

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on August 3, 2022 at 1:00 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia.

BOARD MEMBERS PRESENT: Mr. Ned Gallaway, Ms. Ann H. Mallek, Ms. Diantha H. McKeel, Mr. Jim H. Andrews, and Ms. Donna P. Price.

ABSENT: Ms. Beatrice (Bea) J.S. LaPisto-Kirtley.

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

Agenda Item No. 1. Call to Order. The meeting was called to order at 1:08 p.m. by the Chair, Ms. Donna Price. Ms. Price said the opportunities for the public to access and participate in the hybrid meeting are posted on the Albemarle County website on the Board of Supervisors home page and on the Albemarle County calendar. Participation will include the opportunity to comment on those matters for which comments from the public will be received.

Ms. Price said Mr. Andrews had requested to participate remotely in accordance with applicable Board Rules of Procedure, Rule 8.A, enacted pursuant to the Freedom of Information Act (FOIA). She said Mr. Andrews requested remote electronic participation due to a personal reason. She asked Mr. Andrews to state his location.

Mr. Andrews said he was in Sorrento, Maine.

Ms. Price said the floor was open for a motion to allow Mr. Andrews to participate electronically remotely.

Ms. Mallek **moved** to allow Mr. Andrews to participate remotely. Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, and Ms. Price.

NAYS: None.

ABSTENTIONS: Mr. Andrews.

ABSENT: Ms. LaPisto-Kirtley

Ms. Price introduced the new County Attorney, Mr. Steve Rosenberg.

Mr. Rosenberg thanked the County and the Board. He said he was appreciative of the warm welcome from the Board and staff, and he was pleased to join everyone in service to the citizens of Albemarle County

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

Agenda Item No. 4. Adoption of Final Agenda.

Ms. Price said she had a number of comments with regard to the agenda. She mentioned that the recognition of Meade Whitaker for successful completion of the Executive Fire Officer Program through the National Fire Academy was removed from the agenda as Mr. Whitaker was unavailable. She said the recognition would be rescheduled to a later date. She said she would like to add, as an item on the consent agenda, a resolution formally affirming the appointment and contract of County Attorney Steve Rosenberg.

Ms. Price stated that the start time for the Board's next meeting on August 17, 2022, will change from 1:00 p.m. to 2:30 p.m., and the item would be added to the consent agenda. She requested moving Agenda Item 18, SP202100017 - Foster Forge Farm School to the consent agenda for approval of a deferral to a later date at the applicant's request. She clarified she would be pulling from the consent Agenda Item 8.4 and moving it from action to information. She said when it was last discussed, it was mentioned it would be up for approval on August 17, not August 3. She said she wanted to be consistent with the previous information that had been given to the public. She asked if there were other revisions by other Supervisors to the agendas. She said the floor was open to a motion to adopt the final agenda as amended.

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

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

NAYS: None.

ABSENT: Ms. LaPisto-Kirtley

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

Ms. Price announced Mr. Doug Walker, Deputy County Executive, would be making an

introduction.

Mr. Doug Walker, Deputy County Executive, introduced Mr. Jesse Brookins, the County's Director of the Office of Equity and Inclusion. He said Mr. Brookins previously served as the Assistant Director of the Center for Student Involvement at the University of Richmond. He said Mr. Brookins developed and implemented diversity, equity, and inclusion programming and leadership training for students, faculty, and staff. He said Mr. Brookins had a bachelor's degree in sociology and a master's degree in applied sociology with an emphasis on race and ethnic relations, both from the University of Northern Arizona. He said he believed Mr. Brookins now resided in the Rio District.

Mr. Brookins thanked the Board. He quoted Plato, "necessity is the mother of innovation." He said he saw a beautiful County with a lot of qualities, and he noticed there was a need and want for community engagement and connection and building belonging for everyone. He said his goal and passion was to build that need and fill the narrative of community engagement. He said he looks forward to the work and contributing to the team.

Board members welcomed Mr. Brookins.

Mr. Richardson said Mr. Walker had a lot of help from the organization's leadership team to get Mr. Brookins hired. He recognized the work done by Ms. Emily Kilroy. He welcomed Mr. Brookins to the County.

Ms. Price welcomed Mr. Brookins to the County. She thanked Mr. Richardson and the staff.

Ms. Mallek announced there was an ongoing program called Healthy Virginia Lawns, sponsored by the Master Piedmont Gardeners and DCR (Department of Conservation and Recreation) and DEQ (Department of Environmental Quality). She said the program tried to reduce chemical and water use on green grass and encouraged planting of more pollinator plants. She said it provided guidance to homeowners who wanted to make changes. She noted that piedmontmastergardeners.org had more information.

Ms. Mallek said Patricia Cooke was the first woman elected to the Board in 1982. She said the 1980 downzoning, approved by referendum for the whole 275 square miles of the Rivanna River watershed, was upheld in court, and the Board had to implement the downzoning and the associated water protections. She said Ms. Cooke was on the Board with Gerry Fisher, who was alive and living in the Rio District, Rick Bowie, Peter Way, Joe Henley, and Tim Lindstrom, who now lives in Washington, Virginia. She said Ms. Cooke was succeeded by David Bowerman when her term ended. She said Mr. Lindstrom reported to her that he considered Ms. Cooke an independent and strong person. She noted that she wanted her to be remembered.

Ms. McKeel echoed Ms. Mallek's recognition of Pat Cooke.

Ms. McKeel said she had vacationed to a bed and breakfast in Crozet, and she encouraged people to patronize local businesses.

Ms. Price noted Patricia Cooke graduated from Lane High School in 1950. She said Ms. Cooke dedicated her life to serving the community; eight years on the Board of Supervisors. She said she was the first woman on the Board of Supervisors and were fortunate to have individuals like Ms. Cooke in the community.

Ms. Price noted how Mr. Rosenberg and Mr. Brookins were new hires. She said hiring both employees was a strategic move and there would be long-term benefits.

Agenda Item No. 6. Proclamations and Recognitions.

There were none.

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

Ms. Joanie Freeman commented on behalf of the Green Grannies of Charlottesville. She said they were part of a coalition of environmental organizations, and they were going to sing a song to inspire the Board to hold a joint meeting with the Planning Commission to have the risk and vulnerability assessment presented and to provide a chance for the public to comment. She noted that the Board had received the report on June 15 as part of the consent agenda. She said it is critical for it to become a part of public conversation, especially in view of the upcoming Comprehensive Plan. The Green Grannies sang a song.

Ms. Judy Schlusel, Rio District resident and member of the Rio29 CAC, said that very shortly the Board would hear a presentation regarding the Rio Corridor Plan as developed by Line and Grade Civil Engineers. As a member of the Rio29 CAC, she had heard this presentation previously and hoped that the Board had taken the time to read this document in its entirety.

Ms. Schluskel said that Page 4 stated “all proposed solutions as developed herein are conceptual in nature and would require further study and design prior to implementation. She said Line and Grade had been working on this plan for months and she didn’t see a great deal of progress from the first presentation at the CAC meeting.

Ms. Schluskel said that page 6 stated Line and Grade worked with stakeholders, offering opportunities for public input. She affirmed that there were pop-up opportunities, and the public did voice concerns and asked questions, yet it appeared that the consultants didn’t take any action to implement any of the stakeholder comments.

Ms. Schluskel said that under “Frequently Asked Questions or Concerns,” on page 35 there is a bullet about the raised medians with vegetation which were proposed, and she had asked the question at the CAC presentation regarding who would be responsible for maintenance. She said she was given the exact same answer; that VDOT and the County will need to continue discussion regarding a commitment to maintaining these environments. She asked if the status of those discussions or were they theoretical.

Ms. Schluskel said that page 14 began the John Warner Parkway section of the Rio Corridor Plan, highlighting the VDOT study as well as alternative considerations with a John Warner Parkway Intersection Summary squeezed in on a lower right-hand corner. She said they have all heard LOCATION... LOCATION ...LOCATION and asked why wasn’t the summary located on page 14, near the VDOT study and alternative consideration, to give it equal attention? This summary stated “based on public comment and feedback it has been determined that the original VDOT concept is the preferred concept for this intersection. Given the timeframe of the planned improvements as performed by VDOT, the alternative recommendations presented herein are not currently being considered for implementation.”

Ms. Schluskel said the new buzz design that VDOT favored was roundabouts. She said roundabouts have a disregard for the environment, with more impermeable surfaces causing more runoff ultimately affecting our stream health. The John Warner Parkway would potentially be in the Entrance Corridor and asked who would ultimately be responsible for maintaining any greenery that may be planted.

Ms. Schluskel said The Rio Corridor Plan has been costly to the County and its citizens. She said when it came time to vote, to please look to the future, making sure that in a few years when lives are disrupted because of construction you, the BOS, don’t say “perhaps we should have evaluated this more closely before taking a final vote.”

Mr. Kent Schluskel, Rio District, said that one thing he had learned from his professional career of negotiating with international partners and within the federal government is that one must get buy-in for one’s position to be successful.

Mr. Schluskel said the Rio Road Corridor study never got any buy-in from the community. First, the community was promised to have community focus groups. He said many applied, including himself, but the groups never happened because, according to a County staff member, they did not get enough diversity. He asked the Board if they had driven the corridor lately; the residents along the corridor, although somewhat diverse, were mostly white.

Mr. Schluskel said second, they were told the contractor had enough input from the community based on the questionnaire that one had to complete for the focus groups that never happened. He said the contractor, in a presentation to the CAC, said they had “walked” the corridor and understood the issues. He said walking is much different than being the people who uses the corridor every day at different times and different conditions; driving, walking, and running. He said this was not a way to get buy-in.

Mr. Schluskel said third, he had attended one of the pop-up sessions for about an hour and half and he had written several comments and talked to both the County staff and the contractor. He said many people did the same thing, however, as far as I could tell in reading the study, very few of the concerns were even addressed in this study. He said it was not a way to get buy-in.

Mr. Schluskel said fourth, he had attended the CAC meeting where this study was presented. He said there were many questions and comments and again, most of those comments and questions were not addressed and little had changed since that presentation.

Mr. Schluskel said finally, on page 14 of the study, the contractor’s recommendation to move the traffic circle at the John Warner Parkway and Rio intersection were based on two blue lines that were based on the road alignment. He said he could also draw two blue lines that also align with the roads and get a completely different result. He said it seems that the contractor did not take into consideration current residents’ concerns. He said the only person that seemed to benefit from the contractor’s recommendation was the developer of Rio Point development that had yet to be built. He asked what about the current residents.

Mr. Schluskel said the real question for the Board, based on the study’s recommendations, especially at the Rio Road John Warner Parkway, was do the recommendations improve the current situation. He encouraged the Board to look at how people would cross the road and asked what would happen to the field of flowers that could attract endangered species such as the Monarch butterfly. He said he had many more questions, and then asked if the plan was any better than what we had now.

Mr. Schlüssel said he recommended that this study be rejected in its current form and suggested a community committee review the study. He said there were some good things in the study that might be rescued and used for consideration by this Board.

Mr. Rob McGinnis said he resided in the City and represented the Piedmont Environmental Council (PEC). He said PEC looked forward to the findings of the Climate Vulnerability and Risk Assessment. He said they hoped there would be a presentation on the report at a joint meeting with the Planning Commission and the Board. He said PEC was committed to working with Albemarle County as the County took the necessary and critical steps to address climate change.

Ms. Price noted there were now two speakers wishing to make comments remotely. She clarified the rules for public comment with regard to remote comments.

Mr. Peter Krebs said he was from the PEC (Piedmont Environmental Council). He said for 50 years, PEC had protected the natural resources, the rural economy, history, and beauty of Virginia's piedmont region. He said Albemarle County was a great place to live because of its tradition of thoughtful planning and commitment to smart growth policies that focus on well connected, livable communities. He said PEC was proud to be a part of that ongoing effort. He said Rio Road was a key link between the City and Route 29. He noted many people lived and worked along the road, but the current condition of the road was not safe or inviting. He said the Rio Road Corridor Plan recognized needed improvements for human-scale design.

Mr. Krebs said it specifically called for improved intersections, continuous sidewalks, upgraded crossings, protected bicycle facilities, better transit stops, and a reduction in impervious surfaces. He said PEC supported the recommendations. He said the plan builds on previous work and reflected abundant community input. He said some of the recommendations had already begun such as sidewalks along East Rio, and others had been submitted for space findings. He encouraged the County to consider off corridor connections, such as scenic routes and pedestrian connections along Meadow Creek and the Rivanna River as well as smart walking and biking connections between neighborhood like Woodbrook, Carrsbrook, Greenbrier, Belvedere and others. He said all of this occurs within the context of broad planning County wide. He said the PEC continued to work to protect natural resources, limit sprawl, mitigate climate change, and promote quality communities. He said the Rio Corridor plan offered sound guidance and shows how much work there is to do.

Mr. Lonnie Murray said he was speaking as a resident of the White Hall District. He encouraged the Board to fully fund and prioritize Proposal 1, the Stream Buffer Overlay District, from the update on the stream health initiatives. He said it would close a loophole in the water protection ordinance. He explained in 2014, the requirement for the perpetual retention of stream buffers was removed from the water protection ordinance.

Mr. Murray said there was no public engagement for the change in the ordinance, and developers had been allowed to remove stream buffers and entire streams as long as they removed less than 10,000 square feet at a time. He said it was vital to close the loophole before more damage occurred. He said the County should clarify that the buffers were research protection areas so they could take advantage of existing guidance and materials.

Mr. Murray noted that though the proposal was categorized under rural stream health initiatives, it applied to the entire County. He encouraged the Board to consider measures to discourage the removal of streams in the growth area. He noted a minimum buffer of 15 feet would discourage the practice. He noted that under the Bay Act, buffers were perpetual regardless of whether the stream was culverted and must be restored if not present. He said growth area residents appreciated streams in the growth area and are horrified when they are removed. Projects at UVA have demonstrated that there could be density without removing streams. He said lastly, it took only one meeting to break the Water Protection Ordinance and it should not take years more to fix it. He said the County should revert to the 2014 ordinance based on the Bay Act until better language could be crafted and ideally, the County should be moving forward, not merely restoring what was in place in 2014.

Agenda Item No. 8. Consent Agenda.

Ms. Price noted Agenda Item No. 19. SP202100017 Foster Forge Farm School, was moved to the consent agenda for deferral at the applicant's request; the Resolution Affirming the Appointment and Contract of the County Attorney had been added to the consent agenda; a change to the start time for August 17, 2022, meeting to 2:30 p.m. had been added; and Agenda Item No. 8.4 Amend Rule 8 of the Boards Rules of Procedure was moved from "Consent for Action" to "Consent for Information".

Mr. Galaway asked to pull his minutes, December 16, 2020, from the Consent Agenda since he was unable to review them.

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

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

NAYS: None.
ABSENT: Ms. LaPisto-Kirtley

Item No. 8.1. Approval of Minutes: October 21 and December 16, 2020.

Ms. Mallek had read the minutes of October 21, 2020 and found them to be in order.

By the above-recorded vote, the Board approved the minutes of October 21, 2020.

Item No. 8.2. Fiscal Year 2022 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 2022 (FY 22) budget due to the appropriations itemized in Attachment A is \$25,000. 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 local government projects and programs described in Attachment A.

* * *

Appropriation #2022054

Sources:	State Revenue	\$25,000
Uses:	Grant Fund: Simpson Park Fitness Walking Trail	\$25,000
Net Change to Appropriated Budget:		\$25,000

Description:

This request is to appropriate \$25,000 in State revenue from the Virginia Department of Conservation and Recreation Get Outside (GO) Grant. This grant supports the Simpson Park Fitness Walking Trail project which entails the construction of an approximately 2,250' stone dust trail around the perimeter of an existing community park in the rural village of Esmont in southern Albemarle County. The trail will provide a new recreational amenity increasing the health, wellbeing, and quality of life of residents.

By the above-recorded vote, the Board adopted the resolution as presented in Attachment B to approve the appropriations for local government projects and programs described in Attachment A:

RESOLUTION TO APPROVE ADDITIONAL FY 2022 APPROPRIATIONS

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriation #2022054 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, 2022.

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APP#	Account String	Description	Amount
2022054	3-5461-71200-324000-240500-9999	SA2022054 GO Grant	\$25,000.00
2022054	4-5461-71200-471000-331300-9999	SA2022054 GO Grant	\$25,000.00

Item No. 8.3. Fiscal Year 2023 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 2023 (FY 23) budget due to the appropriations itemized in Attachment A is a decrease of \$355,361. 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 local government projects and programs described in Attachment A.

