

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on September 4, 2024, at 1:00 p.m., Lane Auditorium, County Office Building, 401 McIntire Road, Charlottesville, Virginia.

BOARD MEMBERS PRESENT: Mr. Jim H. Andrews, Mr. Ned Gallaway (joined the meeting remotely at 6:00 p.m.), Ms. Beatrice (Bea) J.S. LaPisto-Kirtley, Ms. Ann H. Mallek, Ms. Diantha H. McKeel, and Mr. Mike O. D. Pruitt.

BOARD MEMBERS ABSENT: None.

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

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

Mr. Andrews said that Mr. Ned Gallaway (Rio District) was absent but was expected to join the evening portion of the meeting.

Mr. Andrews introduced the Albemarle County Police Department Officers present to provide their services at the meeting, Master Police Officer Chip Riley and Officer Trent Cole.

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

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Agenda Item No. 4. Adoption of Final Agenda.

Mr. Andrews said that he did not believe there were any official changes, although the packet materials online had some minor amendments. He said if there were no other changes, he was looking for a motion to approve the final agenda.

Ms. McKeel **moved** to adopt the final agenda. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Gallaway

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

Ms. Mallek said that the fall festivals at Crozet Park included the Dog Festival on September 7, which was lots of fun for people of all ages. She said that October 12 to 13 would be the Crozet Fall Arts and Crafts Festival. She said that on October 26, the Crozet Trails Crew 5K Run would take place, raising funds for the bridge over Lickinghole and other trail projects. She said that the Winter Brews Festival on December 7 would be featuring local craft brewers.

Ms. Mallek said that Seas the Day was the Veterans Outdoor Day, the 8th annual event, scheduled for September 22 from 12:00 p.m. to 5:00 p.m. at Walnut Creek Park. She said that it would be a wonderful day for active duty and retired veterans and their families to convene, meet, and visit tables of different agencies providing services to that cohort. She said that there would be fishing in the lake, other recreational activities, and picnics by Mission Barbecue. She said that there would also be paddleboard and kayak demonstrations by Rivanna River Company. She said that she hoped it would be a day like today, with more favorable weather, rather than 95 degrees. She said that there would be more publicity regarding registration.

Ms. Mallek said that related to one of their upcoming recognitions, the Walkout on Veteran and First Responder Suicide was being sponsored at North Fork Research Park on Thursday, September 26 from 5:30 p.m. to 7:30 p.m. She said that she would share this information with the Clerk so that people could access it there. She said that everyone was welcome to stop by after work for food and a walk together to honor those who served and to raise awareness about burnout, issues of veterans, retirees, and active duty, as well as all of their first responders who have such an elevated stress level with their daily work.

Ms. McKeel said that JABA (Jefferson Area Board for the Aging) would once again be offering their Wills for Seniors program. She said that this was a free program where individuals could make an appointment, visit JABA and confer with available attorneys and specialists for assistance with creating simple wills, durable power of attorney, and advanced medical directives. She said that it presented a great opportunity. She said that again, it was free. She said that the date was October 9, from 9:00 a.m. to 3:00 p.m. She said that to contact JABA or to sign up or make an appointment, one could visit their website.

Mr. Pruitt said that with the more pleasant weather, the County would be hosting many major

outdoor events almost every weekend. He said that he would like to add a few more events that were upcoming. He said that starting in September, they had the Loop DeVille event, which began in Charlottesville at the Rivanna River Company and traveled through the urban ring, celebrating the Rivanna Trail network that circled the County and City. He said that there would be numerous satellite events, including those in his district at Decipher Brewing, where people would celebrate the trail network and participate in individual walks along it.

Mr. Pruitt said that on September 21, they would host the Charlottesville Sabroso Festival, which celebrated Latino culture in their community. He said that this event would take place at Ting Pavilion from 1:00 p.m. to 10 p.m. He noted that this was a new location from where it was held the previous year.

Mr. Pruitt said that Charlottesville Pride would also take place that weekend, starting at 12:00 p.m. with a drag show running from 4:30 p.m. to 6:30 p.m. He said that while Charlottesville Pride welcomed all ages, he emphasized the importance of exercising discretion when choosing who to bring, as drag had inherently adult themes. He said that he had called in from his pre-honeymoon during the last meeting. He said that he was married over the weekend, and his husband was currently moving into his house. He said that he was starting a new job in two weeks.

Mr. Pruitt said that these personal updates were not to solicit congratulations, but to emphasize that he was still here for their constituents. He said that if someone had sent him an email or a voicemail, perhaps someone who was an equestrian and wanted to know more about horse trails at Biscuit Run, or someone interested in rank choice voting, or someone with concerns about traffic around the Peabody School, he was not ignoring them. He said that he was just working through the stack a little slower because there were a lot of major life transitions happening at this time. He said that he appreciated their patience.

Mr. Pruitt said that he wanted to take a moment to acknowledge a major story that had concerned him personally. He said that it was about the redevelopment in Cavalier Crossing and the broader trends that it portended. He said that he hoped that the Board and the Commonwealth were prepared to address these broader concerns moving forward. He said that for those who hadn't seen the reporting in Charlottesville Tomorrow, He said that Cavalier Crossing was a Naturally Occurring Affordable Housing (NOAH), which was not subsidized, but was at a low prevailing rent because it was an older unit.

Mr. Pruitt said that it had been historically student housing, but it was now used by a broad cross-section of the community, including many poor and working-class people. He said that it was in his district. He said that it had been sold earlier that year to a boutique private equity venture that specifically engaged in vulture capitalism, where they found low-rent neighborhoods in high-opportunity areas, gave them a fresh coat of paint, maybe a new microwave with a chrome finish, and quadrupled the rents.

Mr. Pruitt said that this situation was precisely what was happening; they were rolling evictions. He noted that this was not a new phenomenon. He said that they had recently collaborated with Habitat and Piedmont Housing Authority (PHA), as well as the City, to explore the possibility of acquiring the Mall Side Apartments. He said that these were subsidized units intended for low-income families, which had recently been sold. He said that unfortunately, they were unable to succeed in this endeavor. He said that this scenario was likely to recur, as evidenced by the City's recent efforts to purchase the Carlton Mobile Home Park.

Mr. Pruitt said that their ongoing partnership with Habitat to redevelop Southwood was also indicative of this trend. He said that the reason for this continuous occurrence was that a significant portion of their affordable housing inventory was generated through the Low-Income Housing Tax Credit (LIHTC). He said that this resulted in hundreds of families, who were LIHTC subsidized and would soon be facing the expiration of that credit. He said that when these units expired, they were typically sold to private equity firms for redevelopment, leading to increased rents.

Mr. Pruitt said that the City and County were actively engaging in efforts to increase the supply of affordable housing. He said that every time they increased supply, it inadvertently raised the income floor, as developers built new units with the expectation of charging higher rents. He said that this, in turn, created a higher rent ceiling and opened up things further down in the income ladder.

Mr. Pruitt said that in practice, when they were observing new developments that deliberately tried to last for 15 years before requiring redevelopment, they were seeing that income floor catching up constantly. He said that the County lacked the tools to combat this business model, which he believed was fundamentally immoral, unneighborly, and un-Christian. He said that it did not add value or build new units.

Mr. Pruitt said that in this specific case, it was actually reducing the number of existing units as they expanded the number of bedrooms per unit. He said that it also did not fight their major housing shortfall. He said that firms like Bonaventure in Cavalier Crossing were merely rent seekers, akin to vulture capitalists who were merely refurbishing their properties. He said that currently, they did not have the financial resources to acquire these properties or the legal tools to prevent these issues. He said that he believed they needed to insistently request Richmond for additional legal tools in this area.

Mr. Pruitt said that specifically, he advocated for rent stabilization, which differed from rent control. He said that it prevented significant rent increases upon lease renewals. He said that while they may also see policies that limit rent increases during redevelopments, these tools were not available to them because Richmond held these meaningful tools very tightly. He said that in the meantime, there was

little they could do, which was where his thoughts and feelings currently lay.

Mr. Andrews said that he also wanted to remind everyone that the hazardous household waste collection days would begin next Saturday, September 14. He said that there was an electronic waste collection that required registration, which could be done at [www.rivanna.org](http://www.rivanna.org). He said that there were also household hazardous waste days on September 20 and 21, as well as special collection days for furniture and mattresses on September 28, appliances on October 5, and tires on October 12.

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Agenda Item No. 6. Proclamations and Recognitions.  
Item No. 6.a. Proclamation Recognizing September as National Suicide Prevention Awareness Month.

Ms. LaPisto-Kirtley **moved** to adopt the Proclamation Recognizing September as National Suicide Prevention Awareness Month, which she read aloud.

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

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

**Proclamation Recognizing September as  
National Suicide Prevention Awareness Month**

- WHEREAS,** in 2022, more than 49,400 Americans died by suicide, with an estimated 1.6 million suicide attempts according to the latest Centers for Disease Control and Prevention (CDC) Data & Statistics Fatal Injury Report, and during the last two decades youth suicide has reached its highest rate in more than 20 years. From 2007 through 2021, suicide rates for Americans ages 10 to 24 rose 62%; and
- WHEREAS** Albemarle County joins in observing National Suicide Prevention Awareness Month by raising awareness to foster a culture of understanding and empathy and encourages community members to becoming better educated on suicide risk factors, elevate local suicide prevention resources, and promote the de-stigmatization of conversations around mental health.
- WHEREAS,** the 988 Suicide and Crisis Lifeline plays a helpful role in suicide prevention and mental health support by offering immediate confidential assistance 24/7 to people in suicidal crisis or emotional distress with a simple, three-digit number for people to call, text, or chat online; and
- WHEREAS,** Albemarle County has played an important role in suicide prevention with the School Board adopting a resolution to promote secure firearm storage, first responders launching the Human Services Alternative Response Team and the University of Virginia convening the Community Safety Working Group; and
- WHEREAS,** there are many local organizations, including Moms Demand Action for Gun Sense in America, Students Demand Action, the American Foundation for Suicide Prevention, Region Ten and the National Alliance on Mental Illness, dedicated to saving lives and bringing hope through research, education, policies, advocacy, and resources for those who have been affected by suicide.

**NOW, THEREFORE, BE IT PROCLAIMED,** that we, the Albemarle County Board of Supervisors, do hereby recognize September 2024 as National Suicide Prevention Awareness Month.

Signed this 4<sup>th</sup> day of September 2024

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Ms. Cathy Pales, representing Moms Demand Action for Gun Sense in America, accepted the proclamation. She thanked the Board of Supervisors and the County of Albemarle for today's proclamation recognizing National Suicide Prevention Awareness Month. She said that Moms Demand Action was a grassroots movement of Americans advocating for public safety measures to prevent gun violence.

Ms. Pales said that most individuals who attempted suicide did not die unless they use a gun. She said that in cases without a gun, only 4% of suicide attempts resulted in death, but when a gun is involved, the death rate increases dramatically to 90%. She said that a gun eliminates any possibility of a second chance. She said that she would present three statistics for consideration.

Ms. Pales said that the U.S. gun suicide rate was nearly 12 times higher than that of other high-income countries. She said that access to a firearm triples one's risk of death by suicide. She said that almost six out of every ten gun deaths in the U.S. are suicides. She said that many of the people involved in gun violence prevention work had personal experiences with this difficult issue, including herself. She said that she had lost her mother to suicide by gun six years ago. She said that despite the high gun

suicide rate in the U.S., she believed there were solutions.

Ms. Pales advocated for extreme risk laws, also known as red flag laws, secure gun storage education efforts, and waiting periods for firearm purchases. She thanked the Board for announcing the National Suicide Lifeline phone number, which was 988. She encouraged anyone who was listening or present today, if they or someone they knew was at risk, to not hesitate to reach out. She thanked the Board again for raising awareness of this important issue.

Ms. LaPisto-Kirtley presented the Proclamation to Ms. Pales.

Ms. LaPisto-Kirtley said that although she had not personally been touched by this issue, she deeply understood and acknowledged the pain it caused, particularly when it happened to young adults. She said that it was indeed tragic and sad. She said that there should be no easy access to guns, and the protection of young adults and children from such tragedies must be prioritized. She said that more efforts should be made in the mental health sector to support individuals. She thanked Ms. Pales and Moms Demand Action very much for their dedication and for bringing this important issue to their attention.

Ms. Mallek thanked Moms Demand Action for leading the charge among local and national groups on this issue. She said that the lethality of the chosen weapon could not be ignored, and the presence of an unsecured weapon in the home, especially when young people were present, significantly increased the risk. She said that schools and other organizations were working to address this challenge.

Ms. Mallek said that the 988 and the HART (Human Services Alternative Response Team) team received numerous calls locally and nationally, highlighting the urgent need for more treatment beds in RTCSB (Region Ten Community Services Board) and across the Commonwealth. She said that currently, there was a shortage of these beds, as evidenced by the fact that the 16 beds at Region Ten, which were added within the last decade, were always full. She thanked Ms. Pales and Moms Demand Action again.

Ms. McKeel said that the numbers in this proclamation were indeed shocking and sad. She said that it was truly important that everyone and other groups continued to send the message of where to find the services and how people could seek the help they needed. She said that she was proud of Albemarle County and their HART team, the School Board, and all the many organizations and nonprofits in this community that were working to support people. She said that she thanked Ms. Pales and Moms Demand Action very much.

Mr. Pruitt said that he thanked Ms. Pales for being there and for Moms Demand Action's advocacy. He said that it should concern the community and culture that one of their most well-staffed, energetic, and vocal advocates in the community were those who had been affected by gun violence. He said that he found it unfortunate that this was the reality they faced. He said that for that, he extended his condolences and gratitude. He said that he wanted to acknowledge the good work they did.

Mr. Pruitt said that he had attended numerous events where Moms Demand Action and their Be Smart program had provided essential tools for individuals living in multi-person households. He said that they often distributed free gun locks at these events and had conducted raffles for fingerprint gun safes on at least one occasion. He said that he was surprised by the affordability of these fingerprint gun safes, which were normally priced at \$99. He said that he believed this was a critical step for gun owners to take to protect their family members from the threat of gun violence.

Mr. Andrews thanked Ms. Pales for her heartfelt message and the statistics reported, which he believed they all needed to be aware of. He said that he understood that [www.988lifeline.org](http://www.988lifeline.org) was available on the web for those who needed to access it that way. He said that he believed this message needed to be spread far and wide, and he appreciated what Moms Demand Action were doing to do that.

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

Mr. Neil Williamson said that he was president of the Free Enterprise Forum, a privately funded public policy organization focused on Central Virginia's local governments. He said that Tom Petty once wrote the line, "the waiting is the hardest part," which was featured on his Hard Promises album. He said that the community had been waiting on Albemarle County to continue to act on one of their hard promises, which was affordable housing. He said that he appreciated Mr. Pruitt's comments this afternoon.

Mr. Williamson said that one solution that seemed to have been overlooked was allowing residential uses in commercial office space. He said that the Free Enterprise Forum had been advocating for this concept for over a year, both privately and publicly. He said that instead of requiring a commercial owner to rezone an entire property, such a Zoning Ordinance change would allow a portion of the parcel to develop as residential units, while another portion continues to function as commercial office space, creating new housing without costly rezoning.

Mr. Williamson said that across the country, municipalities were recognizing the need to adapt to the new work-from-home realities. He said that some were using tax dollars to encourage the conversion of now overbuilt office and retail space into much-needed housing units. He said that the Free Enterprise Forum was not advocating for such financial incentives. He said that instead, they were advocating for the government to step back and permit residential units to convert in commercial and office spaces.

Mr. Williamson said that last year, when they pushed on this issue, they were informed to obtain a Board-approved resolution of intent; then staff could proceed with the necessary work. He said that for six long months, they collaborated with staff and worked individually with each of them. He said that in February, they secured a resolution of intent. He said that they were now prepared to move forward. He said that since then, no progress had been made. He said that now they were being told there were numerous resolutions of intent. He said that this did not indicate that it was a priority.

Mr. Williamson said that based on their discussions with private property owners, they believed that simply allowing, not incentivizing or investing in, housing in commercial and office zoning could result in over 100 units. He said that while they acknowledged that 100 affordable units would not solve Albemarle County's housing affordability crisis, it would positively impact 100 families. He said that given the lack of action so far this year, he had to ask whether the Board of Supervisors considered 100 affordable units a priority. He said that this was something that could be achieved without any action in Richmond; it was something they could do today. He asked what he should communicate to those families who were seeking Albemarle affordable housing. He said that he sincerely hoped it was more than just "wait."

Agenda Item No. 8. Consent Agenda.

Mr. Andrews said that he was not aware of any request to pull any items, and that the floor was open for a motion.

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

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

Item No. 8.1. Fiscal Year 2024 Appropriations.

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

The total change to the Fiscal Year 2024 (FY 24) budget due to the appropriations itemized in Attachment A is \$16,885. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

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

FY 24 Appropriations		Attachment A - Descriptions
Appropriation #2024048		
Sources:	Reserve for Contingencies (currently appropriated)	\$21,115
	Local Revenue – City of Charlottesville	16,885
Uses:	Virginia Cooperative Extension (VCE)	\$38,000
Net Change to Appropriated Budget:		\$16,885

**Description:**  
This request is to transfer \$21,115, in previously appropriated funds, from the FY 24 Reserve for Contingencies, and \$16,885 from the City of Charlottesville to the Virginia Cooperative Extension (VCE) to reconcile costs related to services provided by the VCE in FY 24.

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

**RESOLUTION TO APPROVE  
ADDITIONAL FY 2024 APPROPRIATIONS**

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

- 1) That Appropriation #2024048 is approved;

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

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APP#	Account String	Description	Amount
2024043	4-1000-94000-499000-999990-9999	SA2024043 SA2024043 VCE Shore up FY 24	-\$21,115.00
2024043	4-1000-89000-483000-560000-0061	SA2024043 SA2024043 VCE Shore up FY 24	\$38,000.00
2024043	3-1000-83100-319000-190207-9999	SA2024043 SA2024043 VCE Shore up FY 24	\$16,885.00

Item No. 8.2. Schedule Public Hearing for a Proposed US Army Easement under Boulders Road.

The Executive Summary forwarded to the Board states that, at its meeting on April 10, 2013, the Board authorized the County to grant 10-foot wide easements within Boulders Road, then a public right-of-way owned by the County (TMP 003200-00-00-005C3), to CenturyLink, in the locations shown on the attached deed and plat (Attachment A). The deed of easement allows CenturyLink to install and maintain underground cables and related facilities or structures within the easement area to serve the National Ground Intelligence Center (NGIC). The deed also grants CenturyLink the right of ingress and egress to the easement area.

In 2021, the U.S. Army (USA) approached County staff, requesting that the USA hold the cable easement under Boulders Road. Though County staff has suggested the granting of a permanent easement, USA staff has indicated that the USA is not yet prepared to accept a permanent easement. Under that constraint, on June 2, 2021, the Board approved a one-year lease, which ran from June 2021 to June 2022. (Attachment A)

In recent months, USA staff has again contacted County staff, requesting an extension of the earlier lease. At the suggestion of County staff, the proposed new lease would:

- 1. Begin retroactively in June 2022 at the expiration of the prior lease;
- 2. Be renewable for up to five years (through June 2027), with the first two renewals (in June 2023 and June 2024) having been exercised from the outset.

Virginia Code § 15.2-1800 requires that the Board hold a public hearing prior to conveyance of any interest in County-owned real property. The U.S. Army has drafted a proposed lease of this easement to the U.S. (Attachment B). County staff is agreeable to the terms of the proposed lease, subject to the Board's review and approval.

Under the proposed lease, the County would realize \$3,400 per year in rental revenue.

Staff recommends that the Board schedule a future public hearing to consider this request from the U.S. Army for a cable easement under Boulders Road adjacent to Rivanna Station.

**By the above-recorded vote, the Board authorized the Clerk to schedule a future public hearing to consider this request from the U.S. Army for a cable easement under Boulders Road adjacent to Rivanna Station.**

Item No. 8.3. Ragged Mountain Farm RPD.

The Executive Summary forwarded to the Board states that in 2006, the County approved a subdivision plat for two adjacent Rural Preservation Developments (RPDs), known collectively as Ragged Mountain Farm. Each RPD had two preservation tracts, meaning that the County and the Albemarle Conservation Easement Authority (ACEA) co-hold four conservation easements in total for the preservation tracts in this subdivision (Attachment A).

Two of the preservation tracts (lots A19 and B20) were expected to take access from the internal subdivision roads of Ragged Mountain Farm. A contract purchaser for lot B20 (Tax Map 74 Parcel 5D9) proposes to provide access to that lot from Taylors Gap Road instead, via a new, shared access easement over lot A19 (Tax Map 74 Parcel 5B8). A spur driveway from the new access easement would provide access to the building site on lot A19. As this new access easement would overlay existing conservation easements held by the County and by the ACEA, approval from both bodies is needed to verify that the proposed access is consistent with the conservation easements.

Accessing the required building sites from the internal roads would require the driveways to cross significant areas of critical slopes, as well as some stream buffers on lot B20. However, the proposed access would take advantage of existing terrain to provide access with fewer impacts to the conservation values. The applicant's engineer calculated that the proposed access would reduce impacts on critical slopes by 23,791 square feet (a 24.6% reduction over the internal access). Also, impacts to stream buffers would be eliminated by use of the proposed access, as this access route would avoid the stream buffers on lot B20.

The County Engineer has reviewed these plans and agrees with the applicant's analysis that the proposed access would reduce the physical impacts of the currently approved driveway construction.



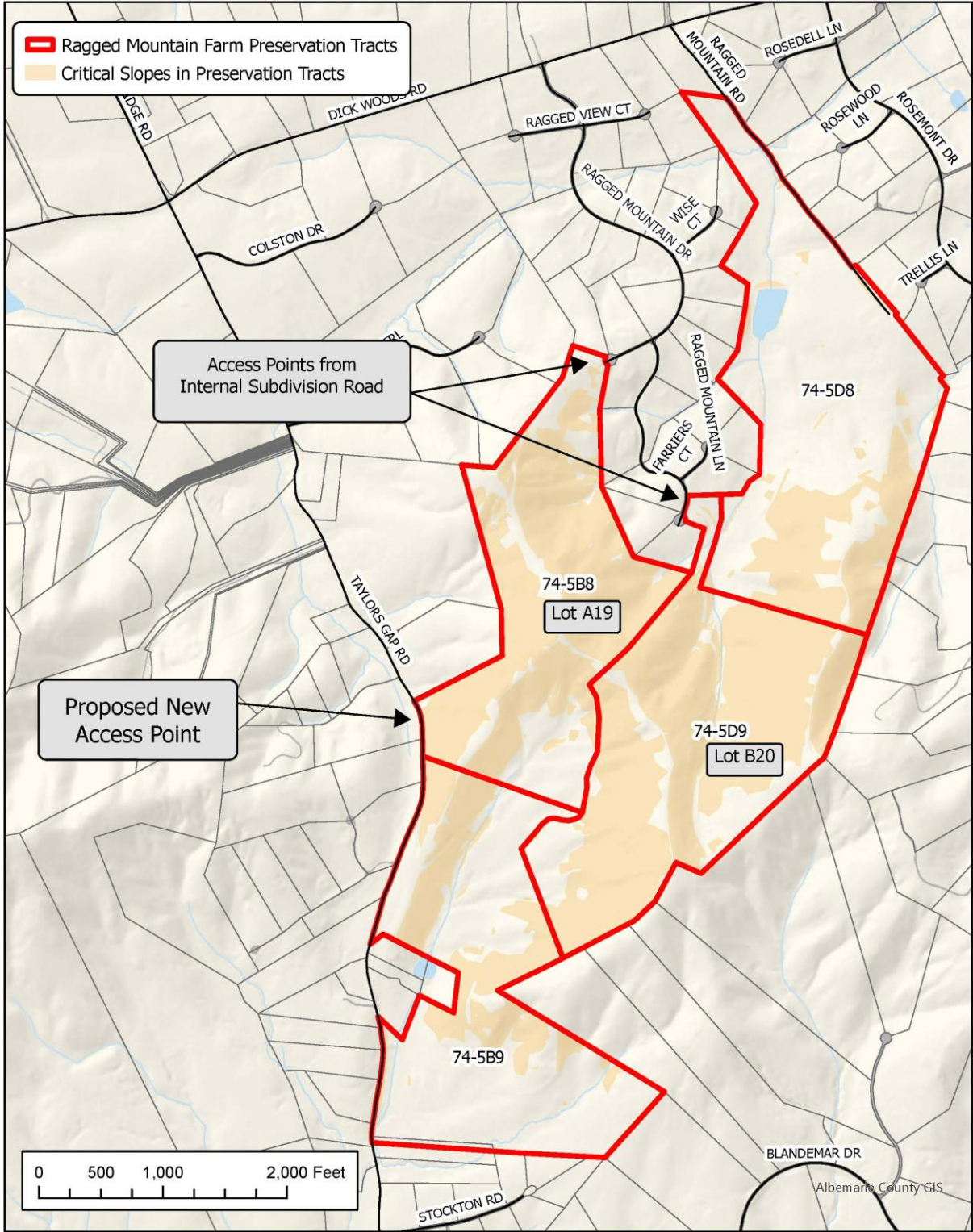
plans for these two preservation tracts.

At its meeting on August 8th, 2024, the ACEA voted to approve a resolution (Attachment B) approving the proposed access provided that the driveways, which are to be built as shown in Exhibit B of Attachment B, are limited in width to 12 feet, and that driveways from the internal subdivision roads not be built.

There is no budget impact from this action.

Staff recommends that the Board of Supervisors approve the construction and installation of the shared driveway across lot A19 and B20 as proposed, and the construction and installation of a spur driveway to serve Lot A19's building site as proposed.

**By the above-recorded vote, the Board approved the construction and installation of the shared driveway across lot A19 and B20 as proposed, and the construction and installation of a spur driveway to serve Lot A19's building site as proposed:**



Item No. 8.4. Broadway Blueprint Phase 2 Implementation Plan.

The Executive Summary forwarded to the Board states that in 2019, the Board initiated the Broadway Blueprint economic revitalization study as part of the County's investment in the Woolen Mills redevelopment and related WillowTree corporate campus relocation project. The study recommended,

and the Board approved, a Phase 2 effort, entitled the Broadway Corridor Phase 2 Implementation Study.

Community Development Department and Economic Development Office staff and two consultants, 3TP Ventures and Line and Grade Civil Engineering, began work on the Phase 2 Study in the summer of 2023. Work was completed on the Phase 2 Study in late Spring and the final draft was presented to the Board on June 12, 2024. The purpose of the June meeting was to discuss the final draft and determine if the document was ready for acceptance by the Board (Attachment A). The Board indicated general acceptance of the draft study as presented. Two minor changes have been made to the text based on comments received from the Board's discussion, as noted in the Discussion section below.

A proposed final draft of the study, along with an appendix containing supporting background materials, is now being provided to the Board for action.

