: Special Use Permit request for a community center and swim, golf, tennis, or similar athletic facilities in accordance with Sections 10.2.2.1, 10.2.2.4, 16.2.2.1, and 16.2.2.4 of the Zoning Ordinance, on three parcels totaling approximately 22.806 acres. No dwelling units proposed.

ZONING: RA, Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots); and R-6 Residential – 6 units/acre

OVERLAY DISTRICT(S): EC – Entrance Corridor; Steep Slopes – Managed; Steep Slopes – Preserved

COMPREHENSIVE PLAN: Greenspace – public parks, open space, environmental features; in the Community of Crozet Master Plan area.

The Executive Summary states that this special use permit application was first submitted on September 2, 2020, and a virtual community meeting was held on October 14, 2020. This application was first considered by the Planning Commission (PC) on March 23, 2021, and at the applicant's request, the PC voted to defer taking action to allow the applicant to make revisions to the proposal to address the feedback that was provided by the PC and members of the public. The applicant returned to the PC on September 28, 2021 to present the revised proposal. At that meeting, the PC voted 7:0 to recommend approval of SP202000016, with the conditions and revisions as recommended by staff in the staff report, along with the following additional condition: additional on-site bicycle infrastructure must be added, including (but not limited to) bike racks, bike lockers, bike lanes and sharrows, and/or other on-road or adjacent bicycle access features. The PC further recommended by a vote of 7:0 that the County prioritize installation and/or maintenance of sidewalks along High Street, Hill Top Street, and Park Road. Attachments A, B, and C are the PC staff report, action letter, and meeting minutes from the September 28, 2021 meeting.

Between the first PC public hearing on March 23, 2021 and the second PC public hearing on September 28, 2021, the applicant made several changes to the proposal to address comments and questions raised by the PC and members of the public, regarding the following general topics:

1. Greenspace and Landscaping
 - a. Concern about the increase of impervious surfaces with additional pavement and new structures, and the loss of existing greenspace and trees.
 - b. Additional buffering and screening of the new facilities from nearby residences.
2. Site Layout and Structures
 - a. Concern about the massing and scale of proposed building in relation to surrounding properties.
 - b. Special exception request for indoor pool and its proposed distance from nearby property lines and structures.
3. Stormwater Management
 - a. Concern about stormwater management associated with increase of impervious surfaces.
4. Transportation and Traffic Connections
 - a. Traffic impacts on local roads due to proposed second entrance from Hill Top Street
 - b. Alignment of existing entrance from Hill Top Street on the north side of the park.
 - c. Impacts from construction traffic on nearby neighborhoods and street network.
 - d. Consider additional opportunities to reduce vehicular trip generation through alternative modes of travel.

A full summary of these changes can be found in "Attachment A - Planning Commission Staff Report from September 28, 2021."

At the public hearing on September 28th, the PC raised concerns about the provision of non-automotive modes of access to the park to help reduce the impacts of traffic on the surrounding neighborhoods and street network. The PC discussed ideas for promoting bicycle and pedestrian infrastructure in and around the park to support alternative modes of travel, as well as methods for reducing the number of parking spaces provided at the park. In addition to the conditions and revisions recommended by staff in the staff report, the PC recommended another condition to require the provision of bicycle facilities and infrastructure at the park. The PC also voted to recommend that the County prioritize the installation and maintenance of sidewalks along the streets around the park to further promote non-vehicular modes of accessing the park's facilities.

More than 30 community members spoke during the public comment portion of the meeting, in addition to many written comments. Additional written comments that were received from community members after the PC staff report was published have been included as Attachment H.

Since the PC meeting, the applicant has provided a revised concept plan (Attachment D) and revised illustrative graphics

(Attachment E) of the proposed community center expansion with additional information to address the Commission's comments and to identify the proposed location of the re-located playground, as recommended by staff. The applicant has also provided a letter from the Park board's president (Attachment F) with more information about usage of the park and the ways current and future users of the park are expected to access it.

Staff has revised the proposed conditions to reflect the Commission's discussions (Attachment G). Condition #1 has been updated to reference the most recently revised version of the concept plan. Another condition, Condition #10, has been added to require the provision of bike facilities and infrastructure at the park to promote alternative methods of access, as recommended by the PC.

Staff recommends that the Board adopt the attached Resolution (Attachment I) to approve SP202000016 with the revised conditions, including the revised concept plan.

Mr. Reitelbach began his presentation on the slide titled "SP202000016 Claudius Crozet Park." He said his name was Andy Reitelbach and that he was a senior planner with the Albemarle County planning division in the Community Development Department. He said that the public hearing was for a special use permit for Claudius Crozet Park, SP2020-00016.

Mr. Reitelbach moved to his next slide titled "Aerial View." He said he would give context on the location of the park. He said the park was highlighted in yellow on the slide. He said the park was located southeast of downtown Crozet. He said the slide identified Barnes Lumberyard, Crozet Avenue, and Eastern Avenue.

Mr. Reitelbach moved to his next slide titled "Aerial View—zoomed in." He said the slide showed a zoomed-in view of the park, including the nearby subdivisions Glenbrook and Foothills Crossing to the northeast, Parkside Village and Hill Top Street to the north, and Park Road and the Agatha Ridge subdivision to the south.

Mr. Reitelbach moved to his next slide titled "Aerial View." He said that the slide provided another aerial view that identified some of the sites of the park. He said it included the south entrance at the bottom of the slide, the north entrance at the top of the slide, and the two roads that bordered the park were Park Road and Hill Top Street.

Mr. Reitelbach moved to his next slide titled "SP202000016 Claudius Crozet Park." He said that the special use permit was to amend an existing special use permit to allow the expansion of the community center and swimming club uses at Claudius Crozet Park. He said he would provide background on the park. He said the park consisted of three parcels that totaled approximately 22.806 acres. He said it was privately owned and operated by a Virginia nonprofit organization called Claudius Crozet Park, Inc. He said that there was an operating agreement with Albemarle County Parks and Recreation Department that outlined certain responsibilities for maintenance and access to the public. He said that the operating agreement was not being amended at the time or with the special use permit. He said that public funding for the proposed improvements was not requested or a part of the special use permit.

Mr. Reitelbach moved to his next slide titled "Zoning." He said that the park consisted of three parcels. He said that the two larger parcels were zoned RA, rural area. He said that there was a small parcel to the north, adjacent to Hill Top Street and the Parkside Village subdivision, which was zoned R6. He said that the surrounding properties were zoned at various levels of density. He said the parcels were zoned R2 to the south and west, R4 to the east, and R6 to the north and northeast. He said that a special use permit was required for a community center and swimming club in RA and R6 zoning districts.

Mr. Reitelbach moved to his next slide titled "Comprehensive Plan." He said that all 3 parcels were designated as greenspace in the comprehensive plan for public parks, open space, or environmental features.

Mr. Reitelbach moved to his next slide titled "SP202000016 Specifics of Proposal." He said that the specifics of the proposals were to amend a special use permit, SP1995-00043. He said the applicant requested an expansion of the community center and swimming club uses. He said a new community center building was proposed with a height of 32 feet or two stories. He said that the community center building would include a fitness center and meeting rooms for a total of approximately 34,200 square feet, and there would be an eight-lane indoor pool of approximately 12,600 square feet. He said that the applicant proposed new basketball courts and the relocation of the playground because it was on the site of the community center expansion. He continued that there would be new pedestrian pathways and trail connections around the park, additional parking to accommodate the expansion, and new landscaping to provide buffering and screening for the new facilities. He said that the other features of the park, including the athletic field, tennis courts, and outdoor pool would remain.

Mr. Reitelbach moved to his next slide titled "SP202000016 PC Public Hearings." He said he would provide background on the application. He said it went to a public hearing with the Planning Commission in March 2021. He said that at the request of the applicant, the Planning Commission deferred action to allow the applicant to make revisions based on the feedback from the hearing. He said the applicant returned to the Planning Commission on September 28, 2021 with a revised application.

Mr. Reitelbach moved to his next slide titled "SP202000016 Concept Plan." He said the slide showed the revised concept plan.

Mr. Reitelbach moved to his next slide titled "ZMA2020-00007 Concept Plan." He said the slide showed a colorized version of the proposed concept plan. He said that the orange rectangle in the middle was the community center with the top portion being the indoor pool and the bottom being the fitness center and meeting rooms.