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Appropriation #2023007

Sources:	State Revenue	\$(1,113,637)
Uses:	Capital Project: School Projects Holding Account	\$(5,024,579)
	Capital Project: School Capacity #1 - High School Capacity and Improvements – Center II	\$2,000,000
	Capital Project: Mountain View Expansion Additional Funding	\$665,950
	Capital Project: Western Albemarle High School (WAHS) Additional Parking	\$473,000
	School Operating Fund Expenditures	\$771,992
	Net Change to Appropriated Budget:	\$(1,113,637)

Description:

As part of the County’s FY 23 Adopted Budget, the School Board approved sending \$5,024,579 to the Capital Budget to support to be determined uses. This funding was budgeted in a School Projects Holding Account in the Capital Budget. This funding was identified from projected operational revenues prepared by the Public Schools, plus additional funding the Public Schools identified through their FY 22 budget management. The intent of this funding was to be identified after the adoption of the State budget.

Due to the delay in the state budget adoption, the Albemarle County Public Schools (ACPS) School Board adopted a budget in May 2022 based on the projections of the State Senate budget that were available at the time of adoption. On June 1, 2022, the State General Assembly adopted a state budget which included FY 23 estimates for funding distributed to school divisions. The General Assembly adopted budget provides \$1,113,637 less funding than originally anticipated. Of that, School Operating Fund revenues are projected to decrease by \$404,363 and School Capital construction funds are decreasing by \$709,274.

This request is to allocate the \$5,024,579 School Projects Holding account by:

- Allocating funding as follows in the Capital Budget:
 - \$709,274 to offset state revenue reduced from the Adopted Budget for the Capital Project: School Renovations
 - \$2,000,000 for the existing High School Capacity Capital Project
 - \$665,950 for the existing Mountain View Expansion Capital Project
 - \$473,000 for adding parking at Western Albemarle High School
- Allocating the remainder of the Holding Account to the School Operating Fund in order to:
 - \$404,363 to offset state revenues reduced from the Adopted Budget for School Operating Fund expenditures.
 - \$771,992 to provide a one-time transfer to County’s health fund of as a partial reimbursement for historical COVID-19 costs incurred by Albemarle County Public Schools

Appropriation #2023008

Sources:	Capital Project: Scottsville Elementary School Addition and Improvements	\$200,000
Uses:	Capital Project: Scottsville Land Purchase	\$200,000

Net Change to Appropriated Budget: **\$0**

Description:

This request is to appropriate \$200,000 of remaining contingency funds from the Scottsville Elementary School Addition and Improvements capital project to a new capital project to acquire land adjacent to Scottsville Elementary School. The additional land will allow for future capacity increases at Scottsville Elementary by expanding the septic system.

The \$200,000 from the Scottsville Elementary School Addition and Improvements capital project is appropriated in the Capital Budget in FY 22. Upon the financial close of FY 22, this funding will be appropriated in FY 23 through the County's process to carry forward outstanding capital projects and programs from year to year.

Appropriation #2023009

Sources:	State Revenue	\$350,000
Uses:	Capital Project: Biscuit Run	\$350,000
Net Change to Appropriated Budget:		\$350,000

Description:

This request is to appropriate \$350,000 in State revenue for the Recreational Access Roadway Grant Program to support construction for a new access road into Biscuit Run Park off of Route 20. This amount, plus a local match of \$100,000 from the Biscuit Run Capital Project will provide for a total project amount of \$450,000.

The local match of \$100,000 is appropriated in the Capital Budget as part of the Biscuit Run project in FY 22. Upon the financial close of FY 22, the local match will be appropriated in FY 23 through the County's process to carry forward outstanding capital projects and programs from year to year.

Appropriation #2023010 **\$158,276**

Sources:	Housing Assistance Fund's fund balance	
Uses:	Housing Assistance Fund	\$158,276
Net Change to Appropriated Budget:		\$158,276

Description:

This request is to appropriate \$158,276 from the Housing Assistance Fund's fund balance for a payment to the Department of Housing and Urban Development (HUD). As a HUD-funded Public Housing Agency, the Office of Housing is not permitted to retain programming funds that are unused in any given fiscal year, and must instead return them to HUD through a reconciliation process.

Appropriation #2023011 **\$250,000**

Sources:	General Fund's fund balance	
Uses:	Clerk of Circuit Court	\$250,000
Net Change to Appropriated Budget:		\$250,000

Description:

This request is to re-appropriate \$250,000 from the General Fund's fund balance to the Clerk of the Circuit Court. This request will support the Clerk of the Circuit Court to digitize land and older civil and criminal records prior to the courthouse renovations. This project was originally appropriated by the Board of Supervisors during FY 22.

The proposed use of the General Fund's fund balance will not reduce the County's 10% unassigned fund balance or 1% Budget Stabilization Reserve. However, it does reduce the amount undesignated funds that would be available for future uses.

By the above-recorded vote, the Board adopted the resolution as presented in Attachment B to approve the appropriations for local government projects and programs described in Attachment A:

**RESOLUTION TO APPROVE
 ADDITIONAL FY 2023 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2023007; #2023008; #2023009; #2023010; and #2023011; are 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, 2023.

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APP#	Account String	Description	Amount
2023007	3-9000-69000-351000-512001-9015	SA2023007 SA2023001 School Capital Update - State Rev, SF Transfer	\$473,000.00
2023007	4-9000-69985-466200-800675-6302	SA2023007 SA2023001 School Capital Update - State Rev, SF Transfer	\$473,000.00
2023007	3-9000-69000-351000-512001-6114	SA2023007 SA2023001 School Capital Update - State Rev, SF Transfer	\$665,950.00
2023007	4-9000-69985-466730-800605-6114	SA2023007 SA2023001 School Capital Update - State Rev, SF Transfer	\$665,950.00
2023007	3-9000-69000-351000-512001-9002	SA2023007 SA2023001 School Capital Update - State Rev, SF Transfer	\$2,000,000.00
2023007	4-9000-69985-466500-800605-6307	SA2023007 SA2023001 School Capital Update - State Rev, SF Transfer	\$2,000,000.00
2023007	3-9000-69000-351000-512001-9187	SA2023007 SA2023001 School Capital Update - State Rev, SF Transfer	-\$5,024,579.00
2023007	4-9000-69000-499000-999999-6599	SA2023007 SA2023001 School Capital Update - State Rev, SF Transfer	-\$5,024,579.00
2023007	3-9000-69000-324000-250900-9186	SA2023007 SA2023001 School Capital Update - State Rev, SF Transfer	-\$709,274.00
2023007	3-9000-69000-351000-512001-9186	SA2023007 SA2023001 School Capital Update - State Rev, SF Transfer	\$709,274.00
2023007	3-2000-62000-324000-245265-6599	SA2023007 SA2023001 School Capital Update - State Rev, SF Transfer	-\$259,877.00
2023007	3-2000-62000-324000-240272-6599	SA2023007 SA2023001 School Capital Update - State Rev, SF Transfer	-\$144,486.00
2023007	4-2000-69998-493010-930000-6501	SA2023007 transfer to health fund () and capital one-time ()	-\$404,363.00
2023008	4-9000-69985-466500-999999-6109	SA2023008 SA2023008 Scottsville Land Purchase	-\$200,000.00
2023008	3-9000-69000-352000-510101-9010	SA2023008 SA2023008 Scottsville Land Purchase	-\$200,000.00
2023008	4-9000-69985-466550-800750-6109	SA2023008 SA2023008 Scottsville Land Purchase	\$200,000.00
2023008	3-9000-69000-352000-510101-9014	SA2023008 SA2023008 Scottsville Land Purchase	\$200,000.00
2023009	3-9010-71009-324000-240231-9810	SA2023009 APP2023009 Recreational Access Roadway Grant Program	\$350,000.00
2023009	4-9010-71009-471000-800605-9810	SA2023009 APP2023009 Construction	\$350,000.00
2023010	3-5130-99000-352000-510100-1566	SA2023010 MainStream 5 program reimbursement to HUD	\$158,276.00
2023010	4-5130-51420-481000-591300-1566	SA2023010 MainStream 5 program reimbursement to HUD	\$158,276.00
2023011	3-1000-99000-352000-510100-9999	SA2023011 Reappropriation	\$250,000.00
2023011	4-1000-22100-421700-345700-9327	SA2023011 Reappropriation	\$250,000.00

Item No. 8.4 Amend Rule 8 of the Boards Rules of Procedure, ***was received for information.***

The Executive Summary forwarded to the Board states that During the COVID-19 pandemic, the Board's Rules of Procedure ("Rules") were amended several times to accommodate virtual meetings, and then hybrid meetings, which is the current meeting posture that began with the Board's April 6 meeting. Effective September 1, 2022, the Freedom of Information Act, specifically Virginia Code § 2.2-3708.3, will impose new requirements and limitations for public body virtual meetings and remote participation in meetings by individual public body members. Accordingly, the proposed amendments to Rule 8 of the Board's Rules of procedure are legally required.

The proposed amended Rules (Attachment A) would omit any mention of virtual or hybrid meeting throughout the Rules of Procedure and amend Rule 8 to align with Virginia Code § 2.2-3708.3 as amended in the 2022 session of the General Assembly by HB444.

Budget impact – none.

Staff recommends the Board adopt the draft amended Rules of Procedure (Attachment A).

This item was changed to be received for information only. No action was taken.

Item No. 8.5 SE202200026 Moore's Creek Wireless Facility Special Exception (1631 Monacan Trail).

The Executive Summary forwarded to the Board states that County Code § 18-5.1.40(a)(12) allows special exceptions to waive or modify the requirements of County Code § 18-5.1.40 for personal wireless service facilities. Two requests are associated with this application:

1. Modify County Code § 18-5.1.40(b)(2)(b) to increase the maximum size of the panel antennae from 1,400 square inches to 1,881 square inches.
2. Modify County Code § 18-5.1.40(b)(2)(c) to increase the distance of the closest point of the back of the proposed antennae from 12 inches to 18 inches from the facility. At no point would the back of antennae project more than 18 inches.

Staff analysis of these requests is provided in Attachment A.

Staff recommends that the Board adopt the attached Resolution (Attachment E) approving the proposed special exceptions with the following conditions:

1. No antenna authorized by this special exception may project more than 18 inches from the face of the monopole to the farthest point of the back of the antenna.
2. No antenna authorized by this special exception may exceed 1,881 square inches.

By the above-recorded vote, the Board adopted Resolution (Attachment E) approving the proposed special exceptions with the conditions contained therein:

**RESOLUTION TO APPROVE
SE 2022-00026 MOORE'S CREEK WIRELESS FACILITY**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE 2022-00026 Moore's Creek Wireless Facility application and the attachments thereto, including staff's supporting analysis, any comments received, all of the factors relevant to the special exceptions in County Code §§ 18-5.1.40 and 18-33.9, and the information provided at the Board of Supervisors meeting, the Albemarle County Board of Supervisors hereby finds that modified regulations would satisfy the purposes of the Zoning Ordinance to at least an equivalent degree as the applicable requirements.

NOW, THEREFORE, BE IT RESOLVED that, subject to the conditions attached hereto, the Albemarle County Board of Supervisors hereby approves special exceptions to modify the requirements:

1. of County Code § 18-5.1.40(b)(2)(b), to increase the maximum size of the panel antennae to 1,881 square inches, and
2. of County Code §18-5.1.40(b)(2)(c), to increase the distance of the closest point of the back of the proposed antennae to 18 inches from the facility.

* * *

SE202200026 – Moore's Creek Wireless Facility Special Exception Conditions

1. No antenna authorized by this special exception may project more than 18 inches from the face of the monopole to the farthest point of the back of the antenna.
2. No antenna authorized by this special exception may exceed 1,881 square inches.

Item No. 8.5a. Resolution Affirming the Appointment and Contract of the County Attorney.

By the above-recorded vote, the Board adopted the Resolution Affirming the Appointment and Contract of the County Attorney.

**RESOLUTION
AFFIRMING THE APPOINTMENT AND CONTRACT OF THE COUNTY ATTORNEY**

WHEREAS, on motion made at a special meeting of the Board of Supervisors of the County of Albemarle Virginia (the "Board") held on June 29, 2022, the Board appointed as County Attorney Steven L. Rosenberg ("Rosenberg"); and

WHEREAS, it has been the practice of the Board to memorialize the appointment of the County Attorney, like the appointment of the County Executive and Board Clerk, and its approval of the terms and conditions on which the County Attorney is employed, by action in the form of a resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia that:

1. Rosenberg shall serve as County Attorney at the pleasure of the Board and for an indefinite tenure effective on and after July 27, 2022;

2. Rosenberg's service shall be pursuant to the terms and conditions set forth in the County Attorney Employment Agreement dated June 29, 2022, executed by Rosenberg and the Chair of the Board, and approved as to form by the Interim County Attorney (the "Agreement");
3. retroactively to July 27, 2022, the Board approves the Agreement and authorizes its execution by the Chair; and
4. as County Attorney, Rosenberg shall have and shall exercise all statutory powers and duties set forth in Virginia Code § 15.2-1542 and any other powers and duties set forth in any other sections of the Code of Virginia, as amended; and those powers and duties assigned or imposed by the Albemarle County Code or by duly adopted motion, resolution or uncodified ordinance of the Board.

Item No. 8.5b. Change Start Time for August 17, 2022, meeting to 2:30 p.m.

By the above-recorded vote, the Board changed the start time for their August 17, 2022 regular meeting to 2:30 p.m.

Item No. 8.6. Board-to-Board, July 2022, a monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors, ***was received for information.***

Agenda Item No. 19. **Public Hearing: SP202100017 Foster Forge Farm School.**

PROJECT: SP202100017 Foster Forge Farm School
MAGISTERIAL DISTRICT: Jack Jouett
TAX MAP/PARCEL: 06000-00-00-068E0
LOCATION: South side of Barracks Road, approximately 400 feet northwest of the intersection with Montvue Drive
PROPOSAL: New private middle school on a 6.44-acre parcel, with up to 60 students.
PETITION: Private schools are allowed by special use permit under Section 10.2.2(5) of the Zoning Ordinance. No dwelling units proposed.
ZONING: RA, Rural Area - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
ENTRANCE CORRIDOR: Yes
OVERLAY DISTRICT: AIA - Airport Impact Area; FH - Flood Hazard Overlay District
COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots) within Rural Area 1 of the Comprehensive Plan.

The Executive Summary forwarded to the Board states that, at its meeting on May 24, 2022, the Planning Commission voted 3:2 to recommend approval of SP202100017, with the conditions recommended by staff and stated in the staff report. The Planning Commission staff report, action letter, and minutes are attached (Attachments A, B, and C).

The Planning Commission's discussion focused on road safety, impacts on the surrounding area, and concerns about impacts from farm animals on the site. Public comment focused on road safety and impacts on adjacent properties.

Following the PC meeting, staff made non-substantive revisions to the proposed conditions, at the suggestion of the County Attorney's Office. The County Attorney's Office also has prepared the attached draft resolution if the Board chooses to approve the special use permit.

Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve SP202100017, subject to the conditions contained therein.

* * * * *

At the applicant's request and by the above recorded vote, the Board voted to defer SP202100017 Foster Forge Farm School indefinitely.

Agenda Item No. 9. **Action Item:** Rio Road Corridor Plan.

The Executive Summary forwarded to the Board states that the Board directed staff to undertake a corridor study and planning process for Rio Road from east of the Rio29 Small Area Plan area (east of Putt-Putt Place/Glenwood Station) to the City Limits at Melbourne Road. A consultant, Line & Grade Civil Engineering, was contracted to undertake this project. The Rio Road corridor planning process began in the Spring of 2021 with the consultant's work being broken into two phases. The consultant's work is now complete and is being presented to the Board of Supervisors for its review and acceptance.

Attachment A is the cover memorandum provided to the Planning Commission for their review of

the Plan. That memorandum provides additional background regarding this project. The Plan and its Appendices are Attachments B and C, respectively. The Planning Commission reviewed the document on May 24, 2022 and expressed unanimous support for the Plan. The Commission's meeting minutes are provided as Attachment D.

There is no budget impact from the acceptance of this planning document other than the cost for its development. Implementation of the plan would require future funding.

Staff recommends that the Board accept and endorse the Rio Road Corridor Plan and refer the document to staff for consideration and adoption as part of the ongoing review and update of the Comprehensive Plan.

Mr. David Benish, Development Process Manager, said the Board directed staff to undertake a corridor study of Rio Road from east of Route 29 and the small area plan area to the City limits along Melbourne Road. He said Line and Grade Engineering was contracted to complete the plan. He said the consultant had completed the work, and Daniel Hyer, principal planner for the firm, and other team members were going to present the plan to the Board. He said staff hoped the Board would accept and endorse the plan, and that they would refer it to the ongoing Comprehensive Plan update for further consideration for adoption.

Mr. Benish said the goal of the project was to develop a community vision and plan that would guide future design and improvements in the Rio Road corridor. He said the document was at a planning level and established a vision for improvements along the corridor with sufficient analysis of the conceptual design to understand if the proposed concepts could address existing and future conditions and relevant engineering standards.