The Board previously offered only a few comments. The following changes were made to the text of the Study to address those comments/suggestions:

**Broadway Study Area Observations**

**Essential businesses and organizations** (p. 10, 2<sup>nd</sup> column, 2<sup>nd</sup> bullet) - added the following underlined language: "Displacement of these businesses and organizations to other communities would leave a void in the local economy and within community services and program offerings."

This change clarifies the term "displacement."

**Economic Vitality & Land Use Strategies-Short Term**

**Strategy 1.5 Broadway Business Retention** (p. 15) - Added a sentence at the end of this strategy to "*Explore opportunities for incentives that would support long-standing industrial businesses and entrepreneurs.*"

This addition clarifies and acknowledges the need to investigate other incentives that could benefit long-standing businesses that may not directly benefit from Strategy 1.7, which recommends the establishment of a "Arts & Cultural District."

The final draft of the study now contains an appendix that documents supporting background materials, including:

- study process overview and engagement summary;
  - schematic designs for projects;
  - market assessment material; and
  - the Broadway Blueprint Phase 1 Study.
- There are no formal recommendations contained in the appendix.

With these changes and the addition of the appendix, staff now considers the study complete and ready for acceptance and endorsement by the Board.

There is no budget impact associated with the acceptance of this study. Future implementation of the strategies contained in the study will require funding and/or commitment of staff resources to implement.

Staff recommends that the Board accept and endorse the Broadway Blueprint Phase 2 Implementation Study, dated September 4, 2024, and refer the Study to the Economic Development Office and Community Development Department for implementation.

**By the above-recorded vote, the Board accepted and endorsed the Broadway Blueprint Phase 2 Implementation Study, dated September 4, 2024, and referred the Study to the Economic Development Office and Community Development Department for implementation.:**

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Item No. 8.5. Proclamation Recognizing September 15, 2024, as International Day of Democracy.

**By the above-recorded vote, the Board adopted the Proclamation Recognizing September 15, 2024, as International Day of Democracy:**

**Proclamation Recognizing September 15, 2024  
as International Day of Democracy**

**WHEREAS**, the United Nations observes the 15th of September as the International Day of Democracy with the purpose of promoting the principles of democracy and to commemorate the day in a manner that contributes to raising public awareness of Universal Human Rights; and

**WHEREAS**, the Universal Declaration of Human Rights emphasizes that the will of the people is the basis for the authority of government; and

**WHEREAS**, political and public participation rights are crucial to the advancement of all human rights and



are essential for: democratic governance, the rule of law, social inclusion, and economic empowerment of individuals and groups to eliminate discrimination and marginalization, supporting peaceful assembly and association, enjoying freedom of opinion and expression, and having access to information and education; and

**WHEREAS**, the International Day of Democracy provides an opportunity to review the state of our democracy, promote its principles for the protection and effective realization of human rights, and create an environment for greater citizen participation, equality, security, and development.

**NOW, THEREFORE, BE IT PROCLAIMED**, that we, the Albemarle County Board of Supervisors, do hereby recognize and celebrate the 15th day of September, 2024 as International Day of Democracy to remind us of, and exhort our continuing protection of, the governing principles by which the freely expressed will of the people is exercised and respected in this great country.

Signed this 4th day of September 2024

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Agenda Item No. 9. **Action Item:** SE202400014 6316 Estes Lane Homestay.

The Executive Summary forwarded to the Board states that the applicants are requesting a special exception for a homestay at 6316 Estes Lane.

Accessory Structure. Pursuant to County Code § 18-5.1.48(d), the applicants are requesting authorization under County Code § 18-5.1.48(c)(2)(ii) to use an accessory structure built after August 7, 2019 for a homestay use on a parcel of five acres or more in the Rural Areas zoning district.

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

Staff recommends that the Board adopt the attached Resolution (Attachment F) to approve the proposed special exception to authorize use of an accessory structure built after August 7, 2019 for a homestay use at 6316 Estes Lane.

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Ms. Lea Brumfield, Senior Planner II, said that she was presenting Special Exception 202400014 for an accessory structure at 6316 Estes Lane, which would be used for a homestay. She said that the parcel was 26.87 acres, zoned Rural Areas, and located in the White Hall District. She said that currently, the parcel contained a small family dwelling built in 2021 and a pole barn used as a farm building.

Ms. Brumfield said that the structure proposed for use as the homestay was the single-family dwelling, which would be converted into an accessory structure if this homestay special exception was approved. She said that as noted in Attachment B of the packet, the applicant's request stated that the owners would continue living in the existing dwelling until their new house was built, at which time the existing dwelling would be converted into an accessory structure by removing kitchen fixtures, at which it would need the homestay special exception.

Ms. Brumfield said that because the parcel was over 5 acres in size, it was permitted by right to rent up to five guest spaces in a single-family dwelling or an existing accessory structure built before August 7, 2019. She said that the applicants were requesting to hold a homestay in an accessory structure that would be in existence if this special exception was approved. She said that as the owners resided on the parcel and the property met setback requirements, the use was by right. She said that the only exception required was for the use of the accessory structure.

Ms. Brumfield said that after all permits and building were approved, the owners would need to apply for a homestay zoning clearance. She said that during the approval process, the structure intended for the homestay would undergo inspections for building and fire safety. She said that a notice would be required to be sent to abutting property owners. She said that the property would also be inspected for entrance requirements and all other regular homestay requirements. She said that currently, the property was in compliance with zoning and taxation requirements.

Ms. Brumfield said that as previously mentioned, the applicants had built a small structure, approximately 880 square feet, marked with a blue star on the plan. She said that this structure was constructed in 2021 due to construction pressures that prevented them from building their intended larger dwelling. She said that now, they wished to build a larger structure, marked with a green star, and convert the existing structure into an accessory structure for use as a homestay. She said that the applicants had noted that the property had sufficient development rights to retain the dwelling as it was, but they would incur costs for developing a site plan for the property and potentially increasing the driveway standards to meet requirements for the site plan, and they did not wish to do that.

Ms. Brumfield said that an aerial view of the site was provided, showing the existing 880-square-foot structure with a blue star and the proposed site for the new dwelling, marked with a green star. She said that the next photo illustrated the location of the proposed dwelling. She said that currently, it served as a dressage field for horses. She said that in the background, one could observe the line of trees visible in the aerial view.

Ms. Brumfield said that the Board was likely to be interested in the existing pole barn, which was used for storing farm equipment and old garage-type windows.

Ms. Brumfield said that to summarize, this request was for an accessory structure after August 7, 2019, intended for use as a homestay. She said that the parcel in question spanned 26.87 acres and retained unused development rights. She said that the applicants had expressed their intention not to subdivide the parcel, citing existing lines and easements, as well as a desire to keep their parcel. She said that since this request involved an accessory structure, the development rights remained unaffected. She said that the conversion of the structure from a dwelling to an accessory structure was permissible by right. She said that if the 880-foot structure had been constructed before August 7, 2019, this would also have been by right.

Ms. Brumfield said that staff had analyzed just the use of an accessory structure outside of any other situation, considering both the property and the broader context of the neighborhood, and did not believe there was any adverse impacts on the surrounding neighborhood or the general public health, safety, or welfare. She said that the proposed use of the structure as a homestay was a by-right accessory use. She said that given the size of the parcel, the proposed size of the existing structure, and a footprint significantly smaller than the existing pole barn, the structure was deemed consistent with the surrounding neighborhood. She said that therefore, staff recommended the following motion for approval.

Ms. LaPisto-Kirtley asked why the applicant was requesting this special exception for a homestay before their new home had been constructed.

Ms. Brumfield said that they did not want to convert the existing structure into an accessory structure unless they were guaranteed that they would receive a return on that investment. She said that this assurance would enable them to comfortably construct the new home.

Ms. LaPisto-Kirtley asked what would happen if their application for their new home was denied.

Ms. Brumfield said that as a building permit, it would need to come in and meet compliance. She said that it was not a subjective decision. She said that if it was denied, the architect would come back to redesign it and then submit it again.

Ms. LaPisto-Kirtley asked if they would not be permitted to use it as a homestay before their permanent residence was constructed.

Ms. Brumfield said that was correct. She said that they could potentially use the current structure as a homestay while living in it. She said that if there was an additional bedroom, it could be rented out. She said that they could offer unhosted stays on weekends as well. She said that that was by right to do a single-family dwelling homestay on a parcel. She said that because they would be turning it from a single-family home into an accessory structure, a special exception was required.

Ms. Mallek said that she had no questions regarding the permit, but she had two questions that staff could address now or later. She said that since they possessed development rights, she wondered if they could assign an undivided second development right to the other house on the same lot and leave the kitchen area as it is.

Ms. Brumfield said that was correct.

Ms. Mallek said that it used to be that fewer than three houses did not require development standard driveways. She said that she would like to clarify if this requirement had changed.

Ms. Brumfield said that the property owner did not have public frontage on a public road; they had an easement.

Mr. Andrews said that the matter was back before the Board for a motion.

Ms. Mallek **moved** the Board of Supervisors adopt the Resolution for SE202400014 6316 Estes Lane Homestay(Attachment F).

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

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

NAYS: None.

ABSENT: Mr. Gallaway.

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**RESOLUTION TO APPROVE SE2024-00014  
6316 ESTES LANE HOMESTAY**

**WHEREAS**, upon consideration of the Memorandum prepared in conjunction with the SE2024-00014 6316 Estes Lane Homestay application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-5.1.48 and 18-33.9, the Albemarle County Board of Supervisors hereby finds that a modified regulation would satisfy the purposes of the Zoning Ordinance to at least an equivalent degree as the specified requirement,

and that the requested special exception:

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

**NOW, THEREFORE, BE IT RESOLVED**, that in association with the 6316 Estes Lane Homestay, the Albemarle County Board of Supervisors hereby approves a special exception to authorize the use of an accessory structure built after August 7, 2019 for a homestay use on Parcel 01900-00-00-001C0.

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Agenda Item No. 10. **Presentation:** Board-to-Board, A Quarterly Report from the Albemarle County School Board to the Albemarle County Board of Supervisors.

Ms. Judy Le, Chair of the Albemarle County School Board, said that she was joined by Vice Chair Dr. Kate Acuff. She said that they were pleased to update them on the beginning of the 2024-2025 school year at ACPS (Albemarle County Public Schools). She said that she first wanted to correct some information that was submitted about their enrollment this year.

Ms. Le said that as the school year was only now nine days old, it was far too premature to be looking at enrollment figures. She said that the enrollment counts would continue to fluctuate broadly before the 30th day of the year. She said that unfortunately, the number that was included was also inaccurate. She said that it had indicated that enrollment had dropped this year with all of the caveats that she just gave it being day nine only.

Ms. Le said that they had actually seen a small increase in enrollment and slightly more students than they had projected. She said that as enrollment continued to stabilize at the beginning of the year, they would share more at a later date.

Ms. Le said that she also wanted to update them on Transportation because she loved good news. She said that perhaps the most exciting update was that ACPS started the 2024-2025 school year with 100% of their bus routes covered. She said that although they were covered, it did not mean that the Transportation Department had optimal staffing.

Ms. Le said that they still lacked some important office staff and enough drivers to unstack several routes, which required drivers to make return runs. She said that they energized their recruitment of transportation staff thanks to the partnership of the ACPS Transportation, Human Resources, and Communications departments. She said that ACPS ran an intense recruitment campaign starting in March that resulted in 92 applications for various roles in the Transportation Department.

Ms. Le said that in addition to recruiting bus drivers for the empty routes, the Transportation Department had hired an additional full-time trainer, a new area transportation supervisor, a program manager for special needs students, and a new router. She said that the starting salary for bus drivers was \$23.56 per hour, which was higher than other bus drivers in the area. She said that they also offered CDL training and a signing bonus.

Ms. Le said that currently, they had 15 full-time drivers, three part-time drivers, and three transportation assistants in training. She said that their Department of Transportation planned to use these new hires to start unstacking routes, which would help reduce the ride time for secondary students. She said that in addition to continuing to recruit bus drivers and transportation assistants, the Transportation Department was still looking for an additional area transportation supervisor, a lead bus driver, two dispatchers, one router, an assistant director, and an operations manager.

Ms. Le said that she wanted to give an update on SOLs (Standards of Learning). She said that on August 19, the Board members may have seen that the VDOE (Virginia Department of Education) released data on the 2023-2024 SOL pass rates. She said that the good news was that the Division saw gains in overall pass rates in math, reading, writing, and science SOLs for students in grade 3 through 8. She said that according to the 2024 assessments, 75% of ACPS students passed the reading test, which was an increase from the previous year's 74% and above the statewide average of 73%.

Ms. Le said that another positive note was that ACPS also saw improvement in pass rates for the vast majority of their demographic groups that have persistently shown achievement gaps, including their Black, Hispanic, Multirace, Students with Disabilities, Economically Disadvantaged Learners, and English Learner populations.

Ms. Le said that although they observed improvements in SOL scores and the trend lines were moving in the right direction, persistent achievement gaps remained among these groups. She said that their Black and Hispanic students from economically disadvantaged households, students with disabilities, and English Learners continued to have pass rates below the division-wide averages.

Ms. Le said that while 75% of students overall passed the reading SOL, only 50% of Black students, 49% of Hispanic students, 44% of students with disabilities, and 50% of students from economically disadvantaged backgrounds, and 30% of English Learners met that benchmark.

Ms. Lee said that math scores also improved, with 72% of students passing the math SOL from 69% in 2023 and above the state average of 71%. She said that, as with their reading results, some of their demographic groups showed achievement gaps.

Ms. Le said that their focused efforts based on the Bellwether audit for their reading and math curricula two years ago, increased tutoring, and the implementation of their new literacy curriculum would result in continued improvement. She said that they would also be adopting a new math curriculum during the course of the school year, which Ms. Acuff would discuss further.

Ms. Kate Acuff, Vice Chair of the Albemarle County School Board, said that she would discuss three topics today. She said that these would be regarding cell phone use and policy, their literacy and math curricula, and a new partnership with communities in schools in Northern Virginia.

Ms. Acuff said that regarding cell phone use, numerous articles, TV segments, and books had highlighted how social media, including cell phones, affected students' emotional development and hindered learning. She said that in last week's Washington Post, the paper cited a recent fall 2023 Pew Research survey of high school teachers which found that 72% reported students getting distracted by cell phones was a major problem in the classroom. She said that the NEA (National Education Agency), the country's largest teacher's union, had expressed educators' frustration with cell phone use and advocated for local policies to limit cell phone use during school hours. She said that at least 30 states had implemented some form of statewide policy on cell phone usage in schools, including Virginia.

Ms. Acuff said that on August 15, pursuant to Governor Youngkin's Executive Order 33, the VDOE had released draft guidelines for cell-free education in Virginia schools. She said that the guidelines defined cell phone free education as elimination or restriction of cell phones and other personal electronic devices at public schools from the time the first bell rings in the morning to the dismissal bell at the end of the day.

Ms. Acuff said that prior to the governor's guidelines, ACPS had a cell phone policy called Away for the Day, which required students to turn off and stow away their cell phones and other devices during instructional time. She said that their current ACPS policy differed slightly from the VDOE draft guidelines as they allowed secondary students to access and use their cell phones and smart devices between classes and during lunch periods.

Ms. Acuff said that additionally, exceptions may be made by teachers for students to use their cell phones during class if it was relevant to the day's lesson. She said that the challenge for their policy, or any cell phone policy that restricted access, was enforcement. She said that another challenge was that many parents believed that students should have access to their cell phones as a security measure in their schools.

Ms. Acuff said that to find a more enforceable ACPS policy, they were currently piloting yonder pouches at Walton Middle School for the 2024-25 school year. She said that these pouches, originally developed to keep cell phones from going off during concerts and other events, had been brought into schools by about 34 states. She said that under this pilot program, when a student arrived at Walton, they would deposit their cell phones and other smart devices into the secure pouch that locked, preventing access until they reached an unlocking device.

Ms. Acuff said that some school divisions had unlocking devices in the classroom for emergencies, but she did not believe that they were not implementing that approach this year. She said that this year, they were also establishing a cell phone policy enforcement committee to assess the effectiveness of their cell phone policies and procedures, and to guide any necessary adjustments. She said that they were also allocating additional resources and providing professional development to ensure that their practices best served their students and staff.

Ms. Acuff said that to date, there was limited research on the impact or effectiveness of cell phone restrictions during school hours. She said that most of what they knew was anecdotal. She said that teachers had reported that cell phone restrictions led to greater student attention and social interaction. She said that the data was not robust, and cell phone restrictions did not solve all social media issues. She said that the enforcement committee would consist of students, parents, caregivers, educators, counselors, and other division leaders to provide a variety of perspectives to this work. She said that the first meeting, if the Board members cared to join, was tomorrow night.

Ms. Acuff said that secondly, she would discuss updates on their literacy and math curricula. She said that with the passage of the Virginia Literacy Act (VLA) in the 2022 General Assembly, Virginia was taking a lead nationwide to improve early literacy outcomes for Virginia's young learners. She said that this was important because data from surveys such as the National Assessment of Educational Progress showed reading proficiency nationally for fourth graders was abysmally low, with a proficiency rate of only 37%.

Ms. Acuff said that when broken out demographically, this data showed reading proficiency ranging from 18% to 57% nationally. She said that nowhere was it where it needed to be, in her view. She said that research also showed that students who were not reading proficient by the third grade had poorer grades throughout school, had higher rates of absenteeism, and lower rates of going on to college. She said that a focus on early literacy was keenly important.

Ms. Acuff said that through the VLA, the VDOE would support school divisions through a multi-

year effort with tools, resources, technical assistance, and all important funding. She said that beginning in 2024, every student in kindergarten through grade 5 would receive one core literacy instruction in scientifically based research and evidence-based literacy instruction as defined by the VLA. She said that students in kindergarten through 8th grade would also receive evidence-based supplemental and intervention outlined in an individual student reading plan if they did not meet literacy benchmarks.

Ms. Acuff said that last year, they convened another committee of educators, parents, literacy specialists, and division staff who came together to evaluate the six VDLE-approved literacy curricula. She said that after several meetings and a lot of feedback, they selected Houghton Mifflin Harcourt's (HMH) Into Reading as their new literary curriculum. She said that Houghton Mifflin Harcourt was known for its extensive work in education and partners with research entities to ensure its materials are evidence-based and focused on children.

Ms. Acuff said that the HMH into reading program emphasized the five pillars of literacy: phonemic awareness, phonetics, fluency, vocabulary, and comprehension. She said that it also offered a wide range of materials to provide students with many choices and was implemented across disciplines, including math, science, and social studies. She said that this approach ensured that literacy promotion was not a one-shot attempt but a comprehensive effort. She said that over the summer, division staff received training on these new materials, and the program would be fully implemented in their classrooms this fall.

Ms. Acuff said that Houghton Mifflin Harcourt Into Reading facilitators and trainers would visit ACPs to support their educators and ensure full implementation. She said that following the shift to this new literacy curriculum, they were anticipating the DOE's plan to release direction related to a new elementary school math curriculum in January. She said that they had hoped it would be released before this fall, but it would be the next school year when they could look to implementing it.

Ms. Acuff said that they would use a similar procedure or process for selecting materials and training. She said that she hoped this would occur next summer. She said that in addition to planning for a new elementary math curriculum, their math curriculum coordinators were now working to redesign their middle school math curriculum to allow students to gain the skills necessary to take Algebra I in 8th grade instead of pushing it to high school, which often interfered with their coursework to get into college.

Ms. Acuff said that the third thing she was going to talk about was communities in schools, which was not a new concept. She said that it recognized that schools varied by neighborhoods and needs and it was important to engage the community and organizations to support the full range of those needs. She said that Communities in Schools (CIS) was a nonprofit organization focused on this model and employing evidence-based methods to help students overcome obstacles to succeed by collaborating with parents, educators, community-based organizations, school, and district leaders.

Ms. Acuff said that CIS had affiliates in 27 different states across the country and worked with 3,500 schools, touching more than 2 million students. She said that this year, ACPs was partnering with CIS of Northern Virginia (NOVA), one of seven CIS affiliates in the state, which would, with the addition of ACPs schools, be working with 21 schools in Virginia. She said that CISNOVA's board chair, Sean Milliken, who was formerly the head of global social innovation at PayPal, was leading a team of highly distinguished individuals in Northern Virginia.

Ms. Acuff said that the trustee council included governors from both sides of the aisle. She said that the first CIS location in Virginia was established in Richmond many years ago, and it had received financial support from the Mackenzie Scott Foundation, the Balmer Foundation, and Amazon, among others. She said that CISNOVA was a highly commendable organization to partner with.

Ms. Acuff said that the CISNOVA partnership with ACPs would launch a three-year pilot focusing on four schools: Greer Elementary, Journey Middle, and Albemarle High School. She said that all of Lambs Lane campus's over 3,000 students would be involved in this collaboration, as well as almost 200 students at Red Hill, which meant that they would be addressing the needs of students in the urban ring, as well as one of the more rural and smaller schools, more isolated from the urban area. She said that the pilot program would employ five site coordinators, with two based in Albemarle, one at each of the other three schools.

Ms. Acuff said that CIS would employ a division-wide program coordinator. She said that once these coordinators were in place, they would conduct a needs-based assessment for each school to determine the best way to assist. She said that CISNOVA aimed to support students' basic needs, encourage daily attendance, which was a significant issue, and support social-emotional learning. She said that they would also provide college or workforce support for graduating seniors.

Ms. Acuff said that in conclusion, they were proud of their progress as they began this school year, especially in areas such as transportation, SOL improvements, and new curriculum implementations. She said that their efforts to address challenges, such as cell phone use in schools, staffing in key areas, reflected their commitment to enhancing student experiences and outcomes. She said that the partnership with CISNOVA also marked an exciting step forward in providing additional support to their students.

Ms. LaPisto-Kirtley said that she was supportive of the restrictive cell phone policy for ACPs, especially for middle school and high school. She said that it was important that children interact with each other and socialize at school for their health. She said that early education was extremely important

and worth increased investment. She said that she appreciated the update on the corrected ACPS enrollment numbers and looked forward to receiving future updates. She said that it was great to hear that they had a sufficient number of bus drivers for the school year.

Ms. Mallek said that the Workforce Center at Glenwood Station had links to driver training at PVCC with Workforce dollars, which could be helpful for hiring bus drivers in the future. She said that she was supportive of the cell phone policy to encourage children to be more engaged in their school experience. She said that she looked forward to hearing more about the newly implemented curricula in the future.

Ms. McKeel said that she was glad to hear that they would be emphasizing phonetics learning for young children. She asked how many new teachers were hired for ACPS this year.

Ms. Acuff said that they hired 160 new teachers this year. She said that about 20 of them were alumni of Albemarle schools.

Ms. McKeel asked if ACPS would be collaborating with Historically Black Colleges and Universities (HBCU) to offer early positions to interested students.

Ms. Matt Haas, Superintendent of Albemarle County Public Schools, said that they carried contracts with them and hired people on the spot.

Ms. McKeel asked where the public could access information about the Albemarle County Schools Foundation.

Ms. Acuff said that it was linked to the ACPS website.

Ms. McKeel said that she had to thank the School System for sending their Director of Transportation to Champaign-Urbana to tour their campus. She said that they had an interesting model for transportation, particularly in the context of a university community with approximately 50,000 students, which is larger than UVA's community of 25,000.

Ms. McKeel asked whether the ACPS payment platform for school lunches were charging junk fees and confirmed that Mr. Haas had indicated that they were not.

Ms. McKeel said that when new housing developments were proposed in the County, they were required to calculate their projected impact on local schools. She said that she had been curious about whether the calculations utilized the best data available to provide the most accurate estimate when they did not consider planned schools that were not yet built.

Ms. Acuff said that she would follow up on that topic.

Ms. McKeel said that she would support scheduling a joint work session between the School Board and the Board of Supervisors to discuss School-related data.

Mr. Pruitt said that they were all grateful to hear the good news about staffing their bus drivers. He said that during his campaign for the Board of Supervisors, the shortage of school bus drivers was the topic he heard the most about from constituents. He said that he would be very interested in hearing about the teachers' experience of implementing the Virginia Literacy Act. He said that he was interested in what data would be captured from their staff. He said that so much of the locality's power was held up in Richmond, so they must ensure Richmond was doing what they needed to do for Albemarle.

Ms. Chandra Hayes, Assistant Superintendent of Instruction, said that she was in her second year in this position now. She said that she had the opportunity to work with a group the previous year as they adopted HMH and navigated the changes from the VDOE due to the Literacy Act. She said that to ensure they received valuable feedback from their teachers, they included a teacher representative from each elementary school on the committee.

Ms. Hayes said that they established a teacher in each building who acted as an HMH champion, responsible for gathering feedback from teachers about challenges they faced and relaying this information back to the team. She said that at the central office, a team of staff members was dedicated to addressing the requirements of the Act. She said that they understood that circumstances could change, and when they did, they reconvened to determine the best course of action to minimize the impact on teachers while maintaining compliance.

Ms. Hayes said that they utilized various channels, including building-level meetings, division-level PLC (professional learning community) meetings, and discussions with HMH champions and reading specialists, to gather feedback on both internal and state-provided information. She said that they had been fortunate to engage in open dialogue with the state, allowing them to address any concerns or challenges by requesting extensions of time or seeking clarity on their requirements.

Mr. Andrews said that he would like to extend his congratulations on the successes they had reported with the school buses, the additional achievements on SOLs, and the proposed curriculum changes. He said that regarding the cell phones, they had their proclamation on suicide awareness and mental health issues, and he could not help but connect these two issues. He said that he hoped that policies could help students regain a sense of equilibrium with respect to their use of social media, as it could be isolating in terms of physical immediate contact with their surroundings. He said that as a



physicist, he applauded the idea of bringing algebra back to 8th grade, as he believed it was necessary for competitiveness in the science and engineering fields. He said that he also hoped that their public schools would not fall behind other schools in terms of the opportunities that students had coming out of the public schools.

Ms. Mallek asked if ACPS had considered providing free lunches to all students as Greene and Fluvanna Counties were doing. She said that she believed this could help alleviate the stigma and hostility associated with children being chased down because their accounts are empty. She said that she thought it was an idea worth considering for the future.

Ms. Acuff said that one of their Student School Board representatives had raised the exact same idea last week. She said that they had discussed how they could write a proposal and discuss it when they met with their legislators this fall.

Ms. Le said that to her knowledge, ACPS currently had nine schools with universal free lunches.

Ms. Haas said that it was simply based on the poverty level of the schools. He said that they were federally funded programs, so the choice to implement them was not a local choice.

Ms. Mallek noted that it was a choice to not have fees at all.

Ms. Haas said that was correct; and he believed most people in education would agree that they should provide universal free meals. He said that currently, there were nine schools in the county that qualified out of 24. He said that, however, to make the shift to free meals universally, they would need to leverage significant local funds. He said that these funds were typically obtained through federal funding for localities.