Mr. Reitelbach moved to his next slide titled "SP2020-00016 Revisions to Proposal." He said that he wanted to highlight the revisions to the proposal. He said that the Planning Commission had identified several topics that caused concern. He said that those concerns included site layout and structures. He said that the applicant shifted the north entrance of the park to the east so that it was located off Indigo Road instead of Hill Top Street. He said the revision provided better site distances and that the applicant proposed landscape buffers around the entrance. He said that the community center building had been shifted approximately 25 feet south of the property line. He said that the building was 55 feet from the nearest property line. He said it was originally 30 feet. He said that the 25-foot difference had landscaping proposed. He said that the shift of the community center to the south removed the need for a special exception. He said that the location of the pool met the requirements of the zoning ordinance. He said that there were also concerns about landscaping and greenspace. He said impervious surfaces were included in the concern. He said that the applicant provided more information. He said that the impervious surfaces were expected to increase by 5.67%. He said bioswales would be used to address stormwater runoff. He said that the landscaping and vegetative buffers would provide a 3 to 1 tree replacement. He said approximately 50 trees were proposed to be removed, and approximately 150 trees were proposed to be planted.

Mr. Reitelbach moved to his next slide titled "SP2020-00016 Revisions to Proposal (continued)." He said that the Planning Commission had concerns about stormwater management. He said the applicant had proposed to use bioswales. He said that the pond on the site would not be used for stormwater management because it had a WPO buffer. He said that the final design would be determined at the site planning stage. He said that a WPO plan would be reviewed by the County engineering division. He said transportation and traffic connections were another concern. He said that the applicant had shifted the northern entrance to provide better site distance. He said that any traffic requirements such as turn lanes would be addressed by VDOT at the site planning stage. He said there was concern about the use of the northern entrance for the main construction entrance. He said that the applicant proposed to use a secondary entrance off Park Road as the construction entrance with staging to the south of the existing building. He said that the applicant identified concession areas on the concept plan and had shifted landscape buffers to ensure that utilities were avoided.

Mr. Reitelbach moved to his next slide titled "SP2020-00016 Factors for Consideration." He said that the favorable factors were that the proposed use was consistent with the Crozet Master Plan, and that the use within the Development Area was consistent with the greenspace designation. He said that the unfavorable factor was that the use would generate additional vehicular trips on the local street network.

Mr. Reitelbach moved to his next slide titled "SP2020-00016 Planning Commission Recommendation." He said that at the September 28 public hearing, the Planning Commission voted 7-0 to recommend approval of the special use permit with conditions and revisions as recommended by the staff report. He said that the Planning Commission also added an additional condition that required the provision of bicycle and pedestrian infrastructure. He said that the Planning Commission further recommended by a 7-0 vote that the County prioritize the installation and maintenance of sidewalks along the streets surrounding the park.

Mr. Reitelbach moved to his next slide titled "SP2020-00016 Revisions to Application." He said that the applicant had provided revisions since the Planning Commission hearing in September. He said the concept plan was revised to depict the proposed site of the playground. He said the applicant also provided information on the existing and proposed pedestrian and bike infrastructure. He said that the park board's president provided a letter with information about current and expected future usage of the

park by community members.

Mr. Reitelbach moved to his next slide titled "SP2020-00016 Recommended Conditions." He said the slide showed 10 recommended conditions. He said that the first one was the standard condition that the development and use must be in accord with the proposed concept plan and that minor modifications were allowed to ensure compliance with the zoning ordinance. He said that the concept plan was dated as October 11, 2021. He said conditions 2 through 5 involved screening, limiting the sound, regulating outdoor lighting, and the locations of concessions sales. He said that conditions 6 through 8 were about landscaping and screening to help buffer the residential areas. He said condition 9 was about landscaping buffers to help screen the residential areas. He said that condition 10 was recommended by the Planning Commission to add enhanced bicycle and pedestrian infrastructure.

Mr. Reitelbach moved to his next slide titled "SP2020-00016 Suggested Motions." He said the slide showed the suggested motions for the special use permit.

Mr. Reitelbach moved to his next slide titled "SP2020-00016 Questions?" He said he would be available for questions.

Mr. Gallaway thanked Mr. Reitelbach and asked if there were question.

Ms. Palmer said that the materials said that sound from any radio, recording device, public address system, or other speaker shall be limited to 60 decibels at the nearest residential property line except for the period between 10 pm and 7 am during which time the aforementioned sound shall be limited to 55 decibels. She asked why there was so much noise in the middle of the night. She said she did not understand why 55 decibels was allowed from 10pm to 7am.

Mr. Reitelbach said that the condition was continued from the original special use permit. He said he was not sure why it was originally included. He said he believed it had to do with the current dome placed over the outdoor pool during the winter that allowed the pool to be used and heated. He said that the applicant could provide more information.

Ms. Palmer said she would like to hear more because it did not seem like a condition that was seen before. She said that she received in depth emails from people with suggestions and conditions. She said she did not cross reference the conditions she had been emailed with what had been recommended. She asked if there was anything that had not been addressed that had been a concern of the neighbors.

Mr. Reitelbach said that he was not aware of a concern that was not at least partly addressed by the applicant to address neighbor concerns.

Ms. Palmer said she would like to ask the applicant about the noise level.

Ms. McKeel said she appreciated reading the Planner Commission discussion. She said that the attention to the bicycle and pedestrian infrastructure to reduce vehicular traffic was excellent. She said she wanted to separate the issues. She said that there was the proposal for the park with conditions, and there was the item to prioritize sidewalks and discussion about smart scale. She said in her head, those were separate issues. She said she was not interested in reprioritizing sidewalk projects that were currently in the pipeline. She said that she did not want to worry about reprioritizing smart scale projects while approving the conditions of the proposal. She asked if it would be a discussion for later.

Mr. Reitelbach said that was his understanding. He said that Mr. McDermott might have a better answer.

Ms. McKeel said that that would give her a level of comfort. She said the Board was not recommending the proposal to reprioritize smart scale projects and target the park's sidewalk as the most needed sidewalk in the whole county. She said she was concerned that was the case.

Mr. Kevin McDermott, Planning Manager, said he participated in the Planning Commission meeting. He said his understanding was that the Planning Commission wanted to express that the sidewalks were needed to support the use. He said it did not intend to change the priorities without going through the typical processes. He said he did not believe the Planning Commission intended to change the priorities of the whole county.

Ms. McKeel said she had no problem looking at the issue at a later time. She said she did not want the approval of the permit to prioritize the sidewalks immediately outside of the process. She said she appreciated the response.

Ms. Mallek said she appreciated the diligence of the park board and contractors to take into account community feedback. She said she had a couple of questions. She said that the sidewalk issue came to her mind because sidewalks were on the list for over a decade before being removed because of a change in VDOT funding. She said she had a question about concessions. She said she assumed the concessions were associated with the new expansion and would be inside the building. She said she hoped it would not impact the arts and crafts festival and the Independence Day celebration which were one big concession in the field.

Mr. Reitelbach said he believed there were 2 permanent concession areas proposed. He said

one was in the new building to serve the pool and fitness center, and that there was another at the eastern end of the park near the ballfields.

Ms. Mallek said that there had been discussion of the park as a neighborhood park so it should not have the use. She said that it had been called a community park for 50 years and should serve the people in at least a 20-mile radius. She asked if there was a difference in definition between a community and neighborhood park.

Mr. Reitelbach said he was not aware of a difference between community parks and neighborhood parks. He said it was a park that was identified in the comprehensive plan and Crozet Master Plan to serve the Crozet Development Area and western Albemarle in general.

Ms. Mallek said that it should not be considered for the particular use of the neighborhood. She said she wanted to clarify that.

Ms. Price said she did not have questions.

Ms. LaPisto-Kirtley said she did not have questions.

Mr. Gallaway said he did not have questions either. He said the meeting would move to the public hearing. He asked who was speaking for the applicant.

Mr. Kevin Schafer greeted the Board.

Mr. Gallaway said that Mr. Schafer had 10 minutes.

Mr. Schafer began his presentation on the slide titled "Aquatics and Fitness Center at Claudius Crozet Park." He said he was with a Charlottesville-based architecture and design firm called Design Develop. He said the firm had worked with Crozet Park since 2018. He said that he was grateful for the process. He said since the initial submission, County staff's comments had been discussed and addressed. He said that in the spring was the first public hearing with the Planning Commission. He said the hearing was used to gather feedback from the commissioners and the public. He said the proposal was revised according to the feedback. He said he believed the process had made the project better. He extended his appreciation to the people who had participated.