Mr. Benish said recommendations in the plan would have to be prioritized along with other transportation projects within the County. He said the recommendations would have to be funded through various local, state, and federal programs. He said details about the concepts and components of the plan would be studied at a later date. He said the concepts within the document were not final design concepts but rather reflected the vision of what kind of improvements were needed to address the issues along the corridor.

Mr. Daniel Hyer, Line and Grade Civil Engineering, said he was a resident of Charlottesville. He said he was joined by two colleagues who may join him to answer questions. He said he lived along the corridor. He said he would provide a brief summary since the last meeting. He said he would provide a brief summary of Phase 1 and Phase 2. He said he would close with the recommendations for the plans for implementation.

Mr. Hyer said he was last before the Board on October 13, 2021. He said since then, the consultant had been wrapping up Phase 2. He noted they had started with Phase 1 and then later amended Phase 2 to the plan. He said they had undergone public engagement processes during Q1 and Q2 of 2022. He said they presented the draft plan to the Planning Commission in May 2022.

Mr. Hyer explained the methodology used by the consultant. He said they tried to engage but noted the struggles due to COVID. He said they leveraged a lot of technology and partnered with staff to create a successful campaign. He said they tried to organize and integrate feedback. He said the process was iterative and happened multiple times. He said the study was informed by experience, observations, and relationships.

Mr. Hyer said two documents were being delivered. He said the Rio Road Corridor Study was an abbreviated and concise document. He said there was a robust appendix full of additional information. He said the appendix included a catalogue of every public comment received. He said they worked through every comment, organized them, and analyzed them to extract outliers and converging and diverging information.

Mr. Hyer explained Phase 1 of the study went from John Warner Parkway to the Rio29 Small area plan boundary. He said Phase 2 was from John Warner Parkway to the City line. He said those two roads were different. He said Phase 1 was an arterial roadway of five lanes with a continuous dual left-hand turn lane. He said Phase 2 resembled a local collector road. He said part of the project was ensuring they understood what was to come in terms of future traffic volumes. He said the projected traffic volumes were dynamically changing.

Mr. Hyer said he would provide graphics related to the number of accidents per year, the accident type, severity, and location, and the economic impacts associated accidents. He displayed graphs related to the volume of accidents, the typology of accidents, and where they happened along the corridor. He said the graphs worked to show how to make the corridor safer. He said accidents caused nearly \$3 million in damages in some parts of the corridor.

Mr. Hyer said in Phase 1, four areas were focused on: three different intersections and the roadway section itself. He said the intersections were Hillsdale, Belvedere, and John Warner Parkway and the Rio Road corridor. He said at the Hillsdale intersections, 89% of accidents involved a left-hand turn. He said the recommendation was to safeguard against the left-hand turn movement. He said the recommended solution replaced the two intersections with a singular, dog-bone or bean-shaped roundabout.

Mr. Hyer said the Belvedere intersection lacked adequate safety controls. He said the trips per day were anticipated to increase substantially. He said they looked for ways to mitigate delays and increase capacity. He said they recommended a continuous Green-T. He said conflict points would be reduced by 40%, and the intersection would not require traffic signal, but one could be installed in the future.

Mr. Hyer said the John Warner Parkway intersection was unique because the proposed roundabout had already been proposed and funded. He said the consultant considered it to determine if it was also their recommendation and how the work should transpire. He said 50% of the accidents at the intersection were rear ends, and 20% involved a merging maneuver. He said the VDOT-proposed roundabout would help mitigate the traffic issues.

Mr. Hyer said the Board had recommended exploring a third option during the previous October meeting. He said there were three options discussed at that previous meeting: the VDOT-proposed roundabout, the consultant-proposed roundabout further north, and a hybrid option. He noted the hybrid option did not do service to either of the other options. He said the preferred option was the VDOT-proposed option, and it had already been funded. He said the project would begin its own design in the future.

Mr. Hyer said the biggest challenge facing the whole Rio Road corridor was access management standards. He said VDOT had specific guidance on how properties should be accessed from a right-of-way. He said most of the guidance was not discernable on Rio Road. He said as properties redeveloped and the County had the chance to review site plans along the corridor, it was an opportunity to make incremental improvements with access management along the corridor. He said the work would include integrating parts of the North Town Trail from the John Warner Parkway up to Berkmar.

Mr. Hyer noted there were recommendations for building frontage and how the public realm should be engaged with the built environment along the corridor.

Mr. Hyer noted the Board had not received any presentation on Phase 2. He said Phase 2 felt like a local road and should continue to feel like a local road. He said it served specific residential communities and schools, and it was not the same five lane arterial roadway. He said the road reflected a rural character; on many portions there was no curb and gutter. He said a majority of accidents were offroad accidents where a vehicle collided with a tree or other offroad fixed object.

Mr. Hyer said Phase 2 was divided into three chapters; north, central, and southern. He said the north chapter went from John Warner Parkway to Pen Park Road and Waldorf School Road. He said there were two pending developments adjacent to the corridor. He said the corridor could transform positively if the developers worked with the plan. He said risks could be mitigated with the buildout of the developments. He said it was similar to how the current roadway operated; one lane in each direction. He said instead of the hourglass normally seen, they were trying to create a right of way where the median takes up the difference and creates some character for the corridor as opposed to something that was less thoughtful. He said the recommendation extended the bike lane from the John Warner Parkway to Pen Park Road. He said the study recommended a transition to the shared use path past that point.

Mr. Hyer said the central chapter went from Waldorf School Road to Stonehenge. He noted it ended where there was a stark character change to the road. He said the central chapter of the roadway was an opportunity to connect it to the northern chapter of the roadway and create a consistent character and aesthetic while addressing specific safety concerns. He noted the vertical curvature of the roadway was not compliant with the speed limit. He said a portion of the roadway northbound had poor site lines that did not meet regulation because the vertical curvature was too abrupt.

Mr. Hyer said most of the accidents in the central chapter were a result of not having a dedicated left-hand turn lane. He said the proposed solution sought to continue the aesthetic of the northern chapter with the raised median. He said there was space to implement the design within the existing right-of-way, and it was not building new road. He said they would install left-hand turn lanes where they were needed. He said they also redefined the Stonehenge entrance intersection, which was a unique design challenge. He said the shared use path was on the other side of the road in the central chapter. He said the path crossed the road at an intersection with a pedestrian crossing.

Mr. Hyer said Rio Road began to descend to the City jurisdictional boundary in the southern chapter. He said the portion was unlike any other part of the road; there were no pedestrian facilities, and the site distances were inadequate. He said they brought forward a safety improvement plan for the portion of the corridor. He said they had specific safety improvement recommendations that involved intersection improvements at Agnese Street in Charlottesville, replacing the guardrail with one that met current safety regulations. He noted there was severe erosion along a portion of Meadow Creek that was almost compromising the roadway. He said they presented a plan for future pedestrian connectivity and relied heavily on the utility corridor adjacent to the Eco Village project.

Mr. Hyer said for Phase 1, the first project for implementation was the John Warner Parkway, because the project was funded. He said the Belvedere intersection would be improved shortly thereafter, even though it was not the highest priority in terms of safety or economic impact. He said because the two intersections were in close proximity, as the John Warner Parkway became a roundabout, it would put more pressure on the Belvedere intersection. He said County staff had submitted a grant application for the application for that intersection.

Mr. Hyer noted the opportunities for the eight-way intersection at Hillsdale. He said it was the highest topographic point of the corridor, and it was a specific context change coming out of the small area plan into a more residential part of the County. He said there would be incremental improvements made to the corridor as funds became available for sidewalks or parcels became available for redevelopment.

Mr. Hyer said for Phase 2, the first project to implement would be the streetscape improvements from John Warner Parkway to Pen Park Road primarily because there were two pending developments at that point in the road and offered an available opportunity. He said the second would be the safety improvements from Agnese to the City boundary. He said the third would be intersection improvements at Stonehenge due to a history of accidents. He said the fourth would be the continued incremental infill improvements to the sidewalk network.

Mr. Andrews asked if they were satisfied with the amount of public input. He noted the FAQ in the supplemental materials and that the public comments were included in the appendix. He asked if they had learned ways to best engage the public and encourage participation that could be utilized for other projects. He mentioned he received questions regarding how someone would exit the Dunlora neighborhood.

Mr. Benish said the public input was adequate for the level of technical type study. He said the improvements would be subject to their own public input processes and public hearing processes. He said the background information they received with regard to the concerns and issues for the corridor were adequate. He noted that the pop-ups were useful, and the consultant evaluated each of the comments. He said they were always looking to improve the public input process. He said the initial feedback provided enough of a balance of input.

Mr. Hyer responded to Mr. Andrews' question regarding Dunlora access. He explained that for vehicles aiming to travel south on Rio Road from the Dunlora neighborhood in the VDOT proposal, they would have to go around the roundabout first. He said it was inconvenient and was what instigated the consultant's own intersection design. He said that within the VDOT study, they were focused on the intersection itself and were less concerned with the web of connections to the intersection. He noted the study recognized the Dunlora intersection did not meet the VDOT minimum spacing standard criteria and VDOT acknowledged it was a loose end that needed to be tied up.

Ms. Mallek said she hoped they would no longer make decisions on individual parcels without considering the whole corridor. She said it was hard to make roadways safe from people who did not pay attention. She said they should focus on what was possible and appropriate. She said she did not have any problem with only right turns from the Dunlora neighborhood, and she supported the roundabout. She asked how they would manage the second phase without cutting down trees and to remember the quality of life of the people who live in the area. She said the bean roundabout was a good idea. She noted the improved safety from roundabouts.

Mr. Gallaway mentioned the Greenbrier intersection was problematic, but there were no suggested improvements for that intersection. He asked how the proposed improvements for the surrounding intersections would improve the safety of the Greenbrier intersection.

Mr. Hyer said a design of the corridor was outlined in the appendix. He said there were many accidents within the vicinity of the Greenbrier intersection, but most were not related to the intersection, they were related to the full access entrances to the gas stations. He said by introducing a median it improved safety by removing conflict points and reducing access. He said the ultimate plan for the corridor included portions of the road near Greenbrier having a raised median with left-turn access.

Mr. Hyer said in the short term, the raised median was out of reach because they would have to implement a plan that inhibited business operations. He said it would require a firmer stance from the Board towards the businesses when they want to implement the median and reduce access to the business. He said the Greenbrier intersection functioned adequately; it was the adjacent access management standards that caused issues. He said if the entrances could be cleaned up and promote the access management standards that were included in the plan, there would be improved safety.

Mr. Gallaway noted the speed limit concerns in the central area of Phase 2. He requested clarification regarding the process for addressing the speed limit issues with VDOT. He asked what the next steps were and what the plan was to address the speed and site line issues.

Mr. Benish responded that in general, the process would be to inquire with VDOT. He said there would be the opportunity for VDOT to perform a study on speed reduction based on the conditions of the road. He said he could not explain how it was specifically done, but it had been done before. He said staff could begin the conversation.

Mr. Gallaway said he would make a formal request to begin the process. He said there were many more people in the area with the additional apartments and lofts. He noted the vehicular issues were problematic, and as they improved pedestrian access along the corridor, they were creating more pedestrian activity in a corridor with dangerous vehicular traffic. He said it should be a priority.

Mr. Benish said with the traffic accidents and deficiencies along with the site distance identified by the consultant, it would be reasonable to have them inquire how to move forward with the assessment.

Mr. Gallaway noted the differences between approving the planning document and approving the projects identified in the study. He mentioned the bean roundabout. He said there was an alternative plan, identified in other County plans, for that intersection which was to reroute Hillsdale behind the mall. He said one plan precluded the other. He said if they decided to reroute Hillsdale, then they did not need the bean roundabout. He said they had identified that the intersection needed a solution.

Mr. Gallaway explained that approval of the study did not entail the approval of any of the projects identified in the plan. He said he would vote to approve the study. He clarified his vote of approval was not affirming alternative solutions to the John Warner Parkway other than the proposed and funded VDOT roundabout placement. He said he fully endorsed the current VDOT study as a planning document. He said moving the roundabout closer to the neighborhood was a non-starter and the current placement fits within what is already there.

Mr. Gallaway asked if the public input included in the plan would be revisited and vetted when the projects begin design and development. He wanted to ensure revisiting the commentary was included as a step in the process. He asked if there was a process or an example in the past where the public input was affirmed.

Mr. Benish said that was the accepted practice. He said the study and appendix existed to provide a point-in-time input. He said the projects were usually discussed during subsequent public processes, so they were balanced with the other input processes. He said staff revisited the study and its components as baseline work. He said the documents were often cited in grants, such as SMART Scale applications. He said the documents were also useful for consultants.

Mr. Gallaway said the County should follow through and execute the goals of the plan. He noted the complications of the pandemic. He said it was important to learn from the instances where they did not follow through on plans or developments. He noted the John Warner Parkway's purpose was as a throughway to downtown Charlottesville. He said as the small area plan was considered along with the slated development of residential units, there would be a large increase in pedestrian activity on the road. He said they had to ensure the safety was in line for pedestrian and cycling activity between the parkway and Route 29. He questioned what would happen to the flow of traffic if the center turn lane were removed.

Mr. Hyer responded that there would be a better chance of success connecting John Warner and Hillsdale if the intersections were already improved because the roundabouts would narrow the roadway. He said narrowing the roadway would create space for the pedestrian improvements and increasing the space for the North Town Trail. He explained that there were documents in the appendix related to access with a raised median. He explained that there would be specific median breaks with full access and R-cuts to make left-hand turns.

Mr. Gallaway said it would be important to continue the flow and be mindful of how the road improvements would change the road. He said he supported the improvements for Phase 2. He said any improvements to Phase 2 to divert people trying to travel from downtown Charlottesville to the parkway was better. He noted there were apartments right along the road and the transit system did not function for that area. He encouraged the use of any deterrents that would reduce speed. He noted the City had installed curbs and other deterrents to reduce speed. He said reducing speeds would allow pedestrians to cross the road. He noted pedestrians had to cross the road in order to stay on the path. He asked what a raised median was typically filled with.

Mr. Hyer said it was usually characterized by a curb line; a physical, non-mountable curb that is raised 4 to 6 inches. He said they were typically planted, but they could be stone.

Mr. Gallaway said there was a huge maintenance question. He said the whole design showed that the County was urban enough to require a public works system. He said if they installed any sort of treatment such as a raised media, they would have to maintain it. He mentioned the turn lane on Rio Road East to Agnese Street. He said he agreed it should be made a safer maneuver. He noted concerns with pedestrian traffic at the intersection.

Mr. Gallaway noted there had been debate about lighting the Belvedere intersection. He said he wanted the intersection to have a traffic light from the start, and if it did not need the lighting, then it could be turned off or moved. He said he wanted to ensure the traffic lights were installed otherwise it would take 10 years to build them. He noted he agreed with the second access point to CATEC. He said he was thankful for the work that went into the corridor study and when the planning document was revisited, the feedback would be there to inform future decisions.

Ms. McKeel said the report was helpful. She noted that she learned, among other things, that the "Rio" name came from "Railroad Stop 10." She said Jack Kelsey's letter was helpful to understand the realignment of the buffer. She mentioned the Appendix D safety descriptions for roundabouts. She said it was counterintuitive to understand how roundabouts were less dangerous than stoplights for pedestrians. She noted she learned about it when working on the roundabout at the Dunlora intersection. She said she supported the VDOT design for the roundabout. She echoed Mr. Gallaway's concerns regarding the maintenance of the medians. She said she appreciated the notes from the Planning Commission.

Ms. McKeel said they would have to figure out how to maintain the urban area. She said Crozet had a contract for its streetscapes. She noted the urban areas received more use than downtown Crozet.

She said she was concerned about utilities, and they had to figure out how to manage them.

Ms. McKeel echoed Mr. Gallaway's comments regarding traffic lights at the Belvedere intersection. She said they should be installed first. She said they had to plan out the utilities so that the roads were not constantly under construction and being repaved. She asked about the wildflowers. She said she was confused about what the area would be like.

Mr. Hyer said no matter which roundabout was decided upon, the wildflower garden would be impacted. He said the VDOT showed the field becoming a stormwater management facility.

Ms. McKeel said wildflower beds can be replanted. She mentioned she read about recessed bioswales in the Planning Commission notes. She asked for clarification regarding the bioswales.

Mr. Hyer said Ms. Firehock had mentioned the bioswales. He said Ms. Firehock had recommended replacing the raised median with a swale in the median. He said it did not work in practice unless the road was recrowned so that it drained water toward the middle. He said it would be an expensive project for it to be feasible. He said it was the opposite of a raised median.