Ms. Mallek said that for socialization and incorporating high-quality local food into school systems, it could be beneficial to have more people participating.

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Non-Agenda Item. **Recess.** The Board recessed its meeting at 2:29 p.m. and reconvened at 2:37 p.m.

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Agenda Item No. 11. **Presentation:** United Way.

Ms. Ravi Respeto, President and CEO of United Way of Greater Charlottesville, said that today, she would present an annual update from United Way, focusing on the impact and activities within their community. She said that she would examine data and impact for the County of Albemarle. She said that she would provide an overview of the topics she would cover, including United Way's vision and impact, the crisis in early childhood education, their early education focus in the County, the financial resiliency task force, the family investment program, driving lives forward, and their small business grantmaking.

Ms. Respeto said that United Way concentrated on three areas: financial stability, school readiness, and a connected community. She said that the main message today was about building resilient communities, ensuring local residents had access to economic mobility, providing quality education for children aged zero to four, and connecting and convening community leaders around shared priorities. She said that they had been working hard to bring community stakeholders together around these important issues.

Ms. Respeto said that she would also share an example of their impact in 2024, highlighting the severe shortage of early childcare slots in their community. She said that this shortage meant there were many children who needed early education, but there were not enough slots available for them. She said that this was due to several factors, including teacher shortages, low pay for teachers, and the loss of centers and family day homes during COVID-19. She said that they were still recovering from this loss. She said that the most pressing need in Albemarle County at present was infant and toddler care. She said that currently, there were 929 children without access to childcare. She said that this data was derived from birth rate statistics and the Virginia Department of Education. She said that the situation was quite severe.

Ms. Respeto said that additionally, there was a shortage of 304 slots for children aged three to four. She said that this shortage had significant implications for local economic development. She said that without childcare, young parents were unable to work, which was a key focus area for United Way. She said that they had likely heard of the relinquishment of the Head Start Grant in the local media. She said that United Way had been working with MACAA (Monticello Area Community Action Agency) through that process to support them in any way possible, as it was a huge loss of 205 childcare slots to very low-income families.

Ms. Respeto said that to address this, they convened a group of community stakeholders to work on how to create a community response to Head Start. She said that they decided that the United Way Ready Regions, the program they ran under the Department of Education, would be applying for the Head Start Grant in January for the community. She said that currently, they were planning to apply for 150 slots, of which 40 to 50 would be in the County. She said that this was still under discussion with ACPS.

Ms. Respeto said that United Way also provided individual \$45,000 stipends to teachers that formerly worked with MACAA that went to work with CDI, the firm that came in to run Head Start until a new grantee was decided upon to help level their pay because they had taken pay cuts to make the transition with the aim of retaining them in the teaching profession until the Head Start Grant could be secured and the program could be established in the community.

Ms. Respeto said that another significant program that United Way operated was Ready Regions Blue Ridge and Mixed Delivery, which oversaw 21 counties, including Albemarle County. She said that currently, they were able to place 514 children in quality early education, with 42 children in Albemarle County receiving full-day childcare. She said that they were paying Monday through Friday, from 6:00 a.m. or 7:00 a.m. in the morning until 6:00 p.m. to 7:00 p.m. in the evening, depending on the family's needs for full-time care. She said that this had a significant impact on their region. She said that they received a grant from the Virginia Early Childhood Foundation, which was approximately \$8 million to \$9 million per year, that they currently administered.

Ms. Respeto said that they also operated a program in 134 classrooms regarding quality observations. She said that observers were sent into classrooms to ensure that the teacher-child interaction was appropriate for the child's age. She said that they also scored these centers annually to ensure they met quality benchmarks, ensuring that children were ready for kindergarten and could compete with their more economically advantaged peers. She said that all the data collected was fed back to the Virginia Department of Education, and they received an annual report to help classrooms improve quality.

Ms. Respeto said that another program they operated that impacted the County was Coordinated Enrollment Go to Grow. She said that previously, families had to submit paper applications at local schools when they needed early care. She said that today, they had a robust online program with wraparound services. She said that families could apply for childcare based on their location, the services they might need, the hours they were looking for, and their transportation needs.

Ms. Respeto said that over 1,800 families had used the system, which had doubled since its launch in 2021. She said that it had been incredibly successful, and they had launched a sister program in Staunton, Augusta, Waynesboro, and were considering Harrisonburg. She said that their aim was to bring coordinated enrollment online throughout the 21 counties they served.

Ms. Respeto said that the Early Learner Scholarships was a long-standing program they had with the County. She said that this program had been very successful. She said that before they had mixed delivery and state funding for early education, they ran this program successfully. She said that the County had invested \$161,000 contractually with United Way each year. She said that the cost of childcare had increased significantly, now ranging from \$22,000 to \$24,000 per child, which was comparable to the cost of a college education in Virginia. She said that consequently, they were serving fewer families than before. She said that last fiscal year, they served 10 families, with 72% being single-parent households. She said that 75% of the 1,200-slot shortfall in Albemarle County was for infant and toddler care, and she wanted to emphasize that this was a real area of need.

Ms. Respeto said that an example of a local Asset-Limited, Income-Constrained Employed (ALICE) family involved a single parent who worked as a case worker at a local Charlottesville nonprofit and rented a home in Esmont. She said that while they qualified for a childcare subsidy in the state of Virginia, having two children and rising childcare costs meant that the subsidy did not cover all of the childcare.

Ms. Respeto said that in addition, this parent was facing a \$3,000 repair for her only vehicle's transmission. She said that at United Way, they helped clients such as this work through difficult decisions every day. She said that one option was to take an Uber to work as one way to navigate the situation. She said that, however, everyone was aware that if one lived in the outlying parts of the County, public transportation was not available and Ubers could become extremely expensive.

Ms. Respeto said that the other option was to repair the car and take the 18-month-old to their grandmother's house rather than to childcare. She said that this scenario also had drawbacks as the grandmother also worked in the afternoons, so the mother would need to leave work early in order to pick up her child again. She said that United Way was able to give two full-time scholarships for this person's children so she could afford to fix her transmission and keep her career on track.

Ms. Respeto said that for their community, they had defined the minimum income as 150% of the federal poverty level, which was approximately \$46,000 for a family of four, up to 300%, which was \$93,000 for a family of four. She said that the cost increased significantly for families with two children, especially if one child was under the age of five and required full-time childcare. She said that this was the current cost of living in their community. She said that despite working very hard, many families earned less than what was required for basic expenses, including health insurance.

Ms. Respeto said that this is where the Financial Resiliency Task Force came in to help. She said that she had previously discussed this with the Board, but she wanted to emphasize the referral network of several nonprofits that they were likely familiar with. She said that this partnership had been established five years ago. She said that their goal was to assist families through a referral network that Network to Work utilized with their software system, which had been very successful in aiding people with workforce development.

Ms. Respeto said that the concept here was that a family committed to a three-year program, focusing on improving three key areas: their annual income through training and workforce development opportunities, their credit score by paying down bad debt, and their debt-to-income ratio. She said that many of their families entered the program with high levels of expensive debt, such as auto loans and student loans. She said that the objective was to guide them to a more economically stable position by the end of the program.

Ms. Respeto said that one of the successful programs they ran in conjunction with the FRTF (Financial Resiliency Task Force) was the Family Investment Program. She said that in the past year, they had successfully helped 18 families purchase homes, all through the Habitat Pathways Program. She said that they often encountered families who were not financially prepared to purchase their home at the time that they were ready, typically requiring about two to three years to improve their credit and reduce bad debt.

Ms. Respeto said that one of the challenges they faced was that families transitioned to a \$350 lot fee to a \$1,200 mortgage. She said that while this was considered affordable by their housing standards, it was still a considerable burden compared to the fees associated with trailer homes. She said that they had been able to assist these families by helping them save and take advantage of match savings programs. She said that the idea was that they would have funds available for any issues that might arise or serve as a safety net.

Ms. Respeto said that they were in their third year of offering the Driving Lives Forward Program. She said that the goal was to provide individuals with affordable vehicles that were gently used, no more than five years old. She said that they collaborated with Virginia National Bank where United Way raised the necessary funds, the bank administered the loan, and they strived to offer very economical interest rates. She said that they also assisted individuals in building good credit by ensuring timely payments.

Ms. Respeto said that one of the transportation challenges they encountered was the cost of insurance. She said that to address this, they had implemented a six-month program to help cover the cost of insurance and assist with down payments, thereby reducing monthly payments. She said that most families began to struggle with payments once they exceeded \$300 a month, leading to defaults. She said that therefore, they were exploring various strategies to lower these payments.

Ms. Respeto said that another significant barrier to employment was the reliance on older vehicles that frequently broke down, preventing individuals from reaching their workplaces. She said that to combat this, they were partnering with Network to Work to raise \$100,000 each, which would be invested in vehicle repairs for local families. She said that this initiative aimed to keep people safe on the road and maintain their ability to commute to work.

Ms. Respeto said that lastly, she wanted to discuss their small business grant-making program. She said that this initiative had been a significant area of focus, with the County's active involvement. She said that this marked the second year of collaboration. She said that the County contributed \$50,000 through economic development, and they matched that amount. She said that the City also contributed \$50,000. She said that this year, they received over 20 applications.

Ms. Respeto said that each grant was worth \$10,000 and aimed to build capacity for local businesses, particularly those owned by socially disadvantaged individuals. She said that this program had been incredibly successful. She said that for instance, Alan Shortbread, a County resident with a business in the City, received a grant. She said that this allowed him to pause and strategize on marketing his product, which eventually led to his product being featured in Whole Foods and doubling his net income during the grant period. She said that this was a significant success for him.

Ms. Respeto said that they had many other success stories like this. She said that a small amount of money could sometimes make a significant difference for a local business trying to grow and scale, allowing them to significantly increase their revenue. She said that they were grateful for the County's support in this program.

Ms. Respeto said that additionally, they also collaborated with the Minority Business Alliance through the Chamber of Commerce. She said that they were in their fifth year of offering 10 \$5,000 grants. She said that last year, a well-known story emerged about Khadijah's Kitchen. She said that after her food truck was stolen, she received a \$5,000 grant, which helped replace the food truck. She said that this was a very specific and practical example of how these grants could help people stay in business and grow their businesses. She said that they were grateful for the County's support in this program as well.

Ms. Mallek asked if there was any job training program link to help people learn how to repair cars. She said that many local car dealerships were having difficulty hiring staff, so perhaps that could be a parallel track to explore with Workforce Center.

Ms. Respeto said they had just begun to scratch the surface. She said that the Workforce Center had just relocated to PVCC, and the current COO of PVCC was highly committed to expanding workforce development initiatives. She said that she was aware that one of their proposals was to identify local workforce gaps and provide training through certification programs or two-year program associate programs. She said that this was definitely a topic they were all considering.

Ms. McKeel said that the need for childcare preschool in the County was significant.

Ms. Respeto said that was true. She said that they were currently collaborating with a County preschool program that had recently applied for a \$10,000 grant through the Economic Development Opportunity Fund. She said that it appeared that they would receive the funding. She said that this was one of the areas, and they were trying to tackle it from all of the areas, which involved investing in businesses and providing support as they expanded their organizations.

Mr. Andrews said that he would appreciate a future discussion in which they elaborated on how United Way's services worked with Human Services and Schools.

Ms. Respeto said that that would be a great next step.

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Agenda Item No. 12. Closed Meeting.

At 2:56 p.m., Mr. Pruitt **moved** that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under subsection (1), to discuss and consider appointments to various boards and commissions including, without limitation: the 5th & Avon Community Advisory Committee, the Agricultural and Forestal District Advisory Committee, the Historic Preservation Committee, the JAUNT Board, the Monticello Area Community Action Agency (MACAA), the Natural Heritage Committee, the Places 29 (Hydraulic) Community Advisory Committee, the Places 29 (Rio) Community Advisory Committee, the Crozet Community Advisory Committee, and the Social Services Advisory Board;
- Under subsection (7), to consult with legal counsel and receive briefings by staff members pertaining to actual or probable litigation concerning alleged overpricing of insulin medication, where consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the County and the Board; and
- Under subsection (8), to consult with legal counsel regarding specific legal matters requiring legal advice relating to the possible employment of an attorney to advise the Board of Equalization

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

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

NAYS: None.

ABSENT: Mr. Gallaway

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Agenda Item No. 13. Certify Closed Meeting.

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

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

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

NAYS: None.

ABSENT: Mr. Gallaway

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Non-Agenda Item. Remote Participation for Mr. Gallaway

Mr. Andrews noted that Mr. Gallaway had requested to participate remotely in today's meeting pursuant to the Board Rules of Procedure 8(B)1(D), enacted pursuant to the Freedom of Information Act.

Mr. Gallaway joined the meeting remotely via Zoom.

Mr. Andrews asked Mr. Gallaway to state his location and reason for requesting to participate remotely in the meeting.

Mr. Gallaway said that he was currently in Corolla, North Carolina, traveling with his family.

Ms. LaPisto-Kirtley **moved** the Board of Supervisors to allow Mr. Gallaway to participate remotely in the meeting.

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

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

NAYS: None.

ABSENT: Mr. Gallaway

Agenda Item No. 14. Boards and Commissions.  
Item No. 14.a. Vacancies and Appointments.

Ms. McKeel **moved** that the Board make the following appointments to Boards and Commissions:

- **Reappoint** Mr. Nathan Holland and Mr. Thomas Thorpe to the 5<sup>th</sup> & Avon Community Advisory Committee with said terms to expire on September 30, 2026.
- **Appoint** Mr. Peter Greenberg to the Agricultural and Forestal District Advisory Committee with said term to expire on April 17, 2028.
- **Appoint** Mr. Shawn Brydge to the Crozet Community Advisory Committee with said term to expire on March 31, 2025.
- **Appoint**, Ms. Marcia Joseph to the Historic Preservation Committee with said term to expire on June 4, 2027.
- **Appoint** Mr. Joseph Rhames and Ms. Megan Sebasky to the Natural Heritage Committee with said terms to expire on September 30, 2025.
- **Reappoint** Ms. Kendra Walston to the Places 29 (Hydraulic) Community Advisory Committee with said term to expire on August 5, 2026.
- **Reappoint** Ms. Audrey Kocher, Mr. Brian MacMillan, and Ms. Judy Schlusel to the Places 29 (Rio) Community Advisory Committee with said terms to expire on September 30, 2026.
- **Appoint** Ms. Elizabeth Emrey to the Social Services Advisory Board as the Scottsville District representative, with said term to expire on December 31, 2027.

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

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

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Non-Agenda Item. Resolution Authorizing the Employment of an Attorney to Advise the Board of Equalization

Ms. McKeel **moved** the Board of Supervisors to adopt the proposed Resolution authorizing the employment of an attorney to advise the Board of Equalization. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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**RESOLUTION**

**A RESOLUTION OF THE ALBEMARLE COUNTY BOARD OF SUPERVISORS AUTHORIZING THE EMPLOYMENT OF AN ATTORNEY TO ADVISE THE BOARD OF EQUALIZATION**

**WHEREAS**, the Albemarle County Board of Equalization hears and considers complaints and objections to real estate assessments from taxpayers (or their agents), equalizes such assessments, and is charged with the special duty of increasing as well as decreasing assessments;

**WHEREAS**, in fulfilling its functions, the Board of Equalization desires legal advice and has requested such advice from the County Attorney; and

**WHEREAS**, the County Attorney has a conflict that prevents him from representing the Board of Equalization.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors, this 4<sup>th</sup> day of September, 2024, hereby authorizes the County Executive, in consultation with the County Attorney, to employ an attorney to advise the Albemarle County Board of Equalization.

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Non-Agenda Item. Resolution Authorizing the County’s Participation in Insulin Overpricing Lawsuit(s)

Ms. McKeel **moved** the Board of Supervisors to adopt the proposed Resolution authorizing the County’s participation in insulin overpricing lawsuit(s). Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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## RESOLUTION

### A RESOLUTION OF THE ALBEMARLE COUNTY BOARD OF SUPERVISORS AUTHORIZING THE COUNTY'S PARTICIPATION IN INSULIN OVERPRICING LAWSUIT(S)

**WHEREAS**, over the past twenty years, insulin prices in the United States have increased dramatically and artificially beyond their reasonable market value;

**WHEREAS**, as a payor for and purchaser of insulin medication through its employee health plan, the County of Albemarle has been substantially overcharged; and

**WHEREAS**, other similarly-situated local governments, through counsel, have prepared causes of action against parties involved in the overpricing of insulin medication.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors, this 4<sup>th</sup> day of September, 2024, hereby authorizes the County Attorney, in conjunction with outside counsel and associated counsel:

- a. to file and/or join with other local governments in cause(s) of action against parties involved in the overpricing of insulin medication; and
- b. to engage such counsel on a contingency fee basis.

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

There was no report from the County Executive.

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

Mr. Doug Earle, Scottsville District, said that as the Board was likely aware, the Charlottesville City Council had adopted ranked choice voting (RCV) the previous night. He said that both Mayor Wade and Councilmember Pinkston had expressed that they wished there had been more confirmation from the public regarding their feelings about RCV. He said that Councilmember Pinkston had even suggested that an advisory referendum would have been beneficial before the vote. He said that unfortunately, referendums were not an option in Virginia.

Mr. Earle said that the good news was that they had the next best thing. He said that their skilled Engagement Albemarle Communications team could conduct an internal poll of Albemarle citizens using the online public comment portal. He said that in fact, Arlington County had conducted a similar poll before their first adoption of RCV. He said that while he would not claim that Arlington's poll was a model, he was confident that their County staff could use it as a reference and conduct a completely reliable poll.

Mr. Earle said that in most U.S. states where RCV was used, it had been decided by voter referendum. He said that in fact, it was on the ballot in five states that November. He said that when considering it, he wondered if it seemed like a conflict of interest for elected officials to decide their own elections. He said that he believed that voters should decide how their representatives were elected.

Mr. Earle said that they should utilize the existing resources on their staff to provide both the Board and the public with a genuine empirical assessment of the County citizens' stance on RCV. He said that some citizens expressed support for it, while others were opposed. He said that the critical question was the ratio of support versus opposition. He said that this was the key question.

Mr. Earle said that they should avoid the difficult position of not knowing this ratio, as was experienced by Mayor Wade and Councilmember Pinkston in the previous night's vote. He said that ultimately, they both voted in favor of RCV, but it was not an easy decision for either. Therefore, he said that they should allow the highly competent and talented communications team in the County to establish a public comment portal. He said that he wanted the County citizens to express their wishes. He said that if citizens were not strongly in favor of RCV, meaning more than 60%, and if the response rate was valid for a properly representative statistical sample, then he urged them not to vote for it. He said that they should not delay voting on RCV due to uncertainty about voter sentiment and a lack of steps taken to inquire. He said that the County communications team was capable of this. He said that they just needed the Board's guidance and approval.

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Mr. Kent Schlusell, Rio District, said that he held a Ph.D. in Applied Mathematics from the School of Engineering and Applied Sciences at UVA. He said that his dissertation focused on Mathematical Decision Theory. He said that he had served as an election official for approximately 30 years, and he had been the Dunlora Precinct Chief since its inception about 25 years ago. He said that he had also held positions as Chief at Early Elections and a Recount Official recently.

Mr. Schlusell said that based on his experience, there were several issues with RCV. He said that it was mathematically possible for a candidate who initially came in fourth place to win the election, which he believed disenfranchised many voters. He said that he was concerned about the practicality of the process. He said that he questioned what a recount would entail. He said that the last recount had begun around 7:30 a.m. and concluded after 8:00 p.m., which involved counting the ballots only once.



Mr. Schlusel said that the third issue he raised concerned how the RCV system would be communicated to the public. He said that despite extensive notices, people still had questions when the County transitioned from touchscreens to paper ballots. He said that several localities that had adopted RCV now were having second thoughts. He said that voting involved multiple elements, and during the early election season, voter integrity concerns were common.

Mr. Schlusel said that both Republicans and Democrats, as well as Independents, frequently questioned whether votes were being recorded accurately. He said that with RCV, he believed they risked increasing mistrust and misunderstanding of their election system due to its unique workings. He said that he could elaborate further, but due to time constraints, he limited his comment to a request for the Board to not consider implementing RCV until the public fully understood it.

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Ms. Judy Schlusel, Rio District resident and member of the Rio 29 CAC, said that at the meeting on August 21, she brought to their attention the increase in construction traffic traveling through Dunlora. She said that she sought their assistance in reducing the traffic through the neighborhood. She said that it appeared that safety within Dunlora was not a high priority. She said that that morning, at 10:30 a.m., she encountered a large red flat-back truck carrying huge cement culverts. She said that despite her attempts to alert the driver, he continued on his way to Belvedere.

Ms. Schlusel said that on August 27, she sent the entire Board a detailed email outlining several traffic problems. She said that she understood that everyone may have received the email, but she hoped that they took the time to read it. She said that if not, she wanted to highlight a few points.

Ms. Schlusel said that the construction crews were ignoring posted signs. She said that she wondered why they were allowed to selectively follow signs. She asked whether they would want to be driving on their County roads if they knew the driver next to them could choose which sign to follow. She said that the roundabout in Belvedere had been problematic. She said that a simple solution would be to modify the design. She said that road designs around here were constantly being redesigned. She said that at this point, she could only express her concerns about the traffic situation, particularly on Dunlora Drive and Loring Run.

Ms. Schlusel said that her husband was driving on his side of the road on Dunlora Drive and a construction vehicle was traveling over the center of the road at a speed much faster than the posted 25 miles per hour. She said that her husband had the agility and experience to avoid a head-on collision, but she asked the Board to consider the situation's outcome if a newly experienced driver was involved. She said that the community would have been devastated if this had been a head-on collision.

Ms. Schlusel said that she also recalled a tragic incident involving a young girl leaving Forest Lake South and heading to Albemarle High School. She said that a truck driver ran the red light, causing a fatal accident. She said that this incident deeply affected everyone, including the young girl's father, who worked for her husband. She said that regardless of the size or purpose of the vehicles, drivers were governed by laws, including signs, to ensure public safety on their roads. She requested the Board's assistance to ensure that drivers of construction vehicles adhered to the no-through truck signs and found an alternate route to the Belvedere construction site.

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Agenda Item No. 17. **Action Item (with Public Comment):** ZTA202300002 Personal Wireless Service Facilities.

The Executive Summary forwarded to the Board states that on July 17, 2024, the Board of Supervisors held a public hearing and directed staff to make certain changes to the proposed Personal Wireless Service Facilities ordinance.

The Board directed staff to make changes to the proposed ordinance, including:

- 1) Removing Scenic Highways and Byways as avoidance areas.
- 2) Removing Historic Areas as avoidance areas. The Board directed staff to include provisions allowing for consideration of impacts to significant historic resources.
- 3) Adding Biodiversity and Forestal areas identified in the Comprehensive Plan as avoidance areas.
- 4) Clarifying that addition of antennas to existing structures is permitted with a building permit.
- 5) Allowing administrative approval of the most appropriate color for a tower and equipment based on the location of each facility.
- 6) Removing the review of impacts to conservation easements on properties adjacent to towers.
- 7) Allowing the agent to determine when a tree survey is required.

Staff made the changes requested by the Board for items 1 and 4-7 above. Staff also has prepared alternatives to address Historic Areas and Biodiversity and Forestal Areas (items 2 and 3 above).

Removing Historic Areas as avoidance areas.

The Board directed staff to include provisions allowing for consideration of impacts to significant historic resources. Staff has identified at least two alternatives to address this issue. The ordinance may be amended to define the avoidance area as:

1) “any area within 1,500 feet of a parcel containing a National Historic Landmark.” There are four National Historic Landmarks in Albemarle County. The four landmarks are Shack Mountain, The Rotunda, University of Virginia - Historic District, and Monticello, per the National Register of Historic Places.

2) “any area within 1,500 feet of a parcel listed on the National Register of Historic Places except for those parcels listed as being within only a historic district”. There are approximately 65 sites listed on the National Register of Historic Places.

Staff recommends the second option: that the ordinance be amended to protect those parcels on the National Register of Historic Places. Staff has quickly reviewed wireless facilities approved in the County and has found that there are approximately four facilities built within 1,500 feet of historic places. Based on this analysis, establishing an avoidance area based on properties on the National Register of Historic Places would not result in an avoidance area that discourages deployment. Staff also notes that individual historic places are scattered somewhat evenly throughout the County whereas the historic districts are concentrated.

Adding Biodiversity and Forestal areas identified in the Comprehensive Plan as avoidance areas.

The biodiversity areas shown in the Biodiversity Action Plan are of such a general nature that they do not allow for the establishment of an avoidance area that is parcel specific. If the Comprehensive Plan or Biodiversity Action Plan were amended to map these areas with more specificity, those resources could be added as an avoidance area in the future. Forest areas are mapped in the Biodiversity Action Plan and can be used for defining avoidance areas. However, that map was based on 2009 landcover. Development activity or timbering may have altered the boundaries of forest areas. This standard may discourage construction of new towers or result in processing special use permit applications that are not necessary.

Staff considered using the criteria in the Biodiversity Action Plan to delineate large forest blocks as a way to determine current forestal areas for protection. In part, the Biodiversity Action Plan identifies large forest blocks as being 100 acres or more of interior forest, which in turn was defined as areas 300 feet or more in distance from any non-forest land cover (i.e. open land, impervious cover, etc.). Approximately 34% of the County is designated as large forest blocks.

A case-by-case determination of large forest blocks is not appropriate as it may encourage timbering operations that would reduce the amount of forest below any threshold established by the County. The large forest blocks are scored in the Biodiversity Plan. The scoring was based on the size of the forest block, connectivity with other forested areas, compactness of the forest block and number of important sites within the block. Blocks scoring 4.1 or higher are largely in ridge areas.

Staff offers four alternatives to address the Board’s desire to include forestal areas as avoidance areas:

- 1) Use the existing map contained in the Biodiversity Action Plan to designate large forest blocks as an avoidance area (See Map 1 in Attachment A).
- 2) Use the existing map contained in the Biodiversity Action Plan to designate large forest blocks as avoidance areas based on the score (See Map 2 in Attachment A).
- 3) Amend the definition of avoidance area to include all areas within the Mountain Protection Areas identified in the Comprehensive Plan (See Figure 9 in Attachment A). The current regulations prevent location on the ridges of the Mountain Protection Areas.
- 4) Update the Biodiversity Action Plan or Comprehensive Plan to identify areas for protection based on up-to-date information. The zoning ordinance could then be amended to reflect the resources identified in any updated plan.

Staff recommends the third option: that the ordinance be amended to establish the Mountain Protection Areas identified in the Comprehensive Plan as avoidance areas. The ridge line of these areas is already included as an avoidance area. Including the entirety of the Mountain Protection Areas would include most of those forest blocks shown as having the highest conservation value. Staff has quickly reviewed the location of wireless facilities that are in the Mountain Protection Areas. There appear to be approximately six wireless facilities that were approved solely as wireless facilities in the Mountain Protection Areas. Other wireless facilities were approved as part of previously existing tower farms.