Mr. Schafer moved to his next slide titled "Claudius Crozet Park." said that the engineers, architects, and contractors working on the project were locally based. He said that the Crozet Park board was a collection of 16 Crozet residents that shepherd a 501(c)3 nonprofit-owned park. He said that the board approached the firm with the goal of providing a community funded infrastructure project in the form of sorely needed enhanced park facilities. He said input had been elicited from a variety of sources, including the Albemarle County Comprehensive Plan, the recently approved Crozet Master Plan, Albemarle County Parks and Recreation needs assessments, and Crozet Parks own membership service. He said that the proposal was an enhancement of existing amenities. He said it was not necessarily a new use for the location. He said that the request was for an amendment to an existing special use permit to provide better facilities than existed. He said that the site contained a recreation and exercise facility, an indoor pool once the dome was installed, and community gathering facilities. He said that the proposed facility would allow the park to continue to provide functional, efficient, and appropriate use of the facilities.

Mr. Schafer moved to his next slide titled "Part 1: Proposed Project Summary." He said that the presentation would be in three parts. He said he wanted to give a brief introduction and describe some of the building and site design strategies.

Mr. Schafer moved to his next slide titled "Existing Site Breakdown and Area of Development." He said that the outdoor pool and fitness center were at the center of the park. He said that the park board emphasized the importance of preserving and protecting the popular park amenities. He said that new development would target the central area and would utilize the existing paved and built areas in lieu of developing park space or green space. He said that the proposed project retained 83% of the park's greenspace. He said it was imperative to the park board that land to the west, south, and east remain undisturbed, protected, and preserved. He said the proposed building location was planned for a paved parking area to reduce the impact on greenfield areas and to ensure the park felt true to what it was.

Mr. Schafer moved to his next slide titled "Existing Conditions." He said that the environmental impact of the park and the surrounding areas was taken seriously. He said the desire to preserve the greenspace was taken particularly seriously. He said the slide showed an aerial image of what the park looked like before the proposed improvements.

Mr. Schafer moved to his next slide titled "Proposed Conditions." He said that the slide showed an aerial image of how the new facility would interact with the existing pool while the ballfields, courts, walking trails, and the dog park were preserved. He said that the slide showed the solar panels on the roof, the proposed parking layout, and the proposed enhanced landscaping that the County staff described.

Mr. Schafer moved to his next slide titled "Site Design Considerations." He said 46,800 square feet of fitness, recreation, community gathering, and indoor swimming was proposed. He said the park greenspace would only decrease by 5.6%. He said new buildings were proposed for existing parking and

hardscape areas. He said rainwater would be managed with natural bioswales. He said that the building was efficient and employed green-building techniques. He said that the landscaping and tree planting had been supplemented.

Mr. Schafer moved to his next slide titled "Project Overview." He said that the programs the new facility could host included after school childcare and day camps, facilities and classes for senior citizen health, opportunities for physical therapy and rehabilitation, youth outreach programs, and sports leagues. He said that the list continued. He said that the slide listed some amenities that the proposal aimed to implement. He said the location experience rapid growth within the community.

Mr. Schafer moved to his next slide titled "Part II: Revisions Per Public Hearing." He said he wanted to highlight the revisions that had been incorporated throughout the public hearing process. He said that the location of the building had been revised by being shifted 25 feet south to provide a landscape buffer and screening to the adjacent neighborhoods. He said that the construction entrance was relocated and that the rear entrance was relocated. He said that rainwater was captured with proposed bioswales. He said that the indoor pool was shifted further from the property line to comply with zoning ordinances. He said environmentally conscious design strategies were introduced for the building. He said that he was grateful for the public hearing process and the input received.

Mr. Schafer moved to his next slide titled "Views of Proposed Building in Crozet Park." He said serious consideration was given to the height of the proposed building. He said that the top of the exterior wall was 32 feet above grade. He said it was important to stay around 30 feet in height for a number of reasons. He said that the dome installed on the pool in the winter was 30 feet in height. He said that the ridge of a typical two-story house was typically 30 feet in height.

Mr. Schafer moved to his next slide titled "Building Mass." He said that the park board wanted to provide a structure whose mass and height was in scale with other Crozet projects like downtown structures and the library. He said it was important not to tower over the adjacent neighbors and avoid casting long winter shadows and blocking views.

Mr. Schafer moved to his next slide titled "Relocation of Construction Entrance." He said that numerous concerns were heard about construction traffic at the March public hearing. He said that the design was revised to utilize the secondary driveway off Park Road as the construction entrance. He said that the secondary driveway allowed conflict with park users to be avoided and eliminated construction traffic through Parkside Village neighborhood. He said the solution was thoughtful and practical to the concerns expressed by the community members.

Mr. Schafer moved to his next slide titled "New Rear Entrance." He said that the rear entrance was relocated from Hill Top Street to Indigo Road at the Planning Commission's suggestion. He said the relocation was important for two reasons. He said the existing trees would be preserved along the lot line with the adjacent neighbor. He said that the new entrance location provided better site lines along the roadways.

Mr. Schafer moved to his next slide titled "Part III: Respond to Conditions." He said that he intended to discuss the conditions proposed by the Planning Commission and how the conditions would be met. He said that the park board supported exploring the strategies to reduce the reliance on cars. He said that it was believed the condition added to the proposal was good. He said there were strategies in place that would be expanded or improved. He said new strategies would be explored with guidance from the County staff.

Mr. Schafer moved to his next slide titled "Promoting Connectivity." He said that it would be remiss to not discuss the central location and interconnectivity of Crozet Park to its adjacent context via the existing and proposed trails. He said that he would quote Allie Pesch, Chair of the Crozet Advisory committee, "Claudius Crozet Park is the cornerstone of the Crozet Master Plan's Park and Greenway system. If you drop a pin in the center of a map of the Crozet growth area, it lands on Crozet Park. It has unbeatable pedestrian and bike connectivity. The Crozet trails crew has designed its entire trailway system in coordination with County planners to have Crozet Park as its nexus."

Mr. Schafer moved to his next slide. He said that the cars to a site can be reduced by promotion of non-vehicular transportation. He said connectivity of trails could be enhanced, particularly the connections to the Crozet Connector Trail to the northeast of the park. He said the 8 pedestrian access points would be enhanced to better direct people into the park and onto the perimeter trail or proposed sidewalks. He said this could be achieved with signage and maintained paths that were sized appropriately in the right locations. He said that the work could be completed largely with volunteers and that it could be started in the following spring before ground was broken for the new facility.

Mr. Schafer moved to his next slide titled "Promoting Connectivity." He said that Joel DeNunzio, Traffic Engineer and Analyst for VDOT, was on the park board. He said that Mr. DeNunzio's input was taken seriously. He said that the park had hired EPR PC, an independent firm that specialized in transportation and traffic engineering, to validate Mr. DeNunzio's findings as well as to provide independent research and analysis. He said that Jeanie Alexander represented EPR and had provided in-depth traffic evaluations to the County staff. He said that both specialists were available on the call to answers specific questions regarding the traffic impact. He said that the Hill Top connection to the north would change traffic flow once the proposed connections were completed.

Mr. Schafer moved to his next slide titled "Proposed Parking Reductions." He said the slide

showed an excerpt from the site plan that had been submitted. He said that the amount of onsite parking would be reduced by as much as allowed by zoning to encourage other means of transportation to access the park. He said the parking was reduced by taking advantage of a 10% reduction in parking allowed to urban parks. He said there was a 50-space reduction in parking through an approved cooperative parking agreement. He said the firm continued to work with the County staff to evaluate opportunities to reduce the number of onsite parking spaces in an effort to promote non-vehicular access to the site.

Mr. Schafer moved to his next slide titled "Bike Storage Facilities." He said that bicycle infrastructure would be provided in the appropriate locations according to the Planning Commission's comments. He said the infrastructure included bike racks, lockers, and storage facilities that met the requirements and conditions in the special use permit.

Mr. Schafer moved to his next slide titled "Pedestrian and Bicycle Infrastructure." He said that pedestrians and cyclists would be protected on the crosswalks and sidewalks and that multi-use trails would be provided to limit bicycle and vehicle interactions. He said that the goal was to encourage people to utilize other modes of transportation other than cars. He said that the option was realistic due to the location of Claudius Crozet Park. He said the park was centrally located to downtown Crozet. He continued that there were numerous recently developed neighborhoods within the half-mile vicinity to the park.

Mr. Schafer moved to his next slide titled "Crozet Park: A Central Location." He said it was important to remember that Crozet Park was not the only park available to the Crozet community. He said that the park was the most centrally located. He said that while Mint Springs and Beaver Creek focused on natural activities such as hiking, biking, and other activities.

Ms. Borgersen told Mr. Schafer that his time had expired.

Mr. Schafer said he had one more slide.

Mr. Gallaway said it could be brought up during the question period. He said that people were signed up to speak, and that the Board wanted to keep to the timeframe. He said that it often happened that there were questions that allowed an extra slide to be shown. He asked if there were any questions for the applicant.