Ms. McKeel noted the grassy swales in her district had filled in with sediment and did not work.

Mr. Hyer said the swales did require maintenance and should be installed at the margins, not the middle. He said it should be considered.

Ms. McKeel thanked the community for input and staff for their work.

Ms. Price thanked Mr. Hyer for the report. She said he addressed many of the raised concerns. She said she concurred with the comments from the other Supervisors. She noted the number of side roads connecting to Rio Road complicated issues. She said implementing limited access to Rio Road was acceptable as long as alternative access was also reasonable. She suggested avoiding requiring pedestrians having to cross the main road to continue on the sidewalk, which could cause safety issues. She noted the maintenance requirements needed to clear overgrowth. She said it was an item to consider in the budget.

Ms. Mallek said the stormwater pond proposed for the wildflower field could be beautified. She noted the maintenance requirements for the Crozet streetscape.

Mr. Gallaway said he wanted a follow-up on the sight line and speed issues. He said he wanted to know when it would be reasonable for the process to begin or when the Board would receive an update.

Mr. Benish said he would follow up with Mr. McDermott and VDOT to determine the feasibility. He said they could report to the Board what the next steps may be if it is feasible.

Mr. Andrews said they should consider the left-turn queue lengths that would be required with the raised medians. He said he was interested in the bioswales and encouraged more work regarding stormwater management. He said the plan was still a work in progress, and more public input was welcome.

Mr. Gallaway **moved** to adopt the resolution in support of the Rio Road Corridor Plan. Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Ms. LaPisto-Kirtley

Agenda Item No. 10. **Action Item:** SE2022-36 5600 Turkey Sag Road Homestay.

The Executive Summary forwarded to the Board states that the applicant is requesting a special exception for a homestay at 5600 Turkey Sag Road.

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

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

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

Ms. Lea Brumfield, Senior Planner, said the special exception was for a resident manager on a large rural area parcel. She said it was the first special exception to appear before the Board for a resident manager on a large parcel as there were recent changes to the ordinance to permit the use.

Ms. Brumfield said the property was owned by 5600 Turkey Sag Road LLC which directly benefited Mr. Bradford Manning who resided on the property since 2020. She said Mr. Manning would be the resident manager for the property in lieu of the property owner, the LLC. She said the ordinance

required one individual owner of a parcel to reside on the parcel itself to qualify for a homestay use. She explained that since an LLC was not an individual, it cannot reside anywhere, and so to qualify for a homestay use, the owner, the LLC, must have a resident manager as approved by the Board. She said the resident manager must reside on the parcel as their primary residence.

Ms. Brumfield emphasized the special exception would not permit the homestay property to be used as a restaurant or an events venue. She said the Board was reviewing whether the use had adverse impacts to the surrounding neighborhood, the impacts to public health, safety, and welfare, the consistency with the Comprehensive Plan, and consistency in size and scale with the surrounding neighborhood.

Ms. Brumfield said the proposed homestay was a 370-acre property surrounded on all sides by thickly vegetated forests and was in a valley. She said it was bordered on the west by an additional 108-acre parcel and a 44-acre parcel owned by the same LLC. She said Peters Mountain was located directly northeast of the property.

Ms. Brumfield said the properties and buildings were located extreme distances from the other neighbors, so parking was not an issue. She said staff recommended approval of the special exception.

Ms. Mallek clarified that the property was in the valley and surrounded on all sides by tree cover.

Ms. Brumfield said the valley opened up to the south.

Ms. Mallek noted the distances were greater.

Ms. Brumfield said it was flatter to the southwest.

Ms. Price asked if the LLC owned other properties in the County.

Ms. Brumfield said the LLC owned two properties directly west of the parcel.

Ms. Price asked if there were residences on the properties.

Ms. Brumfield responded one property had a residence that was a full-time residence, and neither parcel was under consideration for the homestay.

Ms. Mallek clarified that when the ordinance required the property owner to be present, it precluded an LLC from having a different resident manager for the parcel.

Ms. Brumfield said it was administered as a special exception so the Board would be able to deny approval.

Ms. Mallek said the requested exception was not permitted at all. She said she thought LLCs were precluded from receiving the special exception.

Ms. Brumfield explained the LLC could still make the request, but the Board could make a decision on each individual situation. She said in this situation, the LLC wanted to have a homestay on the subject property. She said the LLC would have to apply for a different special exception if it wanted to have a homestay on another parcel which the Board would consider.

Mr. Andrews asked what the distance was between the homestay location and the resident manager's residence.

Ms. Brumfield said for the particular parcel, the resident manager was the owner of the property as the direct beneficiary of the LLC. She said the owner lived in the house that would be used for the homestay.

Ms. Price clarified a point with the County Attorney. She asked if the special exception were approved but ownership of the property then changed, what would the requirements be for a future owner to obtain a special exception.

Mr. Rosenberg said it would depend on the identity of the party acquiring the property. He said a special exception was not required if an individual was the owner of a property. He said if the purchaser of the property were a natural person, they would be subject to the provisions of the County Code that required them to reside on the property. He said if the purchaser was not a natural person, then that party would be required to obtain a special exception in order to maintain use of the property as a homestay.

Ms. Price asked if another LLC were to purchase the property, would the special exception follow the land or would the new owner have to reapply for the special exception.

Ms. Brumfield clarified that the special exception followed the land. She said the Board may want to consider tying resident manager special exception approvals to the current ownership of the property so that if the property were sold, it would no longer be valid.

Ms. Mallek said she remembered that special use permits followed ownership changes of the parcel and special exceptions did not follow the land because the exceptions were associated with a

specific business and use. She said she wanted clarification for the future.

Ms. McKeel said she had similar concerns.

Ms. Price said 370-acres and a 13,000-square-foot house was not the typical housing stock for the average resident in the community. She said the issue was the legal aspect of an LLC over an individual owning the property. She noted how corporations were buying residential housing and controlling the housing market. She said she considered the long-term impacts of allowing an LLC to have a non-primary residential use of a property. She questioned the impact on other properties around the County.

Ms. McKeel said she wanted clarification on the special exception requirements.

Mr. Rosenberg said it was a statutory scheme he had not studied in depth. He said he would like to provide an answer to the Board. He said he did not know how they dealt with the agenda. He said he may be able to provide an answer before the end of the evening, and the Board could take action on the special exception at the end of the meeting. He said the Board could also defer the decision to the next meeting.

Ms. Price said she was concerned about the impact on permanent housing. She said it was a legal issue.

Ms. McKeel noted they had discussions regarding LLCs in the past.

Ms. Mallek said she would prefer to defer the decision to the next meeting. She said she wanted to identify the people behind the LLC. She said there could be 100 different names.

Ms. Price said she agreed. She said LLCs could own many properties. She said she would propose to defer action on the item. She said they had received a presentation, and the item could go on the consent agenda or the action agenda. She said she needed more information to make a decision.

Mr. Gallaway said Mr. Bart Svoboda could provide insight.

Mr. Bart Svoboda, Zoning Administrator, noted the Board may want to defer the decision to the next meeting. He said Ms. Brumfield should present both applications so they were aware of both contexts so the research could be comprehensive and action on both items could be deferred. He said it would be beneficial to present both applications.

Ms. Price said the Board was comfortable deferring action on Item 10.

Ms. McKeel **moved** to defer SE2-22-36 5600 Turkey Sag Road Homestay to August 17, 2022. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Ms. LaPisto-Kirtley

Agenda Item No. 11. **Action Item:** SE2022-23 Broadhead Cottage Homestay.

The Executive Summary forwarded to the Board states that the applicant is requesting a special exception for a homestay at 3950 Lonesome Mountain Road.

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

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

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

Ms. Brumfield said the special exception was for 3950 Lonesome Mountain Road. She said the homestay was advertised as Broadhead Cottage. She explained the resident manager would live on the parcel in lieu of the owners who did not live on the parcel. She said the property owners were individual persons who did not have an interest in living on the parcel. She said there was a dwelling for the resident manager to reside full-time.

Ms. Brumfield noted that approving a special exception did not change what was permitted on the property. She said what was permitted was that a parcel over 5 acres in size could request a resident manager special exception. She said approving any of the special exceptions would not change the requirement. She said it would not create a precedent because special exceptions were special by nature and came to the Board on a case-by-case basis. She said they were reviewing whether the individual property would have an adverse impact on the surrounding neighborhood, be consistent with the Comprehensive Plan, and consistent with the size and scale of the surrounding development.

Ms. Brumfield said that this particular special exception was a 173-acre parcel containing two dwellings that could be seen on the map. She said the parcel was, up until very recently, used for forestry and logging, so the two dwellings are connected via logging roads, which were visible on the aerial, as well as Lonesome Mountain Road, which skirted the outer edge of the parcel on the eastern side. She said the parcel was not inhabited by either of the two owners, but prior to a zoning clearance, a code compliance officer would require proof of residency from a full-time resident manager to ensure that the parcel did have a full-time resident. She said currently, both dwellings on this property were vacant.

Ms. Brumfield said that shown on the slide was an aerial of the surrounding environs of the property; it was on a hilly, mountainous area that was previously used for logging. She said the entire area was frequently used for logging or just forested and vacant. She showed another aerial image and said the parcel was bordered on the south and east side, so the parcels that were closest to the homestay proposed location. She said it was owned in part by one of the owners of the parcel under consideration for the special exception. She said it was a series of parcels owned by family members, some owning multiple parcels and others owned other parcels. She said one of the owners was a partial owner in all three of the adjacent parcels.

Ms. Brumfield said that staff recommended approval of the special exception and they did not find that approving this particular special exception would cause an adverse impact to any of the surrounding areas, health, safety, or welfare, and was consistent in size and with the Comprehensive Plan.

Mr. Andrews said that he agreed these were not precedent-setting and he was prepared to move forward on the previous application, but he would accept the decision of the group consensus. He said his only concern on this one, as he alluded to in his earlier comment, was that this was 3,000 square feet between the two buildings, so to an extent, they were looking at health and safety for someone coming in to stay in this parcel and have a resident manager who was over 3,000 feet away concerned him a bit, but he did not know if that was an appropriate reason to deny it, and he had no other questions about it.

Ms. Mallek said when they were originally discussing resident managers, she remembered that in places where there was an adjacent parcel, and the owners lived on the other side of Route 20, which was not far away, as long as someone was living there full-time in these two smaller homes. And the 3,000 feet was the distance that Mr. Andrews was discussing. She said that the description of this application seemed to fit what she remembered as the reason there was a resident manager possible in the past. She said she had no other questions about it. She said across the mountain top, it would be easy to reach. She said she was grateful there was another resident person who knew all the numbers to call for emergencies right there, because it was very remote up there, so having that safety feature in the other house was important.

Ms. McKeel asked Ms. Brumfield to speak to Mr. Andrews' comments about the distance. She said perhaps he should clarify his comments, but she would like to hear Ms. Brumfield's thoughts.

Ms. Brumfield said the ordinance did not require that the resident manager be within 10 feet of the homestay; the ordinance required that the homestay resident manager be on the same parcel. She said they had no requirements for them to be nearby.

Ms. McKeel asked if Ms. Brumfield was referring to a certain amount of distance.

Ms. Brumfield affirmed this.

Ms. McKeel said she wanted to make sure she understood this, because this particular application did not involve an LLC.

Ms. Brumfield said that was correct.

Ms. McKeel said she viewed this one differently than the previous application they discussed.

Ms. Brumfield said yes, it was owned by a different type of entity, but these owners could own multiple parcels under their legal names. She said that was legal and you could have multiple parcels in the County, and they could apply for a resident manager on a different parcel.

Ms. McKeel said that was right. She said they were not an LLC. She said that concluded her comments.

Ms. Price said as she understood it, this one started off simpler, with a single owner, but this owner was also part owner on other properties, so again, her concern was that if this owner on another parcel wanted to do a homestay, now they had a single, natural person who was wanting to have multiple homestays. She said she was not saying she would vote no on this now, because to her knowledge, this is the only application, but if this same individual owning another piece of property, partially or on their own, and wanted to do another homestay, that second one would be subject to objection because it would not be a primary property.

Ms. Price said she had a concern about the distance of 173 acres and the two structures on opposite sides of the property, so in terms of meeting the letter of the law, but she did not know if it met the spirit of the law of a resident manager actually being able to observe what was going on. She said her question may be for Mr. Svoboda, but her recollection was that they could have one primary residence on a piece of property, and if there was a second residence or structure, that one of the things was that it

could not be a full-time residence, and she thought that for some reason that 220 volts in the kitchen stuck out in her mind. She said when they looked at these two structures, did they both qualify as a primary residence? She said on most of them, she had taken that there was a primary residence and perhaps a cottage that was not a full home.

Mr. Svoboda said on some of the homestays that they had seen, there was that cottage situation. He said if they started and the parcel had the correct number of development rights or division rights, depending on its size, if they stuck to rural area parcels at the moment, they could have multiple single-family homes on that piece.

Ms. Price said that answered the question. She said she appreciated the answer. She said it was a natural person who owns it, and this was not something that would affect their normal housing market, but she did not have the same concerns with this application that she did with the previous one because it was a natural person and not an LLC. She thanked Mr. Svoboda for answering her question with regard to the structures. She said she had forgotten about the development rights aspect of that.

Ms. Price said the distance was something to think about, but she did not know if she objected to it. She said she would have a problem if this owner came in and wanted a second homestay, because this owner already had one. She said she had no further comments or questions on this. She asked if there was anything further from the Board.

Mr. Andrews asked if that information would be captured in the application process. He asked if there was a place for them to learn if an applicant had other beneficial interests in property that were subject to homestays in the County.

Ms. Brumfield said she was trying to figure out if she understood the question. She asked if Mr. Andrews was asking that when staff reviewed an application, if there was any way for them to know if they had any LLCs.

Ms. Price said she believed it was two things. She said she believed it was ownership or beneficial interest, so the ownership interest might be easier to just go through your database and see if this name owned any other property; the beneficial interest became more complicated through LLCs, and they may not know that.

Ms. Brumfield said yes, in essence, that was accurate. She said they generally looked at the ownership because they needed to verify residency, and if someone were applying for residency to meet the residency requirements for a homestay, we would make sure they were not listed as a primary residence anywhere else in the County. She said that was part of the review process. She continued that they could have a primary residence outside of the County and there was no way for them to know that.

Ms. Price asked if that answered Mr. Andrews' question.

Mr. Andrews said he was asking a slightly different question, which was whether or not they could, as part of this process, ask the applicant directly whether they have a beneficial interest in property in the County that had a homestay and to at least get that attestation.

Ms. Price said she imagined that would be easy to add to the application process.

Ms. McKeel said her concern about the first one was the LLC piece and not being able to follow the person or the numbers they had, but in this case, they knew the person, so they should be able to follow how many. She said what Mr. Andrews suggested seemed logical, but she did not know if there was a legal concern with adding that.

Ms. Price said she would not think so.

Ms. Mallek said she was absolutely in favor of having that as part of the application process so that staff were not chasing after things that owners should be required to provide. She said to make an affidavit on there or something that stated it was their only homestay in Albemarle County. She said they could only have one primary residence, period, so they could not be a primary in Maryland, because there were only so many days in the year. She said she knew they had made improvements to the application forms over the last few years, and she thought this was a very important one to add so they were not wasting their time rediscovering something that could easily be provided at the beginning.

Ms. Price said it appeared there was consensus by the Board on requiring some attestation as to ownership interest in any property that might be used as a homestay in the County. She asked if there were any other comments. She said she saw this one as being different than the previous. She said the floor was open for a motion on Agenda Item 11. She said Supervisor LaPisto-Kirtley, the Supervisor for the Rivanna Magisterial District was not in attendance today, so the normal courtesy of deferring to the Supervisor of the District involved would have to be bypassed. She asked if any other Supervisor wished to make a motion.

Ms. Mallek **moved** that the Board adopt the attached Resolution (Attachment F) to approve the special exception. Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.
ABSENT: Ms. LaPisto-Kirtley

**RESOLUTION TO APPROVE
SE2022-00023 BROADHEAD COTTAGE HOMESTAY**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE202200023 Broadhead Cottage Homestay Application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the special exceptions in Albemarle County Code §§ §§18-5.1.48(b)(2) , 18-5.1.48(d)(3) 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 applicable 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 Broadhead Cottage Homestay, the Albemarle County Board of Supervisors hereby approves the special exception to permit a resident manager to fulfill the residency requirements for a homestay use.

Non-Agenda Item. Recess.

The Board recessed its meeting at 3:44 p.m. and reconvened at 3:52 p.m.

Agenda Item No. 12. **Presentation:** Stream Health Initiative - Mid-year Update.