No budget impacts are anticipated.

Staff recommends that the Board adopt the ordinance included as Attachment B. Alternatively, if the Board prefers one of the different alternatives outlined above, staff recommends that the Board adopt the ordinance included as Attachment B, as amended by the Board’s chosen alternative(s) in Attachment C for historic and/or forest resources.

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Mr. Bill Fritz, Development Process Manager, said that as the Chair had mentioned, this item had previously been presented to the Board, and they had directed staff to make some changes to the proposed ordinance. He said that he would quickly review those changes. He said that the modifications included removing scenic highways and byways as avoidance areas, and historic areas as avoidance

areas, but allowing for some consideration of significant historic resources.

Mr. Fritz said that biodiversity and forestal areas identified in the Comprehensive Plan as avoidance areas had been added. He said that clarifications had been made to permit the addition of antennas to existing structures with a building permit, and allowing administrative approval of the most appropriate color for a tower and equipment based on the location of each facility. He said that the review of impacts to conservation easements on properties adjacent to towers had been removed, and the determination of when a tree survey was required had been left to the agent.

Mr. Fritz said that many of these changes were straightforward, and some provided options. He said that the ordinance they were recommending established avoidance areas to include parcels within 1500 feet of parcels with National Register of Historic Places, except for those parcels listed as being within only a historic district, and Mountain Protection Areas as identified in the Comprehensive Plan.

Mr. Fritz said that there were two alternatives for historic resources: within 1,500 feet of a parcel containing a landmark or one containing a historic place. He said that four landmarks and about 65 historic places were in the County, fairly scattered and evenly distributed throughout the County. He said that for the forest alternative, he said that two options were available, with the first being any area within a large forest block as shown in a map in the Comprehensive Plan, or within a Mountain Protection Area, and the second being any forest block that scored a certain point value or higher or the Mountain Protection Area.

Mr. Fritz said that the provided map was created in 2009 based on land cover. He said that the green areas depicted on this map showed large forest blocks and constituted approximately 34% of the County. He said that this information might be outdated, as there may have been clearing or development that occurred since the map was created. He said that despite this uncertainty, this was the map currently available to them. He said that this map could be used to identify the large forest blocks as an avoidance area for the first alternative, or it could be used to allow them to assign scores to various forest blocks based on their color intensity, ranging from dark green to light green for the second alternative. He said that this scoring system allowed for selective consideration of forest blocks based on their environmental value. He said that he included the map in the packet for a more detailed examination.

Mr. Fritz said that staff examined the biodiversity plan and the forest plan, noting that while they did not perfectly align, and were not specific enough to identify specific parcels that would be in or out, it did show general areas. He said that there was a significant overlap between the highest-scoring forest areas and a large number of the biodiversity areas that overlapped with the Mountain Protection Areas. He said that that was a fairly easy thing to map, and that as a result, staff recommended using the Mountain Protection Areas as a proxy for protecting not only the Mountain Protection Areas, but also for protecting significant forest area and areas identified for biodiversity.

Mr. Fritz said that staff presented two options for adoption: the ordinance included as Attachment B, or one of the alternatives identified in Attachment C.

Ms. LaPisto-Kirtley asked if the ridgeline would be excluded.

Mr. Fritz said that the ordinance as currently proposed stated that any area where a facility would be skylighted in a ridge area was considered an avoidance area. He said that it only applied to the tops of the Mountain Protection Areas and did not cover the sides. He said that staff was proposing to include the entirety of the Mountain Protection Area in the avoidance area. He said that this was in alignment with what was identified in the Comprehensive Plan.

Ms. LaPisto-Kirtley asked for clarification regarding how to interpret the Mountain Protection Area map.

Mr. Fritz said that the Mountain Protection Area began at the 700-foot elevation. He said that if a facility was proposed on the southwest mountains and it was above 700 feet, it would automatically require a special use permit. He said that there were no prohibited areas. He said that it would simply necessitate a special use permit and additional review by the Planning Commission and Board of Supervisors. He said that it would not be administrative.

Ms. LaPisto-Kirtley asked how many landmarks there were in the County.

Mr. Fritz said that there were 65 listed on the DHR (Department of Historic Resources) website. He said that approximately four facilities were identified that were currently within 1500 feet of historic places. He said that these four would still require a special use permit if this ordinance were adopted, as they previously required one due to their location in a historic district. He said that there were numerous special use permits in historic districts that would no longer be required to obtain a special use permit. He said that they would still be reviewed, but they would not be subject to a special use permit if historic places were used.

Ms. LaPisto-Kirtley asked for clarification regarding the protections for historic areas.

Mr. Fritz said that if the facility was within 0.25 miles of a historic place, it would require a special use permit. He said that the decision on its appropriateness would be up to the Board.

Ms. LaPisto-Kirtley said that this allowed them to look at everything to decide the appropriate

placement, rather than not allowing anything in certain areas.

Mr. Fritz said that if it was in a historic district, they would take that out, and beyond that 1500-foot distance, it would require administrative review.

Ms. LaPisto-Kirtley said that there may be areas in a historic district that would be perfectly fine as a location for a cell phone tower.

Mr. Fritz said that that was evidenced by the number of approvals the Board had given. He said that this would significantly reduce the number of facilities that needed a special use permit due to their proximity to historic resources.

Ms. LaPisto-Kirtley asked whether it would be fair to say that a lot of the cell phone companies, which were private, were not coming into a lot of the area to provide cell phone coverage because of those special use permits.

Mr. Fritz said that he would not want to speculate on the business decisions of those companies.

Ms. Mallek asked how biodiversity areas such as wetlands and grasslands not located in forest blocks were accounted for in this ordinance.

Mr. Fritz said that one of the recommendations staff made in their packet was the potential addition of biodiversity areas in the future, contingent upon better mapping or definition. He said that they could revisit the ordinance at a later date to introduce additional protections for these areas.

Ms. Mallek said that she believed that both at the state and local levels, as per the National Heritage Committee, there was a reluctance to assign parcel IDs to rare and treasured items due to concerns about poaching, trespassing, and similar issues. She said that she was concerned that even with these precautions, the destruction of these areas could still occur, particularly if bulldozer trails were created through them.

Ms. Mallek said that she was worried that this issue was not being addressed thoroughly enough when only selecting mountaintops and forests for preservation. She said that she wanted to add this concern to the discussion, as she believed it was of great importance. She also said that she wanted to highlight the Red Hill wetlands, located off of Route 29 South, near the Hardware River. She said that this area was home to numerous different creatures and rare plants that were very rare in the Commonwealth.

Mr. Fritz said that one of the things he observed when examining this issue was that many of the wetland areas, in particular, tended to be at lower elevations. He said that these areas were not typically chosen for or impacted by wireless facilities. He said that they generally preferred higher altitudes.

Ms. Mallek said that the grasslands in the area would be open season if they were not required to be screened, protected, and so on, under the new ordinance. She said that on page two, staff mentioned skylighted when viewed from abutting parcels or public streets only. She said that that seemed to be in conflict with on page 10, where it talked about minimizing visibility from adjacent parcels and streets, regardless of their distance from the facility. She said that this gave viewshed protection to a wider area. She said that therefore, these seemed to not fit with each other.

Mr. Fritz said that the difference lay in their attempt to better define skylighting. He said that this had been a concern for them for some time. He said that if one stood below it, it was considered skylight. He said that similarly, if one was directly below the tower, it was by definition skylight. He said that they were trying to refine the definition so that it was considered skylight when the viewing position was taken into account. He said that the goal of minimizing visibility was an overreaching one. He said that it did not, however, bind into the definition of skylighting.

Ms. Mallek asked if screening and siting concealment efforts would still be required.

Mr. Fritz said that yes, it remained part of the evaluation criteria.

Ms. Mallek said that she had a question regarding the height of the monopole. She said that she was curious about who would decide the height of the monopole when going 10 feet above. She said that this issue was not clearly addressed in the new number 8 under height.

Mr. Fritz said that currently, Tier 2 wireless facilities were permitted to be 10 feet above. He said that there was no change there. He said that however, the definition of a concealment element was changing, based on the FCC's (Federal Communications Commission) guidance. He said that they could no longer consider the reference tree as part of the concealment element.

Mr. Fritz said that consequently, they were maintaining the height of a Tier 2 tower at 10 feet by removing the relationship of the tower to the trees, so they eliminated the concealment element. He said that this change permitted an automatic by-right increase of 20 feet. He said that as a result, a Tier 2 facility could be built at 30 feet above the tree line, with no further extension beyond that by-right.

Ms. Mallek confirmed that if they adopted this draft, it would be 30 feet.

Mr. Fritz said yes. He said that some wanted it higher, but that there was significant support for 30 feet in the survey feedback.

Ms. Mallek said that regarding scheduling a balloon test, she understood now that the applicant would be responsible for scheduling it.

Mr. Fritz said that the ordinance was amended years ago for the balloon test so that it was when requested by the agent, and then they coordinated that with the applicant doing the balloon test.

Ms. Mallek said that the agent being consulted was scratched out on this.

Mr. Fritz said that the agent still determined whether a balloon test was needed and when it was done.

Ms. Mallek asked if the 12-inch or 18-inch standoff was now gone, and a 12-foot standoff for the antennae was the new by-right standard.

Mr. Fritz said that they could extend up to 20 feet on towers on each side. He said that in accordance with FCC guidance, there was no way to limit it to 12 inches; they could extend up to 20 feet as exempt co-location. He said that therefore, they were aligning it with the FCC guidance.

Ms. Mallek said that she understood the co-location, but she was referring to the new tower page. She said that it had been a point of negotiation in the past that appeared to be wiped out. She commented that the "shalls" were scratched out and substituted with "musts."

Mr. Fritz said that the Interim County Attorney recommended the change as best practice.

Mr. Andy Herrick, Interim County Attorney, confirmed that it was the same outcome, that it was better terminology, and that "must" meant "must" more than "shall" did.

Ms. McKeel said that the County's historic landmarks were listed in the ordinance. She said that however, the 65 historic sites were not listed. She asked if they were included in a map somewhere.

Mr. Fritz said that they were included in the County GIS data.

Ms. McKeel said that she was concerned that 65 sites might significantly hinder their ability to provide wireless facilities in parts of the County that needed them.

Mr. Fritz said that as proposed, it would result in a dramatic decrease in the unavailable area for wireless facilities. He said that he would provide the GIS map to Ms. McKeel.

Ms. McKeel said that she understood not allowing towers on the ridgeline, but that she did not understand why they did not allow certain cell towers in the forested areas when the trees acted as a concealment method.

Mr. Fritz said that it would not be a prohibited area but would require review by the Planning Commission and the Board of Supervisors to approve wireless facilities in those forested areas with special use permits.

Ms. McKeel asked how long the special use permit process would take to take it from a Tier 2 to a Tier 3.

Mr. Fritz said that it could be completed within 150 days, although some may take longer.

Ms. McKeel said that biodiversity areas such as stream buffers, critical slopes, and ridgelines were already protected.

Mr. Fritz said that floodplains, stream buffers, and critical slopes were all areas where construction was not permitted. He said that one could potentially disturb those areas with access ways, but one could not build a facility in those areas.

Mr. Pruitt said that they had previously received comments regarding the ordinance language pertaining to concealment elements and the definition of a small wireless facility.

Mr. Fritz said that they had reviewed the comments with their consultant. He said that the comments had been addressed, and they were now in compliance with the FCC's regulations and guidance.

Mr. Pruitt said that he did not fully understand the distinction between historic districts and historic places. He said that he had thought it was a single layer on the GIS system.

Mr. Fritz said that he would provide some clarifying information on that.

Mr. Pruitt said that regarding the distinction between the ridgeline and mountain areas, he recalled when Mr. Andrews initially brought up the topic of their large forest blocks and biodiversity areas. He said that at that time, these areas mostly overlapped with their Mountain Protection Areas. He said

that if the staff's suggestion that they could not map the necessary precision to do meaningful tier distinctions between parcels using their large forest blocks and biodiversity areas was accurate, then he was in favor of using the Mountain Protection Area as a substitute, which appeared to be the recommendation in option three.

Mr. Fritz said that the specificity of the forest blocks was sufficient to be used as an avoidance area. He said that the specificity of biodiversity areas lacked that detail. He said that if one were to specify large forest blocks or forest blocks scoring X or above, there was enough specificity. He said that these maps, after some research, had proven to have enough specificity to overlay them with parcels.

Mr. Pruitt asked if there was concern that these maps were outdated.

Mr. Fritz said that the data was from 2009, so the forests may have been cleared, but he did not know the current status. He said that it was possible that they had been timbered. He said that they may be requiring special use permits in areas where they would not have had to require. He said that large forest blocks made up 34% of the County.

Mr. Pruitt asked if these forest blocks had not been given other intrinsic protections. He said that timbering had been mentioned several times in their discussions.

Mr. Fritz said that there was nothing in the ordinance that prohibited the development of those areas or any activities there. He said that there were no ordinance protections for those areas.

Mr. Pruitt asked if Mr. Fritz could clarify how staff would rank the different forest blocks as a distinguishing factor.

Mr. Fritz said that the ranking was conducted based on the size of the forest block, its connectivity with other forested areas, the compactness of the forest block, and the number of important sites within the block. He said that this was done many years ago.

Mr. Pruitt asked if there was a distinction between the ridge area and the overall Mountain Protection Area, which he was not aware of and did not know how to map.

Mr. Fritz said that to clarify, there was no ordinance or regulation that discussed the Mountain Protection Area and limited development in that area, except for the specific language in the wireless provisions that prohibited skyscraping on a ridge and in ridgetop areas. He said that there was no prohibition against building in those areas, nor was there a mountain overlay district.

Mr. Pruitt said that he had thought there was a long discussion about the mountain areas being an avoidance area under the current ordinance.

Mr. Fritz said that it was mostly the ridgeline that was considered as it related to skylighting.

Mr. Pruitt said that returning to his initial thoughts, he still believed this seemed like a very adequate proxy. He said that he would like to hear more from his fellow Board members who had a specific interest in the biodiversity action areas. He said that this proxy appeared to be precise and would remain consistent regardless of human intervention. He said that the defined mountain area did not change when it was timbered, and he could not choose to timber his land a year before selling it for wireless purposes.

Mr. Pruitt said that this made it a more persistent and adequate measure than defining it by large forest blocks. He said that if they were to use map 2, this could potentially be a possibility, but not if they used figure 9. He said that he would appreciate any feedback if they thought he was mistaken about this. He said that this would require updated surveys from their department.

Mr. Fritz said that if they were to use map 2, it would not matter whether or not that area, one of those green areas, it would not matter if there were trees within that area or not. He said that it would be designated as an avoidance area. He said that any development in that area would require a special use permit.

Mr. Pruitt said that he appreciated the distinction that was being made because they had discussed how these areas appeared to be large forest blocks. He said that he was uncertain if there were actual forests there.

Mr. Fritz said that one of the options identified in the staff report provided was field verification each time. He said that this approach would be very labor-intensive and could lead to the same issue they were discussing. He said that someone could timber it so that it fell below the threshold for large forest blocks.

Mr. Pruitt said that regarding item 6 on page 10, which pertained to screening and citing to minimize visibility, this provision had garnered significant interest from their colleagues at Williams Mullen. He said that he was curious about how staff would interpret this provision. He said that his interpretation would be that it mandated minimizing visibility and providing adequate screening within the parcel and between adjacent parcels and streets.

Mr. Pruitt said that for instance, if he owned parcel B, which was adjacent to parcel A, he must



build his tower in the most convenient location with the best screening possible, as applicable to parcel B. He said that this provision did not mean that if the screening and placement options were not great, he had still done what was the most visibility concerned option within parcel B, meaning that option 6 could not be used so that he could not build on parcel B. He said that it simply required that he minimize visibility within parcel B.

Mr. Fritz said that that was correct. He said that for instance, he had a tree on a property that he wished to use as his reference tree. He said that there were limited screening opportunities with just one tree. He said that this scenario had never occurred before. He said that they might decide to deny this request, but they would work with the property owner.

Mr. Pruitt said that he often considered, if he were a conniving individual trying to circumvent the law, how he might behave. He said that he was curious about what prevented him from going to the district court or where one would file a petition to subdivide a parcel. He said that for instance, if he were to subdivide his 20-acre parcel into two, creating a half-acre parcel, which he had designated as parcel B and which was barren, and he placed it in the least visible area of parcel B, which did not exist. He said that he wondered if there were any regulations or guidelines that would address such a scenario.

Mr. Fritz said that they did not address that situation. He said that partition suits presented a challenge for them when they occurred. He said that they had to consider what to do with that parcel. He said that if the parcel was below the threshold at the time the ordinance was adopted, it was not non-conforming because it did not exist prior to the ordinance's adoption date. He said that partition suits were not fun. He said that they could not go through every single one, so he could not provide a specific answer to Mr. Pruitt's question.

Mr. Andrews said that he wanted to ensure he understood the maps correctly. He said that when comparing Map 2 with Map 9, it was immediately apparent that Map 9 was broader brushed, even though it covered a smaller area. He said that there were fewer interstitial spaces that had already been cleared because it primarily focused on the mountains.

Mr. Fritz said that it was referring to a mountain above a certain elevation.

Mr. Andrews said that was true even if that elevation already had a road running through it or whatever. He said that he wanted to ensure that he understood this correctly because it seemed like in some ways, while they protected additional areas, they also left some options open in areas where the altitude might be a little higher.

Mr. Andrews said that when they discussed protecting mountaintop areas, they were not just looking at whether one would see it, but also whether it represented a forested block, potentially biodiverse area, an area that could be disturbed, and one that would be for wildlife corridors and habitats that otherwise did not need to be.

Mr. Fritz said that if they had selected mountain protection areas as an avoidance area when the special use permit application came in, it was now a special use permit that they reviewed for compliance with the Comprehensive Plan. He said that this meant they would examine all parts of the Comprehensive Plan, including the biodiversity plan and forest cover, and present this analysis to the Board.

Mr. Fritz said that if the proposed development was located in a Mountain Protection Area, which was an avoidance area, and that it was also a significant wildlife corridor or had a unique resource associated with it, they then they may determine it was adversely impacted, or they may analyze the situation and identify that there was no resource that would be adversely impacted.

Mr. Andrews said that Mr. Fritz also suggested that if additional mapping were conducted in the biodiversity area, it could be considered. He said that he understood the concern that they did not necessarily want to map the highly sensitive areas or at least identify why they were sensitive in some cases. He said that this also asked the question as to whether they would be looking at this in another year or two and would give them the opportunity to see if these would actually resulted in any activity.

Mr. Andrews said that he worried that the real driver of cell towers was the economics of whether the towers would reach enough people and less about the process. He said that if they opened up the process and still did not get enough coverage, the process may be opening them up for reasons that were not valid.

Ms. LaPisto-Kirtley asked if large forested blocks would be considered avoidance areas even after clear-cutting.

Mr. Fritz said that was correct. He said that that was why they noted that if they selected the large forest blocks, it may result in the submittal of applications that did not really need to be processed that way. He said that was why they did not recommend that as an option to the Board.

Ms. LaPisto-Kirtley said that a lot of the biodiversity area was already protected by other County ordinances.

Mr. Fritz said that stream buffers and critical slopes. He said that a lot of the Mountain Protection Areas included critical slopes.

Ms. LaPisto-Kirtley asked if the County had the option to avoid a certain area if they knew that certain significant wildlife species were present in that area.

Mr. Fritz said that was correct. He said that he was certain that they could find a way to craft a mapping program to identify those areas and present it to the Board. He said that such a task would require more time than between the last meeting and this meeting.

Ms. Mallek asked how the identification of specific protection layers would impact the process.

Mr. Fritz said that if it were in a Mountain Protection Area, it would require a special use permit. He said that one of the criteria for granting such a permit was compliance with the Comprehensive Plan, which included the biodiversity action plan as one of its components. He said that they would review it for compliance with these plans, just as they would for any other relevant aspect of the Comprehensive Plan.

Mr. Andrews asked if there were members of the public who wished to speak on this item.

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Ms. Phylis Ripper, White Hall District, said that her husband and she had been a farm owner in the northwest corner of the County for 35 years. She said that they were committed to being good stewards of the land. She said that they had never engaged in clear-cutting the mountains.

Ms. Ripper said that her neighbors at Montfair and Innisfree, as well as herself, would consider placing a cell tower on their farms. She said that this was not for financial gain. She said that John McFarland, for example, did not require the payment from cell towers. She said that none of them did. She said that as of 2024, they still lacked cell service in 50% of the County. She said that she was a volunteer and served as the president of the White Hall Rurians, which Ms. Mallek was also a member of.

Ms. Ripper said that recently, she had been involved in organizing an ALS (Amyotrophic Lateral Sclerosis) bike race at Sugar Hollow. She said that during this race, they relied on HAM radio operators from Greene County to ensure the safety of the cyclists, as they had no cell service. She said that it was possible for any of them to clear-cut land, but they chose not to, due to their love for Albemarle County and their belief in mountaintop protection.

Ms. Ripper said that she believed that obtaining cell service would be impossible if they continued to wrap everything in the red tape of a special use permit. She said that she had spoken with cell service providers about this issue. She said that they did not want to spend the hundreds of thousands of dollars required for the legal process of obtaining a special use permit. She said that with 200,000 miles on her seven-year-old car, she drove frequently between here and Atlanta. She said that driving down to Raleigh, there were no houses in sight, yet she had cell service.

Ms. Ripper said that she did not believe they were not installing cell towers in Albemarle County due to a lack of users. She said that she thought it was because the process was so difficult. She said that if everything was done through special use permits, she wondered would want to conduct business in the County. She said that she was very disappointed with what she had heard that night. She said that she had hoped for significant changes to the ordinance, particularly regarding biodiversity.

Ms. Ripper said that she resided in a part of the County where numerous ordinances existed, yet nobody checked on them. She said that she witnessed violations daily in the western part of the County. She said that nobody was enforcing these ordinances. She said that she would not report when she saw driveways going straight up a critical slope. She said that her question to Mr. Fritz was if they could have cell towers in large areas of the County that were not on ridges.

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Mr. Rob McGinnis, Piedmont Environmental Council (PEC), said that like many who lived in or visited the County, he appreciated the County's natural beauty, open spaces, and history. He said that he also appreciated having reliable cell service. He said that he believed it was the County's responsibility to consider both of these values when planning for cell towers. He said that he acknowledged that cell service was a modern necessity, but he also believed there were multiple ways to increase levels of service without adversely impacting important aspects of community resources and character.

Mr. McGinnis said that PEC strongly supported the County's option to include parcels within 1,500 feet of a parcel listed on the National Register of Historic Places as avoidance areas. He said that PEC also supported the County's option to add the Mountain Protection Areas as avoidance areas and supported the future revision of the ordinance to add biodiversity areas identified in the biodiversity action plan as avoidance areas when the biodiversity action plan was amended to map these areas more specifically. He said that he was the elected chair of the Natural Heritage Committee, and updating the biodiversity action plan was on the committee's work plan.

Mr. McGinnis said that, however, PEC did not support the removal of historic districts and scenic byways from the avoidance areas. He said that he believed that the special use permits process versus by-right administrative approvals required compliance with the Comprehensive Plan. He said that they believed it also offered better siting, better design, and community engagement. He said that designing less visible towers, sited in less sensitive areas, and providing personal wireless services were not mutually exclusive.

Mr. McGinnis thanked the Board for taking on this challenge and acknowledged that challenging work was required to balance the need for reliable cell service and the equally important need to protect important natural and cultural resources and the rural economy.

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Ms. Genevieve Keller, president of Preservation Piedmont and the immediate past Chair of Preservation Virginia, their statewide historic preservation organization. She said that Albemarle was one of their nation's most historically significant places, nationally and internationally recognized and much visited. She said that the recommended personal wireless services facilities ordinance would weaken their stewardship of their historic places.

Ms. Keller said that a particular concern was removing the historic areas from the County's avoidance areas. She said that she was interpreting, and she had heard them discuss tonight, the staff language as accepting and excluding from review and comment all properties within a district that were not individually listed in the National Register of Historic Places. She said that most County properties lying within historic districts were not listed individually, although many of them would be eligible for individual listings.

Ms. Keller said that actually what was being proposed was an elitist and exclusionary recommendation. She said that the only way that most properties got put on the National Register of Historic Places individually today was because their owners paid a conservation specialist or firm thousands of dollars so that they could qualify for historic preservation tax credits at state and national levels. She said that it was somewhat exclusionary because it was really only people who could afford to pay now who got on, because surveys were generally done on a district-wide basis.

Ms. Keller said that the County had maintained a tradition of valuing farmland and rural villages for many years. She said that as a result, property owners within and adjacent to historic districts had been assured that all the benefits of a national register listing would accrue to them as owners of contributing historic resource, even without an actual listing. She said that despite the efforts of the last four decades, the County had not established even one individually protected property or locally designated historic districts, unlike other comparable counties such as Loudoun, Fairfax, Arlington, Clarke, and Fauquier.

Ms. Keller said that their historic places warranted continued consideration, especially now when formerly excluded and misrepresented resources associated with Black, Indigenous, and people of color were only beginning to be revealed and designated locally and statewide. She said that Albemarle's historic landscape was essentially a Black landscape with significance and themes related to enslaved African labor and emancipation, and that history was only beginning to be valued now by descendants and scholars. She said that this was an environmental justice issue. She said that they owed it to future generations to ensure that this landscape was treated with care.

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Ms. Jean Hyatt, founding member of Preservation Piedmont, a local historic preservation group, said that they appreciated the addition of biodiverse and forested areas to the avoidance areas in the update of their ordinance regarding cell tower sitings. She said that Albemarle was home to some of the most significant and unique historic buildings, resources, natural beauty, scenic byways, and rivers in the United States.

Ms. Hyatt said that it was their community's and their leaders' responsibility to take exceptional care to protect and preserve these resources for current and future residents and visitors. She said that it was also of the utmost importance to enhance their knowledge about these resources. She said that they strongly urged the Board to not remove historic districts and scenic highways and byways from the list of cell tower avoidance areas.

Ms. Hyatt said that many structures in their historic districts were eligible for individual designation by the National Trust, and there was a strong interest in the County for the Board to enact a historic preservation ordinance, as had been accomplished in many counties. She said that removing historic districts and scenic highways and byways from cell tower avoidance areas undermined this important goal.

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Ms. Valerie Long said that she was from Williams Mullen. She said that she and her colleague Lori Schweller had both been very active in representing applicants before the County and other jurisdictions across the state regarding wireless applications. She said that they had been working with this ordinance for quite some time, almost as long as Mr. Fritz.

Ms. Long said that she wanted to emphasize that, overall, this ordinance was a significant improvement to the existing one. She said that she commended the Board, the staff, and their consultants for the time they had invested over the years in working on it. She said that she believed it would indeed make a big difference.