Ms. Palmer said she had a question she had asked previously. She said that after she had asked it, a staff member had raised a hand. She said she believed her question would have been answered. She said she would ask the applicant. She said that there was a condition about noise. She said the condition required 60 decibels at the nearest property line, except for the period 10 p.m. to 7 a.m. during which the aforementioned sound shall be limited to 55 decibels. She said it was odd to have a 55-decibel sound in the middle of the night. She wanted the condition explained.

Mr. Schafer said that he understood the provision of the original special permit was due to the furnace blower that was for the temporary dome that was installed each year. He said that the intention of the indoor pool was to sell the dome. He said the exhauster blower fans were no longer needed, and that they were noisy and used a ton of energy and a ton of propane. He said it was better if they went away. He said that was why the point was in the special use permit.

Ms. Palmer asked if the point could be removed. She asked if the point was needed to continue.

Mr. Francis MacCall, Deputy Zoning Administrator, said that he would provide some history to clarify points. He said he believed the condition was part of the original special use permit in 1990. He said that the County no longer had the same noise ordinance. He said that the existing noise ordinance went into effect around the year 2000. He said that the nighttime decibel level was 55 in the existing zoning ordinance. He said he did not know how the exact number was decided. He said that it seemed to be the satisfactory number that was decided on when designing the ordinance. He said that the nighttime was defined to be between the hours 10 p.m. to 7 a.m. He said the ordinance appeared to work reasonably. He said it did not come into effect because of the noise from the blower fans. He said that there had been a complaint about the fans several years previous that had been resolved.

Ms. Palmer asked if it was recommended that the condition stay.

Mr. MacCall said that there was no reason to remove the condition. He said that the recommendation was to keep it as is.

Ms. Palmer said she did not understand why the condition would be kept.

Mr. Gallaway asked if Mr. Kamptner had an additional comment.

Mr. Kamptner said that the practice in the 1990s was for conditions to repeat regulations that were in place. He said that the regulation in the permit was narrower than the regulation in place because it narrowed the particular types of sound sources. He said that the regulation in place applied to any sound source associated with land use.

Ms. Palmer said she was confused about what 55 decibels sounded like, and if the neighbors would be able to hear it. She was not sure why it was allowed. She thought that there were quiet times

after 10 p.m. She said that the wineries and breweries had to cut off service at 10 or 11 p.m. depending on the day.

Mr. Kamptner said that 55 decibels was the quiet time under the zoning regulations.

Ms. Palmer said ok. She asked if Mr. Schafer had any comment.

Mr. Schafer said that it was preferred that the condition remain until the new pool was constructed. He said after the pool was constructed, other conditions could be considered. He said the fans would still need to be used until the indoor pool was constructed.

Ms. Palmer said that Mr. Schafer's comment made sense. She said she received a letter from the Parkside Village Homeowners Association, which clearly reflected an issue with the development of the park. She asked if Mr. Schafer was familiar with the HOA. She said that the HOA was ARB and asked if the developers were working with the HOA.

Mr. Schafer said that they were made aware of the letter. He said that they would work with the Parkside Village HOA to ensure that the driveway and entrances were appropriate. He said that the developers wanted to ensure that the special use permit was in place before approaching the HOA. He said that Kim Gunther, president of the park board, was available on the call to answer questions.

Ms. Palmer said that she wanted to make sure the HOA was included. She said that it was not the Board's purview to handle the HOA's grievances despite receiving a letter. She asked if that were what Mr. Kamptner would advise.

Mr. Kamptner said that the Park would come to a deal with the comments on its own.

Ms. Palmer said she had no more questions.

Ms. McKeel said she had no questions.

Ms. Mallek said she noticed that the trail in the southwest corner was moved further east in the proposal to move away from the steep slope. She asked if that was correct. She said it looked like a sweeping turn instead of going right to the corner. She said it was an improvement.

Mr. Schafer said an asphalt multiuse trail that connected to the existing roadway was proposed in the southwest corner.

Ms. Mallek said that the entrance onto Park Road was a steep bank. She said the map showed the trail extended to flatter ground. She said she was glad to hear about the parking reductions. She asked that if the 10% and 50 space reductions succeeded, would the unused area be left as grass. She said it would not be developed for parking.

Mr. Schafer said that was correct.

Ms. Mallek said that was all her questions.

Ms. Price asked Mr. Schafer to share the contents of slide 24. She said it was the slide he had not been able to present.

Mr. Schafer said that Mint Springs and Beaver Creek Park were focused on natural activities such as hiking, biking, and fishing. He said Crozet Park was more urban, with ballfields, workout facilities, and a dog park. He said that the park was a natural hub for Crozet, and that it was suited for the kinds of programs that were proposed with the project. He said it was needed in the community.

Ms. Price asked if he would go to slide 24.

Mr. Schafer moved to the slide.

Ms. Price asked if that was it.

Mr. Schafer said yes. He said he had wanted to say that he was grateful to the County staff and appreciated the recommendation. He said that he was grateful to the Planning Commission and appreciated their unanimous recommendation for approval. He said he was grateful to the citizens, community members, and supervisors for the valuable feedback.

Ms. Price said she had no further questions.

Ms. LaPisto-Kirtley thanked Mr. Schafer and said she thought it was a fabulous project. She said every district should have a similar project. She said she was excited that the project would be funded by the residents of Crozet and not by the County. She commended the efforts to get the facility built. She said it was much needed.

Mr. Gallaway said he would hold his questions until after the speakers, and there were several people signed up to speak and asked Ms. Price to go through the public speaking guidelines.

Mr. Allen Freeman said that he lived at 5071 Long Meadow Lane in the Crozet District since 1973. He said that he retired from teaching at the Albemarle County Schools after 37 years. He said that Crozet Park was the center for social and community activity in the Crozet and western Albemarle area. He said that for adults, the park hosted arts and crafts fairs, adult swimming, pickle ball, a dog park, walking trails, exercise classes, and spaces for adult soccer leagues. He said that for parents, the park provided the ability to watch and coach the kids' T-ball, baseball, and soccer games and to attend the swim meets from all age levels. He said the 4th of July Fireman's parade ended at the park. He said the park hosted fireworks. He said that the park was the community hub. He said it was the center of Crozet and could not be replicated in a less-densely populated area. He said many could walk and bike to the park, which had existed for many years, and it started a place to play baseball and swim.

Mr. Freeman stated that the park was originally surrounded by fields and forests and the small neighborhood of Hill Top and Taber Street. He said that the County had permitted over many years the construction of subdivisions around the park. He said that it was unfortunate that the roads and sidewalks had not been required to be improved. He said that some residents, as expected with justified concerns, wanted the park to not expand and further clog the roads. He said there was a need in the greater community to enjoy the companionship and citizenship that a greater park would provide. He said he hoped that the Board would support the proposal. He said that the park board had been responsive and made attempts to be good neighbors. He said that when neighbors complained the pickle ball players were clogging Indigo Road with parking, the park board put out signs asking pickle ball players to park in the park and not on Indigo Road. He said that the park board constantly solicited advice from the community on how to improve the park. He said it was necessary for Crozet and Western Albemarle. He said he loved the proposal that had been made and hoped the Board would support it. He thanked the Board.

Mr. Bryan Garey said he was speaking on behalf of the proposal. He said he lived at 4997 Fairwinds Court in Crozet. He said he lived in Crozet since 2008. He said he was a regular park user. He said he biked and walked to the park at least once a week, but often many times a week. He said he enjoyed the trails that surrounded the park. He said that he appreciated the opportunity provided by the side roads to bicycle safely. He said he was a member of the Crozet YMCA and ACA for 10 years. He said he thought the proposal was necessary and beneficial. He said that the facility in the park were in bad shape, and in desperate need of replacement. He said that the park continued to grow with the developments in the area. He said the park was a local resource, a community center. He said it was a way to come together and exercise and enjoy nature without having to drive into Charlottesville or across the mountain.

Mr. Garey said it was environmentally friendly to have a park optimized in the center of Crozet. He said that traffic was a real concern. He said that when the neighborhoods that surrounded the park connected Route 240 to downtown Crozet, the traffic flow was sealed. He said that the traffic passing through the area had increased. He said it provided access to the park and to downtown Crozet. He continued that the impact of expanding the park on traffic would be insignificant to the traffic coming from the connections to Route 240. He said parking might increase. He thanked the Board for their time and said he hoped the measure would be approved. He said it would give a vibrant, upgraded park to the community for years to come.