The Executive Summary as forwarded to the Board states that in 2017, the Board of Supervisors directed staff to develop strategies for improving stream health in the county; this project is referred to as the Stream Health Initiative. From 2018-2021, staff conducted extensive public engagement with community stakeholders to identify strategies focused on development-related issues (Phase 1) and Rural Area-focused issues (Phase 2). The results of these engagement phases are now combined into one project moving forward.

In December 2021, staff presented 14 proposals to the Board, based on a culmination of the community feedback, staff analyses, and input from the Board. The 14 proposals fell into three categories:

1. Regulatory
2. Incentives and Voluntary Opportunities
3. Monitoring, Education, and Partnerships

During the work session (12/1/21), the Board recommended staff begin working on several projects with existing staff resources, to submit budget requests for FY 23 for a subset of the proposals, and to phase the requests for the remaining proposals in FY 24-26.

An update on the Stream Health Initiative is provided as Attachment A. This includes the project history, key elements of progress, and next steps for the project. The Overview (Attachment B) and Final Proposals (Attachment C) presented during the 12/1/21 work session are provided for reference. This presentation will include an overview of the project update and provide more detail on the status and next steps for ongoing projects.

Each proposal requires some combination of existing staff time, additional staffing needs, and/or associated program funding, as described in Attachments B and C. Several of the proposals present opportunities to leverage outside funds from partner agencies and grants; this will continue to be a focus of project work moving forward. In consideration of existing staff capacity and current budget projections, staff is moving forward with the recommendation approved by the Board to stagger implementation of the proposals. The FY 23 budget includes \$30,000 for hiring of a consultant for proposal #2 (Strengthen Restoration & Mitigation Requirements). Tables 1 and 2 (see Attachment A) indicate where budget requests will be submitted in FY24–FY26.

This report and presentation are for information only. No action is necessary.

Ms. Biasioli introduced herself as Kim Biasioli, the Natural Resources Manager. She said she would be providing an update today on their stream health initiative project. She said she wanted to acknowledge the other staff who were engaged in this work, either as part of their core team or as support staff on some of these specific projects. She said there were many other members of the community through the stream health work group and technical experts from other organizations that had been involved in providing input along the way.

Ms. Biasioli said the goals of the presentation were to provide a report on progress on selected projects, to provide an overview of next steps for each of those individual projects and for the stream health initiative as a whole, and then to discuss and answer any questions that they may have. She said she would begin with a brief history, and there was a link at the bottom of the slide that provided the full history with links to all of the meeting materials in Attachment A, and they were also available with live links on the stream health website.

Ms. Biasioli said the goal of this project had been to develop strategies for improving stream health throughout the County, and they worked to develop those strategies that would be broadly supported by the communities, residents, and organizations that lived and worked in the different parts of the County. She said they strove to do that using a collaborative and inclusive process through their engagement. She said on this project goal that she added the words "and implement" because at this stage, they were moving from developing those strategies into more of an implementation phase.

Ms. Biasioli said the first part of this project was focused on development-related strategies, and last year they shifted to focus on developing strategies specific to the rural area and the specific types of challenges and land use that occur there. She said now, they had merged both of those focus areas together for the project as they moved forward. She said in December, staff brought forward these 14 final proposals that fell into three categories: regulatory, incentives and voluntary opportunities, and monitoring, education, and partnerships.

Ms. Biasioli showed a slide and said it was the overview of those 14 proposals, which was also in the packet as Attachment B. She said the numbers did not indicate any prioritization and were for reference, and the colors around those numbers were to indicate whether those projects that were proposed would either be a CDD (Community Development Department), or an FES (Facilities and Environmental Services) led project. She said in December, the Board supported staff's recommendation to move forward with some of these projects that they felt they could begin with existing staff to submit budget requests for others for FY23, and to return to the Board to reevaluate the remainder and potentially phase implementation of those over the next few years.

Ms. Biasioli said next, she would provide a brief status update on the projects highlighted in orange on the slide, which were projects that were currently underway in some form. She said the first of those was the riparian buffer overlay district. She said the intent of this project was to establish a higher standard and more consistency and clarity in their stream buffer regulations and also how they were applied. She said one of the goals of this project had been to reestablish some buffer requirements that would address impacts that occur outside of regular land-disturbing activities.

Ms. Biasioli said they were essentially proposing to do that by moving those stream buffer regulations from the water protection ordinance to the zoning ordinance and maintaining the exemptions that they currently had for things like agriculture, forestry, and utilities as they did that. She said staff believed this would allow for better enforcement and to align the stream buffer requirements with other issues addressed in the zoning ordinance currently. She said staff brought forward a resolution of intent in March and were currently in the process of drafting this ordinance.

Ms. Biasioli said some of the key next steps were to receive public input on the proposed regulations once the draft was completed. She said staff would also be seeking input from the Planning Commission and the Board as well as approval, and submitting a budget request to staff was anticipated for compliance and education. She said if the project were supported, the plan would be to have hiring of staff coincide with adoption of the ordinance and the effective date.

Ms. Biasioli said the next project was intended to strengthen and clarify the standards that they had for restoration and mitigation of regulated impacts to riparian buffers. She said support for this work was included in the FY23 budget and was important because it aligned with and interacted with project number one, the overlay district. She said the reason why was because it involved creation of a restoration and mitigation manual that would help address some of the requirements they already had in the water protection ordinance as well as would be in the potential future overlay district.

Ms. Biasioli said it would also help to clarify and strengthen what those requirements are and also where and when they apply. She said currently, their staff team was doing some preliminary research and discussing development of this project and how they would move forward. She said their next steps included aligning this work with the DEQ guidance manual that was currently being updated, which would be available this fall, and working with a consultant to incorporate that statewide guidance from DEQ that would also include additional guidance to address specific issues and needs that they had locally in Albemarle.

Ms. Biasioli said the next project that was underway was number five, which was development-focused carryover items. She said there was a star there to note that there were three of those items that were in their original proposal, and only one of them was moving forward with their existing staff capacity. She said the other two were currently on hold pending resource availability.

Ms. Biasioli said the intent of the one that was moving forward was to address incremental development that was cumulatively exceeding 10,000 square feet of land-disturbing activity, and they currently had some draft language for that update to the water protection ordinance. She said next steps included finalizing that language, scheduling a public hearing for adoption, and the anticipation of submitting a budget request for additional staff.

Ms. Biasioli said project 11 was another project underway, which was the low-impact development study. She said that the Low-Impact Development, or LID, was an approach to improving stormwater management essentially by mimicking natural processes to reduce the impact of built areas and allow the natural movement of water on the landscape. She said there was a long list of best practices that developers could use to incorporate those principles of LID.

Ms. Biasioli said the intent of this project and the stream health initiative was to explore different options they might have to increase implementation of LID in the County. She said currently, they had a consultant under contract, as this project was not in the FY23 budget, so the work was being supported by FES's water resources program. She said their consultant was starting with a code and ordinance review to help them identify barriers and opportunities that they might have to implementing LID.

Ms. Biasioli said that included not only looking at County Code, but at State Code and some examples from other localities that can be used as a model. She said they would look at the pros and cons and applicability of these practices in the context of their code and design standards, and of course the state stormwater regs. She said for next steps, their consultant was scheduled to complete their work in November, then staff would evaluate the results and determine the future steps.

Ms. Biasioli said the next project was number 13, the new landowner education project. She said the intent of this project was to inform new landowners of all the various cost-share, conservation, and stewardship opportunities available in the County and contribute to stream health on private land. She said some elements of this project, they had been able to start with their existing staff capacity, and they had a great partnership with natural resources, climate, and water resources, as well as with CAPE (Communications and Public Engagement).

Ms. Biasioli said with that partnership, they had launched the first deliverable from the project, the environmental stewardship hub, which she hoped they had seen. She said for next steps, they had some that could move forward as staff capacity and resources allowed, and those included updating the new resident guide to include a stewardship section and also working towards some targeted outreach to new landowners.

Ms. Biasioli said the last project she would highlight was number 14. She said the intent of this project was to provide watershed education experiences for every 6th grade student in the County. She said this project was not identified as underway in the project update, Attachment A, because they only just learned that it was moving along independently of the stream health initiative, and their team had only been indirectly involved in the effort. She said they wanted to share the update because it was a part of one of their original proposals that was progressing, and some members of their staff team would help with coordination and support of the program.

Ms. Biasioli said the current status was that ACPS had budgeted some funding for this upcoming school year, and in terms of next steps, they would be working with the Rivanna Conservation Alliance to define the curriculum and logistics, estimate costs, and locate additional funding as needed. She said that concluded the overview of the projects from the stream health initiative that were currently underway.

Ms. Biasioli showed the slide with the overview of all the proposals. She said highlighted in orange was the second category of projects, or table two in the packet. She said these were ones that they had not yet initiated, and their staff team was currently reevaluating and reconsidering.

Ms. Biasioli said the next steps for the stream health initiative as a whole were to continue to advance the projects that were underway as staff capacity and resources allowed, and they would also continue to evaluate those underway and future projects with consideration to the staff capacity, budgets, equity impacts, and their overlapping timelines. She said lastly, they planned to return to this Board periodically to provide updates and receive direction as needed. She said she could take questions.

Mr. Andrews said he was happy with the progress being made on this project. He said on the new landowner education project, number 13, for targeted outreach he would suggest targeting outreach to old landowners as well, because there were a lot of people who were not aware of what could be done on their land and targeted to those areas where they needed it most. He said he assumed with number five, the cumulative 10,000 square feet would take care of the need to have ongoing management of stream buffers in development areas. He said a while back they talked about clutter in the rural areas, and they found themselves looking in the rural areas and could not do this because it could not be done on agricultural land.

Mr. Andrews said a lot of these issues in the rural areas came out to be relative land that's used for agricultural, but there are a lot of areas in the rural area that were five- to twenty-acre home locations without a lot of agriculture going on. He said he was unsure what these different ordinances would be limited by that; that is, ordinances that should apply, but because it was in the rural area and zoned for agricultural possibilities and therefore, the Board was limited in what they could say about what they did.

Ms. Price asked if that was a question he would like answers to.

Mr. Andrews said he would like to know if there were issues with the designation of R1 versus agricultural use, what happened in that sort of in-between where there were five- to twenty-acre lots that were not really farms but were in the rural area.

Ms. Biasioli said that was a good question. She said one of the advantages of moving the stream

buffer regulations from the water protection ordinance to the zoning ordinance was that it would then apply outside of regulated land-disturbing activities that were over 10,000 square feet, so right now, those stream buffer regulations were only active when they had that land-disturbing activity above the threshold, so that would allow them to apply more broadly. She said agriculture was still exempt, and her understanding was that it had to be bona fide agricultural as it was defined in the zoning definition.

Ms. Mallek said that number one was underway, which was the riparian buffer overlay district, and she would like to know if that brought back what was lost in 2014, and she never would have approved something that took away enforcements, so she had not done that homework yet.

Ms. Biasioli said that prior to 2014, the water protection ordinance's section six for stream buffers did apply more broadly than only to when a plan was required, above that 10,000-square-foot threshold. She said this would, by moving it to the zoning ordinance, apply it more broadly. She said what was missing prior to 2014, as she understood from talking to staff and their County Attorney who were there at that time, that there was no ability for enforcement, so that was another element that they were attempting to address by moving it to the zoning ordinance.

Ms. Mallek said that it was well-enforced in the 1980s and 1990s. She said the will to do it was lost, and it was this Board's job to see if they had the will to do that now. She said it was excellent news. She said number two was funded, and she was not in favor of reinventing the wheel, so they should have written documents in state agencies, and she saw no need to recreate that, so she hoped the first resource was going to be making sure they had the latest stuff.

Ms. Mallek said Ms. Biasioli mentioned they had DEQ, and the paper said DCR, so they were probably both involved, and she knew they had swapped responsibilities in the last five years, but they should cut and paste, and they would try to take the strongest things from other counties in order to do that. She said number three was not mentioned, but she thought it was an incredibly important thing to do. She asked if the ZTA was what Ms. Biasioli described as moving from WPO to zoning.

Ms. Biasioli said no. She said that was a different proposal altogether.

Ms. Mallek said she understood it now.

Ms. Biasioli said it was environmental restoration.

Ms. Mallek said it was mind-blowing they put up barriers to something like this. She asked what the timetable was on that.

Ms. Biasioli said it was not currently in the CDD work plan. She said she thought there might be an opportunity to incorporate it into the update being done for project number one, because it was actually a very simple project.

Ms. Mallek said she was glad to hear that.

Ms. Biasioli said they had not had the capacity to do all of those things at once at this point.

Ms. Mallek said she hoped she would be correct on that with number one. She mentioned that for number four, even though it was not on a do-now list, soil and water conservation district was all over this; they had lots of pump-out money, and they were still trying to find people who had pump-outs that needed to be done. She said she hoped that when they got to number four, they would get to it in a regulatory way, because she thought that was where they were making progress. She said number five was also underway, and that was the one they had been working on for six years to get rid of the 10,000 square feet and put it to 2,500.

Ms. Mallek said her notes were to start the adoption process now, because by the time the adoption process was done, the money would be there. She said she remembered that there was a joint meeting with the whole Board and Planning Commission four years ago, and that extra position to make this happen was the high-priority budget item, so she pushed again for that. She said every year in the White Hall District and probably in the other districts, too, the lack of this 2,500-square-foot threshold got them into an enormous problem, and the one they were dealing with now was going to take months to resolve. She said that was a very high priority item for her. She said number six was not on the do-now list.

Ms. Mallek said any time they could have partners and not try to have County CDD staff doing stuff that all their partner agencies were already doing, to please do that. She said the Riparian Conservation Assistance Program was the same thing, where there were other agencies, and perhaps this was where the ACE program got recrafted and to have the members of the ACE program make contacts with people. She said they had great opportunities to use their volunteer committees, like their trail builders, for example, who loved to do stuff like that, and there were lots of other people for whom this was of special interest. She said number eight was not up and was another partner thing. She said number nine was on the do-now list.

Ms. Mallek said the BMPs were state and federally funded, so that would not be a high-priority extension for her to send their FES people out to do something that others were already doing, and the same could be said for ACAP (Albemarle Conservation Assistance Program). Low-impact development was something that if they had adopted, the more chapters of the Chesapeake Bay Act, they would

already be doing low-impact development without having to create anything in their local ordinances. She said it would be a benefit of reinstating the 2014 language and they would get this low-impact development as well. She said the first six years has not brought many a success, so she would continue to harp on that.

Ms. Mallek said of 13, that using the partners they had to reach out to people for this education was really wonderful and very helpful. She said for 14, she was glad it was reactivated for about 15 years, and she participated with many of the watershed experiences education, which had been happening with 4th graders back then due to the SOL material changing grades. She said it was out of Camp Albemarle and four different state agencies and their museum all worked together to teach those.

Ms. Mallek said there was a very well-established curriculum, and that was not something she hoped to prioritize or recreate because it was already out there. She said she looked forward to more use of bona fide agriculture because there was a lot going on that was not agriculture that they had to put a stop to, otherwise they would never get anywhere as far as their streams were concerned.

Mr. Gallaway asked if the school thing was because the groups did not know what the other was doing, or they were just doing it as their own education initiative.

Ms. Biasioli said it was inspired by this project and there were discussions with FES staff, watershed stewardship program, the science coordinator from schools, and Rivanna Conservation Alliance, so as those discussions came on, they took initiative and moved forward with that without a lot of support from their team.

Mr. Gallaway said that was fine and there was no problem with putting that into place as long as it aligned. He said his bigger point was that it did not have to be specific to stream health, but if there was something that the County identified as an initiative to work on and another part of the County started working on that initiative, there should be some sort of connection to make sure they were in alignment in trying to achieve the same things. He said it would be embarrassing if they were not. He said he had not thought this through very well yet, but on number two, he kept seeing the phrase "strengthen and clarify." He asked if they had the manual or if they needed to create the manual.

Ms. Biasioli said she was glad Mr. Gallaway brought this up, because Supervisor Mallek mentioned it also. She said there was a manual that was created by DCR through the Chesapeake Bay Program. She said it was last updated in 2003, so it was 20 years old. She said they initiated this project prior to finding out that manual was now being updated by DEQ, so there was a little shift. She said their proposal was actually to create a manual specific to Albemarle, and they would still absolutely rely on that DEQ guidance as the first pass, but there were some elements of restoration mitigation specifically in the County that they want to address that are not currently addressed by that manual.

Ms. Biasioli said they may have different standards depending on the type and intensity of the disturbance, so whether it was a planned development versus just a conversion from agriculture to development versus a violation of the water protection ordinance. She said there were some elements that they would like to have that were specific to the County and some standard operating procedures and workflow that was more specific to the County. She said it was not recreating what the state had done, but it was using that and adding on to clarify their process and regulations internally.

Mr. Gallaway asked if that document would be for landowners, staff, or someone else.

Ms. Biasioli said she envisioned the manual being primarily for staff, although it could be for developers as well to understand the process and what was required.