Ms. Long said that the key point she wanted to reiterate was that, if she understood correctly, one of the goals of this ordinance update, was to improve service. She said that part of that, as their consultants identified, was removing unnecessary regulatory regulations, which most of this ordinance did. She said that the issue with whether certain areas were avoidance areas or not, in her opinion, came down to whether it was additional unnecessary regulations.

Ms. Long said that the ordinance already required that these facilities be sited to minimize visibility from adjacent streets. She said that even adjacent entrance corridor districts, which were not just the entrance corridor roads themselves, but all lands adjacent to entrance corridors, needed to be considered. She said that it was stated that the facility must be sited to minimize visibility. She said that if a scenic byway was not designated as an avoidance area, it did not imply that the County was not assessing the facility for potential impacts on that scenic byway.

Ms. Long said that this protection was already in place due to the provision number 6 regarding minimizing visibility. She said that this was the most important section of the ordinance and detailed minimizing impact from entrance corridors, scenic rivers, national parks, and national forests, no matter the distance from the site. She said that this was not including the federal and state regulatory process that looked at that same issue, including all historic resources within 0.5 miles, whether they were listed, registered, or eligible for listing.

Ms. Long said that Federal Section 106 review process under the National Historic Preservation Act also addressed these concerns, as it was more comprehensive and would cover all the issues the Supervisors were concerned about. She said that in conclusion, she said that option number one, which pertained to historic resources and mentioned the four national historic landmarks, was the most straightforward to work with.

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Ms. LaPisto-Kirtley said that she was glad to see this updated ordinance, as she considered cell phone tower coverage a health and safety issue. She said that she believed was the most important aspect. She said that it was crucial to ensure that people were protected, that they could call for services, and that no one died due to lack of cell phone service. She said that while she agreed that the proposed protections were sufficient, she believed that eliminating the avoidance area was an extra layer. She said that it simply removed the red tape, which could prolong the process. She said that regarding biodiversity and forest blocks, she did not see them as necessary.

Mr. Fritz said that he would provide the GIS maps that had been requested earlier in their discussion. He said that the blue dots represented historic places. He said that the map outlined the historic districts, including those in Scottsville District, Southwest, Northeast, and West. He said that within each district, there were scattered historic places, and there were also scattered historic places outside of the currently listed districts. He said that the distribution of these historic places was fairly evenly distributed throughout the County.

Ms. Mallek said that she found it reassuring that the places were well spread across the County. She said that there were 65 dots, out of a total of 4,500 parcels. She said that this represented a very small part of their area. She said that she wanted to put that in perspective. She said that there were 4,500 rural parcels and many more others. She said that people had raised different concerns about the necessity or the advisability of the mountain protection or the forest block.

Ms. Mallek said that contiguous areas were very important for the environment, which is why there had been some focus on this from the staff report going forward. She said that as a personal report, she had had discussions with numerous cell phone companies, sharing that she had numerous landowners who would be willing to speak with them about placing something down the mountain. She said that every single one of them had said that there were not enough people in the area for them to bother. She said that this had always been her concern about this due to her personal experience.

Ms. Mallek said that updating the LIDAR (Light Detection and Ranging), which was conducted within the last two years, could be done quite reasonably, or even for the entire region. She said that the state updated it every two years. She said that she wanted them to be aware of this and commit themselves to being welcoming of ensuring that they had the latest information, especially on biodiversity areas, which were already well identified. She said that the Natural Heritage Committee had worked on this many years ago, and that she was sure they would also be eager to improve it.

Ms. Mallek said that they saw pre-regulatory towers almost every day when they drove on 64, especially the ones on top of mountains that could be seen for miles. She said that this was why the ordinances were developed many years ago. She said that after Mr. Fritz's explanation of the maximum, mountain protection adoption, or option 3, and the different elements that it would offer, she would prefer option three.

Ms. McKeel said that she appreciated the discussion and the hard work of the staff, as well as the maps that were created. She said that she was particularly impressed with how quickly Mr. Fritz could come up with a map. She said that she thanked him for his efforts.

Ms. McKeel said that she wanted to share an experience she had this past weekend. She said that she had been a resident of the community for approximately 50 years. She said that they were driving to a vineyard in the Scottsville district with friends on Sunday. She said that they took a wrong turn and became completely lost. She said that they found themselves on a very rural road where, years ago, she had hit a deer with her car. She said that at that time, she had no cell coverage either. She said that fortunately, the car was not significantly damaged, but had it been, she would have been in serious trouble due to the lack of nearby houses. She said that despite this, she was more shaken by the experience than the deer itself. She said that it served as a reminder of the potential dangers when there is no cell coverage.

Ms. McKeel said that on that Sunday, they were heading to a vineyard they had not visited but once before. She said that they ended up lost with no cell coverage. She said that fortunately, they happened to pass by a driveway and a road that she recognized. She said that this allowed her to locate herself and determine the correct direction to take at the next crossroad.

Ms. McKeel said that she wanted to emphasize the importance of cell coverage in such situations. She said that she was looking at this through the lens of equity and tourism. She said that their community had a strong tourist presence. She said that without improvements to their cellular coverage, she recommended adding a cautionary note to all tourism materials, warning visitors that they may not have cell coverage in certain areas because most people assume there will be cell coverage.

Ms. McKeel said that she did not wish to dwell on this issue further, but she truly appreciated the work done by the ARB (Architectural Review Board) and the Historic Preservation Committee. She said that they performed exceptional work. She said that their responsibilities differed from the Supervisors, and that the Board had to balance the preservation of historic properties, agricultural and forestal districts, and the safety of their community. She said that she had reviewed several emails from their first responders over the Labor Day weekend. She said that they expressed concerns about being unable to access cellular coverage when responding to emergencies, which was unacceptable.

Ms. McKeel said that while she acknowledged the value of the Historic Preservation Committee and the ARB's work, it was crucial that the Board address the issue of cellular coverage to ensure the safety of their community. She said that this did not imply that they would erect cell towers everywhere or acquire every house or historic property. She said that she was particularly supportive of option number one. She said that she was concerned about the potential for an excessive number of SUPs, which could hinder their work due to redundancy.

Ms. McKeel said that during the Labor Day weekend, she realized that all wireless facilities required a permit from the Federal Communications Commission. She said that this triggered a federal and state review of the facility's potential impact on historic resources, environmental resources, tribal lands, and migratory birds, among other factors. She said that they already had a process in place. She said that there was a process established by the federal government and the state government to evaluate these facilities and ensure they were addressing many of the concerns they had discussed that afternoon.

Ms. McKeel said that Mr. Fritz had referenced it, and she was not as aware of it. She said that Section 106 review was a comprehensive and detailed process that defined historic properties to include not just sites, structures, buildings, and objects listed on the National Register of Historic Places, but those eligible for listing as well. She said that this process allowed them to look at their historic properties. She said that in addition to what they might put in place, they also had a process from the federal government and state review that addressed environmental concerns.

Ms. McKeel said that she was pleased to learn about tribal lands and migratory birds. She said that that was unexpected to her, but she was grateful for that. She said that the bottom line was that they needed their own local review in some areas, but they did not need redundancy. She said that redundant review was unnecessary in this case because it consumed a lot of time by their staff, who often found themselves tripping over each other, trying to figure out processes and taking a lot of additional time.

Ms. McKeel said that they needed to create a safe community where people could enjoy activities like visiting a vineyard on the weekend. She said that if people were not familiar with the area, they could use their cell phones. She said that about 50% of the County was currently under an avoidance area, which was not acceptable. She said that she had read somewhere that 70% of the adult population exclusively used cell phones. She said that they must provide a safe environment and community for not only their residents but also their visitors.

Mr. Pruitt said that he wanted to ensure that both the public and anyone joining them online understood the context of today's hearing. He said that this was the second time they had addressed this issue recently. He said that in their first hearing, they had decided not to proceed with a vote due to insufficient information. He said that they had agreed to remove some of the most burdensome parts of the avoidance areas, such as agricultural forestal districts, scenic highways and byways, and historic districts, which accounted for more than 70% of the 50% land coverage. He said that now, they were essentially debating how to manage the remaining aspects.

Mr. Pruitt said that he wanted to clarify that when he asked questions during a hearing, they were not normative or policy statements. He said that he was seeking the best information possible. He said that he would begin with a reference that may seem unusual at first, but he assured them there was a purpose behind it. He said that there was a late American Indian performance artist named James Luna, whom he admired greatly. He said that one of his pieces, titled "Laying in State," discussed a Native American man who, dressed in traditional attire, lay in a glass box for people to observe.

Mr. Pruitt said that the artist was presenting a commentary on how, as an American Indian person, he was aware of the tendency to put Native peoples in a box as a historic creature. He said that they had a tendency to confine rural peoples, often on the south side, into being in some kind of historic glass case. He said that he acknowledged that his views may not always align with those of his friends at the Farm Bureau or the Monticello Ruritans, but he could always discuss the importance of ensuring cell coverage on the south side of Albemarle County and in their rural areas.

Mr. Pruitt said that he shared specific instances where the lack of coverage had significant implications for individuals, such as being unable to communicate with friends and family or access telehealth services. He said that the urgent need for reliable communication options for those living in remote areas was evident. He said that for people in the rural area, the primary method by which they sought medical care was through telemedicine due to the physical and financial impact of seeking care at the nearest healthcare facility.

Mr. Pruitt said that the Scottsville Fourth of July Festival was one of his favorite things to attend. He said that community organizer Nancy Gill, a podcaster, livecasted major events on Facebook, including the parade. He said that during the livecast, the video quality dropped significantly, causing significant parts of the video to be missing. He said that this issue occurred in downtown Scottsville, where the parade route passed through the heart of the community. He said that he was concerned that they had hindered the deployment of cell assets, which had prevented innovative and energetic individuals from realizing their business ideas and expanding their work.

Mr. Pruitt said that he believed they should revise their cell ordinance to ensure that they provided the most robust coverage possible, so that they could support the community's growth and development. He said that his personal inclination was towards option one, as he saw potential for growth and improvement. He said that he recognized the importance of addressing the gaps in the forest block to ensure more precise coverage of how they allocated resources. He said that he was interested in seeing an updated survey to determine the most appropriate use of resources to protect biodiversity areas, which were primarily located in Mr. Andrews' and Ms. Mallek's districts.

Mr. Gallaway asked if figure 9 was the most scrutinized in terms of the mountain area and biodiversity areas.

Mr. Andrews said that it was the simplest to define because it was subject to elevations, which coincided with the areas in the highest-scoring forested blocks.

Mr. Gallaway said that he appreciated all the feedback and input they had received so far. He said that he believed they were making progress in improving their position compared to their current situation with the self-towered policy. He said that there were areas in the County where it was still appropriate for them to receive applications. He said that enhanced scrutiny would help them decide if it was the right spot.

Mr. Gallaway said that they were not going full speed ahead, but they were appreciating the points raised about redundant review. He said that he would remind them that they were still dependent on applicants bringing their applications forward for projects. He said that companies still had to decide from a business perspective whether they would move forward and put something in. He said that if this improved some of that situation, it should help them get better coverage.

Mr. Andrews said that, regardless of the outcome, they already had something before them, even in more limited forms, that represented a less dramatic reduction in avoidance areas compared to what currently existed. He said that from this perspective, he lacked detailed information on the costs involved in the special use permit process. He said that he was aware that there were many areas that were not covered, and he was uncertain whether this was due to the difficulty of the process or the lack of cost-effectiveness in implementing self-coverage everywhere.

Mr. Andrews said that they had a lot of rural areas, and he had to proceed with a degree of ignorance regarding these matters because he did not possess sufficient knowledge of the business. He said that he hoped that, in a year's time, they would receive a report detailing the number of proposals that were previously considered avoidance areas that were no longer avoidance areas. He said that this would indicate whether there was a genuine interest in erecting towers in those locations or if the number of proposals was simply due to other factors.

Mr. Herrick clarified that staff had recommended Attachment B, and the additional slides presented were detailing the alternatives in case the Board did not wish to pursue staff's recommendation.

Ms. LaPisto-Kirtley said that she preferred the second item.

Ms. Mallek said that she preferred the last one, which was the staff report.

Ms. McKeel said that she preferred the first one.

Mr. Pruitt said that he preferred option one.

Mr. Gallaway said that he preferred option one.

Mr. Andrews said that he preferred option 2, and that the Board consensus appeared to be divided evenly between options one and two.

Ms. LaPisto-Kirtley said that she believed the map presented would have been more effective if it included a map of each district with specific pinpoints for those locations. She said that even if there were six different sheets, each one pinpointing those locations would have been better. She said that 1,500

feet from Grace Episcopal Church was not significant. She said that similarly, 1,500 feet from Castle Hill, which had approximately 150 acres, was also not significant. She said that it would be beneficial to have an enlarged map of the Jack Jouett District to clearly see the potential impact of these locations.

Mr. Andrews said that the first option related to Map 1, that the second alternative B was Map 2, and that the third option was Map 9, which was the Mountain Area.

Mr. Pruitt noted that the fourth option for the Board to take would be to update the biodiversity action plan before updating this wireless facilities ordinance.

Ms. Mallek said that she preferred the staff report on the forest, and commit to option four in the future.

Ms. McKeel said that she was looking at the staff, which was 3, the Mountain Protection Area, and she was looking at going back and looking at the biodiversity.

Mr. Pruitt said that he would personally like to know a little more first, so 4, but his second choice would be using Map 2, the forest block map, ideally at a score of 4 or higher, which were the darker greens, and lined up closely to the Mountain Areas. He said there was also the issue of contiguity, making it over-inclusive in some parts, and it would not necessarily be consistent with the actual forest blocks that they were trying to protect. He said that he was most interested in getting an updated scale, and after that, he was interested in trying to protect those interconnected forest blocks that they saw on a higher level.

Ms. McKeel said that she will change hers to correspond with Mr. Pruitt.

Mr. Gallaway said that after hearing Mr. Pruitt, for the same rationale, he had chosen Figure 9 for the Mountain Protection Area, but it sounded like 4 or higher was fairly close to the Figure 9 map, that he could be persuaded to go that way as well, with the update. He said that Figure 9 seemed to be more reliable because it was elevation versus other information that might be called into question. He said that he followed that rationale, and that was persuasive to him.

Ms. Mallek asked if the substitute of Map 2, if the considerations that would be used for analysis under the Mountain Protection Area, would they have the authority to use those to analyze the forest blocks as part of this process.

Mr. Fritz said that it would be the same. He said to the extent that the forest block was in a Mountain Protection Area and came in for a special use permit, the Mountain Protection area was part of the Comprehensive Plan and would be considered.

Ms. Mallek asked if the area under Map 2 would encompass more of the geography.

Mr. Andrews said that it looked closed, and that one was based solely on elevation and the other took into account the forest structure.

Ms. Mallek asked if there would be a process difference regarding above or below 700 feet.

Mr. Fritz said that was correct.

Ms. Mallek asked if there would be one continuous argument going forward about what kind of block a parcel was located in.

Mr. Fritz said that they could map it.

Ms. Mallek asked if they would update the map before they started using this.

Mr. Fritz said that they would update the GIS layer and they could have it be an avoidance area.

Ms. LaPisto-Kirtley said that she was going to go with Map 9, but that she could go with Map 2, at a 4 or higher.

Mr. Herrick said that based on the map, it would need to be greater than 4.

Mr. Andrews clarified that there were places that were at an altitude above what they would have had with Map 9, but it was not in a forested block and had been cleared and was not identified as a sensitive area because there were roads passing through it. He said that he would like for those areas to still have cell coverage and have the ability to have a cell tower because it was not going to disturb the wildlife in that case, so he was in favor of that option as well.

Ms. Mallek said that she thought that the reason staff recommended the Mountain Protection Area was because it gave them the authority to use all of the protections in the Comprehensive Plan, which the community had relied upon for many years, and the reliable data. She said that she was in favor of Map 9.

Mr. Andrews said that he observed that between the two maps, Map 2 actually had protected areas that were below the Mountain Protection Area, and he believed that there were significant forest

blocks that were identified that were not necessarily Mountain Protection Areas, so he favored that over the Mountain Protection Area.

Mr. Pruitt said that he did not want to see a proliferation of these sites based on their use of these sites as a jurisdictional marker. He said that for that reason he still favored Option 1.

Mr. Andrews said that if it were abused, it could be changed.

Mr. Fritz said that regarding historic resources, the Board had the option to freeze this in time to only include historic places listed as of the date of ordinance approval.

Mr. Pruitt said that in order to get away from a hung vote, that that was a good compromise, and that he was willing to change his vote to Option 2 if they could freeze it in time.

Mr. Gallaway said that he supported Map 2 based on Mr. Pruitt's comments, and the point that there were places above elevation that would be fine for it to go in. He said that he was still on Option 1 to stay with the 4 historic landmarks.

Mr. Andrews said that the Board consensus was to approve Map option 2 while maintaining the current list of historic places, allowing people to add to it.

Mr. Herrick said that his understanding was that as a consensus, the Board agreed on the first alternative, the historic alternative, which should be applied to any area within 1,500 feet of a parcel listed on the National Register of Historic Places as of September 4, 2024, except for those parcels listed only for being in an historic district. He said that the Board's consensus was also in favor of amending Forest Alternative B on Attachment C, provided it achieved a score of 4.1 or higher.

Mr. Gallaway said that once the motion was called, they should allow for additional discussion so those who may disagree with certain elements within the ordinance could express their thoughts clearly for the record.

Mr. Pruitt **moved** the Board of Supervisors to adopt the Ordinance (Attachment B), as amended to provide that an avoidance area includes any area within 1,500 feet of a parcel listed on the National Historic Register of Places as of September 4, 2024, except for those parcels listed only by virtue of a historic district, and as amended by Forest Alternative B with a score of 4.1 or greater on Attachment C. Ms. LaPisto-Kirtley **seconded** the motion.

In further discussion, Mr. Gallaway said that he disagreed with the point regarding national landmarks versus historic places; however, it would not prevent him from voting for the ordinance because of the improvement it would be from their current situation.

Ms. McKeel said that she agreed with Mr. Gallaway. She said that it had been a long process and she was very appreciative of all the help. She said that she preferred the first option but was willing to support this motion in the name of compromise.

Ms. Mallek said that while she would prefer Map 9 and the adoption of the Mountain Protection Area description, she was willing to vote for this version.

Mr. Andrews asked the Clerk to call the roll.

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

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

**ORDINANCE NO. 24-18(3)**

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS AND CHAPTER 18, ZONING, ARTICLE II BASIC REGULATIONS 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 18, Zoning, Article I, General Provisions and Chapter 18, Zoning, Article II Basic Regulations are hereby reordained and amended as follows:

**By Amending or Adding:**

- Sec. 3.1 Definitions (amending)
- Sec 4.21 Small Cell Facilities (adding)
- Sec 5.1.40 Personal wireless service facilities; collocation, replacement, and removal of transmission equipment. (adding)

**Chapter 18. Zoning**



**Article I. General Provisions**  
**Sec. 3.1 Definitions**

**Avoidance area.** "Avoidance area" means an area having significant resources where the initial siting of personal wireless service facilities could result in adverse impacts as follows: (i) any area within 1,500 feet of a parcel listed on the National Register of Historic Places as of September 4, 2024, except for those parcels listed only by virtue of a historic district; or (ii) any area within a large forest block with a score of 4.1 or greater as shown on "Map 2: Ranking the Conservation Value of Large Forest Blocks" in the Biodiversity Action Plan

**Base station.** "Base station" means a structure or equipment at a fixed location that enables Federal Communications Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section does not support or house equipment described in paragraphs (1) or (2) immediately below. (Code of Federal Regulations Title 47, Chapter 1, Subchapter A, Part 1, Subpart U, §1.6100(b)(1)) The term also does not encompass a tower (as defined in this section) or any equipment associated with a tower. Examples of base stations include (but are not limited to): transmission equipment mounted on a rooftop, water tank, silo, or other above-ground structure other than a tower.

1. **Services to which the term applies.** The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. **Equipment to which the term applies and does not apply.** The term includes, but is not limited to, radio transceivers, antennas, coaxial, or fiber optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration, including distributed antenna systems and small-cell networks. The term does not include any equipment associated with a tower.
3. **Structures to which the term applies and does not apply.** The term includes any structure, other than a tower, that, at the time the relevant application is filed with the county, supports or houses equipment described in paragraphs (1) and (2) of this definition that has been reviewed and approved under section 5.1.40 or the applicable zoning process in effect prior to October 13, 2004.
4. The term does not include: (i) a tower as defined in this section; and (ii) any structure that, at the time the relevant application is filed with the county under section 5.1.40, does not support or house equipment described in paragraphs (1) and (2) of this definition.

**Collocation on an eligible support structure.** "Collocation on an eligible support structure" means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

**Collocation on a new base station.** "Collocation on a new base station" means the mounting or installing of transmission equipment on a pre-existing structure; and/or modifying a pre-existing structure for the purpose of mounting or installing an antenna on that structure.

**Concealed.** "Concealed" means a tower, base station, or utility pole that (i) is not readily identifiable as a wireless communication facility; (ii) has all personal wireless facility antennas internal to the tower, base station, or utility pole; and (iii) is designed to be aesthetically compatible with existing and proposed buildings(s) and uses on a site or area. Concealment examples include (but are not limited to) faux dormers, chimneys, façades, parapets, steeples, and unipoles.

**Concealment elements of the eligible support structure.** "Concealment elements of the eligible support structure" means any condition of approval, including any applicable requirement of section 5.1.40 in effect at the time of approval, established and imposed on the personal wireless service facility as a concealment technique and which includes conditions or regulations pertaining to antenna size, color of the structure and all equipment, antenna mounting techniques, including the requirement that antennas be flush mounted, maximum tower diameters at the base and top, screening by trees including the restrictions on removing trees that are screening the tower, siting towers so that they are not skylighted, requirements as to how cables should be located on a tower, and the size, location, design, and screening for ground based equipment.

**Eligible facility request.** "Eligible facility request" means any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving either:

1. Collocation of new transmission equipment; or
2. Removal of transmission equipment; or
3. Replacement of transmission equipment.

**Radio Frequency.** "Radio Frequency" means a range of frequencies suitable for use in telecommunications that are allocated to be transmitted or received through the air without wires, with the use of transmitters or receivers and associated antennas.

**Skylighted.** "Skylighted" means locating a personal wireless service facility in such a way that the sky is the predominant backdrop of the facility when viewed from abutting parcels or public streets. Skylighted has the same meaning as "skylighting," as that term is used in the County's "Personal Wireless Service Facility Policy."

**Small cell facility.** "Small cell facility" is as defined in Virginia Code § 15.2-2316.3, or its equivalent successor(s).

**Substantial change.** "Substantial change" means a modification to an eligible support structure that meets one or more of the criteria of Code of Federal Regulations Title 47, Chapter 1, Subchapter A, Part 1, Subpart U, §1.6100(b)(7), or its equivalent successor(s)

**Tier I personal wireless service facility or Tier I facility.** "Tier I personal wireless service facility" or "tier 1 facility" means a personal wireless service facility that is either:

1. Located entirely within an existing building but which may include a self-contained ground equipment shelter not exceeding 300 square feet that is not within the building or a whip antenna that satisfies the requirements of section 5.1.40(c).
2. Consists of one or more antennas, other than a microwave dish, attached to an existing structure, together with associated personal wireless service equipment; or
3. The replacement of a wooden monopole with a metal monopole that does not exceed the maximum dimensions permitted under section 5.1.40(b)(9). (See Exempt Collocation for an eligible facility request that does not exceed the definition of substantial change)

**Tier II personal wireless service facility or Tier II facility.** "Tier II personal wireless service facility" or "tier II facility" means a personal wireless service facility that is (i) a treetop facility not located within an avoidance area; or (ii) a non-concealed collocation on a base station that consists of one or more antennas, other than a microwave dish, attached to an existing structure, together with associated personal wireless service equipment.

**Tower.** "Tower" means, as referred to in the definition of "eligible support structure" and "existing tower or base station," any structure built for the sole or primary purpose of supporting any Federal Communications Commission licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated tower site. A tower may be either concealed, such as unipoles and flag poles, or non-concealed, such as:

1. Guy - A type of tower consisting of metal cross strips or bars, which is steadied by wire guys in a radial pattern around the tower.
2. Lattice - A vertical, multi-legged self-supporting tapered style of tower that consists of vertical and horizontal supports with cross bracing intended to support associated telecommunications equipment. This type of tower is designed to support itself without the use of guy wires or other stabilization devices.
3. Monopole - A style of freestanding tower consisting of a single shaft usually composed of two or more stacked hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself and associated telecommunications equipment without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building roof.