Mr. Marc McKenney said he lived at 5353 Park Road in Crozet in the White Hall District. He said he was speaking to voice his excitement for the Crozet Park expansion. He said he requested that the Board approve the request. He said the expansion was needed in order to provide adequate services to the residents and community of Crozet. He said that he and his wife had lived in central Virginia since 2011, and in Crozet since May 2018. He said that they decided Crozet was the best place to raise their children and the place to spend the best years of their adult life. He said that when they decided to move to Crozet, they knew it was a designated growth area. He said they looked at documents such as the Crozet Master Plan, and the Barnes Lumberyard project. He said that they knew that there was more growth to come. He said that even with the pain associated with a designated growth area, they would still make their decision to live in Crozet. He said that traffic and infrastructure issues were VDOT's and the County's responsibility. He said there were valid concerns around these issues. He said it was morally wrong to deny the request due to the issues and concerns because the Claudius Crozet Park did not cause the issues and could not solve the issues.

Mr. McKenney reminded the Board that the County and every resident of Crozet, since the first master plan went into effect, bore some of the responsibility for the issues that lingered from growth. He said that residents asked the County to prioritize and expand capital improvement projects focused on Crozet and to strengthen public and private partnerships to support the growth of Crozet. He said the park expansion project was one of those projects. He said he was one of 400 veterans who called Crozet home. He said he was one of many classified as permanent and totally disabled by the United States Department of Veteran Affairs. He said that there were many other community members who also had physical and mental disabilities who would directly benefit from the park expansion. He said families would directly benefit due to expanded childcare opportunities. He said many other community members and children had personal health concerns. He said they needed the park expansion. He said many members would remain silent during the debate, but that their voices should be heard and considered. He said the project benefitted everyone. He commended the Claudius Crozet Park board for taking resident and community feedback, and for providing over 60 years of service to the community. He asked the Board to approve the park expansion project so that current community members as well as the next

generation could have access to an expansion of park services. He said it would support the physical and mental wellbeing for all. He thanked the Board for their time and consideration. He asked the Board to approve the Crozet Park expansion project.

Ms. Kathy Floyd said she was a member of the Samuel Miller District. She said she lived on Deca Lane in Ivy. She said she supported the park board. She said that she used the park several times a week. She said there was activity at the park even in the middle of the day. She said that any given time there was a lot of activity. She said teams prepared for the next game as their coaches coached them. She said that parents arrived to pick up their kids from the afterschool program, and busses dropped off kids for the after-school program. She said that there was activity in the pool. She said that families strolled about. She said the pickle ball courts were popular. She said cyclists, basketball players and young couples walked in the park. She said young mothers watched their toddlers walk across the grass. She said there was always so much activity going on in the park.

Ms. Floyd said that when the park was visited, it was realized that community was happening. She said it was community at its best. She said community was defined as fellowship with others. She said that common attitudes, interests, and goals were shared. She said that for years, the park had served the greater community of Crozet. She said the past of the park was applauded. She said many kids and adults had enjoyed the park for years. She said the present was basked in because many enjoyed time in the park to play and recreate year-round. She said the future was anticipated as it was looked to expand and improve the facility. She said that the proposal should be supported to continue a rich tradition of community for the children and next generation. She said that the conversation had been about buildings, greenspaces, and decibels and so much more, and that it was important. She said that the most important conversation was about building and sustaining community in the beautiful settlement of Crozet. She said the park was all about playing, recreating, fellowshiping, and sharing together. She encouraged the expansion of the park to sustain it. She thanked the Board.

Mr. Lee Grimes said he lived in the western part of Charlottesville. He said he wanted to voice his family's support for the project. He said he had a family of five and had actively used the park for a long time. He said that the proposal was really about the kids. He said that parks were about the kids in age and the kids at heart. He said he was impressed with the ability to come together for the project. He said there were always concerns, and that the concerns were addressed. He said the project should be built for the kids. He thanked the Board for their time.

Ms. Sarah Kasen said she represented the Parkside Village Homeowners Association. She said that Parkside Village was a neighborhood that bordered the park on the northern boundary. She said that the park's special use permit application proposed a new park entrance that intersected Indigo Road. She said that the entrance was an important component of the application. She said that the HOA would like to note to the Board that the entrance crossed the 0.41-acre parcel. She said that the parcel was one of the three parcels that was part of the special use permit application. She said that the park originally acquired the parcel by deed from Weatherhill Homes, the Parkside Village developer. She said that the park was required by condition of the deed to get approval from the Parkside Village architectural review board before it could construct the proposed entrance.

Ms. Kasen said that the deed provided that the parcel be considered a lot in the Parkside Village neighborhood. She said that the parcel was subject to the Parkside Village covenants, conditions, and restrictions. She said that article 10 of the Parkside Village covenants established the authority of the Architectural Review Board to review any improvements proposed for any of the Parkside Village lots. She said that the covenants further established that approval was required for, but not limited to, exterior lighting, landscaping, fences and walls, driveways, and site grading and changes to grade. She said that the park requested an ARB application. She said that the park had not submitted a completed application. She said that because the road was a significant part of the application, the HOA requested that the Board either delay its decision regarding the special use permit until the park submitted its application to the HOA's ARB and the ARB was able to reach a decision, or that the Board condition any approval of the special use permit on the park obtaining ARB approval for the access road. She thanked the Board for their time and consideration.

Mr. Tim Tolson said he lived at 6675 Highlander Way in Crozet in Emerald Ridge behind Mint Springs Park. He said that he was chair of the Crozet Community Celebration planning committee and the president of the Crozet Community Association. He said he was not speaking on behalf of either group. He said he was speaking as a Crozet resident who spent a lot of time at Crozet Park in the three decades that he and his family had lived in Virginia. He said he saw an earlier presentation of the proposal by the park board before the COVID pandemic. He said he had seen the park board and the designers engage the public and respond to the public concerns. He said that numerous revisions were made to mitigate and eliminate the public's concerns, from parking, construction, traffic, loss of tree cover and greenspace to noise levels. He said that the plan replaced the playground. He said he was excited about the proposal because it increased the recreation possibilities in Crozet.

Mr. Tolson said the residents of Crozet had requested park improvements for some time. He said that the space was too small. He said that several of the facilities were maintained. He said the proposal offered more than a gym. He said it would be an important space for after school programming. He said

that the central location in relation to Crozet incentivized people to walk to the park rather than drive. He said that the park was on a greenway path. He said it was the right location to build the proposed facility. He said it did not come at a cost to Albemarle taxpayers. He said that the park board would raise the funds necessary for construction. He said that Crozet Park was always central to greenspace and recreational opportunities in Crozet. He said that was true for over 50 years. He said that the proposal enhanced the opportunities. He said it was the right facility at the right place at the right time. He said he supported the application. He thanked the Board.

Ms. Jennifer Kirby said she lived on Cranberry Lane in Parkside Village in the White Hall District. She said she spoke from the perspective of a park neighbor and a parent who used the park on a weekly basis. She said she had used the park over the past 20 years. She said her kids used the park for outdoor activities like sledding, soccer, fishing, and biking. She said that her main concern was the size and scale of the proposed building. She said that the building was out of scale for the character of the surrounding neighborhood. She said that while the park was a central location, there was not the infrastructure to access the park safely. She said the proposal would allow a commercial style building to be built adjacent to homes and residential areas along Taber Avenue and Parkside Village. She said that the 35,000-square-foot building was equal to the size of Harris Teeter on Route 250. She said the building would better fit an area like downtown Crozet or along the Route 250 bypass where there was infrastructure to support the increased traffic and activity. She said she wanted to close by saying that the vision of the Crozet master plan said that the small-town feel would continue, and open space would be a key feature. She said that the building was in conflict with the vision statement. She thanked the Board.

Ms. Marketa Johnson said she lived in Crozet at Old Folks Trail Lane. She said she had worked at the Crozet Park for 10 years as a fitness instructor. She said over the 10 years, management had changed, but the people who came to her classes were the same. She said that people came from many surrounding neighborhoods, including Charlottesville, Afton, and Ivy. She said that there had always been the need for a bigger facility to offer larger classrooms and larger areas to provide more equipment. She said that the need had become more crucial during the COVID pandemic. She said classes had been held outside due to inappropriate spacing indoors. She said that many times, inclement weather or park activity made indoor activity appropriate, but the COVID restrictions and classroom sizes made it impossible. She said that Crozet Park provided a strong feeling of community. She said a new, modern, better equipped facility would be an enormous benefit for the Crozet community. She hoped that the new park development would receive the Board's approval and support. She thanked the Board.