Mr. Gallaway said if they created the manual, that helped them clarify what was specific to Albemarle. He said it stated, "Highlighted opportunities strengthen and clarify restoration mitigation," and later it said, "To update the WPO to strengthen and clarify requirements." He said he understood clarify, but he would like some examples of how this work was going to strengthen the requirements, or if they were going in and saying that a requirement was not good enough and they were going to change it, identify the weak requirement, and make a new requirement.

Ms. Biasioli said it was a good question and she did not know if she had a specific example. She said this project had the concept developed but they had not started the actual work of it, so some of those things would become clear. She said one thing that had come up again and again when there was conversion from agricultural land to another use, for example, right now, the requirement right now might just be to let it be, and she felt they had an opportunity to strengthen that to restore stream buffers. She said she hoped that answered the question.

Mr. Gallaway said he thought it did, he just thought that the creation of a manual was clarifying things, so they should do that, but he was unsure how the manual strengthened anything. He said maybe the enforcement, because it was clear to staff that it was now in the manual so they should go implement that, but the strengthening piece seemed like something the manual itself could not do. He said moving it from the WPO to the zoning ordinance sounded like a strengthening thing, but that was a separate item. He said he was bringing it up generally as an area he was thinking through himself. He said he did not want them to create a manual and say they strengthened things when they only had clarified things.

Ms. McKeel said she would like to strengthen a lot of what they were doing about stream health. She said when looking at climate change and what was happening in the world right now, there was an

urgency to get a lot of this work done and not just talk about it. She said she would be very happy to strengthen a lot of their work by adopting more chapters from the Chesapeake Bay Act as Ms. Mallek said, and she had been interested a few years ago in adopting the Chesapeake Bay Act. She said her only other comment was that for number four, on-site sewage treatment systems, in the urban ring, they had the Branchland's watershed, which was in the Rio District and in the Jack Jouett District.

Ms. McKeel said they had a two-year FEMA grant to study flooding in that water shed. She said she did not know how many houses she represented on Hydraulic Road and Georgetown Road that had septic systems that were in that watershed, and she did not know how often real estate people or people selling their houses said they did not know they had a septic system. She said some people had wells, but others received water bills and got public water, so they just assumed. She said she wanted to make sure, and they had mapped 254 houses in the development area between Rio and Jouett Districts that were in need of being hooked up to public sewer, because they were located where public sewer was available. She said staff had provided money and they could work on that.

Ms. McKeel said she was trying to make sure everyone was on the same page about all of this, and the FEMA grant and two-year study in the Branchland's watershed, for her was mostly in the rural area and overlapped into the development area, and for Mr. Gallaway was in his development area. She said they ought to be marrying some of this work in figuring out how they could hook those people up in that watershed, because that was how to protect the watershed, rather than just an arbitrary line. She said she was not saying to do away with the line between the development area and rural area, but that line was not protecting the watershed. She asked if Ms. Biasioli was aware of that FEMA grant.

Ms. Biasioli said yes.

Ms. McKeel said to tell her if she was way off-base. She said they had to find a way to protect their water.

Ms. Biasioli asked if she could respond to the comment.

Ms. McKeel said absolutely. She said she wanted people to say she was wrong, so it's okay for her to say that to her.

Ms. Biasioli said she believed there were connections with that and with the work the soil and water conservation district did and also with the Bay Act, and that was where this proposal originated, and maybe not everyone was familiar with that, but adopting the Bay Act included these regulations for sewage treatment systems. She said they had scoped all of that out, and with respect to equity, they felt there would need to be some type of assistance program if they required these regulations, and in their proposal, the detailed proposal included requiring full-time staff as well, because there was a lot of education, compliance, and tracking that would need to go along with some of these requirements in terms of pumping out septic every seven years and those requirements in the Bay Act.

Ms. Biasioli said she was not saying that to discourage the idea, but to explain that they looked at all of that in detail, and their proposal was not intended to recreate what soil and water was doing, because their funding only applied to specific areas that had an identified impairment as well. She said with the Bay Act and with their proposal, it would apply throughout the County; it was a big project that would require a lot of resources. She said she hoped they could make those connections and move forward with it at some point.

Ms. McKeel said Ms. Biasioli said she was talking about going through the whole County, and she understood that, because they were a very big County, but she was talking about this one watershed, which was very small. She said maybe they could start there, because it was a watershed. She said having said that, she would hate to look back in five or 10 years in regret, and for the lack of an employee or two, they did not do something. She said she appreciated Ms. Biasioli's report, because it got them talking and brought water to the forefront.

Ms. Price said she was sure Mr. Richardson heard that they had found another place for him to put staff as he looked at the County budget. She said she concurred with the other Supervisors and wanted to briefly comment on two, number one being the riparian buffer standards. She said fixed distances were very objective and fairly simple, but she did not know if they always made sense over what she called best management practices, which changed over time, but as she looked at the terrain, geography, and uses of best management practices as best they could articulate them to a more objective rather than subjective utilization probably worked better overall if they were able to focus on that.

Ms. Price said on number five, she appreciated looking at restricting the incremental impacts where the cumulative totals actually ended up being very significant. She said they had a development application coming before them at their next meeting that specifically addressed what would be considered an incremental deterioration of a stream, so protecting that tied in with avoiding this a little bit at a time individually might not be much, but cumulatively have significant impacts. She said she had no further comments at this point and asked if any other Supervisors had additional comments.

Mr. Andrews said about 10, ACAP funding, he would like to know if that included the possibility of more attention to stormwater management outside the development areas where they were seeing some issues arising.

Ms. Biasioli said yes; that program applied throughout the County. She said the proposal they had was not to recreate that program; there was a certain amount of VCAP (Virginia Conservation Assistance Program) funding that was spent on projects in each locality, and then their support of ACAP allowed them to do more, and they maxed that out every year. She said yes, there was an opportunity there, and it could apply outside of the development area as well.

Mr. Andrews said that was great and they should pursue that.

Ms. McKeel said she just wanted to get back to the comment about fixed distances from Chair Price.

Ms. Price said for example, if you said nothing could happen within one hundred feet of a stream buffer, that was a fixed distance, whereas best management practice would take into account things like the terrain, where they may need more or may need less, but they looked more towards the best management practices in particular situations.

Ms. McKeel said her understanding was that the fixed distance they referenced had some flexibility built in depending on the terrain.

Ms. Price said yes.

Ms. McKeel asked if Ms. Biasioli could speak to that. She said they did not need to discuss it right now.

Ms. Biasioli said she thought it was a really good point and in forestry, how they applied the stream buffers was based on the slope, so if there was a steep slope, it required a longer buffer, but that would be more challenging for enforcement than a set distance from the top of the bank.

Ms. Price said there was always a balance.

Ms. McKeel said she was agreeing on that one, because there were differences in the terrain and the circumstances.

Ms. Price said she recognized what Ms. Biasioli said; that added challenges to enforcement, but by the same token, she struggled with one-size-fits-all, and that could often lead to consequences that would either increase the stream health or decrease it without looking at the particular circumstance. She said that was the point of her comment.

Ms. McKeel said she thought there was more flexibility than there really was.

Ms. Mallek said her understanding was that different programs had different things, so federal cost shares for 20 years was 35-feet of dry ground, and the hundred feet on each side of the stream in the watershed was after 1980 for watershed protection, and some counties had adjusted the 35-foot minimum to be smaller in certain circumstances, but only where it was very flat. She said the Branchland's watershed discussion made her think of all the impervious surface between the back of Colonnades and the basin by Greenbriar. She said it took five minutes for the water to get there in a flash flood situation, scooping up everything on the asphalt and rooftop in between.

Ms. Price said it was complex.

Ms. McKeel said she appreciated it.

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

At 4:36 p.m., Mr. Andrews **moved** that the Board go into a Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- under subsection (1) to discuss and consider appointments to various boards and commissions; and
- pertaining to the memorandum of agreement between the County and the City of Charlottesville concerning the County courts:
 - under subsection (3), to discuss and consider the acquisition of real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County; and
 - under subsection (8), to consult with and be briefed by legal counsel regarding specific legal matters requiring legal advice relating to the County's rights under the terms of the memorandum of agreement and under state law.

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

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

NAYS: None.

ABSENT: Ms. LaPisto-Kirtley

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

At 6:08 p.m., Mr. Andrews **moved** that the Board of Supervisors certify by a recorded vote that, to the best of each supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting, were heard, discussed, or considered in the closed meeting.

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

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

Agenda Item No. 15. Boards and Commissions.
Item No. 15.1. Vacancies and Appointments.

Ms. Price **moved** that the Board accept the following for their Boards and Commissions vacancies and reappointment list:

- **Appoint**, Kaki Dimock to the Jefferson Area Community Criminal Justice Board with said term to expire on June 30, 2024
- **Reappoint**, Mr. William Love, Ms. Jane Foy, and Mr. Vito Cetta to the Places 29 (Hydraulic) Community Advisory Committee with said term to expire August 5, 2024.
- **Appoint**, Mr. Adam Gendell to the Solid Waste Alternatives Advisory Committee with said term to expire May 31, 2026

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

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

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

Mr. Richardson said he would provide the County Executive's Report for the first meeting of the month. He said he would take the time allotted to himself this evening to ask the Director of the Albemarle-Charlottesville Airport (CHO) to come forward this evening, Melinda Crawford, and to provide the Board of Supervisors and the public an overview of how CHO was going. He said it had been his pleasure to serve on the Airport Authority since coming to Albemarle County almost five years ago. He said he was the County's representative along with the City Manager and the Chair of the Board was Mr. Don Long. He said Mr. Long had served on that Board long before he had come to Albemarle County and currently served as Chair, performing outstanding work in close collaboration with Ms. Crawford and her staff to prepare them for Board meetings and the challenges and things they needed to do to support the staff so that they did great work for the community.

Mr. Richardson thanked Mr. Long for his dedication to several County Boards and for being so active in the community. He said on several occasions, the City Manager and he had publicly thanked him for all his work as Chair, because he allowed them to not be as close on a day-to-day basis, and Ms. Crawford relied on Mr. Long. He said it had been a while since Ms. Crawford had been before this Board, and she was going to coordinate with the City and County to give an update, because a lot had happened since 2019, so she would take a few minutes to talk about how they were doing operationally and financially. He said he was excited to have her there tonight and would now turn it over to the Director.

Ms. Price said she shared the appreciation Mr. Richardson had for Mr. Long. She welcomed Ms. Crawford and said the floor was hers.

Ms. Crawford thanked Chair Price and said she also had with her the Chief Operation Officer, Jason Burch, who had been with the airport for about 22 years. She said they truly appreciated the opportunity to come and talk about their airport. She said anyone who used that airport helped to fund the airport; they were not funded by any local tax dollars or a burden on anyone's tax base. She said they were 100% financially self-sufficient except during the COVID-19 pandemic, during which they received assistance from the federal government. She said CHO had a joint advisory commission that had three appointed members, and every three years, the City and the County worked together to appoint the joint commissioner, who was Mr. Long. She said he actually served on their commission as well as set the budget for the commission and for the Board. She said she truly appreciated him working with them.

Ms. Crawford said airports could be owned by cities, counties, states, federal governments, independent airport authorities, or dependent airport authorities. She said they happened to be an independent political subdivision, and their leadership came through their local government of the City of Charlottesville and Albemarle County. She said in their peak, they served 750,000 passengers in 2019,

going into 2020, they were up 4-5% and had grown approximately 116% in about eight years. She said they were on that trend to continue, but the bottom fell out in 2020.

Ms. Crawford said an airport was dictated by the number of seats they had. She said the slide shown gave a snapshot of their destinations, airlines, and number of seats they had pre-pandemic, which was about 25 flights per day. She said during the pandemic, they got down to five flights per day. She said there were days where instead of 1,200-1,500 passengers per day, they were serving outbound 22 passengers in the months of April and May in 2020. She said it started to come back in June 2020 and in June 2021.

Ms. Crawford showed a slide with a comparison of before the pandemic, June of 2019, with June of 2022. She said they were still slightly behind with their seats with about 266 seats or 19%, and they had some destinations or services lowered by the airlines. She said the airlines took the time after the pandemic to focus on their operational needs, and they tried to push everything back through their hubs. She said services to Chicago and to Philadelphia had been reduced and taken out of the system, but they were working very diligently with the airlines to see about getting those back in.

Ms. Crawford showed a graph with the information on passengers and passenger growth that they had in FY19, FY20, FY21, and FY22, with FY22 being unprecedented for this airport and airports across the country. She said their budget was impacted by that when the pandemic hit and they were towards the end of 2020, they put an automatic freeze on hiring, so any position that left them they did not fill it. She said they took the time to step back and see what they could do with only five cars in the public parking lot.

Ms. Crawford said in 2020, \$4 million of the \$8 million budget came from parking, and when you went from about 1,500 passengers per day to 22, the parking lots were empty, but they took that time to repave the parking lots and do work at the airport that they could not normally do if it was busy. She said as they moved forward, they would see that the budget was coming back in line with pre-pandemic, and their expenses were a bit higher for 2023 because they were going to do some parking projects that were not funded by the state or the federal government.

Ms. Crawford said that they had about 50 employees, with 11 sworn law enforcement officers in the police department, but they depended on the mutual aid agreements with the County and the City to help them. She said they also had their own fire department and about 18 employees were trained firefighters to respond to aircraft incidents. She said they depended on the local fire department for structural issues. She said in 2017, the Virginia Department of Aviation did this economic impact study where 2,239 jobs were associated with the airport, and it was currently back up to that level. She said it created \$110 million in wages, which they were back up to.

Ms. Crawford said during the pandemic, they did about \$12 million in construction projects, bringing wages and labor to the community. She said they did not receive tax dollars, but they served as a good front door for the community. She said they were there welcoming visitors coming to the area and were able to do it with the amount of revenues generated from the airport.

Ms. Crawford said when they went into 2021, there were four big projects they were going to be looking at, one of which was relocating a taxiway, one was expanding the air carrier apron so they could get four additional aircraft parking spots, and one was providing ADA access to the long-term lot. She said those three projects were key. She said they actually finished the relocation of the taxiway and air carrier apron for about \$12 million, with most of the money coming from the FAA and some from the Virginia Department of Aviation. She said the ADA access to their parking lot was a little bit harder to do; they had to put two elevators in so they would be redundant, so if one went out, they would have true ADA access at all times. She said they were in the middle of this project, which was a little over \$4 million.

Ms. Crawford showed images of the north and south elevators in June of 2022 and images of what it looked like in the current month. She said they were scheduled to have the project completed in November. She said one of the things that would then be allowed was a terminal expansion to the north. She said they could not do that because all of their ADA parking was in that parking lot, so they had to have this in place before they could do any expansion of the terminal.

Ms. Crawford said they had to replace escalators, which was a big deal. She said there were two sets of escalators that were put in in 1991 when their building was opened, and those escalators had reached the end of their useful life. She said they could not find parts and it was six months to wait for the parts to arrive for the escalators, and they cost \$2 million to replace. She said they ran into another issue: at the top of those escalators was a seating area where American Airlines seated passengers.

Ms. Crawford said at that time, 60% of their passengers were upstairs, so they had to put a modular building behind their restaurant, connect it with ADA access, air conditioning, and other amenities, and moved the passengers down to that modular building. She said behind that wall right now were two very nice sets of escalators going in. She said that project would be completed in September of this year.

Ms. Crawford said the first of their ongoing projects was a sustainability project where they were converting all of their airfield lighting to LED, which would give major savings on their electric bills. She said for the future terminal expansion, they were toward the end of the terminal area plan that would tell them how to build that expansion, and they were also looking at a parking deck expansion because they had no more level, flat land on which to build parking. She said before the pandemic, they were filling up

their parking lots on a routine basis, and as passengers came back, that parking lot would be key. She said the multi-level parking deck was one of the only projects that they would be going into debt for.

Ms. Crawford concluded by quoting an unknown author: "A mile of highway will take you a mile, a mile of runway will take you anywhere."

Mr. Andrews said he appreciated their work.

Ms. Mallek thanked the airport for being such a good neighbor to those in the White Hall District. She said it had been wonderful to work with them over the past nine years. She thanked them for the care of the second-oldest white oak in the commonwealth and for the improvement in the management of the taxis, because for a long time it was not a welcome arrival when one was charged \$100 to come to town. She asked if they still had the remote lot for parking overflow across the roundabout, on the corner of Airport and Dickerson.

Ms. Crawford said they purchased it, but they had not done any development on it because of the pandemic.

Ms. Mallek said someday she would find out ahead of time when they had the emergency training, because she always found out when it was over, but the fire & rescue personnel would simulate injuries to help people practice.