[(§ 3.1: 20-3.1, 12-10-80, 7-1-81, 12-16-81, 2-10-82, 6-2-82, 1-1-83, 7-6-83, 11-7-84, 7-17-85, 3-5-86, 1-1-87, 6-10-87, 12-2-87, 7-20-88, 12-7-88, 11-1-89, 6-10-92, 7-8-92, 9-15-93, 8-10-94, 10-11-95, 11-15-95, 10-9-96, 12-10-97; § 18-3.1, Ord. 98-A(1), 8-5-98; Ord. 01-18(6), 10-3-01; Ord. 01-18(9), 10-17-01; Ord. 02-18(2), 2-6-02; Ord. 02-18(5), 7-3-02; Ord. 02-18(7), 10-9-02; Ord. 03-18(1), 2-5-03; Ord. 03-18(2), 3-19-03; Ord. 04-18(2), 10-13-04; 05-18(2), 2-2-05; Ord. 05-18(7), 6-8-05; Ord. 05-18(8), 7-13-05; Ord. 06-18(2), 12-13-06; Ord. 07-18(1), 7-11-07; Ord. 07-18(2), 10-3-07; Ord. 08-18(3), 6-11-08; Ord. 08-18(4), 6-11-08; Ord. 08-18(6), 11-12-08; Ord. 08-18(7), 11-12-08; Ord. 09-18(3), 7-1-09; Ord. 09-18(5), 7-1-09; 09-18(8), 8-5-09; Ord. 09-18(9), 10-14-09; Ord. 09-18(10), 12-2-09; Ord. 09-18(11), 12-10-09; Ord. 10-18(3), 5-5-10; Ord. 10-18(4), 5-5-10; Ord. 10-18(5), 5-12-10; Ord. 11-18(1), 1-12-11; Ord. 11-18(5), 6-1-11; Ord. 11-18(6), 6-1-11; Ord. 12-18(3), 6-6-12; Ord. 12-18(4), 7-11-12; Ord. 12-18(6), 10-3-12, effective 1-1-13; Ord. 12-18(7), 12-5-12, effective 4-1-13; Ord. 13-18(1), 4-3-13; Ord. 13-18(2), 4-3-13; Ord. 13-18(3), 5-8-13; Ord. 13-18(5), 9-11-13; Ord. 13-18(6), 11-13-13, effective 1-1-14; Ord. 13-18(7), 12-4-13, effective 1-1-14; Ord. 14-18(2), 3-5-14; Ord. 14-18(4), 11-12-14; Ord. 15-18(1), 2-11-15; Ord. 15-18(2), 4-8-15; Ord. 15-18(4), 6-3-15; Ord. 15-18(5), 7-8-15; Ord. 15-18(10), 12-9-15; Ord. 16-18(1), 3-2-16; Ord. 16-18(7), 12-14-16; Ord. 17-18(1), 1-18-17; Ord. 17-18(2), 6-14-17; Ord. 17-18(4), 8-9-17; Ord. 17-18(5), 10-11-17; Ord. 18-18(1), 1-10-18; Ord. 18-18(4), 10-3-18; Ord. 19-18(3), 6-5-19) (§ 4.15.03: 12-10-80; 7-8-92, § 4.15.03, Ord. 01-18(3), 5-9-01; Ord. 05-18(4), 3-16-05; Ord. 10-18(1), 1-13-10; Ord. 10-18(3), 5-5-10; Ord. 10-18(5), 5-12-10; Ord. 11-18(1), 1-12-11; Ord. 12-18(2), 3-14-12; Ord. 14-18(3), 6-4-14; Ord. 15-18(3), 5-6-15; § 4.15.3; Ord. 15-18(11), 12-9-15; Ord. 17-18(4), 8-9-17) (§ 4.17.3: Ord. 98-18(1), 8-12-98; Ord. 01-18(8), 10-17-01; Ord. 17-18(5), 10-11-17) (§ 4.18.2: Ord. 00-18(3), 6-14-00; Ord. 13-18(4), 9-4-13) (§ 10.3.3.1: § 20-10.3.3.1, 11-8-89; § 18-10.3.3.1, Ord. 98-A(1), 8-5-98; Ord. 01-18(6), 10-3-01) (§ 30.2.4: § 30.2.4, 12-10-80) (§ 30.3.5: § 30.3.02.1 (part), 12-10-80; 6-10-87; Ord. 05-18(1), 1-5-05, effective 2-5-05; § 30.3.5; Ord. 14-18(1), 3-5-14; Ord. 17-18(4), 8-9-17); § 3.1, Ord. 19-18(3), 6-5-19; Ord. 19-18(6), 8-7-19; Ord. 20-18(2), 9-2-20; Ord. 20-18(3), 9-16-20; Ord. 21-18(3), 6-2-21; Ord. 22-18(2), 4-6-22; Ord. 22-18(1), 8-3-22; Ord. 24-18(3), 9-4-24)]

**State Law reference—** Va. Code § 15.2-2286(A)(4).

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**Article I. General Provisions**  
**Sec. 4.21 Small Cell Facilities**

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**Sec. 4.21 Small Cell Facilities.**

Small cell facilities are permitted by right in all zoning districts, provided that their installation and operation is consistent with Virginia Code § 15.2-2316.3. The wireless services provider or wireless infrastructure provider must provide notice of any small cell installation to the Zoning Administrator, as provided in Virginia Code § 15.2-2316.4.

**Chapter 18. Zoning**

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**Article I. General Provisions**  
**Sec 5.1.40**  
**Personal wireless service facilities; collocation, replacement, and removal of transmission equipment.**

...

**Sec. 5.1.40 Personal wireless service facilities; collocation, replacement, and removal of transmission equipment.**

The purpose of section 5.1.40 is to implement the personal wireless service facilities policy, adopted as part of the comprehensive plan, in a manner that complies with Section 704 of the Telecommunications Act of 1996 (47 U.S.C. § 332(c)(7)) for new personal wireless service facilities and collocations and replacements that result in a substantial change in the physical dimensions of an eligible support structure; and to implement Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. § 1455) and 47 CFR § 1.40001 for collocations and replacements that do not result in a substantial change in the physical dimensions of an eligible support structure. Each personal wireless service facility and the transmission equipment of any other wireless service is subject to the following, as applicable:

- a. *Application for approval:* An application providing the following information is required for each personal wireless service facility (hereinafter, "facility") and collocation on an eligible support structure.:

Application Requirements	Type of Application			
	I	II	III	C/R
1. <i>Application form and signatures.</i> A completed application form, signed by the parcel owner, the parcel owner's agent or the contract purchaser, and the proposed facility's owner. Any owner's agent signing the application must also submit written evidence of the existence and scope of the agency. Any contract purchaser signing the application must also submit the owner's written consent to the application.	X	X	X	X
2. <i>Plat or survey of the parcel.</i> A recorded plat or recorded boundary survey of the parcel on which the facility will be located; provided, if neither a recorded plat nor boundary survey exists, a copy of the legal description of the parcel and the Albemarle County Circuit Court deed book and page number.	X	X	X	X
3. <i>Ownership.</i> The identity of the owner of the parcel and, if the owner is other than a real person, the complete legal name of the entity, a description of the type of entity, and written documentation that the person signing on behalf of the entity is authorized to do so.	X	X	X	X
4. <i>Plans and supporting drawings, calculations, and documentation.</i> Except where the facility will be located entirely within an eligible support structure or an existing building, a scaled plan and a scaled elevation view and other supporting drawings, calculations, and other documentation required by the agent, signed and sealed by an appropriate licensed professional. The plans and supporting drawings, calculations, and documentation must show:	X	X	X	X
(a) <i>Existing and proposed improvements.</i> The location and dimensions of all existing and proposed improvements on the parcel including access roads and structures, the location and dimensions of significant natural features, and the maximum height above ground of the facility (also identified in height above sea level).	X	X	X	X
(b) <i>Elevation and coordinates.</i> The benchmarks and datum used for elevations must coincide with the State Plane VA South US Survey Feet based on the North American Datum of 1983 (NAD 83), with benchmarks acceptable to the county engineer.	X	X	X	X
(c) <i>Design.</i> The design of the facility, including the specific type of support structure and the design, type, location, size, height, and configuration of all existing and proposed antennas and other equipment.	X	X	X	X

(d) <i>Color</i> . Identification of each paint color on the facility, by manufacturer color name and color number. A paint chip or sample must be provided for each color upon request by the agent.	X	X	X	X
(e) <i>Topography</i> . Except where the facility would be attached to an eligible support structure or an existing building, any collocation on a new base station, the topography within 2,000 feet of the proposed facility, in contour intervals not to exceed ten feet for all lands within Albemarle County and, in contour intervals shown on United States Geological Survey topographic survey maps or the best topographic data available, for lands not within Albemarle County.		X	X	
(f) <i>Trees</i> . Except (i) where the facility would be attached to an eligible support structure, or (ii) for any collocation on a new base station, or (iii) if the agent waives production of the following information after determining that it would provide no benefit in reviewing an application the caliper and species of all trees where the dripline is located within 50 feet of the facility. The height, caliper, and species of any tree that the applicant is relying on to provide screening of the monopole or tower. The height, caliper, and species of the reference tree. The caliper and species of all trees that will be adversely impacted or removed during installation or maintenance of the facility must be noted, regardless of their distances to the facility.	X	X	X	
(g) <i>Setbacks, parking, fencing, and landscaping</i> . All existing and proposed setbacks, parking, fencing, and landscaping.	X	X	X	X
(h) <i>Location of accessways</i> . The location of all existing vehicular accessways and the location and design of all proposed vehicular accessways.	X	X	X	X
(i) <i>Location of certain structures and district boundaries</i> . Except where the facility would be attached to an eligible support structure or an existing building, residential and commercial structures and residential and rural areas district boundaries.	X	X	X	
(j) <i>Proximity to airports</i> . If the proposed monopole or tower will be taller than 150 feet, the proximity of the facility to commercial and private airports.		X	X	
5. <i>Photographs</i> . Photographs of the location of the proposed monopole or tower including, for applications for Tier II facilities, the reference tree, and for applications for Tier III facilities, the area within 50 feet of the proposed monopole or tower. These photographs must include reference points to enable identification of the lease area, the vehicular access, the trees that will remain, and the trees that will be removed. In addition, photographs, where possible, or perspective drawings of the facility site and all existing facilities within 200 feet of the site, if any, and the area surrounding the site.		X	X	
6. <i>Balloon tests</i> . For any proposed monopole or tower, photographs taken of a balloon test, which must be conducted, if requested by the agent, as follows:				
(a) <i>Scheduling</i> . The applicant must contact the agent within ten days after the date the application was submitted to schedule a date and time when the balloon test will be conducted. The test must be conducted within 40 days after the date the application was submitted, and the applicant must provide the agent with at least seven days prior notice; provided that the agent may extend this deadline due to inclement weather or with the agreement of the applicant.		X	X	
(b) <i>Marking key boundaries and locations</i> . Prior to the balloon test, the locations of the access road, the lease area, the tower site, the reference tree, and the tallest tree within 25 feet of the proposed monopole must be surveyed and staked or flagged in the field.		X	X	
(c) <i>Balloon height</i> . The test must consist of raising one or more balloons from the facility site to a height equal to the proposed facility.		X	X	
(d) <i>Balloon color or material</i> . The balloons must be of a color or material that provides maximum visibility.		X	X	
(e) <i>Photographing balloon test</i> . The photographs of the balloon test must be taken from the nearest residence and from appropriate locations on abutting properties, along each publicly used road from which the balloon is visible, and other properties and locations as deemed appropriate by the agent. The applicant must identify the camera type, film size, and focal length of the lens for each photograph.		X	X	
7. <i>Additions of antennas</i> . If antennas are proposed to be added to an eligible support structure or an existing building, all existing antennas and other equipment on the structure, building, or facility, as well as all ground equipment, identified by owner, type, and size. The method(s) by which the antennas will be attached to the mounting structure must be depicted.	X	X	X	X
8. <i>Site under conservation or open space easement</i> . If the proposed facility would be located on lands subject to a conservation easement or an open space easement, a copy of the recorded deed of easement and the express written consent of all easement holders to the proposed facility.		X	X	
9. <i>Photographic simulations</i> . At the request of the agent, photographic simulations of the proposed facility.		X	X	

10. <i>Statement of justification for exempt collocation.</i> If the application is for an exempt collocation, a statement of the justification for the application qualifying as an exempt collocation.				X
11. <i>Evidence of prior approval.</i> Approval letters or actions from the County authorizing the initial construction of the facility and any approval letters or actions for modifications of the facility after initial construction. If no approvals were granted by the County for the facility the applicant must provide evidence that the facility was constructed lawfully.				X
12. Radio Frequency Compliance. (a) For new towers and new collocations: A signed statement from an RF engineer competent to opine as to radio frequency (RF) emissions compliance stating that the radio frequency emissions comply with FCC standards for such emissions as set forth in 47 CFR 1.1307, 1.310, 2.091, or 2.093, as applicable; Report and Order, ET Docket 93-62 (Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation), 11 FCC Rcd 15123 (1996); Second Memorandum Opinion and Order and Notice of Proposed Rule Making, ET Docket 93-62 (WT Docket 97-192), 12 FCC Rcd 13494 (1997).	X	X	X	X
(b) For Eligible Facility Requests: A signed statement from an RF engineer competent to opine as to the RF emissions, confirming that following installation, the modified facility will remain in compliance with FCC standards as stated in OET-65 and with all standards listed in subsection (a)(12)(a).	X			
13. <i>Special exception.</i> If the proposed facility does not comply with any provision of section 5.1.40, a special exception application as part of the underlying facility application. The application must identify each regulation from which a special exception is sought and provide a justification for the special exception.	X	X	X	

The following abbreviations are used in this table:  
I, II, and III: Refer to Tier I, Tier II, and Tier III facilities, respectively.  
C/R: Refers to exempt collocations and exempt replacements of transmission equipment.  
X: Refers to a requirement that applies to the corresponding facility or transmission equipment.

- b. *Development requirements.* Each facility or transmission equipment may be established upon approval as provided in subsection (c) provided that the application satisfies the applicable requirements of subsection (a) and demonstrates that the facility or transmission equipment will be installed and operated in compliance with all applicable provisions of this chapter, and the following:

Development Requirements	Type of Application			
	I	II	III	C/R
1. <i>General design.</i> The facility must be designed, installed, and maintained as follows:				
(a) <i>Guy towers.</i> Guy towers are prohibited.	X	X	X	
(b) <i>Outdoor lighting.</i> 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 section 4.17; provided that these restrictions do not apply to any outdoor lighting required by federal law.	X	X	X	
(c) <i>Ground equipment.</i> Any ground equipment shelter not located within an eligible support structure or an existing building must be screened from all lot lines either by terrain, existing structures, existing vegetation, or by added vegetation approved by the agent.	X	X	X	
(d) <i>Whip antenna.</i> A whip antenna less than six inches in diameter may exceed the height of the facility, the eligible support structure, or the existing building.	X	X	X	
(e) <i>Grounding rod.</i> A grounding rod, whose height may not exceed two feet and whose width may not exceed one inch in diameter at the base and tapering to a point, may be installed at the top of the facility, the eligible support structure, or the existing building.	X	X	X	
2. <i>Antennas and associated equipment.</i> Antennas and associated equipment that are not entirely within a proposed facility, an eligible support structure, or an existing building are subject to the following:	X	X	X	
(a) <i>Projection.</i> No antenna may project from a facility, structure, or building beyond the minimum required by the antenna's mounting equipment. No part of any antenna may be more than either six feet from a tower facility or 20 feet from a base station.	X	X	X	
(b) <i>Color.</i> Each antenna and associated equipment must be a color that matches the facility, structure, or building.	X	X	X	
3. <i>Tree conservation plan; content.</i> Before the building official issues a building permit for the facility, the applicant must submit a tree conservation plan prepared by a certified arborist. The plan must be submitted to the agent for review and approval to ensure that all applicable requirements have been satisfied. The plan must specify tree protection methods and procedures, identify all existing trees to be removed on the parcel for the installation, operation, and maintenance of the facility, and identify all dead and dying trees that are recommended to be removed. In approving the plan, the agent	X	X	X	

may identify additional trees or lands up to 200 feet from the lease area to be included in the plan.				
4. <i>Creation of slopes steeper than 2:1.</i> No slopes associated with the installation of the facility and its accessory uses may be created that are steeper than 2:1 without retaining walls, revetments, or other stabilization measures acceptable to the county engineer.	X	X	X	
5. <i>Ground equipment shelter; fencing.</i> The agent may approve a ground equipment shelter not located within an existing building only upon finding that the subject fence: (i) would protect the facility from trespass in areas of high volumes of vehicular or pedestrian traffic or, in the rural areas, to protect the facility from livestock or wildlife; (ii) would not be detrimental to the character of the area; and (iii) would not be detrimental to the public health, safety, or general welfare.	X	X	X	
6. <i>Screening and siting to minimize visibility.</i> The site must provide adequate opportunities for screening and the facility must be sited to minimize its visibility from adjacent parcels and streets, regardless of their distance from the facility. The facility also must be sited to minimize its visibility from any entrance corridor overlay district, state scenic river, national park, or national forest, regardless of whether the site is adjacent to the district, river, park, or forest. If the facility would be located on lands subject to a conservation easement or an open space easement, the facility must be sited so that it is not visible from any resources specifically identified for protection in the deed of easement.		X	X	
7. <i>Open space plan resources.</i> The facility must not adversely impact resources identified in the natural resources chapter of the county's comprehensive plan and the parks and green systems chapters in any county master plan.		X	X	
8. <i>Height of monopole.</i> The top of the monopole, measured in elevation above mean sea level, may not be more than ten feet taller than the tallest tree within 25 feet of the monopole, including any base, foundation, or grading that raises the monopole above the pre-existing natural ground elevation.		X		
9. <i>Color of monopole, antennas, and equipment.</i> Each monopole must be a color, approved by the agent, that blends into the surrounding trees. The antennas, supporting brackets, and all other equipment attached to the monopole must be a color that closely matches that of the monopole. The ground equipment, the ground equipment shelter, and the concrete pad must also be a color that closely matches that of the monopole, provided that the ground equipment and the concrete pad need not closely match the color of the monopole if they are enclosed within a ground equipment shelter or within or behind an approved structure, façade or fencing that: (i) is a color that closely matches that of the monopole; (ii) is consistent with the character of the area; and (iii) makes the ground equipment, ground equipment shelter, and the concrete pad invisible at any time of year from any other parcel or a public or private street.		X	X	
10. <i>Placement of cables, wiring, and similar attachments.</i> Each wood or concrete monopole must be constructed so that all cables, wiring, and similar attachments that run vertically from the ground equipment to the antennas are placed on the monopole to face the interior of the site and away from public view, as determined by the agent. Metal monopoles must be constructed so that vertical cables, wiring, and similar attachments are contained within the monopole's structure.		X		
11. <i>Special use permit conditions.</i> All conditions of approval of a special use permit must be complied with at all times.			X	
12. <i>No substantial change.</i> The collocation or replacement may not result in a substantial change to the physical dimensions of an eligible support structure.				X
13. <i>Replacement of wooden monopole with metal monopole.</i> The replacement of a wooden monopole with a metal monopole:				
(a) The monopole is set back farther in distance than its height to any lot line, or is located closer in distance than its height to any lot line and the document authorized by section 5.1.40(c)(3) exists.	X			
(b) The monopole is located closer in distance than its height to any lot line and the document authorized by section 5.1.40(c)(3) does not exist.		S		

The following abbreviations are used in this table:  
I, II, and III: Refer to Tier I, Tier II, and Tier III facilities, respectively.  
C/R: Refers to exempt collocations and exempt replacements of transmission equipment.  
X: Refers to a requirement that applies to the corresponding facility or transmission equipment.  
S: Refers to a special exception.

c. *Applicability of other regulations in this chapter.* Except as otherwise provided in this subsection, each facility or transmission equipment is subject to all applicable regulations in this chapter:

Applicability of other Development Requirements in this Chapter	Type of Application
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	I	II	III	C/R
1. <i>Building site.</i> Notwithstanding section 4.2.3(a), a facility is not required to be located within a building site.	X	X	X	X
2. <i>Vehicular access.</i> Vehicular access to the facility site or tower site is subject to the requirements of section 4.2 and is not exempt under section 4.2.6(c).	X	X	X	X
3. <i>Setbacks.</i> Notwithstanding section 4.10.3.1(b), the agent may authorize a facility to be located closer in distance than the height of the tower or other mounting structure to any lot line if the applicant obtains an easement or other recordable document, acceptable to the county attorney, showing agreement on the part of the abutting parcel sharing the common lot line that is within the monopole or tower's fall zone. If the right-of-way for a public street is within the fall zone, the Virginia Department of Transportation must be included in the staff review, in lieu of recording an easement or other document.	X	X	X	X
4. <i>Area, bulk, and minimum yards.</i> Notwithstanding the requirements of the district in which the facility will be located, the area and bulk regulations, and the minimum yard requirements of the district does not apply.	X	X	X	X
5. <i>Required yards.</i> Notwithstanding section 4.11, a facility may be located in a required yard.	X	X	X	X
6. <i>Site plan.</i> Notwithstanding section 32.2, a site plan is not required for a facility, but the facility is subject to the requirements of section 32, and the applicant must submit all schematics, plans, calculations, drawings, and other information required by the agent to determine whether the facility complies with section 32. In making this determination, the agent may impose reasonable conditions authorized by section 32 in order to ensure compliance.	X	X	X	X

The following abbreviations are used in this table:  
I, II, and III: Refer to Tier I, Tier II, and Tier III facilities, respectively.  
C/R: Refers to exempt collocations and exempt replacements of transmission equipment.  
X: Refers to a requirement that applies to the corresponding facility or transmission equipment.

d. *Performance standards and requirements for approved applications.* In addition to the applicable development requirements in subsections (b) and (c), the following performance standards and requirements apply to facilities, as applicable:

Performance Standards and Requirements	Type of Application			
	I	II	III	C/R
1. <i>Building permit application; submitting certification of monopole height and revised plans.</i> The following must be submitted with the building permit application: (i) certification by a registered surveyor stating the height of the reference tree that is used to determine the permissible height of the monopole; and (ii) a final revised set of plans for the construction of the facility. The agent will review the surveyor's certificate and the plans to ensure that all applicable requirements have been satisfied.		X		
2. <i>Tree conservation plan; compliance; amendment.</i> The installation, operation, and maintenance of the facility must be conducted in accordance with the tree conservation plan. The applicant may not remove existing trees within the lease area or within 100 feet in all directions surrounding the lease area of any part of the facility except for those trees identified on the plan to be removed for the installation, operation, and maintenance of the facility and dead and dying trees. Before the applicant removes any tree not designated for removal on the approved plan, the applicant must obtain approval of an amended plan. The agent may approve the amended plan if the proposed tree removal will not adversely affect the visibility of the facility from any location off the parcel. The agent may impose reasonable conditions to ensure that the purposes of this paragraph are achieved.	X	X	X	
3. <i>Completion of installation; submitting certifications of compliance.</i> Within 30 days after completion of the installation of the facility, the applicant must provide to the agent prior to issuance of a certificate of occupancy: (i) certification by a registered surveyor stating the height of the tower or monopole, measured both in feet above ground level and in elevation above mean sea level, using the benchmarks or reference datum identified in the application; and (ii) certification stating that the lightning rod's height does not exceed two feet above the top of the tower or monopole and its width does not exceed a diameter of one inch.	X	X	X	
4. <i>Discontinuance of use; notice thereof; removal; surety.</i> Within 30 days after a tower or monopole's use for personal wireless service or any service facilitated by transmission equipment is discontinued, the owner of the facility must notify the zoning administrator in writing that the facility's use has discontinued. The facility and any transmission equipment must be disassembled and removed from the facility site within 90 days after the date its use for personal wireless service or any service facilitated by transmission equipment is discontinued. If the agent determines at any time that surety is required to guarantee that the facility will be removed as required, the agent	X	X	X	

may require that the parcel owner or the owner of the facility submit a certified check, a bond with surety, or a letter of credit, in an amount sufficient for, and conditioned upon, the removal of the facility. The type and form of the surety guarantee must be to the satisfaction of the agent and the county attorney. In determining whether surety should be required, the agent will consider whether: (i) a change in technology makes it likely that the monopole or tower will be unnecessary in the near future; (ii) the permittee has failed to comply with applicable regulations or conditions; and (iii) the permittee has failed to timely remove another monopole or tower within the county.				
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The following abbreviations are used in this table:  
I, II, and III: Refer to Tier I, Tier II, and Tier III facilities, respectively.  
C/R: Refers to exempt collocations and exempt replacements of transmission equipment.  
X: Refers to a requirement that applies to the corresponding facility or transmission equipment.

e. *Application review and action.* Each application will be reviewed and acted on as follows:

Application Review and Action	Type of Application			
	I	II	III	C/R
1. <i>Nature of review and action.</i> The nature of the review and action on submitted applications are as follows:				
(a) Ministerial review and approval by the department of community development to determine compliance with applicable requirements of this section.	X	X		X <sup>1</sup>
(b) Legislative review and approval of a special use permit by the board of supervisors, subject to the applicable requirements of this section and of sections 33.4 and 33.8; to the extent there is any conflict between the time for action in this subsection and in section 33.4, this section prevails.			X	
<sup>1</sup> Notwithstanding any other provision of this chapter, an application for an exempt collocation is not subject to review by the architectural review board and a certificate of appropriateness is not required therefor.				
2. <i>Time for action.</i> The application will be acted upon within:				
(a) 60 days.	X	X		X
(b) 90 days.	S <sup>2</sup>			
(c) 150 days.		S <sup>2</sup>	X	
<sup>2</sup> If the application requires a special exception, the time for acting on the special exception applies to the entire application.				
3. <i>Calculating the time for action.</i> The time for action on an application will be calculated as follows:				
(a) <i>Commencement.</i> The time for action on an application will begin on:				
(i) The date the application is received in the department of community development.	X			X
(ii) The submittal date established for this type of application by the director of planning.		X	X	
(b) <i>Determination of completeness.</i> Within 30 days after the application is received, the agent will determine whether the application includes all applicable information required by this section. If any required information is not provided, the agent will inform the applicant within the 30-day period of the information to be submitted for the application to be complete.	X	X	X	X
(c) <i>Resubmittal.</i> Within ten days after a resubmittal is received, the agent will determine whether the application includes all applicable information required by the initial notice of incompleteness. If any required information was not provided, the agent will inform the applicant within the ten-day period of the information to be submitted for the application to be complete. Second or subsequent notices that information is missing may not include information that was not identified in the original notice of incompleteness.	X	X	X	X
(d) <i>Tolling.</i> The running of the time for action is tolled between when the agent informs the applicant that its application is incomplete and when agent receives all required information from the applicant.	X	X	X	X
(e) <i>Extending time for action.</i> The time by which action must be taken may be extended upon request by, or with the consent of, the applicant.	X	X	X	X
4. <i>Notice.</i> Notice to third parties will be provided as follows:				
(a) The agent will send notice of a complete application for a Tier I facility with a special exception or for a Tier II facility to the owner of each parcel abutting the parcel on which the proposed facility will be located. The notice will describe the nature of the facility, its proposed location on the lot, its proposed height, and the appropriate county office where the complete application may be viewed. The notice will be mailed by first class mail or hand delivered at least ten days before the agent acts on the application. Mailed notice will be mailed to the last known address of the owner. Mailing the notice to the address shown on the current real estate tax assessment records of the county complies with this requirement. The failure of an owner	S	X		



to receive the notice as provided herein does not affect the validity of an approved facility and may not be the basis for an appeal.				
(b) Notice of public hearings will be provided as required by section 33.4(N).			X	
5. <i>Action.</i> An application will be acted on as follows:				
(a) The application will be approved if it satisfies all applicable requirements of this section.	X	X		X
(b) The application will be acted on as provided in sections 33.4 and 33.8.			X	
6. <i>Disapproval of application; appeal.</i> If an application is disapproved:				
(a) If the agent disapproves an application, the agent will identify which requirements were not satisfied and inform the applicant what needs to be done to satisfy each requirement. The applicant may appeal the disapproval of an application to the board of supervisors. An appeal must be in writing and be received in the office of the clerk of the board of supervisors within ten calendar days after the date of the disapproval by the agent. In considering an appeal, the board may affirm, reverse, or modify in whole or in part, the decision of the agent, and its decision will be based upon the applicable requirements of this section.	X	X		X
(b) In lieu of the appeal provided in subsection (a), the applicant at its sole option may appeal the disapproval of the application related to an alleged violation of 47 USC § 332(c)(7) or 47 CFR § 1.40001, as applicable, to any court of competent jurisdiction.	X		X	X
(c) The applicant may appeal the decision of the board of supervisors as provided in Virginia Code § 15.2-2285 and section 33.4.			X	
7. <i>Effect of failure to act within time for action.</i> The failure to act on an application within the time for action:				
(a) Is deemed to be approval of the application; provided that the deemed grant does not become effective until the applicant notifies the department of community development in writing after the review period has expired that the application has been deemed approved.				X
(b) Creates a rebuttable presumption that the failure to timely act was not reasonable under 47 U.S.C. § 332(c)(7)(B)(ii).	X	X	X	

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X: Refers to a requirement that applies to the corresponding facility or transmission equipment.  
S: Refers to an alternative review period that applies when an application for a special exception accompanies the application.