Ms. Samantha Masone said she lived on Skyline Crest Drive in Charlottesville in the Ivy area in the Samuel Miller District. She said she had been a group exerciser at the park for nine years. She said she had experienced different managerial staff and organizations as well. She said it used to be the YMCA and now was ACAC. She said the one constant as an instructor was the participants of her classes. She said that members had attended her class for as long as she had taught it. She said some members had spoken in support of the project. She said that she felt fortunate that her class members found value in the community and prioritized the time spent together every week. She said it would not be possible if the park did not provide the facilities and the opportunities to gather. She said that Crozet Park was a valuable resource and asset to the citizens of Crozet and the community at large. She said she did not live in Crozet, and neither do her class attendees. She said some attendees came from Afton and northern Albemarle County. She said that the expansion of the facilities would allow a broader range of offerings. She said the offerings could be increased class sizes or additional programs. She said that there were days when it would be appreciated to hold class indoors due to weather or noise from the activities outside. She said COVID restrictions and limited indoor facilities prevented indoor classes. She said she had long standing experience with the facility and its members. She said she would appreciate the opportunity to offer greater flexibility to her class participants. She said she would appreciate a recreational center that offered increased space and a larger menu of classes and programs. She urged the Board to support the park board's site plan and special use permit for an expanded facility that would benefit Crozet and the entire community. She thanked the Board.

Mr. Phil Kirby said he lived at Cranberry Lane in Crozet. He said that the discussion should not be about the activities that would take place in the facility or about what space the County needed. He said the discussion should be about where the facility would be located. He said that the concerns were not just from the residents affected by the construction. He said to imagine a 32-foot high, 300 foot long, 125-foot-wide building with 192 parking spaces. He said he described a strip mall in a 22 acre park whose land was already filled with outdoor activity. He said that to propose a building of that size in a park that large was dumbfounding. He said people had a difficult time visualizing what buildings looked like based on architectural plans. He said that the Planning Commission discussed the SOCA building in the neighborhood when considering the project. He said the Planning Commission did not realize how big the SOCA building would be until after it was done. He said that the commission talked about how the location of the building in the neighborhood was a mistake. He said he was an expert in commercial building planning, design, and construction.

Mr. Kirby said he had built billions of dollars of development in his life. He said his job was to visualize projects. He said that the project was a mistake just like the SOCA building. He said that no study was done about the impact of the building on the park and residences except by the developer. He said that the proposal was not by right. He asked why the studies had not been completed by the County

staff. He said there had been hours spent discussing facilities and facilities use, but no study about park or neighborhood impact. He said he was afraid the proposal was driven by metrics provided by a for-profit concessioner who had no concern for the impacts as long as the facility met the size requirements to meet a profit. He said the planning staff was expected to do an analysis, not the developer. He said that data was available about the difference between community parks and rural parks. He said that the Planning Commission was expected to acknowledge the past mistakes and demonstrate professional vision. He said that the commission sidestepped the responsibility in the resubmittal review in favor of the developer's concept drawings. He said there was heightened sensitivity for people who saw activity at the park every day. He said it was easy to see how the project would overwhelm the park and the infrastructure that surrounded it.

Ms. Borgersen said that Mr. Kirby's time was up.

Mr. Kirby said to take responsibility and put the facility someplace where it would not destroy.

Mr. Joe Fore said he was a resident of the White Hall District, and the vice-chair of the Crozet Community Advisory Committee. He said he was speaking on behalf of himself and not on behalf of the committee. He said he would keep his comments short. He said he supported the proposed plan in its current form. He said he hoped the Board would follow the Planning Commission and vote to approve the project. He said that the residents of Crozet needed a residential facility like the one proposed. He said that Crozet Park was not just a neighborhood park for the people around the immediate area. He said it was a community park. He said it was the only active public park for the town of 10,000 residents. He said there was nothing like the facility nearby. He said that neighbors were legitimately concerned about the status of the roads and sidewalks around the park and about how the traffic effected connectivity and pedestrian safety. He said that the Crozet Master Plan had several road and sidewalk projects that directly addressed the concerns by increasing connectivity around the park area. He said that the projects required the park's help to prioritize and fund through smart scale and capital improvement process. He said that in addition to approving the project, he hoped the Board took the infrastructure concerns seriously and would move expeditiously to fund the projects as they came up in the years ahead. He said that he hoped the Board would fund the sidewalk projects on Hill Top Road and Park Road. He said those two projects would increase walkability to the park and improve pedestrian safety. He said he hoped the Board voted to advance the project. He thanked the Board.

Ms. Valerie Long said she was a resident of the White Hall District in Crozet. She wanted to express her support for the application for all the reasons that had been previously stated by speakers in support. She said that the applicant team did a good job responding to the concerns raised by members of the community, the County staff, and the Planning Commission. She said the team had been thoughtful in its response and had balanced the critical need for improvements and modern facilities in the community with the goal of preserving open space and the variety of programming. She said she thought about whether there was another park in the County that provided as broad of a program as Crozet Park. She said the park worked to support a broad range of programming for the community, from the youngest children to the seniors who played pickle ball and exercised. She said that the community activities such as the arts and crafts festival and the July celebration were extraordinary. She said she had lived in Crozet for 10 years. She said that the master plan had the goal of maintaining a small-town feel. She said she would challenge anyone to identify a more small-town feel than being at Crozet Park on the 4th of July with the fireworks and community and activities or during any day of the week with the variety of simultaneous activities. She said that the only way to make the park better would be to approve the application so that the park board can move forward with the project for the benefit of the entire community. She thanked the Board.

Ms. Allie Pesch said she lived in the White Hall District in Crozet. She said she was the Chair of the Crozet Community Advisory Committee, but she was speaking for herself. She said that the CCAC was supportive of the applicant when they came before the committee for a community meeting. She said that she wanted to echo the support already offered. She said she thought the presentation was great, and that she was quoted. She thought that Crozet Park was the place to continue to offer the variety of opportunities for the community. She said she was excited for the facility to be improved. She said that the Board approved increased density in several walkable areas to Crozet Park. She said she thought it made sense to approve the infrastructure for the amount of people. She said she appreciated the Board's time, and she thanked the Board. She said that the Crozet Park board had responded well to the concerns. She said she trusted that they would continue to do so with the lingering issues with the neighbors.

Mr. Gallaway asked if Ms. Pesch was the last speaker.

Ms. Borgersen said that was correct.

Mr. Gallaway said that the public hearing portion was closed. He said the applicant had 5 minutes to rebut any concerns heard from the public.

Mr. Schafer said he would turn the rebuttal over to Kim Guenther, the Park Board President.

Ms. Guenther said she wanted to thank everyone who had been part of the process. She said the reason for participating was the same. She said it was because of the care for the Crozet community. She said that the plan had been significantly revised based on comments from the public, the County senior planning team, planning commissioners, and others over the previous year. She said that the feedback produced a better proposal. She said she was appreciative of the feedback and the process. She said that the park board would continue to fine tune the plan and address concerns. She said that the park board was receptive to feedback from the Crozet community or the County. She said input would be actively sought. She said that Mr. William Johnson would also provide closing remarks.

Mr. William Johnson said he had remarks prepared but most of the speakers had covered his points. He said that Ms. Floyd's discussion about Crozet Park was eloquent, and that it was key that the discussion was about community at its best. He said that the discussion had been about community at its best. He said that Crozet Park was the center of gravity for the community. He said it was owed to the community to make the park worth going to for all community activities. He said it was where he met his friends in the community. He said it was the center of gravity and community at its best. He said if the project moved forward, it would continue to draw the community-to-community activities. He thanked the Board.

Mr. Gallaway said that the public portion was finished and that the matter was back before the Board. He asked if there were additional questions.

Ms. Palmer asked who would own the facility.

Ms. Guenther said that the nonprofit Claudius Crozet Park, Incorporated would own the project.

Ms. Palmer said that was what she thought. She asked if another company would be contracted to manage the project.

Ms. Guenther said that was correct.

Ms. Palmer asked if the County staff would comment on the mass and scale of the building not being evaluated.

Mr. Reitelbach said that the mass and scale was evaluated as part of the special use permit to determine the impacts on the surrounding neighborhoods. He said that the height and scale of the building fit within the requirements of the zoning ordinance for properties zoned rural area. He said the project met the requirements.

Ms. Palmer said she had no more questions.

Ms. McKeel said there was a reference in one of the presentations to a memorandum from Parks and Recreation. She asked how the memorandum fit into the picture with the fact that the organization was a nonprofit. She asked if there was a quick answer.

Ms. Guenther asked if Mr. Reitelbach would answer.

Mr. Reitelbach said he could answer from the staff's side. He said that the Parks and Recreation department reviewed the application to ensure that the proposals did not interfere with operations or were of concern to the Parks and Rec department. He said the department had no objections. He said that the memorandum of understanding was not proposed to change with the proposal.

Ms. McKeel said her question was answered.