Mr. Gallaway said of the people he knew who came in and out of the airport and did not live here were incredibly impressed with how easy it was to fly in and out of Charlottesville, and he thought that was a testament to everything Ms. Crawford and the CHO staff did to run the airport. He said perhaps eight years ago he was supposed to collect two boarding passes and only collected one, and someone actually came up to him and gave him the forgotten pass. He asked what airport in the world would come find him and bring him his ticket. He said for people who came there to visit to be able to get in and out of there with such ease was a testament to the experience of visiting their area. He thanked Ms. Crawford for what she and her team did.

Ms. McKeel said she agreed with Mr. Gallaway. She said before she retired, she dealt with a lot of research studies, which meant a lot of people from the research triangle traveling up to do research with them and were always flying in, and they never failed to remark about how easy it was to get in and out of Charlottesville. She said people used to struggle with taxi cabs, but that problem appeared to be fixed.

Ms. Crawford said she was unsure if that was fixed because those were individual owners, but they worked very diligently with them now.

Ms. McKeel said Mr. Gallaway was right in that they had a wonderful airport. She said perhaps they were completely separate, but it seemed to her they had a very active private airplane piece to their airport.

Ms. Crawford said they did.

Ms. McKeel said perhaps it was because she lived in the flight path, but she would like to know about what the interface was with the airport and private folks.

Ms. Crawford said all the land that was at the airport, 760 acres, was owned and operated by the Charlottesville-Albemarle Airport Authority, which Mr. Richardson sat on. She said there were two aspects, commercial and general aviation. She said general aviation was private ownership of aircraft, and most of that activity was handled by signature support, which was what they called a fixed-base operator or FBO, who paid to lease the land that they operated, and they provided hangaring, fueling, and other aspects of maintenance for the general aviation area. She said they also provided fueling for the commercial aircraft.

Ms. Crawford said there was one entity, and they received probably \$300,000 per year from the FBO signature flight support, with an \$8 million budget, but they had a very robust and strong general aviation activity. She said when COVID-19 hit and their passenger traffic went down to 22 outbound passengers per day, the general aviation was soaring and continued to soar. She said they did not have any negative impact associated with it. She said their restaurant and gift shop did, but their rental cars did not have a lot of impact and neither did general aviation.

Ms. McKeel said she learned something, so she appreciated Ms. Crawford's explanation.

Ms. Crawford said they had a twenty-year lease with them.

Ms. Price said she concurred with those comments from the Supervisors. She said having a highly functional, successful airport was critical to their region's success, and she applauded all of them for the work they had done. She said she was thankful to see the recovery coming out of the pandemic and that she looked forward to her next flight.

Ms. Crawford said if they fly out of CHO, she would like them to take the time to notice their 50 employees who worked 100% of the time during the pandemic. She said they were open 24/7 and when the shuttle could not be operated, those personnel came in and started cleaning the building. She said

they had worked very diligently and had a global recognition for cleaning, and the employees had never missed a step during the whole pandemic.

Ms. Mallek said she went to a class at the Darden School about venture capital and economic development, and one of the speakers was exhorting them to make sure they got all the improvements they could get, because he said big money people want to fly in and see how all their little chickens are doing, and they don't want to change planes 14 times. She said they were an important link for that.

Ms. Price asked if Mr. Richardson had anything else.

Mr. Richardson said this was a great opportunity to have Ms. Crawford and her team there and he appreciated the Board's attention. He said the biggest question that he had noticed from the general public in his five years of sitting on the Board was about direct flights. He said at full service in 2019, they had 25 flights per day, and now they were edging back to 18 flights. He asked Ms. Crawford to talk about the current direct flights that the airport served, and if the economy continued to build back, what could they hope to build on in the future.

Ms. Crawford said before the pandemic, they served Charlotte, Chicago, Philadelphia, and LaGuardia with American Airlines. She said Delta Airlines served LaGuardia and Atlanta, and United served Dulles and Chicago. She said they made the conscious decision to put the flights back through their hubs, which were Charlotte, Atlanta, and Dulles. She said the Chicago flight got pulled down and so did the Philadelphia flight, but for an airport their size to have two airlines to serve LaGuardia and to have that service for decades or years was amazing and showed how strong the market was. She said they met with the airlines on a routine basis, and they had about 540 commercial airports across the country, and every one of them was fighting for that one airplane with one more seat on it.

Ms. Crawford said they were not only in competition with nearby airports, but every airport across the country. She said during the pandemic, as they were recovering, airports that were in very desirable areas like the beaches soared, airports that were towards the mountains in the west soared, and they were coming back with a strong business, but they were seeing family traffic coming back through their airport. She said she could not tell them when it was going to happen, but she would tell them that it would happen, because every aspect of any time they met with any challenge after 9/11 or the recession of 2008, this airport recovered quickly because it had a strong market.

Ms. Price thanked Ms. Crawford for her follow-up.

Mr. Long said he wanted to compliment Ms. Crawford. He said as he got more involved with airport meetings in other places, he had met people in other places, and every time he told them where he was from, they said Ms. Crawford was great and doing a great job. He said he wanted the Board to know she was tremendously well-respected in the aviation community in Virginia and beyond. He said if they got a chance to come out and take a tour; Ms. Crawford gave a great and fun tour to see what was going on past security. He said he appreciated the comments that Mr. Richardson made. He said it was really easy to do this job when there were great people doing all the hard work, and they all did a great job at the airport.

Agenda Item No. 17. From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.

There were no speakers.

Agenda Item No. 18. **Public Hearing: SP202200005 Community Christian Academy at RiverStone Church.**

PROJECT: SP202200005 **Community** Christian Academy at RiverStone Church

MAGISTERIAL DISTRICT: Rivanna

TAX MAP/PARCEL: 046B2-01-00-00200

LOCATION: 1515 Insurance Lane

PROPOSAL: A special use permit request for a private school use.

PETITION: A request for a special use permit under Section 18- 20.4.2 to use existing space within the RiverStone Church located at 1515 Insurance Ln which measures 3.44 acres for a private school serving up to 100 upper-elementary to high-school students. The proposed school plans to use the existing building and parking area while operating from 7:30am-4:30pm Monday through Friday.

ZONING: PUD Planned Unit Development - residential (3–34 units per acre), mixed with commercial, service and industrial uses

ENTRANCE CORRIDOR: Yes

OVERLAY DISTRICT: EC Entrance Corridor, AIA Airport Impact Area and Steep Slopes – Managed

COMPREHENSIVE PLAN: Commercial Mixed Use – commercial, retail, employment uses, with supporting residential (no maximum density), office, or institutional uses in the Community of Hollymead in the Places29 Master Plan.

The Executive Summary forwarded to the Board states that at its meeting on June 28, 2022, the Planning Commission (PC) voted 7:0 to recommend approval of SP202000005 with conditions as stated in the staff report, along with certain additional revised conditions. No members of the public spoke at the

public hearing about this proposal. Attachments A, B, and C are the PC staff report, action letter, and meeting minutes.

The PC raised no objections to the Community Christian Academy special use permit for a private school use. However, the PC had several suggestions regarding the major elements of the Concept Plan and the Hours of Operation conditions. Regarding the Concept Plan (Condition #1), the PC believed the fence shown on the plan should be included as a major element of the Concept Plan and that the fence should be long enough to prevent balls from rolling away from the play area. Regarding the hours of operation (Condition #3), the Commission believed there should be flexibility to ensure that potential after school activities, such as tutoring, would be permitted and to allow occasional school-related activities. On further review after the Commission meeting, staff recalled the SP conditions already imposed on the Community Christian Academy's existing location and other recently-approved private schools. Following this review, staff further revised this application's proposed conditions (specifically, number of events) for greater consistency with these other recently-approved conditions.

Staff has revised the proposed conditions based on recommendations of the PC and County Attorney's Office:

1. Development of the use must be in general accord with the Conceptual Plan. To be in general accord with the Conceptual Plan, development must reflect the following major elements within the development that are essential to the design of the development:
 - a. Location of buildings and school.
 - b. Location of parking areas.
 - c. 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.
 - d. Location of the fence to adequately contain the outdoor play area.

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.

2. The maximum enrollment must not exceed one hundred (100) students.
3. Classroom instruction for the school is limited to 7:30 a.m. - 4:30 p.m. Monday through Friday, provided that occasional school-related events/activities may occur after 4:30 p.m.

Staff recommends that the Board adopt the attached Resolution (Attachment E) to approve SP202200005 Community Christian Academy at RiverStone Church with the revised conditions.

Mr. Kevin McCollum, Senior Planner with the Planning Division of Albemarle County Community Development, said he would give staff's presentation on Special Use Permit Application SP202200005 Community Christian Academy at RiverStone Church. He said it was a proposed special use permit for a private school in an existing building. He said the subject property was located at 1515 Insurance Lane and was set back about 350 feet from Seminole Trail.

Mr. McCollum said the property was located between the two entrances to the Hollymead PUD, which were North Hollymead Drive and South Hollymead Drive. He said the property was zoned PUD or Planned Unit Development and was in the community of Hollymead in the Places29 Master Plan. He said the future land use designation for the property was commercial mixed use, which called for commercial, retail, employment uses with supporting residential, office, or institutional uses.

Mr. McCollum said the existing building was currently used by the RiverStone Church, and the parcel included existing parking, a play area in the rear, and surrounded by some green space. He said west of the property across Insurance Lane were six buildings within the Hollymead Office Complex; these existing buildings were mainly used as office spaces, including for medical engineering and insurance businesses. He said there was an existing Montessori School at 1552 Insurance Lane, which received a special use permit in January of 2019. He said the Hollymead PUD also consisted of single-family and multi-family homes, a clubhouse, and the Hollymead Elementary School.

Mr. McCollum said the applicant had requested a special use permit to establish a private school for up to one hundred upper-elementary to high school students. He said the school would operate from 7:30 a.m. to 4:30 p.m. Monday through Friday from mid-August to early June. He said the school did not intend to have consistent after-school activities on the property and would therefore have limited overlap with the existing church's hours. He said adjacent to the building was a large parking lot for parking, student pick-up, and drop-off circulation. He said there was an existing basketball hoop and gaga ball pit in the grassy area on the side of the building, and the applicant had suggested a fence would be provided to prevent any balls from potentially rolling into the road.

Mr. McCollum said the conceptual plan provided an overview of the proposed site layout, and minimal site changes would be made. He said the plan showed the parent pickup and drop-off circulation loop and identified the grassy outdoor play areas, gaga ball pit, basketball hoop, and the proposed fence. She said the purpose of the slide on the screen was to clarify the pickup and drop-off loop; the parents would enter the site from Insurance Lane coming from North Hollymead Drive, circulate through the parking area, drop or pick up kids in front of the school and then continue onto Insurance Lane from South Hollymead Drive.

Mr. McCollum said there were three factors favorable. He said the first was that institutional uses such as private schools were consistent with the master plan, the second was that the proposed school was accessed from adequate public roads, and finally there were no detrimental impacts to adjoining properties were anticipated. He said there were no factors identified as unfavorable. He said staff recommended approval of SP202200005 with conditions that could be seen on the screen. He said following advice from the Planning Commission, staff had revised condition one and added subletter D to include the fence as a major element on the concept plan. He said the inclusion of the fence as a major element would ensure the fence was constructed prior to the school beginning operation.

Mr. McCollum said condition three had also been amended to expand the classroom hours until 4:30 p.m. He said this would allow for after-hours instructions such as tutoring that may take place after the normal 3:30 p.m. end of the school day. He said they also would be permitted to have occasional after-school events such as graduations. He said these conditions were amended and drafted based on the recommendations of the Planning Commission, the County Attorney's Office, and to provide greater consistency with other recently approved special use permit conditions. He said that concluded staff's presentation and asked if there were any questions.

Ms. Mallek asked if the number of one hundred students was the maximum or just a temporary number. She said schools often had to add more seats after the fact and she would hate to see them have to go through that.

Mr. McCollum said he would defer to Ms. Moore on that.

Ms. Price said they would call her up. She said they first had to go through County staff presentation questions, then they would open the public hearing and give her the opportunity. She said she appreciated Ms. Moore's energy to provide the answers.

Mr. Gallaway asked if the long loop for the parking was so that it did not get backed up with faster right turns.

Mr. McCollum said the concept plan in circulation was developed with recommendations from VDOT on where to enter the property and also from transportation staff, who were concerned with one hundred students backing up Insurance Lane, so that was why it circulated through the existing parking lot.

Mr. Gallaway said he did not know the building well. He asked if that was a garage and not a pass-through.

Mr. McCollum said it used to be a State Farm or a bank.

Mr. Gallaway said it looked like a drive-thru, but there was not a drive-thru anymore.

Mr. McCollum said he believed there were existing garage spaces now.

Ms. Price said the applicant could clarify.

Mr. Gallaway said it looked like it could be a covered entrance drop-off.

Ms. Price opened the public hearing and welcomed the applicant to present.

Ms. Moore introduced herself as Kimberly Moore, the Executive Director for Community Christian Academy. She said they were a growing school in Albemarle County with a current school location at CrossLife Community Church in Albemarle and had been expanding their school and looking for a second location. She said having worked with Albemarle County's Community Development on a number of potential sites over the past couple of years, this site was the site that the team felt might be the most appropriate. She said they had worked out with the existing church to have some space there, and they were planning to move the middle school students there.

Ms. Moore said with regard to the question about one hundred, she did not want to come back either, so they were not going to have one hundred students this year and probably would have about 25. She said the hundred was what she was comfortable with if they had use of the entire building, and while they would not be using the entire building initially, they could grow into it over time and would not be looking to exceed that at that location. She said with the question about the garage, it was initially a State Farm building, and that was where they did inspections, but it had been converted to useful space and was not a drive-thru. She said if there were any other questions, she would be happy to answer those.

Mr. Gallaway said that 4:30 p.m. seemed restrictive for educational purposes. He asked if that was adequate for what they did.

Ms. Moore said it was adequate. She said the school hours ended at 3:15 p.m. and their teaching staff was there until at least 3:45 p.m. if students needed any kind of tutoring or after-school activity that might need more time, that would be sufficient. She said they also had put in having up to four times during the year where they could have a graduation or special program. She said she believed that would be sufficient.

Ms. McKeel said she was glad to hear the discussion about enrolment. She asked Ms. Moore to

discuss the fencing, as there was much discussion about it with the Planning Commission. She said she was fascinated with gaga ball.

Ms. Moore said gaga ball was like Israeli dodgeball, with a pit and rubber balls, and you cannot hit someone below the knees.

Ms. McKeel said she used to play that, but not in an enclosure. She asked Ms. Moore to discuss the fencing.

Ms. Moore said the fencing had already started to go in. She said one of the benefits of this site was that it had a great deal of natural barriers, and there was an opening where it would be conceivable for a ball to get to the road, so the school offered to put in a fence so that it would block any balls that might make it from the play area to the road.

Ms. Price said as she understood it, Ms. Moore represented Community Christian Academy and would be utilizing a space at RiverStone Church, but the two were separate entities.

Ms. Moore said that was correct.

Ms. Price said they would be basically leasing the space during those hours.

Ms. Moore said that was correct.

Ms. Price said in one part, it was stated that the school was not intending to have consistent after-school events, and in condition three, it said occasional after-school related activities, and Ms. Moore just mentioned up to four times per year they could be having events after. She said that was a lot of variables, so she was confused about what they were really talking about with activities after 4:30 p.m.

Ms. Moore said they did not have a sports program at 5 p.m. or anything like that, so there was nothing planned that would be of any consistent type of nature. She said the four times was what the occasional was, to give it some leeway for a program or something like that, and the four came from the recommendation of the Planning Commission, where they asked if she thought that was sufficient and she thought it was. She said they also already had another location, so if there was something else that they wanted to do that did not fit into that, they could simply move it.

Ms. Price said she could clearly see a few times where it would be appropriate for a school to have events after normal instruction hours, such as meeting teachers, graduation, and other events, but she would ask for clarification from County staff as to how they defined what occasional school-related activities were, because she did not want them to get into what Ms. McKeel was referring to, which was a lack of clarity on what some of the conditions actually meant. She said four had been mentioned, but she was hesitant to limit them to four, because there may be other events that came up. She said she would like more clarity or specificity to see what that condition three entailed. She asked Mr. McCollum to help with this.

Mr. McCollum said after the Planning Commission meeting, they looked at conditions and other private school uses that had been approved recently. He said he had mentioned in a slide that the Montessori School had been approved three years ago now in 2019, and their condition also said, "occasional after-school activities." He said the number four came up in the Planning Commission meeting, but they thought that they would allow for more flexibility, so putting a limit on four was not appropriate due to existing examples.