- f. *Collocation or replacement that would result in a substantial change to an eligible support structure.* Any collocation or replacement of transmission equipment that would result in a substantial change in the physical dimensions of an eligible support structure is subject to the procedures and standards for a Tier I facility. A special exception is required for any substantial change that does not satisfy the standards for a Tier I facility. Any collocation or replacement approved for an eligible support structure by special use permit prior to October 13, 2004 does not reclassify the eligible support structure as a Tier I, II, or III facility.
- g. *Removal of transmission equipment on any eligible support structure.* Any transmission equipment on any eligible support structure may be removed as a matter of right and regardless of any special use permit condition providing otherwise.
- h. *Agent approval of increase in height of monopole based on increase in height of reference tree.* Upon the written request of the applicant, the agent may authorize the height of an existing Tier II facility's monopole to be increased above its originally approved height upon finding that the reference tree has grown to a height that is relative to the requested increase in height of the monopole. The application must include a certified survey of the reference tree's new height, as well as the heights of other trees to be considered by the agent. The agent may not grant such a request if the increase in height would cause the facility to be skylighted or would increase the extent to which it is skylighted.
- i. *Administration of special use permits for facilities approved prior to October 13, 2004; conditions.* If any condition of a special use permit for an eligible support structure approved prior to October 13, 2004 is more restrictive than a corresponding standard in this section, the corresponding standard in this section applies. If any condition of the special use permit is less restrictive than a corresponding standard in this section and the applicant establishes that vested rights have attached to the approved facility, the special use permit conditions apply.
- j. *Mobile personal wireless service facilities.* Mobile personal wireless service facilities ("MPWSF") are not subject to any requirements of section 5.1.40, and are otherwise permitted by right in any zoning district, subject to the following:
  - 1. *Zoning clearance required; temporary non-emergency event.* The owner must obtain a zoning clearance under section 31.5 prior to placing a MPWSF on any site for a temporary non-emergency event. The MPWSF may be placed on the site for a maximum of seven consecutive days, and may not be placed on any site for any temporary non-emergency event more than twice in a calendar year.

2. *Zoning clearance required; declared state of emergency.* If a state of emergency is declared by the President of the United States, the Governor of the Commonwealth of Virginia, or the board of supervisors, the owner must obtain a zoning clearance under section 31.5 within 45 days after placing a MPWSF on any site. The MPWSF may be placed on the site for the duration of the state of emergency.

The County of Albemarle, Virginia and the Albemarle County Board of Supervisors reserve any and all rights that it has under the United States Constitution including, but not limited to, the Commerce Clause and the Tenth Amendment.

(§ 5.1.40, Ord. 01-18(9) , 10-17-01; Ord. 04-18(2) , 10-13-04; Ord. 13-18(3) , 5-8-13; Ord. 15-18(1) , 2-11-15; Ord. 15-18(2) , 4-8-15; Ord. 15-18(6) , 7-8-15; Ord. 15-18(7) , 7-8-15; Ord. 24-18(3), 9-4-24)

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Non-Agenda Item. **Recess.** The Board recessed its meeting at 8:15 p.m. and reconvened at 8:22 p.m.

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Agenda Item No. 18. **Public Hearing: ZMA202300015 1928 Scottsville Road.**

PROJECT: ZMA202300015 1928 Scottsville Road

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL(S): 09000000002400

LOCATION: 1928 Scottsville Road, Charlottesville, VA 22902

PROPOSAL: Rezone one parcel to allow a maximum of eight residential units.

PETITION: Request to rezone a total of approximately 1.33 acres from the R-1 Residential Zoning District, which allows residential uses at densities up to one unit/acre, to the R-10 Residential Zoning District, which allows residential uses at densities up to ten units/acre. A maximum of eight dwelling units is proposed, at a gross and net density of approximately six dwelling units/acre. The dwelling units are proposed to be single-family attached units.

ZONING: R-1 Residential – 1 unit/acre

OVERLAY DISTRICT(S): EC – Entrance Corridor Overlay District

PROFFERS: Yes

COMPREHENSIVE PLAN: Neighborhood Density Residential – residential (3-6 units/acre); supporting uses such as places of worship, schools, public and institutional uses, and small-scale neighborhood-serving retail and commercial; in Neighborhood 4 in the Southern and Western Urban Neighborhoods Master Plan area.

The Executive Summary forwarded to the Board states that at its meeting on June 11, 2024, the Planning Commission (PC) voted 5:0 to recommend approval of ZMA202300015 1928 Scottsville Road for the reasons stated in the staff report.

Attachments A, B, and C are the PC staff report, action letter, and meeting minutes.

At the PC public hearing, one member of the public spoke with concerns that utility extensions to the site could impact his property, specifically his stairs, sidewalk, and the pillars adjacent to Route 20. The PC recommended that the applicant work with VDOT and other utility providers to restore any site features that could be impacted or to avoid impacts.

Following the PC hearing, the applicants have been surveying the utility corridor to establish if any of the site features are in the road right of way. They are coordinating with the Albemarle County Service Authority (ACSA) to determine if sanitary sewer can be within the right-of-way.

Staff recommends that the Board adopt the attached ordinance (Attachment D) to approve ZMA202300015 1928 Scottsville Road.

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Mr. Syd Shoaf, Senior Planner I, said that this item concerned a rezoning proposal for a 1.32-acre lot proposed to be rezoned from R-1 Residential to R-10 Residential. He said that the property was located south of Charlottesville, between Avon Street Extended and Scottsville Road. He said that the property, with the tax map parcel number 90-24, currently housed a single-family residence with several outbuildings and was zoned R1 Residential.

Mr. Shoaf said that adjacent parcels to the north and south were also zoned R-1 Residential, containing single-family residential homes. He said that across Scottsville Road, the area was zoned as Rural Areas (RA), while across Avon Street Extended, it was zoned as Planned Residential Development (PRD), specifically the Avon Park 2 subdivision, which included 28 townhomes and two single-family detached homes.

Mr. Shoaf said that the subject property was within the Entrance Corridor as well as the Airport Impact Area Overlay District. He said that the property was situated within the Southern and Western Urban Neighborhoods Master Plan, which designated the parcel for Neighborhood Density Residential, allowing for three to six dwelling units per acre. He said that the applicant was seeking to rezone the entire 1.32-acre parcel from R-1 Residential to R-10 Residential.

Mr. Shoaf said that if approved, the concept plan envisioned constructing a proffered maximum of eight single-family townhouse units for a density of 6.06 dwelling units per acre. He said that the primary access to the site would be from Scottsville Road via Research Way, with eight townhouses that front an

internal street, providing future inter-parcel connectivity to parcels to the north and the south. He said that an emergency access lane from the internal street to Avon Street Extended was also proposed, along with two on-street guest parking spaces, an open space area, a recreation area, and a stormwater management area.

Mr. Shoaf said that the application proposed pedestrian and bicycle facilities, which included a pedestrian pathway along Scottsville Road, a 10-foot shared use path along Avon Street Extended, sidewalks within the site, and a Class A primitive path along the emergency access way. He said that the applicants had proffered to develop the property in general accord with the concept plan, which encompassed the five following major elements as included in the staff report.

Mr. Shoaf said that in summary, there were two factors favorable. He said that the first was that the request aligned with the land use recommendations of the Southern and Western Urban Neighborhoods Master Plan and the second was that the request included transportation improvements consistent with the recommendations of the same master plan, including a new shared use path along Avon Street Extended and a pedestrian path along Scottsville Road. He said that staff found no factors unfavorable. He said that staff recommended that the Board adopt the attached ordinance, Attachment D, to approve ZMA202300015 1928 Scottsville Road.

Ms. Mallek asked if there was any available frontage on the property to allow for a bus stop in the future, or if the bus would have to stop in the road.

Mr. Shoaf said that it was not proposed in this plan.

Mr. Pruitt asked if the proposed sidewalk on Avon would connect to nothing.

Mr. Shoaf said that at this point, since the properties adjacent to it were undeveloped, that was correct. He said that long-term wise in the Comprehensive Plan, the intention was to connect a pedestrian path along the frontage of Avon Street.

Mr. Pruitt asked if any part of the proposed work being done on Biscuit Run, which was within 1,500 feet of this location, the main parking lot, which was right downhill, would include extending up to this property with a sidewalk. He asked if this was something that was being considered.

Mr. Shoaf said that he was not entirely sure as it related to this project, but he could follow up with an answer at a later time.

Mr. Gallaway asked who was responsible for deciding the internal street design. He asked if it was the applicant who chose the design and the County required the connectivity, or if the County suggested the design of the street.

Mr. Shoaf said that the applicant had made the decision regarding the street design. He said that however, County Code promoted the establishment of inter-parcel connections to adjacent parcels for potential future redevelopment.

Mr. Gallaway said that they assumed adjacent parcels may develop and connect, but the street design dictated the connectivity and appearance without necessarily considering if it made the most sense. He said that if a future one developed and the connection did not work for them, they might end up with a development building a connector that did not connect.

Mr. Gallaway said that he had seen similar situations in other places where supposed future connections ended up not connecting, and it could have been another unit there. He said that with such small pieces pulling together in a triangle, he questioned whether they were particularly concerned about connectivity between those couple of lots, or if it was just a general preference for connectivity in all lots.

Mr. Shoaf said that their goal was to establish parcel connectivity with all lots in the Development Area. He said that it remained unclear how the adjacent parcels would redevelop in the future. He said that they hoped that whoever undertook the redevelopment of these parcels would be able to connect to this proposal, rather than having a connection to nowhere. He said that if there were any staff members in the audience who could provide additional clarity, he was open to hearing their insights.

Mr. Gallaway said that it may seem like an unfair question. He said that it appeared that in some circumstances, it may be more beneficial to put in another housing unit rather than prioritize the connection if it was not going to truly connect to other parcels. He said that this was just his commentary.

Mr. Andrews opened the public hearing. He asked if the applicant had a presentation.

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Ms. Ammy George said that she was with Roudabush, Gale, & Associates, and was representing the applicant for this item. She said that during the design of this proposal, they considered the property's smaller size within the larger rezonings, such as Avon Park 1 and 2, Spring Hill Village, and the recent ZMA for 22-4. She said that the property was approximately 200 feet wide and 260 feet deep between Avon Street Extended and Scottsville Road. She said that there were 37 vertical feet between Avon Street Extended on her left and Scottsville Road on her right.

Ms. George said that they tried to honor that natural topography and determine how it could work

for them. She said that they designed the interconnected street, Emma Beth Lane, to be roughly halfway up the property, which allowed them to connect the inter-parcel connectivity while also providing open space at the back of the lots, which they believed would be more beneficial than just the lot itself. She said that this design would be more in tune with the neighborhood itself.

Ms. George said that they had designed this parcel so that the houses along Emma Beth Lane had garage access on the bottom floor and patio access on the second floor. She said that on the lower side of the road, there was a traditional walk-out basement. She said that this configuration was also seen in Spring Hill Village along Avon Street Extended.

Ms. George said that they opted for emergency access to Avon Street Extended rather than extending a street up to that, due to concerns about cut-through traffic between the two streets during the bus shortage.

Ms. George said that Research Way was about 710 feet from Scottsville Road and on the other side was Pace Way. She said that they had tried to get a full access intersection directly across Research Way. She said that another benefit of the inter-parcel connectivity was that the spacing between the intersections on Scottsville Road was limited by VDOT regulations for a 55-mph road, so any intersections further up between Research and Pace would require a partial access easement or a partial entrance with right-in and right-out. She said that the interparcel connectivity was indeed designed for the future so everyone could move through the neighborhood itself.

Ms. George noted that during their public hearing with the Planning Commission, the applicant had heard comments from Mr. Schickedantz, a neighbor up the street, who was concerned about the utility extension proposed for the sewer system to connect from this property up to Spring Hill Village. She said that he had voiced concerns about the impact to his property, other properties, and physical features within them. She said that they had discussed this issue with ACSA (Albemarle County Service Authority), who had agreed that they could put the sanitary sewer within the right-of-way, as there was precedent for this in Spring Hill Village and Galaxie Farm.

Ms. George said that they ran a field survey and found that the steps that Mr. Schickedantz was most concerned about were located within the right-of-way and faced potential impact by the construction of the sanitary sewer. She said that if impact did happen, the applicant wanted to replace those in kind. She said that it was not written in the proffers, but the applicant and Mr. Schickedantz wanted to codify it in the language of the application.

Mr. Herrick said that if it was not included in the proffers, it would not be enforceable unless it was part of the approved site plan.

Ms. George said that it would be inclusive of several properties in the area.

Mr. Herrick said that he was unsure of the basis of enforcement.

Ms. George said that Mr. Schickedantz was concerned that the construction of the sewer would result in them tearing down his steps without them being replaced. She said that he was looking for a way to protect them in the language of this application.

Mr. Andrews asked if there was anything they could do to ensure that damages incurred from construction within the right-of-way could be fixed.

Mr. Herrick said that if it was not on the subject parcel, then it was not part of what was before the Board this evening.

Mr. Andrews asked if that was true even if it was due to the extension of water and sewer from the subject property.

Mr. Herrick said that his understanding was that the proposed improvements that were of concern were not on the subject parcel, but rather in the right-of-way. He said that the matter at hand was not before the Board that evening. He said that it was the responsibility of the holders of the right-of-way to decide what occurred within that right-of-way. He said that this discussion pertained to improvements that were not located on the subject parcels and thus were not part of the agenda for this evening's Board meeting.

Mr. Pruitt noted that that property was not owned by the same entity as the subject parcel.

Mr. Herrick said that that was correct. He said that the Board's action would affect the rights associated with a specific parcel. He said that the improvements of concern were not located on that parcel.

Mr. Pruitt said that he was aware that in an early version of this plan, it was a higher density development. He said that he was curious if that was before Ms. George's firm was contracted on this project.

Ms. George said no, they actually collaborated with Paul McCarter, the applicant, on both plans. She said that they attempted to include a 32-unit apartment building, but based on the Comprehensive Plan, that was not a feasible option. She said that they adjusted their proposal to include townhouse

units.

Mr. Pruitt said that he brought this up because he wanted to draw the Board's attention to it. He said that he had hoped Mr. McCarter would be able to attend because he was aware of Mr. McCarter's passion for this matter. He said that he was an active community member, and he brought this issue to his attention, which served as an illustration of how they sometimes struggled with infill.

Mr. Pruitt said that the 32-unit housing development was architecturally beautiful and was intended to house a significant number of people at 100% AMI. He said that this would have triggered their inclusionary Zoning Ordinance, requiring 15% of the units to be set aside for 80% AMI residents. He said that this was not feasible due to open space concerns for the tot lot and the design of the road. He said that those were the two main issues that stood in the way.

Mr. Pruitt said that these concerns, while essential for ensuring quality of life, may have actually decreased the quality of life and potentially harmed their public good in the ability to realize this project. He said that he had spoken to Mr. McCarter earlier that day and asked if he could send along some of the early architectural drawings to share with the Board. He said that they were at a point where if they wanted to continue building in their community, they must build in and up.

Mr. Pruitt said that this project was a prime example of building in and trying to build up, and he believed they had failed as a community. He said that they were building eight units in a location that was not being utilized currently, which was good, but they could have built 32 units for working-class families, and they were not able to. He said that this gave him concern, and it should be seriously considered as a case study as they approached their zoning refresh.

Ms. George said that she would like to add that, in her conversation with Mr. McCarter, the 32 units he was planning on were one-bedroom studio apartments, which would have been clearly affordable. She said that the primary motivation for this was the land use within the Comprehensive Plan that was restricting the number of units and the density on the property.

As there were no speakers from the public, Mr. Andrews closed the public hearing and said the matter was back before the Board.

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Ms. LaPisto-Kirtley said that she was in favor of this proposal and had no issues with it, but she was shocked that they could not provide more one-bedroom units for working class folks or single people due to the tot lot.

Ms. Mallek said that she was supportive of this proposal. She said that she believed that parking for all the units. She said that if it had been a deterrent, they could have easily done a Comprehensive Plan amendment for this project at the same time. She said that she thought that there were alternatives that could have been used, but she was unsure where they would put 32 cars on there in addition. She said that she found the current layout lovely and believed it would provide a nice place for people to play. She said that if any of the residents in those 32 apartments had children and wished to have a place outside to play, it would be important to them.

Mr. Gallaway said that he was supportive of this proposal, but he was skeptical about the connectivity argument, particularly in relation to the south. He said that he believed this project could be executed more creatively without the need to add vehicular connectivity, especially where two roads converged between Avon Street Extended and Scottsville Road.

Mr. Andrews said that he supported this and asked for a motion.

Mr. Pruitt **moved** that the Board of Supervisors adopt the Ordinance (Attachment D). Ms. Mallek **seconded** the motion.

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

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

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**ORDINANCE NO. 24-A(14)**  
**ZMA 2023-00015**

**AN ORDINANCE TO AMEND THE ZONING MAP FOR**  
**PARCEL 09000-00-00-02400**

**WHEREAS**, application ZMA 2023-00015 was submitted to rezone Parcel 09000-00-00-02400 from R-1 Residential to R-10 Residential; and

**WHEREAS**, on June 11, 2024, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2023-00015;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2023-00015 and their attachments, the Application Plan last revised March 12, 2024, the Proffers signed August 23, 2024, the information presented at the public hearings, any written comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code § 18-17.1 and § 18-33.6, and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board hereby approves ZMA 2023-00015, subject to the Proffers signed August 23, 2024.

Authentisign ID: DE96F8B0-4961-EF11-991A-002248270DCE

Original Proffers   X    
Amendment           

**PROFFER STATEMENT**

ZMA No. 2023-00015

Tax Map and Parcel Number(s): 09000-00-00-02400

Owner(s) of Record: Paul D. McArtor

Date of Proffer Signature: 08/23/24

1.322 acres to be rezoned from R1 to R10

Paul D. McArtor, is the owner (the "Owner") of Tax Map and Parcel Number 09000-00-00-02400 (the "Property") which is the subject of rezoning application ZMA No. 2023-00015, a project known as "1928 Scottsville Road" (the "Project").

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the Owner hereby voluntarily proffers the conditions listed below which shall be applied to the Property if it is rezoned to the zoning district identified above. These conditions are proffered as a part of the requested rezoning and the Owner acknowledges that the conditions are reasonable.

The property shall be developed in general accord with the Zoning Map Amendment prepared by Roudabush, Gale & Associates, dated November 2, 2023 revised March 12, 2024 and shall reflect the following major elements as shown and noted on the plans:

1. The internal street network grid and inter-parcel connections between the subject parcel and TMPs 09000-00-00-02500 and 09000-00-00-02300;
2. Pedestrian pathway and associated roadway improvements along Scottsville Road as outlined in the section titled "Plan for Future Transportation Network" in the Southern and Western Urban Neighborhood Master Plan;
3. 10' shared use path and associated roadway improvements along Avon Street Extended as it is shown in the Avon Street Extended (RE) Vision Corridor Plan dated March, 2020;
4. Emergency access route from internal street network to Avon Street Extended;
5. A maximum of eight (8) total dwelling units shall be developed on the property.

OWNER

 PAUL McARTOR

Paul D. McArtor

**Agenda Item No. 19. Public Hearing: SP202400016 Community Christian Academy**  
**Modulars.**

PROJECT: SP202400016 Community Christian Academy Modulars

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL: 06100-00-00-12700

LOCATION: 1410 and 1414 Old Brook Rd

PROPOSAL: Special use permit amendment for a private school.

PETITION: A request for a special use permit amendment under Section 18-14.2.2 to amend SP202300002 to add a modular building to the site in place of the existing parsonage building.

There are no proposed changes to the maximum approved enrollment of 150 students or other changes to existing buildings, parking areas, or site.

ZONING: R-2 Residential - 2 units/acre

ENTRANCE CORRIDOR: Yes  
OVERLAY DISTRICT: AIA Airport Impact Area  
COMPREHENSIVE PLAN: Neighborhood Density Residential – residential (3 – 6 units/acre) supporting uses such as religious institutions, schools and other small-scale non-residential uses in Neighborhood 2 of the Places 29 Master Plan.

The Executive Summary forwarded to the Board states that at its meeting on July 23, 2024, the Planning Commission (PC) voted 6:0 to recommend approval of SP202400016 Community Christian Academy Modulares, for the reasons and with the conditions recommended by staff.

Several members of the public spoke with questions and concerns regarding the appearance and design of the proposed modular buildings.

Attachments A, B, and C are the PC staff report, action letter, and meeting minutes.

Following the PC public hearing, the Application Narrative was revised (Attachment D). The applicant provided additional clarification on the proposed building(s), to address public questions at the PC meeting. Staff has no concerns with the proposed buildings, as the site is within an Entrance Corridor and an Architectural Review Board certificate of appropriateness will be required. Additional landscaping and screening will also be required during the site plan review, further screening the proposed building.

Staff has also made non-substantive revisions to the proposed SP conditions.

Staff recommends that the Board adopt the attached Resolution (Attachment E) to approve SP202400016 Community Christian Academy Modulares with the proposed conditions.

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Mr. Kevin McCollum, Senior Planner II, said that he would be presenting the staff's report on the special use permit amendment for an existing private school, Community Christian Academy Modulares. He said that this facility was located within Cross Life Community Church, situated at the intersection of Rio Road and Old Brook Road. He said that the site currently comprised two buildings, a church/school building and a parsonage building, along with an existing parking lot and a playground area. He said that the site was zoned R-2 Residential and spanned just over 3 acres.

Mr. McCollum said that the Cross Life Community Church and Community Christian Academy Private School, which both held approved special use permits, were located on this site. He said the most recent special use permit approval for the school, which had occurred the previous year, allowed for an increase in student enrollment to 150 students.

Mr. McCollum said that the following slides illustrated the existing conditions from Old Brook Road looking into the site. He said that the building that looked like a house was the existing parsonage building. He said that on the slide showing conditions from Rio Road, the building on the left was the church and school building, with the parsonage beyond the trees in the middle of the picture.

Mr. McCollum said that the next slide showed the approved concept plan from the previous special use permit in 2023. He said that the existing conditions included the buildings, the playground to the right, the parking lot, and the student drop-off and pickup loop. He said that the proposed concept plan showed the removal of the parsonage building and the addition of a modular building to provide additional classroom space for the school.

Mr. McCollum said that due to its location in the Entrance Corridor, this development would undergo the ARB's (Architectural Review Board's) review process, which would assess the proposed landscaping and building design. He said that the project would also require a site development plan and a Virginia Erosion and Stormwater Management Program plan. He said that through the site plan process, additional landscape buffers, street trees, and screening could be required as needed.

Mr. McCollum said that in summary, the staff had reviewed this proposal and had no major concerns that were not already addressed by existing Zoning Ordinance requirements or the proposed conditions. He said that the recommended conditions, which were relatively straightforward and had been updated to reflect the new conceptual plan, remained mostly the same from the previous SP approval. He said that the staff recommended approval of this special use permit application with the recommended conditions.

Mr. Gallaway asked if the County needed to keep anything specific in mind regarding the modular building, since it was technically moveable.

Mr. McCollum said that some of the concerns raised by the community regarding building design would be addressed by the ARB's review of the building. He said that they might provide comments on the building's appearance. He said that the existing zoning would remain R-2 Residential.

Mr. McCollum said that this special use permit was for the private school, and there was also a special use permit for the church. He said that theoretically, if the owner changed, there was nothing keeping the trailer there, and it could be redeveloped into a residential property, which the church might want to use. He said that there was nothing currently holding them to the development of the modular building as shown in the concept plan.

Mr. Andrews opened the public hearing. He asked if the applicant had a presentation.

Ms. Kimberly Moore said that she was the Executive Director for Community Christian Academy. She said that they needed additional classrooms. She said that currently they operated from two sites. She said that their elementary school was located at Cross Life, while their middle school was situated at Riverstone. She said that moving a school could take months and months. She said that the Riverstone location was in flux due to the property owners, who were only extending their lease by six months until two months ago. She said that they needed a more permanent location for their middle school.

Ms. Moore said that due to the other building's configuration in terms of usable classroom space, they currently lacked the space they needed, and they needed to bring one in. She said that they had desires to further develop the property overtime to something more permanent to the building, but at this point in time, this would allow them to have the extra space they needed, hopefully by the next school year. She said that if they wished to add a more permanent structure, that would take several years to complete. She said that this was what they were attempting to do.

Mr. Pruitt asked if the parsonage was a parsonage in name only, and if it was a fellowship hall.

Ms. Moore said no, the parsonage currently stored their paper towels. She said that it was an old building that would not meet today's building code standards. She said that it would not be feasible to repurpose that space for classrooms safely. She said that the church had expressed a desire to have the building removed. She said that due to the involvement of engineers and other considerations, the new building would not be placed directly on top of that area. She said that instead, there would be a building envelope, positioned slightly to the side and smaller in size. She said that throughout this process, they had been mindful of disturbing only a limited amount of land. She said that it was important to note that no one resided in the parsonage for any length of time.

Mr. Gallaway thanked the applicant for their diligence in answering all questions from the community during the CAC meeting.

Mr. Andrews closed the public hearing and said the matter rested with the Board.

Mr. Gallaway said that he appreciated that this application would be further reviewed by the ARB, which hopefully would address any remaining concerns of the neighboring residents.

Mr. Andrews said that they were looking for a motion.

Mr. Gallaway **moved** that the Board of Supervisors approve the special use permit SP202400016 Community Christian Academy Modulares (Attachment E).

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

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

**RESOLUTION TO APPROVE SP202400016  
COMMUNITY CHRISTIAN ACADEMY MODULARS**

**WHEREAS**, upon consideration of the staff reports prepared for SP 202400016 Community Christian Academy Modulares and all of their attachments, including staff's supporting analysis, the information presented at the public hearings, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-14.2.2 and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

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

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves SP 202400016 Community Christian Academy Modulares, subject to the conditions attached hereto.

\* \* \* \* \*

**SP202300002 Community Christian Academy 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 titled "Community Christian Academy" prepared by Shimp Engineering, P.C., last revised June 6, 2024. To be in general accord with the Concept Plan, development must reflect the following major elements within the development essential to the design



- of the development.
- Location of buildings, parking areas, playground areas, and buffer areas.
  - Site access including pick-up and drop-off locations and circulation as shown on the Concept Plan. Signage and pavement markings may be required at the time of Zoning Clearance to ensure safe vehicular circulation. Minor modifications to the Plan that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance or improve safety.
- The maximum enrollment may not exceed one-hundred fifty (150) students.
  - All students must be over the age of two and one-half (2 ½) years old.
  - Classroom instruction for the school is limited to between 7:30 a.m.-6:00 p.m. Monday through Friday, provided that occasional school-related events/activities may occur after 6:00 p.m.