Ms. Mallek said that the MOA with the park included maintenance of playing fields and scheduling uses. She said that the park board owned the property, and that there had been shared expenses over the years. She said that after school care was one of the biggest needs in the western Albemarle school-family category. She said that there were hundreds of children on waiting lists for the elementary schools because there were so few places available. She said that summer camps had to have a place to safely reside indoors in case of inclement weather. She asked how the larger building would help.

Ms. Guenther asked if she should answer.

Mr. Johnson said he did not know the exact numbers, but he believed there was a 10-fold increase.

Ms. Guenther said that the facility was small. She said that the summer camps and after school numbers were based on a facility to shelter the kids in case of inclement weather. She said the facility only had 30 seats available for summer camp and after school. She said the new facility with the larger after school and summer camp area would hold as many as 300 kids. She said it depended on how the operator wanted to program the space. She said it was at least tenfold. She said it was incredible. She said in 2019, there was a waiting list of 123 kids who were unable to attend after school in the area of the county.

Mr. Johnson said that he knew kids were bussed from Brownsville and Crozet Elementary to get after-school care. He said parents drove 15 to 16 miles on Route 29 to pick up their children.

Ms. Mallek asked if there were additional comments about options for the northern entrance. She asked if that would develop in the future.

Mr. Johnson said that there were a few options available for traffic flow in the park. He said there were several gates and entrances. He said that the current proposed entrance was a result of comments from the neighborhood and public. He said the situation could be developed further.

Ms. Mallek thanked Mr. Johnson.

Ms. Price said she would have comments later. She said she had a comment that could be phrased as a question to the County Attorney. She said there were references by public comment and written correspondence to the difference between what the County could authorize versus the covenants and restrictions on the land based upon the HOA. She said that she wanted to clarify that what was decided by the Board was separate and distinct from the requirements of the HOA. She asked if the Board's decision was not precluded by the HOA.

Mr. Kamptner said that Ms. Price was correct.

Ms. Price said she had no questions, but she would have comments later.

Ms. LaPisto-Kirtley said she supported the project. She said that the project was privately funded. She said that the project focused on the Crozet Park building and parking lot, which was privately funded, so the County did not have to consider investments in the project. She said she was in favor of the project.

Mr. Gallaway asked Mr. McDermott what number the Board was up to on its transportation priorities list.

Mr. McDermott asked if Mr. Gallaway meant the total number of projects on the list.

Mr. Gallaway said yes, the County transportation priority list.

Mr. McDermott said that two years ago, the list was at 82. He said that a few projects had been completed and removed from the list and that a few had been added. He said it was approximately in that area.

Mr. Gallaway asked if the items that would be in or around the development were on the list.

Mr. McDermott said that a number of them were. He said that the Crozet Master Plan was approved. He said it made recommendations for some of the catalyst projects for the sidewalks in the area. He said that the standard process would be to add any recommendations from the new plan to the priority list the next time it was updated. He said at least one of the projects was on the list previous to the Crozet Master Plan.

Mr. Gallaway asked if the projects were at the middle of the list.

Mr. McDermott said that projects were high on the list. He said that the projects were expected to stay high because of the ongoing development of the Barnes Lumberyard. He said that the projects were in the top third of the list.

Mr. Gallaway said that was his only question. He said he would go through the round for comments.

Ms. Palmer said she had no comments. She said she supported the project. She said she appreciated the people who spoke for and against the project.

Ms. McKeel said she had no questions. She said she was supportive of the project for Crozet.

Ms. Mallek said she had no questions. She thanked the people who had worked on the project for years.

Ms. Price said that she wanted to recognize the comments by people for and opposed to the project. She said she wanted to talk about the property owners who were closest to the park and their concerns about the impact of the expansion. She said the concerns were legitimate so they should be taken into account. She said if a city were planned from scratch, everything could be designed exactly. She said that was not the reality for most of the projects. She said when the park was developed it might have been quiet, but it now had more densely populated developments surrounding it. She said she thought that slide 23 from Mr. Schafer's presentation, which showed the applicant's park in the center with four parks on the corners, reflected the variety of available resources for recreation and community. She said that while she respected and appreciated the concerns of those in closest proximity to the park, she saw that the plan took the concerns into account. She said it was an essential improvement. She supported the project. She said she wished there were more County-owned facilities, much like in Virginia Beach and the recreation centers. She said that was not what was had. She said she saw the project as a benefit to the community, particularly with the covered spaces, safe spaces for children during inclement weather, after school care, and classes.

Ms. LaPisto-Kirtley said she agreed with Ms. Price, especially about after school care. She said she supported the project.

Mr. Gallaway said that every development and expansion would have impacts. He said that the project looked like a good fit for the middle density as proposed in the Crozet Master Plan. He said that the park was central and had started to form a block that could be pedestrian and sidewalk friendly in order to reduce vehicular traffic. He said often with residential developments, the traffic was not accepted. He said that there were sometimes plans where the traffic was accepted because the benefit of the amenity outweighed the impact of the traffic. He said that was not an indicator or judgement or comment of the applicant. He said that he thought the applicant would do a good job to maximize the other modes of transportation. He said the applicant would do the best to maximize the use of the space. He said he felt for those who felt the scale and size was too large. He said he had supported projects in other scenarios that were in a growth area of development. He said supported the project because it was necessary and an amenity. He said if there were no other comments, Ms. Mallek could make a motion.

Ms. Mallek asked if there was a motion available or if she should make it up.

Mr. Reitelbach said he would put one up.

Ms. Mallek **moved** that the Board adopt the attached resolution, Attachment I, to approve SP202100016, Claudius Crozet Park, with conditions therein. Ms. Price seconded the **motion**.

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

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

RESOLUTION TO APPROVE SP 202000016 CLAUDIUS CROZET PARK

WHEREAS, upon consideration of the staff report prepared for SP 202000016 Claudius Crozet Park and the attachments thereto, including staff's supporting analysis, the information presented at the public hearing, any comments received, and all of the factors relevant to the special use permit in Albemarle County Code §§ 18-10.2.2.1, 18-10.2.2.4, 18-16.2.2.1, 18-16.2.2.4 and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Rural Areas 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 202000016 Claudius Crozet Park, subject to the conditions attached hereto.

* * *

SP 202000016 Claudius Crozet Park Special Use Permit Conditions

1. Development of the use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the concept plan entitled, "Claudius Crozet Park, Special Use Permit (SP2020-00016), Development Concept Plan, White Hall District, Albemarle County, Virginia," prepared by Collins Engineering, dated August 17, 2020, last revised October 11, 2021. To be in general accord with the exhibit, development must reflect the following essential major elements:
 - Location of the existing buildings and proposed building additions
 - Location of the outdoor recreational fields and facilities
 - Location of the pools
 - Location of the parking areas
 - Location of the pedestrian pathsMinor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.
2. Fencing adjacent to the outdoor pool must provide screening from adjacent residential areas.
3. The sound from any radio, recording device, public address system, or other speaker shall be limited to sixty (60) decibels at the nearest residential property line (excluding TMP 056A2-04-00-000A4), except for the period of 10:00 p.m. to 7:00 a.m., during which the aforementioned sound shall be limited to fifty-five (55) decibels.
4. Outdoor lighting affixed to the building is not permitted on the west side of the proposed recreation center and pool expansion.
5. Sales of concessions must be limited to the two locations identified on the concept plan.

6. Interior window treatments must be used on any window located on the second floor, or that part of any window that extends above the first floor, of the west and north sides of the new community center and pool building to shield indoor lighting from adjacent properties. These window treatments must be in use from sunset to sunrise, as calculated by the National Oceanic and Atmospheric Administration (NOAA).
 7. Screening landscaping must be provided along the east and north sides of the existing pool and the north side of the proposed pool expansion, as shown on the concept plan.
 8. A landscaping buffer area must be planted on the west side of the proposed pool expansion, as shown on the concept plan, to screen it from nearby residential areas.
 9. A landscaping buffer area must be planted to the north and northeast of the proposed basketball courts, the existing tennis courts, and around the new northern park entrance, as shown on the concept plan, to screen the new facilities from nearby residential areas.
 10. Enhanced on-site bicycle and pedestrian infrastructure must be added and will include:
 - appropriate levels of bicycle storage (such as covered bike racks and/or bike lockers) conveniently located on the site, and
 - bicycle travel facilities (such as protected bike lanes and/or other on-road or adjacent bicycle features) providing access throughout the site.
-

Agenda Item No. 20. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Gallaway said they did park one item there, changing the Board's adopted meeting schedule to add a regular meeting in the schedule to be held on January 12, 2022. He said he believed that was Supervisor Price's request or suggestion.

Ms. Price said that they currently had scheduled in January of each year, a proof of their calendar for the 12 months of that calendar year and January of the following year. She said that currently, they had approved meetings for January 5, which was the first Wednesday of January in 2022, as well as January 19.