Ms. Price said she did not disagree at all with that and limiting it to a very low number like four was unreasonable. She said her question was what actually became enforceable, and once a month struck her as being more towards a definitive and reasonable amount, because if the school year was nine months, it could be no more than one per month. She said she was not going to hold up the application based on that, but she thought that specificity helped avoid conflict later on. She asked if there were any other questions from Supervisors. Hearing none, she told Ms. Moore that she had five minutes for rebuttal if there was anything she wanted to respond to.

Ms. Moore said she was pleased with what she had heard and had nothing further to say.

Ms. Price closed the public hearing and said the floor was open to further discussion or a motion.

Mr. Gallaway **moved** that the Board adopt the attached Resolution (Attachment D) to approve SP202200005 Community Christian Academy at RiverStone Church with the revised conditions. Ms. McKeel **seconded** the motion.

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

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

**RESOLUTION TO APPROVE
SP202200005 COMMUNITY CHRISTIAN ACADEMY
AT RIVERSTONE CHURCH**

WHEREAS, upon consideration of the staff reports prepared for SP 202200005 Community Christian Academy at RiverStone Church and all of their attachments, including staff's supporting analysis, the information presented at the public hearings, any comments received, and all of the factors relevant to the special use permit in Albemarle County Code §§ 18-20.4.2, 18-23.2.2(6), and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Planned Unit Development 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 202200005 Community Christian Academy at RiverStone Church, subject to the conditions attached hereto.

* * *

SP202200005 Community Christian Academy at RiverStone Church Special Use Permit Conditions

1. Development of the use must be in general accord with the conceptual plan. To be in general accord with the Conceptual Plan, development must reflect the following major elements within the development that are essential to the design of the development:
 - a. Location of buildings and school.
 - b. Location of parking areas.
 - c. 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.
 - d. Location of the fence to adequately contain the outdoor play area.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.
2. The maximum enrollment must not exceed one hundred (100) students.
3. Classroom instruction for the school is limited to 7:30 a.m.-4:30 p.m. Monday through Friday, provided that occasional school-related events/activities may occur after 4:30 p.m.

Agenda Item No. 20. **Public Hearing: Ordinance to Amend County Code Chapter 4, Animals - Vicious Dogs.** To receive public comment on its intent to adopt an ordinance to amend County Code Chapter 4, Animals, by amending Section 4-222, Vicious Dogs, which requires a law-enforcement officer or animal control officer, who is located in the jurisdiction in which a vicious dog resides or in which the vicious dog committed a prohibited act, to apply to a magistrate for a summons for a vicious dog. The amended ordinance also establishes the timing of an evidentiary hearing and an appeal.

The Executive Summary forwarded to the Board states that on April 11, 2022, in the Special Session 2022, the Governor signed into law Senate Bill 279, which amended Virginia Code sections applicable to vicious dogs. The amendments to the Virginia Code require like amendments to the Albemarle County Code, so that they are in compliance with state mandates.

Effective July 1, 2022, Virginia Code §§ 3.2-6540.1 is amended. So that the Albemarle County Code conforms to the recent changes to the Virginia Code, a draft amendment to Albemarle County Code §§ 4 -222 is submitted with proposed changes.

The significant amendment to the Virginia Code, which is reflected in the proposed ordinance, includes authorization of a law enforcement officer or an animal control officer to apply to a magistrate of a jurisdiction in which the vicious dog resides or in which it committed an act set forth in the definition of "vicious dog."

There is no expected budget impact.

Staff recommends that the Board adopt the attached proposed Ordinance (Attachment A).

Ms. Amanda Farley with the County Attorney's Office said she was presenting tonight before a public hearing about a proposed amendment to the Albemarle County Code, specifically Section 4-222. She said as the Board and the public was aware, her office monitored legislation from the General

Assembly every year to see what if any of the bills and eventual laws had an impact on the County Code, and more specifically, they were looking for anything that may require an amendment to the County Code. She said what she was presenting on today was such a case, and in April of this year, the General Assembly passed a Senate Bill 279 which was subsequently signed into law by the Governor, which amended two code sections as it related to animal welfare and care.

Ms. Farley said specifically, 3.2-6540.1 regarding vicious dogs was changed in one way, in that it provided that a law enforcement officer or animal control officer who had reason to believe a canine or a canine cross-breed was a vicious dog and located as a resident in Albemarle County or that the dog had committed an act in the definition of vicious dogs in Albemarle County, which was a substantive change because it enlarged the jurisdiction of animal control officers and law enforcement officers to act in a situation in which a dog had acted in a way that met that definition. She said 6540.1 was the enabling legislation that allowed this Board to have an ordinance regarding vicious dogs on the books, and in subsection E, it specifically dictated that any ordinance that the Board adopted must be parallel to the state statute, so the substantive change from the state statute of 6540.1 must be paralleled in their local ordinance.

Ms. Farley said the proposed ordinance that was Attachment A that the Board would be considering after the public hearing today would be amended as follows, which was again Section 4-222 as it related to vicious dogs, and the change was reflecting exactly what the state law change was, in that an animal control officer, a law enforcement officer could act if a canine or canine cross-breed resided in Albemarle County or had committed an act that was considered an act of a vicious dog in Albemarle County. She said that was the only substantive change, only underlying portion here, and only part that would be changed if they passed the resolution for this ordinance.

Ms. Farley said in summary, the state law had changed because the enabling authority enabling them to have a local ordinance regarding vicious dogs had changed, they must be parallel to the State Code, and the proposed ordinance was in fact now parallel to State Code and the proposed amendment would now put them in conformity with State Code as required. She said that therefore, their office was recommending that they adopt the amended ordinance after the public hearing.

Mr. Andrews said it seemed straightforward. He said reading the State Code, the mention of within the jurisdiction made it sound as if this expanded the authority to basically go after a dog that had committed an act that may no longer be within the County. He asked if that was correct.

Ms. Farley said the primary purpose was that there were limits on what law enforcement officers could do outside of its own jurisdiction, and what she meant when using that term was that prior to this state law change, an animal control officer employed by Albemarle County, or a law enforcement officer employed by Albemarle County could seek a summons for a vicious dog that resided in Albemarle County. She said the new change would allow them to seek a summons for a dog that did not otherwise reside in Albemarle but nevertheless committed an act that was defined as vicious dog in Albemarle County. She said when she said the jurisdiction, she meant the authority of those officers to take action against a dog was not limited to whether or not the dog lived there.

Ms. Price said her understanding was that a vicious dog could be a judicial determination, and she was unsure if it was also a dangerous dog that continued in the behavior that could administratively be determined to be a vicious dog. She said what they were talking about here applied to the definition of a vicious dog, which would be different than a dangerous dog. She said she wanted to understand the limits of applicability of this language.

Ms. Farley said there were three possible bases for which a canine or canine crossbreed could be determined to be a vicious dog. She said those acts were one in which it killed a human being, it seriously injured a human being, or after having been previously determined a dangerous dog, it continued to commit acts that would be a dangerous dog.

Ms. Price said she appreciated Ms. Farley helping her understand the definition. She said she had no further questions and opened the public hearing.

She asked the Clerk if anyone had signed up in person or online.

Ms. Borgersen said there was no one signed up.

Ms. Price closed the public hearing. She asked Ms. Farley if there was anything else that should be shared with the Board on this item.

Ms. Farley said no, this was the only immediately necessary change that they felt was appropriate for the ordinance.

Ms. Price asked if the Board had any comments.

Ms. Mallek said the vicious dog could kill or injure a person, but she wanted to know if it applied to animals or livestock.

Ms. Farley said that could possibly be the third circumstance she described earlier, which was that if the dangerous dog continued to commit acts that were dangerous. She said the vicious dog

definition was specifically that it killed a person or inflicted seriously injury to a person, or continued to exhibit behavior that resulted in a previous finding that a dog was a dangerous dog.

Ms. Price said the floor was open to a motion.

Ms. McKeel **moved** that the Board adopt the proposed Ordinance to Amend County Code Chapter 4, Animals - Vicious Dogs (Attachment A). Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

ABSENT: Ms. LaPisto-Kirtley

ORDINANCE NO. 22-4(1)

AN ORDINANCE TO AMEND CHAPTER 4, ANIMALS, ARTICLE 2, DIVISION 3, VICIOUS DOGS, 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 4, Animals, Article 2, Division 3, Vicious Dogs, is hereby reordained and amended as follows:

By Amending:

Sec. 4-222 Reason to believe a dog is a vicious dog; summons and confinement.

Chapter 4. Animals

...

Article 2. Dogs

...

Division 3. Vicious Dogs

...

Sec. 4-222 Reason to believe a dog is a vicious dog; summons and confinement.

If a law enforcement or animal control officer has reason to believe that a dog is a vicious dog; and that the vicious dog resides in the County or committed in the County an act set forth in the definition of "vicious dog," the following applies:

- A. *Application for a summons.* The law enforcement officer or the animal control officer shall apply to a magistrate serving the County requiring the owner or custodian, if known, to appear before a general district court at a specified time. A law enforcement officer who successfully applies for a summons to be issued shall contact the County's animal control officer and inform the animal control officer of the dog's location and the relevant facts pertaining to his belief that the dog is vicious.
- B. *Content of the summons.* The summons shall advise the owner of the nature of the proceeding and the matters at issue.
- C. *Confining the dog.* The animal control officer shall confine the dog until the time that evidence is heard in court and a verdict is rendered.

(§ 4-222: (§ 4-219: Ord. 13-4(1), 7-3-13); § 4-222, Ord. 18-4(1), 10-3-18, Ord. 22-4())
State law reference(s)—Va. Code § 3.2-6540.1 (B).

Agenda Item No. 21. **Public Hearing: ZTA202200006 Definition of "Agricultural Operation."**
To receive public comment on its intent to adopt an ordinance to amend County Code Chapter 18 (Zoning) by amending Section 3.1 (Definitions) to clarify that the definition of agricultural operation includes the housing of livestock, as the term is defined in Virginia Code § 3.2-6500.

The Executive Summary forwarded to the Board states that Senate Bill 678 from the 2022 Virginia General Assembly amended the definition of "agricultural operation" to "also include the housing of livestock, as defined in § 3.2-6500." The General Assembly indicated that that amendment was declarative of existing law.

County Code § 18-3.1 contains the zoning ordinance's defined terms, including a definition of "agricultural operation" that tracks existing state law. The zoning ordinance uses this term primarily to regulate "agricultural operation events" (also a defined term) in County Code § 18-5.1.58.

With this recent amendment in state law, the County's zoning ordinance now requires a corresponding amendment. Staff has prepared and is recommending a proposed ordinance (Attachment A) to track the newly-amended state law. By conforming the County's ordinance to the new state law, the proposed ordinance also would confirm that the housing of livestock is a type of agricultural operation eligible for "agricultural operation events" and subject to County Code § 18-5.1.58.

No budget impact is expected.

Following the public hearing, staff recommends that the Board adopt the attached ordinance (Attachment A), conforming the County ordinance definition of "agricultural operation" to the definition of that term in the newly amended law.

Mr. Andy Herrick with the County Attorney's Office said he was before the Board due to another change in state law made by the 2022 General Assembly. He said specifically, what changed with the ordinance he was presenting was that the state law changed its definition of agricultural operation to include the housing of livestock. He said apparently that was necessary because there were some localities that may not have been treating the housing of livestock as an agricultural operation.

Mr. Herrick said Albemarle was and had been, so this change in state law had not reflected a change for Albemarle. He said as part of the state statute, the General Assembly declared it was an existing law, so the General Assembly itself did not think it was changing the law. He said all they were doing was bringing the local ordinance and conforming it to what state law now provided. He said he was happy to answer any questions.

Ms. Mallek asked if the consequences of this decision were related in any way to other ordinances they had related to production agriculture, like an existing farm that might have entitlements to hold an event. She asked if that applied in any way to someone who housed a few animals of any sort.

Mr. Herrick said this was related to events at agricultural operations. He said there was a part of the zoning ordinance, Section 5.1.58, that dealt with events at agricultural operations, and as the Board may recall, that was an ordinance the Board looked at a few years ago. He said it was a pretty extended ordinance and the main provision of which was that most events could be held at agricultural operations as long as they were under 200 attendees, otherwise they required a special use permit. He said that was the main tie-in between this definition of agricultural operations and the separate ordinance dealing with events at agricultural operations.

Ms. Mallek said to her understanding, that meant yes, someone who housed animals and was in no way a farm or production could qualify for events.

Mr. Herrick said this brought the housing of livestock within that definition of what an agricultural operation was, but it would not reflect a change in what the County's current interpretation of that term was.

Ms. Mallek said it was their interpretation that they were talking about in production agriculture that was ongoing and unchanged.

Mr. Herrick said the County's practice was not changing. He said in the past, they considered the housing of livestock to be an agricultural operation, and that would have qualified, and with this change it still would qualify.

Ms. Price opened the public hearing. She asked if there were any speakers.

Ms. Borgersen said there were none.

Ms. Price closed the public hearing. She asked if the Board had any further questions.

Mr. Andrews said many people had gardens at their homes that were not farms. He said he would like clarification regarding what was de minimis was there for it to be considered agricultural activity.

Mr. Herrick said the ordinance required that the housing of livestock be defined in a separate Virginia Code Section, §3.2-6500, which provided a further definition. He said he did not have a prepared answer for what was de minimis for livestock. He said he believed state law did not set a specific number for the number of livestock to be considered an agricultural operation. He said it could be as few as a few heads of livestock.

Mr. Andrews asked if that meant a garden could be an agricultural operation.

Mr. Herrick said he did not believe so, unless Mr. Andrews was keeping livestock as defined by state law.

Ms. Mallek said there was a horticulture section.

Mr. Gallaway said State Code defined livestock. He said it was clear that it was not just any animal. He said it listed specific animals and uses specific to an agricultural use.

Mr. Herrick noted the code stated, "individual animals specifically raised for food or fiber except companion animals." He said the agricultural use would have to be a place where the animals were raised for human consumption.

Mr. Gallaway said keeping a bunch of rabbits around for fun did not count as livestock. He said if

it did not fit the definition, it could not be included as agricultural activity.

Ms. Mallek said she was concerned housing requirements could be a backdoor to the agricultural operation designation. She said there could be problems with the exemptions.

Mr. Herrick said it went back to the questions regarding the definition of livestock and the purpose of having the livestock. He said the state had declared the ordinance was declarative of existing state law. He said the County was just following state law. He noted the concerns, but the County was conforming to state requirements.

Ms. Mallek said they may need to consider local changes.

Ms. Price said she suspected there may be cases that expanded what the operation had to be.

Mr. Gallaway said they would have to review the event ordinance rather than the livestock ordinance. He said the ordinance was not opening the door to other uses. He said the bigger concern was events and where they were happening.

Mr. Gallaway **moved** the Board adopt the attached Ordinance, Attachment A, conforming the County ordinance definition of agricultural operation to the definition of that term in the newly amended state law. Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Ms. LaPisto-Kirtley

ORDINANCE NO. 22-18(1)

AN ORDINANCE TO AMEND CHAPTER 18, Zoning, ARTICLE I, GENERAL PROVISIONS, 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, is hereby amended and reordained as follows:

By Amending:

Sec. 3.1 Definitions.

Chapter 18 Zoning

Article I. General Provisions

Sec. 3.1 Definitions.

The following definitions shall apply in the administration of this chapter:

...
Agricultural operation. "Agricultural operation" means any operation devoted to the bona fide production of crops, or animals, or fowl, including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity. This term also includes aquaculture, plant nurseries, and the housing of livestock, as that term is defined in Virginia Code § 3.2-6500.
...

[(§ 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, 11-87, 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; Ord. 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: § 2010.3.3.1, 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]

State law reference(s)—Va. Code § 15.2-2286 (A)(4).

Agenda Item No. 22. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. McKeel said an appropriation was on the agenda for the school division for additional parking at Western Albemarle High School (Item 8.3). She noted the school's challenge with hiring bus drivers. She said the County should review the request through the lens of the climate action plan. She said the biggest carbon footprint in the community was transportation. She said the location of the proposed parking expansion was an opportunity to increase the availability of electric car charging infrastructure for staff, students, and the community. She suggested a Board-to-Board discussion about transportation priorities to make an impact in reducing the number of cars on the road. She said going forward the Board should look at recommendations through a lens of climate change and how things could be done differently and suggested parking for students who had electric vehicles.

Ms. Mallek said queuing had become a problem at arrival and dismissal at the schools. She suggested an idling ordinance.

Ms. McKeel said it was important to have a discussion with the School Board regarding transportation solutions.

Ms. Price said she had conversations with the School Board Chair and the Scottsville School Board member about the issues mentioned by Ms. McKeel.

Agenda Item No. 23. Adjourn to August 17, 2022, 2:30 p.m. Lane Auditorium.

At 7:17 p.m., the Board adjourned its meeting to August 17, 2022, 2:30 p.m. Lane Auditorium.

Chair

Approved by Board
Date 04/17/2024
Initials CKB