SPECIAL USE PERMIT  
CONCEPT PLAN  
SP 202400016  
An amendment to SP 2023-00002

# COMMUNITY CHRISTIAN ACADEMY

TMP 61-127

Project ID: 23.024  
Submitted 15 APRIL 2024  
Revised 06 MAY 2024  
Revised 06 June 2024

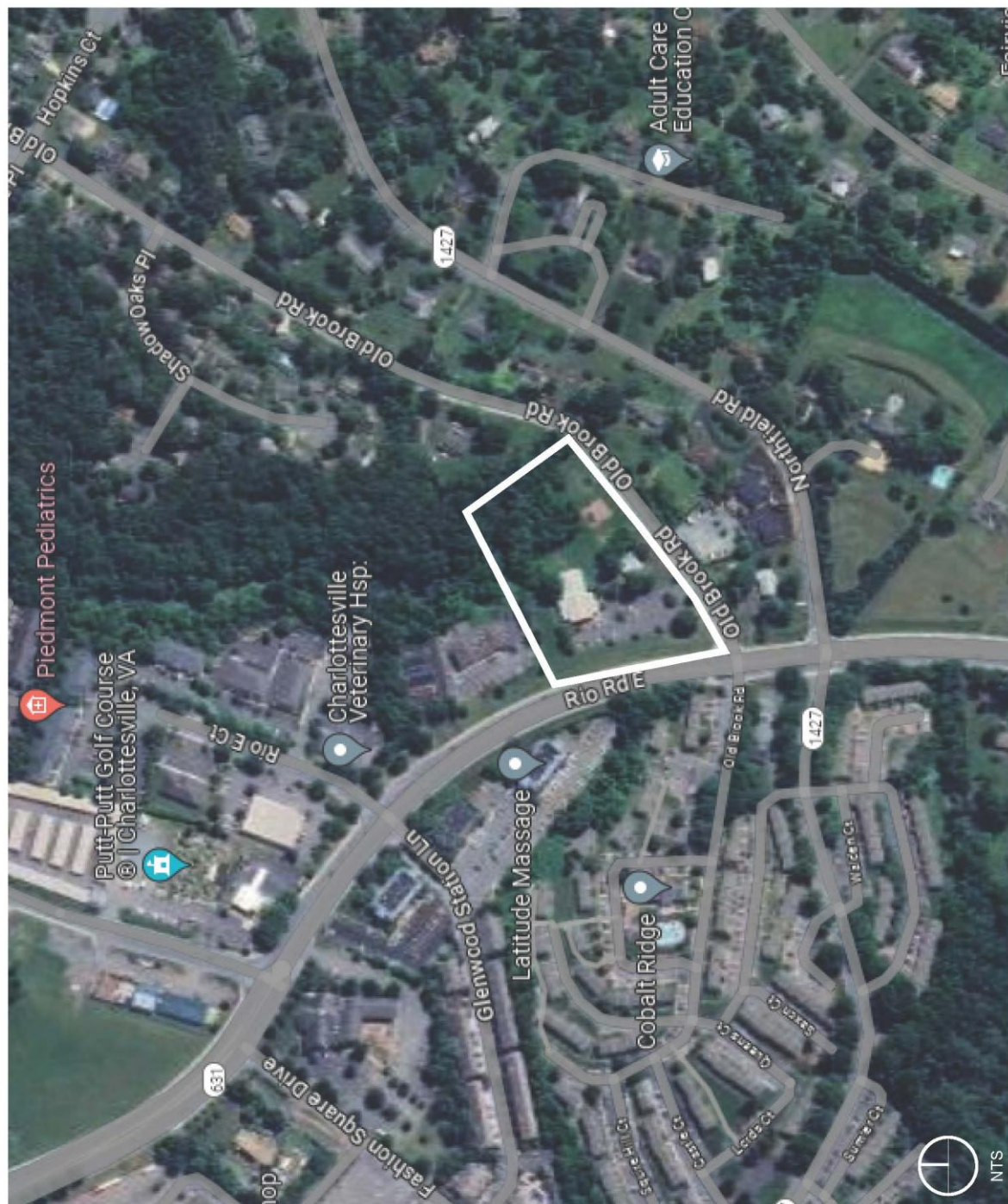
## Context Map

Sheet 1 of 4

### INDEX OF SHEETS

- 1 - Cover & Context Map
- 2 - Site & SP Details
- 3 - Existing Conditions
- 4 - Proposed Concept Plan

SHIMP ENGINEERING, P.C.



SPECIAL USE PERMIT  
CONCEPT PLAN  
SP 202400016  
An amendment to SP 2023-00002

COMMUNITY  
CHRISTIAN ACADEMY  
SITE & SP DETAILS  
Sheet 2 of 4

OWNER	Alliance Bible Church of Charlottesville Etal, Trustees	USE	Private School
TMP(S)	TMP 61-127	ZONING	R2 Residential
ACREAGE	3.141 Acres	COMPREHENSIVE PLAN DESIGNATION	Neighborhood Density Residential
MAGISTERIAL DISTRICT	Rio	WATER AND SANITARY SERVICES	The property is served by public water and sanitary services.

**STEEP SLOPES & WATER PROTECTION**  
Steep slopes are not present within project area. A water protection ordinance buffer is not present on the property.

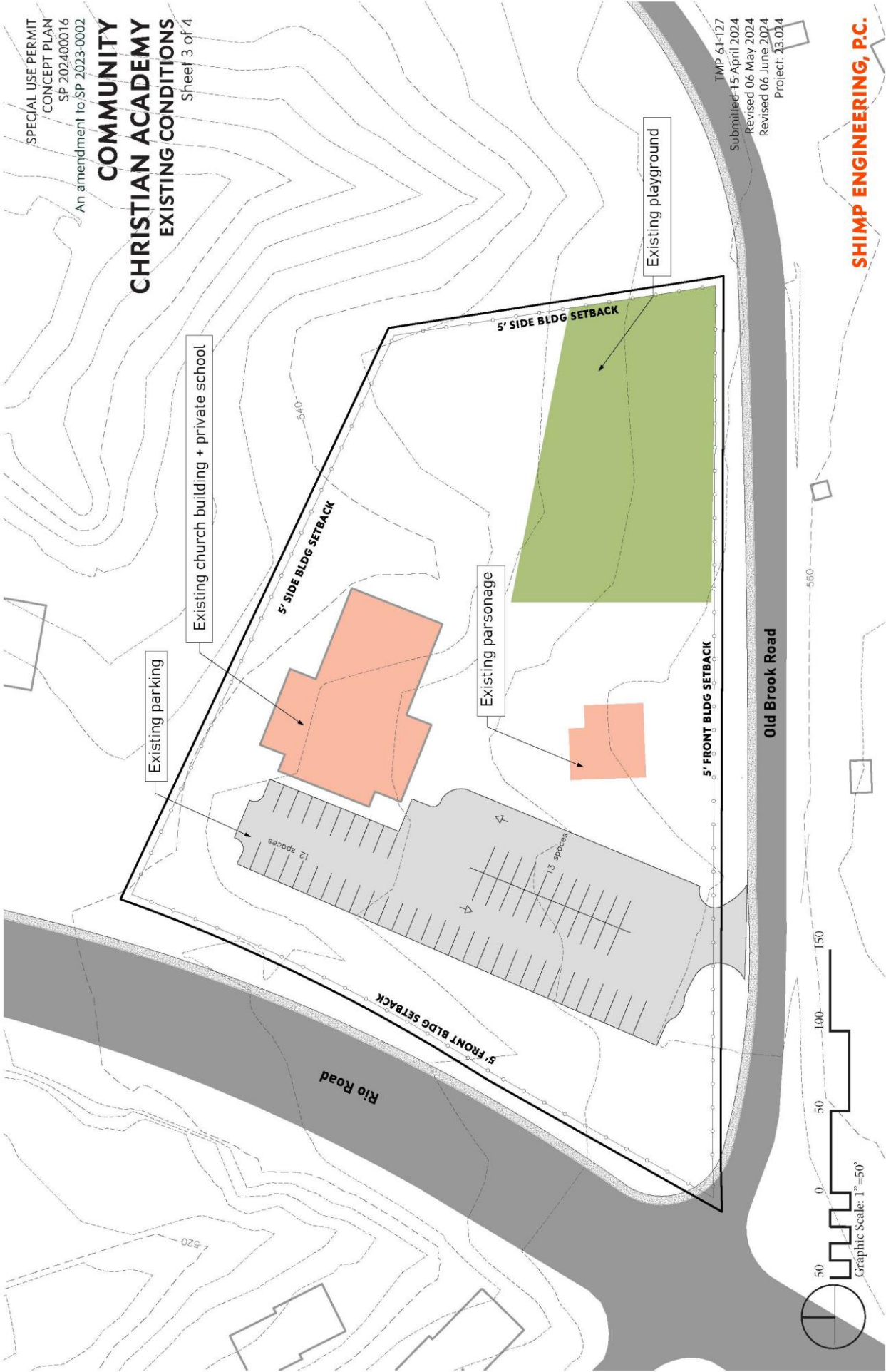
**SOURCE OF BOUNDARY & TOPOGRAPHY**  
Boundary shown per plat record D.B. 919-212.  
Topography obtained from Albemarle County GIS.

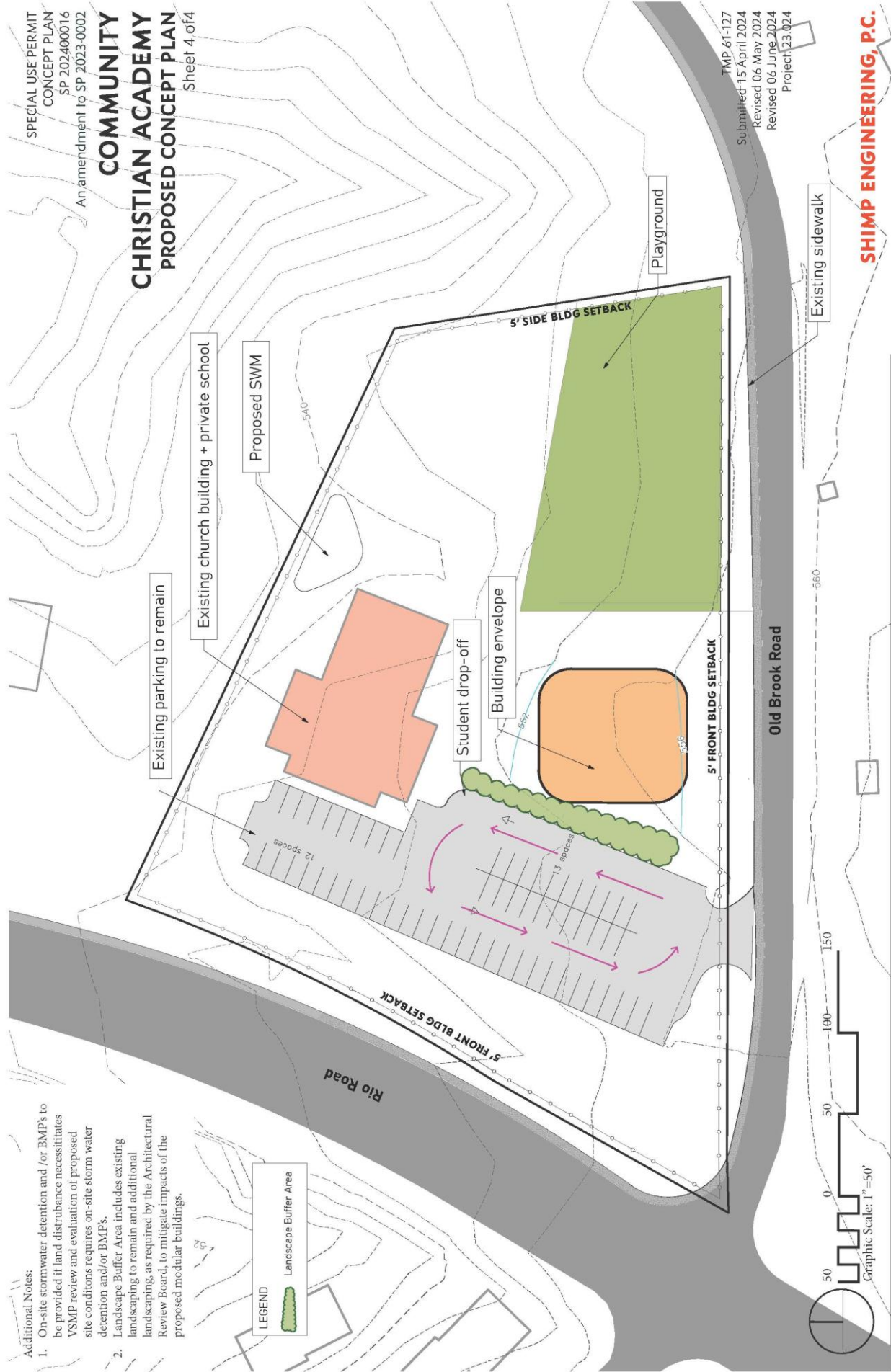
**FLOOD ZONE**  
According to the FEMA Flood Insurance Rate Map, effective date February 4, 2005 (Community Panel 51003C0279D), this property does not lie within a Zone A 100-year flood plain.

**WATER SUPPLY WATERSHED**  
The property is not within a water supply watershed.

TMP 61-127  
Submitted 15 April 2024  
Revised 06 May 2024  
Revised 06 June 2024  
Project: 23.024







Agenda Item No. 20. **Public Hearing: ACSA202400001 Roach Jurisdictional Area Amendment**. Request to amend the Albemarle County Service Authority Jurisdictional Area boundary to permit sewer service to 4874 Three Notched Road in Crozet, Tax Map Parcel 05600-00-00-07000 (White Hall Magisterial District).

The Executive Summary forwarded to the Board states that the applicant has applied for an ACSA Jurisdictional Area amendment to allow sewer service to this parcel due to a failing septic system (Attachment A). The property is located on the north side of Three Notched Road (Rt. 240), near the Beaver Hill Mobile Home Park, in Crozet. The parcel is designated Rural Area in the Comprehensive Plan. Three Notched Road in this area forms the boundary between the Crozet Development Area (south side of Rt. 240) and the Rural Area. The parcel is zoned Rural Areas (RA), consistent with its Rural Area land use designation in the Comprehensive Plan (Attachments B & C).

The parcel is currently designated for "Water Only" service, apparently since 1982. Septic failures have occurred on-site over time. After review, the Virginia Department of Health (VDH) has denied a permit to install a replacement septic and drainfield due to the size and topography of the property (Attachment D).

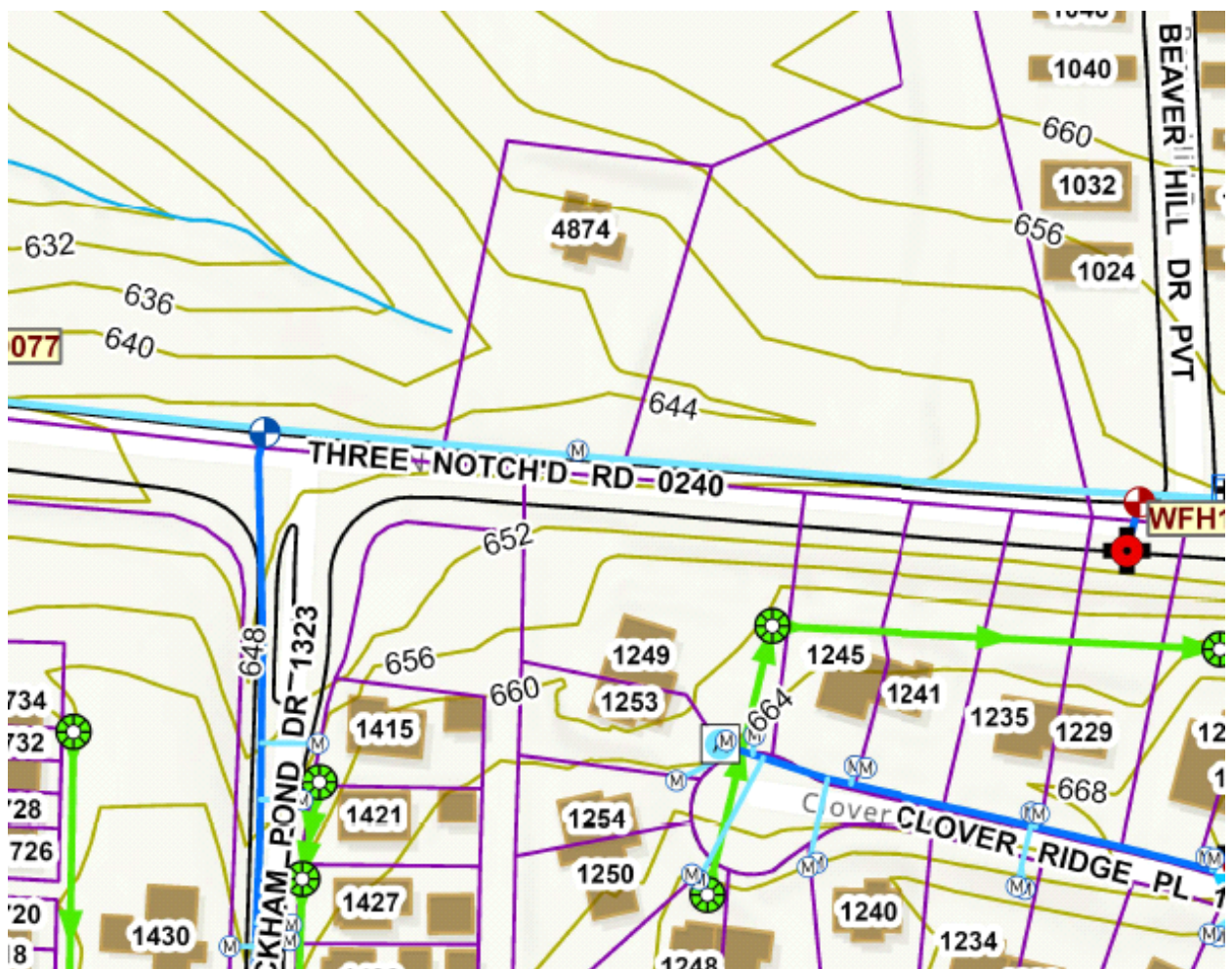
The Comprehensive Plan's Community Facilities chapter provides the following guidance concerning delineation of the ACSA Jurisdictional Area and the provision of service in/to the Rural Area:

Strategy 9a: Continue to provide public water and sewer in jurisdictional areas.

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

This application meets the two criteria established in the Comprehensive Plan for extending service to sites in the Rural Area. In terms of adjacency to existing lines, water lines have been installed adjacent to this site, across Three Notched Road in the Wickham Pond development, approximately 200/250 feet from the parcel/house. The existence of service lines on properties across a street from a property in question has been considered to meet the "adjacency" criteria in past ACSA JA reviews, including previous applications along Three Notched Road. ACSA staff has noted that a Land Use Permit would be needed from VDOT for a road crossing, and a private easement would be needed from the property in Wickham Pond to connect to the closest sewer line. Also, the parcel's topography sits lower than the sewer manhole and will likely require a grinder pump to allow flow to ACSA's manhole. The Albemarle Housing Improvement Program (AHIP), which is assisting the property owner with this situation, and VDH are aware of these conditions.





Existing Sewer Lines (green)

Regarding the health and/or safety criteria, VDH has evaluated the site and has denied a request to install a replacement septic system citing, in part, inadequate area for a replacement system, again as noted in Attachment D. Based on the information provided by VDH, staff believes that the health and safety criteria have been met. Extension of public water service is the most viable solution.

Because the parcel is already designated for water service, and because the size of the parcel (one-half acre) and current RA zoning would preclude more intensive development of the parcel, staff is recommending the parcel be designated for "Water and Sewer" service. The designation limiting service to "Existing Structures Only," typically used for properties in the RA district that are added to the Jurisdictional Area, is not needed in this case.

There is no direct budget impact from this request. The property owners would bear the cost for water and/or sewer connections. Funding assistance is being pursued with assistance provided by AHIP.

Staff recommends that the Board approve the attached resolution to amend the Albemarle County Service Authority Jurisdictional Area to designate 4874 Three Notched Road (Parcel 05600-00-00-07000) for "Water and Sewer" service.

Mr. David Benish, Development Process Manager, said that this proposal was to allow sewer service to a 0.5-acre parcel with one house, located on Three Notch'd Road in Crozet. He said that the property was designated Rural Area in the Comprehensive Plan and was zoned Rural Areas (RA), which aligned with that plan's designation. He said that currently, the parcel had a water service designation only.

Mr. Benish said that provided on the screen was the location of the parcel, situated just north of Three Notch'd Road and to the east of the Beaver Hill Mobile Home Park. He said that the jurisdictional area map was provided for reference. He said that the Board and the County had a policy in the Comprehensive Plan regarding providing public water and sewer services, which typically applied to Development Areas but allowed for exceptions in the Rural Area when adjacent to existing lines and when there was a public health or safety issue.

Mr. Benish said that he would proceed to discuss the criteria for review for this type of request. He said that adjacency to an existing service line was located approximately 200 to 250 feet to the south across Three Notch'd Road from the parcel/house located in Highlands. He said that this general distance and location had been consistent with prior findings for adjacency regarding this policy.

Mr. Benish said that regarding the second criteria, which pertained to existing health or safety issues, the subject property had consistent effluent present above ground. He said that the Health Department had denied an application to install a replacement system due to various factors, including the site's topography, the location of existing utilities, and setbacks that limited alternative sites for a

septic system and drain field. He said that other relevant decisions included the case of Beaver Hill Mobile Home Park, which had been granted sewer service in 1998 under similar circumstances.

Mr. Benish said that in summary, this request met the health and safety standards and the adjacency standards criteria of the Comprehensive Plan. He said that typically, for Rural Area jurisdictional area amendments, the service designation would be limited to existing structures only. He said that due to the size and zoning of this property, which was a small parcel and was zoned RA, they did not feel there was a need for that limited service designation.

Mr. Benish said that consequently, the service designation provided on this property would be water and sewer service, as it already had water service. He said that this approach differed from the usual designation given to properties in the Rural Area, but staff believed it was the appropriate designation for this property. He said that staff recommended that the Board adopt the attached resolution to amend the Albemarle County Service Authority jurisdictional area to designate this parcel 59-7 for water and sewer service.

Mr. Gallaway said that he asked what alternative options were available if the Board decided not to proceed with the project. He said that he understood that it needed to go through this process and come before the Board. He said that he wondered what they would do if they were hamstrung and had no other way.

Mr. Benish said that the representative of the property owners was present to answer questions but did not have a presentation.

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Mr. Andrews opened the public hearing and said that the applicant did not have a presentation, then asked if the Board had any questions for the applicant.

Mr. Andrews, hearing no questions from the Board and seeing no speakers from the public, closed the public hearing and said the matter rested with the Board for further comments or a motion.

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Ms. Mallek **moved** the Board of Supervisors to adopt the attached Resolution (Attachment E) to approve and designate parcel 59-7 for water and sewer service. Ms. LaPisto-Kirtley **seconded** the motion.

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

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

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**RESOLUTION TO APPROVE ACSA202400001  
4874 THREE NOTCHED ROAD**

**WHEREAS**, in application ACSA202400001 ("ACSA 2024-01"), the owner of Parcel 05600-00-00-07000 ("Parcel 56-70") has applied for an amendment to the Albemarle County Service Authority (ACSA) Jurisdictional Area to include Parcel 56-70 in the area for water and sewer service; and

**WHEREAS**, on September 4, 2024, the Albemarle County Board of Supervisors held a duly-noticed public hearing on ACSA 2024-01;

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the staff report prepared for ACSA 2024-01 and all of its attachments, the information presented at the public hearing, and the relevant factors in Virginia Code § 15.2-5111, in Chapter 12.1, Community Facilities, Strategy 9a, of the Albemarle County Comprehensive Plan, and in the Comprehensive Plan's Growth Management Policy and Land Use Plan, the Albemarle County Board of Supervisors hereby approves ACSA 2024-01.

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Agenda Item No. 21. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Pruitt said that they received an excellent report from Ms. Pethia on housing initiatives, which generated considerable excitement among the Pantops Community Advisory Committee (CAC) members. He said that the sentiment of wanting to do more was a recurring theme in their discussions on housing. He said that he convened a meeting with various community and tenant stakeholders yesterday, focusing on the Cavalier Crossing issue.

Mr. Pruitt said that they discussed several matters, but one time-sensitive issue that he was working on with staff, and which he believed should be brought to the Board's attention, was the funding for ACRF (Albemarle County Relief Fund), the emergency relief program. He said that they were unable to secure more than the originally approved amount. He said that this fund was used for assisting with security deposits, which was currently the primary way the County aided in displacement situations during unit renovations that led to complete displacement.

Mr. Pruitt said that the ACRF fund was divided between security deposits and eviction prevention, but the security deposit portion was already fully utilized, and the limit per use was \$800, which was insufficient for most security deposits. He said that this issue was more urgent than previously discussed during the budget process and required immediate attention as they addressed displacement and the impending displacement from all sides.

Mr. Gallaway said that Ms. Mallek and he had gathered some preliminary cost estimates for SMART SCALE applications at the last MPO meeting. He said that over the years, he had not been particularly shocked by costs, but it was discouraging to see the inflated costs due to construction and easement acquisition. He said that he anticipated these figures would be presented to the Board during a transportation update in the future.

Mr. Gallaway said that he would like to highlight the Virginia Governor's Annual Housing Conference, which follows the VACo (Virginia Association of County) conference. He said that this conference, which focused on housing and affordable housing, may be of interest to the supervisors. He said that he was already registered and planned to attend this conference himself, as it aligned with his work with the housing partnership.

Ms. Mallek said that one thing to add to what Mr. Pruitt was saying was that she would love to know if their non-displacement policy, which was adopted last year, was at the maximum of their authority. She said that she did not know the answer to that, and their initial inquiries regarding Cavalier Crossing indicated that they could not do anything, but she did not know if that meant they could do more and had not adopted it or not.

Mr. Jeff Richardson, County Executive, asked what the staff follow-up should be in that regard.

Mr. Andrews said that the staff follow-up was likely mainly legal to determine the extent of their authority in adopting a non-displacement policy. He said that they currently had one, but they needed to understand if they were limited to that extent in assisting people under those circumstances. He said that they must determine whether there could be more authority granted to them by the legislature to do more.

Agenda Item No. 22. Adjourn.

At 9:08 p.m., the Board adjourned its meeting to September 17, 2024, 6:00 p.m., Room 241, Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA. Mr. Andrews said information on how to participate in the meeting would be posted on the Albemarle County website Board of Supervisors home page and on the Albemarle County calendar.

Chair

Approved by Board
Date: 08/20/2025
Initials: CKB