Ms. Price **moved** that the Board add a meeting on January 12, 2022. Ms. Mallek **seconded** the motion.

Mr. Kamptner said what they needed from the Board tonight was direction to come back to the Board with a resolution, because changing the regular meeting calendar had to be done by resolution.

Ms. McKeel said that she thought they needed to add clarity for the public that this was one, they were not moving back to three meetings a month or anything like that.

Ms. Price thanked Supervisor McKeel. She said the purpose of this was because Monday was the New Year holiday basically coming back, and that was a day off. She said County staff would be coming back on Tuesday, and they had a Board meeting on Wednesday. She said what they were looking to do, essentially, was to have a required by law action on Wednesday, the 5th of January, but a very brief meeting, so that County staff was not imposed upon right after the Christmas New Year holiday. She said it would then shift most of the work that would be done on the first Wednesday of January to the second Wednesday of January, onto their regular meeting, the third Wednesday of January. She said as Supervisor McKeel just mentioned, this was not changing their regular first and third Wednesday schedule but accommodating the calendar for January of 2022. She thanked Supervisor McKeel for bringing that up.

Ms. Mallek asked if they would not be adopting their calendar formally on January 5th and they were just doing the preparation for that now so that people can plan.

Ms. Price said they already approved the calendar for January of 2022, they did that in January of 2021. She said what they were doing was making an amendment to what they approved this past January and would again only apply to this particular January of 2022. She said that once they looked at the calendar in future years, it may be that they looked to do something similar so that County staff coming back from hopefully a restful period that they had earned and deserved, and immediately being thrust into the midst of a major work session. She asked Mr. Kamptner if what they were looking for this evening was a consensus from the Board.

Mr. Kamptner said yes.

Ms. Price asked if a resolution would be prepared that they would vote on at their next meeting, which would be Wednesday, November 17th, 2021.

Mr. Kamptner said that was correct.

Ms. Price asked if Chair Gallaway could check on the consensus.

Mr. Gallaway asked if there was any objection. He said that procedurally, and he was going to check in with the Clerk here as well. He apologized and asked Mr. Kamptner what the process was that

ne mentioned earlier.

Mr. Kamptner said that because they were adding a regular meeting and were changing a previously approved calendar by adding the January 12th meeting, that had to be done by resolution.

Mr. Gallaway asked if they could add it now to advertise for that.

Mr. Kamptner said it did not have to be advertised in any particular way, because it was a resolution.

Ms. Price said this would allow them to put it on the agenda for the 17th.

Mr. Kamptner said yes. He said it became important, because why they were doing it on the 17th, because there may be some public hearings scheduled, and they may need to know that the meeting would be held that date in order to advertise.

Ms. Price said that would be rather than the 5th of January. She said those would shift to the 12th of January.

Mr. Gallaway asked if the motion was a resolution of intent.

Mr. Kamptner said that just consensus tonight from the Board, and then they would come back with the resolution on the 17th.

Mr. Gallaway asked if they could withdraw the motion.

Mr. Kamptner said yes.

Ms. Price withdrew her motion.

Mr. Gallaway said the motion was withdrawn. He said they would go through the speaking order for matters not listed on the agenda.

Ms. Palmer said she did not have anything tonight.

Ms. McKeel said she thought they were all tired and it was a long night. She said she appreciated Ms. Price putting this on their tickler list, so they got it addressed in a timely fashion. She said she had no other issues.

Ms. Mallek said she had nothing to add.

Ms. Price said only to make sure that for Mr. Kamptner that they had the consensus they needed for him.

Mr. Kamptner said yes.

Ms. Price said she had nothing further.

Ms. LaPisto-Kirtley said she had nothing further.

Mr. Gallaway said he did not have any items as well.

Mr. Kamptner said he needed to interrupt. He said during the meetings, he was monitoring chats, team chats, email, and his phone, and he discovered an email from Rebecca Ragsdale at 5:27 p.m. while the Board was in closed meeting. He said that it turned out the applicant with that homestay that the Board considered today was unable to participate and observe the meeting because he was attending a funeral. Mr. Kamptner said he had a number of questions about it, and Ms. Ragsdale had requested whether the Board would consider deferring action on that item so that before the Board acted, and he assumed from the email that the applicant's questions could be answered. He continued that if the Board were inclined to do so, the next step would be for a Supervisor to make a motion to reconsider. He said he would leave it at that.

Mr. Gallaway asked if he could take the Chair's prerogative and ask a few questions. He said in the past, they had homestay applications where the applicants wish to speak, but their only opportunity to do so would be at the public comment section ahead of the action item, and there was no back and forth dialogue at that time. He said it seemed to him, and for the record, he supported this application, but it seemed to him it would go against past decisions where they had precluded the applicant from participating in the action item. He said the item was recorded, so they certainly could listen to it. He asked if there was some piece there he was missing based on past practice.

Mr. Kamptner said that no, what Mr. Gallaway had stated was correct. He said that but what he had not been aware of was what he would read from Ms. Ragsdale's email. He said she was referring to not being aware that Mr. Stevens was not listening in to the meeting. "I was not aware of that, so I did not get a chance to ask him if he would like to defer." He said he did not know if that was a routine staff practice, where they had an ongoing dialogue with the applicant during the meeting. He felt like he

needed to communicate this to the Board, and he would leave it to the Board to decide what it wanted to do.

Mr. Gallaway asked another question. He said this did not seem to be something they had provided to other applicants in the past. He said if they made a vote, and it did not pass, and they wanted to come back before the Board with a different permit or application, would they be allowed to do that provided it was not identical to the one they had already brought.

Mr. Kamptner said he could quickly pull up the language. He said normally, it was a one-year wait unless it was materially different than the original application that was considered.

Mr. Gallaway said he would go around and let each Supervisor weigh in, and he would hold off on his thoughts until the end like he normally did.

Ms. Palmer said it seemed a little bit peculiar to her, because Mr. Gallaway had asked the questions that she would ask. She said they had applicants, if they had questions, to actually email Board members prior and try to get the answers to those questions. She said that Mr. Stevens did not that she knew of, or she did not see any. She said she would rather not change the procedure that they already typically used for other applicants. She said that she was surprised that staff had possibly ongoing conversations with applicants, but they did not know the answer to that. She said she would rather do that the way it was typically done with other applicants, and she would stop there.

Ms. McKeel said she would like to treat this applicant like they did all other applicants. She said she was a little surprised, like Ms. Palmer, if they had staff having ongoing conversations. She said they had proposals come before them where Board members had asked if they could defer and been stopped asking for the deferrals over the years. She said she thought they were getting into dangerous territory with setting precedent or changing what they normally did. She said she thought they had to clarify how much communication was going on during their discussions. She said that was for somebody else to talk about perhaps or clarify. She said she just wanted to make sure everyone was being treated the same, and this sounded very different to her.

Ms. Mallek said she would agree that equal treatment was really important for everyone in every circumstance. She said she did not know anything more about what was going on behind the scenes here. She said she was in favor of it and would be glad to reconsider, but she thought that following the established practice was what was really important.

Ms. Price said she was essentially concurring with all the other Supervisors. She said process was important, and if they started allowing reconsiderations or deferrals after a decision had been made, then they just opened themselves up to never-ending inability to reach decisions, so she was not in support of changing what they had done, because that would be a difference and variance to how they had treated all of their other applicants, to her understanding.

Ms. LaPisto-Kirtley said she did concur with her colleagues, and she did not want to set a precedent for something they had not previously done. She said she concurred with everybody else.

Mr. Gallaway said he was incredibly empathetic given the situation, but what was being asked, he thought was outside of being in attendance, it was a chance to speak at the beginning. He said there was no dialogue or questions asked, and then they considered the action item, and then they took their vote, and the vote stands. He said that in the past, there would not have been that opportunity afforded other than the applicant perhaps asking for the item to be removed from the agenda, and then it never even would come up. He said they had to keep the integrity of how they handle these looking back and forward, and it seemed like a slippery slope. He asked if there was anything else Mr. Kamptner needed.

Mr. Kamptner responded that he did not.

Agenda Item No. 21. Adjourn to November 9, 2021, 6:00 p.m. electronic meeting pursuant to Ordinance No. 20-A(16).

At 9:27 p.m., Mr. Gallaway stated that the Board would adjourn to November 9, 2021 at 6 p.m. He said it would be an electronic meeting held pursuant to Ordinance No. 20-A(16), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster." He said this would be a joint meeting with the Scottsville Town Council. Information on how to participate in the meeting will be posted on the Albemarle County website Board of Supervisors homepage.

Approved by Board
Date: 07/19/2023
Initials: CKB

Chair