

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on October 7, 2020 at 1:00 p.m. This meeting was held by electronic communication means using Zoom and a telephonic connection due to the COVID-19 state of emergency.

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

ABSENT: None.

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

Agenda Item No. 1. Call to Order.

The meeting was called to order at 1:00 p.m., by the Chair, Mr. Gallaway. He said the meeting was being held pursuant to and in compliance with Ordinance No. 20-A(14), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster."

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

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

Mr. Gallaway announced the supervisors and officers present at the meeting and instructed all other staff to introduce themselves later in the meeting when they spoke.

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

Agenda Item No. 4. Adoption of Final Agenda.

Ms. Mallek and Ms. Price said many of the Supervisors had minutes to pull.

Mr. Gallaway suggested that all the minutes be pulled from the consent agenda (Item 8.1) until the next meeting. The Supervisors had no objections to doing so.

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

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

Agenda Item No. 5. Brief Announcements by Board Members

Ms. Mallek said the formal opening of the Blue Ridge Tunnel took place with guests from the state the week prior. She said although there were a few punch list items to be taken care of, the trail should be open in several weeks with big announcements to come. She noted that the tunnel would be 50 degrees inside on freezing winter days and that there will be a delightful several miles of walking. She said she hoped many would visit there.

Ms. Mallek said on Saturday, October 10, the Virtual Arts and Crafts Festival in Crozet would take place. She said this was the 40th year of the festival. She said the Artisan Studio Tour in mid-November would also be held virtually, with many shopping opportunities.

Ms. Mallek said she was privileged to attend the Defense Affairs Committee meeting the week prior and was pleasantly surprised by the information in the report on the impact of Rivanna Station to the County and area. She said the three impacted areas were salaries to workers at all levels, transfer payments to veterans in the area, and the Department of Defense and Homeland Security contracts for supporting contractor businesses in the area. She said the Albemarle County impact is over \$550 million, including \$182 million in defense contracts, 5,000 jobs in Albemarle County, and another 5,000 coming from surrounding counties in the area. She said about \$192 million was strictly in the salary category.

Ms. Mallek said this was very important to the County and their neighbors, and that she hoped they would continue to be supportive of the station and advocate for it with their Congressional delegation as they go forward. She said currently, the funding is in place and slow progress is being made on the additions, which was an exciting element.

Ms. Price said the prior week, she had the pleasure to have an opportunity to tour the botanical gardens primarily located in the City of Charlottesville, with a portion of it being in Albemarle County. She said this was a fabulous program and that she looked forward to the gardens, as they are built out,

increasing the quality of life of all community residents.

Ms. LaPisto-Kirtley said she was excited that on Friday, October 9, the County would be giving away hundreds of redbud seedlings under Project Planet, sponsored by Dominion Energy. She said the trees moderate climates, improve air quality, absorb carbon, and harbor wildlife. She encouraged kids to bring their parents to the event, which would take place from 10:00 a.m. to 2:00 p.m. at the following locations: Darden Towe Park, Greenwood Community Center, Mint Springs Valley Park, Northside Library, and the Scottsville Farmers Market. She added that the seedlings should be stored in a cool place and planted by the following day (Saturday).

Ms. Palmer said it was interesting to her how many events people were figuring out how to hold online or differently that year. She said in the beginning of November, the Cove Garden Ruritans typically hold an apple butter festival and Brunswick Stew sale at Albemarle Ciderworks and Vintage Apples. She said this year, they will have a drive-through pickup on the weekend of November 7-8. She said the usual Batesville Ruritans, who make wonderful apple butter each year, were not holding their event, but a group of citizens would, and that the apple butter will be for sale at the Batesville Market.

Ms. Palmer said she, too, had taken a tour of the botanical gardens and that it was lovely. She said she was struck when the director of the gardens explained to her that at least part of the land was Albemarle County land, which she had been meaning to ask about as she had had no idea that this was the case. She said it was on her to-do list to find out about that.

Mr. Gallaway said he wanted to formally recognize that at the end of August, the County lost former Supervisor Rodney Thomas, who had represented the Rio District from 2010 through 2013. He said Mr. Thomas was a lifelong resident of the area.

Mr. Gallaway said he had known Mr. Thomas through his interactions with him while serving on the School Board in a professional capacity and that in the car business, he had had some interactions with Mr. Thomas after he was no longer on the Board. He said Mr. Thomas was always a gentleman and that he always had a positive interaction with him each time. He said he believed the Board should recognize Mr. Thomas' service to the County and express their appreciation. He said the Board's thoughts were with Mr. Thomas' family as they experience his loss.

Mr. Gallaway asked Ms. Mallek if she wanted to say a few words, since she had served with Mr. Thomas.

Ms. Mallek said it was a good example of how people who have very different opinions about many things can work together well. She said the Board from 2010 to 2014 held discussions about many issues, but there was also progress. She said her daughters and Mr. Thomas' daughters were the same age and played sports together, and so she had known Mr. Thomas for a long time.

Mr. Gallaway again noted the Board's appreciation for Mr. Thomas' service to the County.

Mr. Gallaway said in terms of his second item, he often did not want to make political statements, but that there were many political issues happening at the federal level with the Presidential race and the integrity of elections. He said he believes it is important for those in local offices to remind their constituents that the integrity of election procedures in their locality are sound, and that they have full confidence in the Electoral Board and those who are running and handling the elections as the early election process takes place.

Mr. Gallaway said he believes every locality should stand up to say that when one calls into question the integrity of an election, it is an affront to a locality's ability to run this important part of their democracy. He said he, for one, did not want local residents feeling as if the County did not have confidence in their ability to run the election.

Mr. Gallaway said he hoped people would continue to vote early, vote, and have faith and confidence in the volunteers and those running the election in Albemarle County.

Ms. McKeel thanked Mr. Gallaway for his remarks, adding that this was well said.

Ms. Mallek commented that when she voted the week prior, the process was thorough, carefully documented, and swift. She said she hoped others would vote early, too.

Ms. LaPisto-Kirtley said she also voted early, which took less than five minutes. She said the process was seamless and very well done.

Ms. Palmer said the Elections Office was receiving many compliments, along with the Electoral Board. She said they have done a great job.

Mr. Gallaway said they would continue to do so and that the Board had full faith in them.

Agenda Item No. 6. Proclamations and Recognitions.

Item No. 6. a. Proclamation Recognizing October 2020 as Domestic Violence Awareness Month.

Ms. McKeel **moved** to adopt the Proclamation Recognizing October 2020 as Domestic Violence Awareness Month and read it aloud. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Mr. Gallaway said there was no one attending to receive the proclamation as there typically was, but that perhaps Mr. Richardson, Ms. Kilroy, or Ms. Borgersen could make a copy of the signed proclamation available to those who request it.

PROCLAMATION

WHEREAS, the problems of domestic violence are not confined to any group or groups of people but cross all economic, racial and societal barriers, and are supported by societal indifference; and

WHEREAS, the crime of domestic violence violates an individual's privacy, dignity, security, and humanity, due to systematic use of physical, emotional, sexual, psychological and economic control and/or abuse, with the impact of this crime being wide-ranging; and

WHEREAS, no one person, organization, agency or community can eliminate domestic violence on their own; we must work together to educate our entire population about what can be done to prevent such violence, support victims/survivors and their families, and increase support for agencies providing services to those community members; and

WHEREAS, the Shelter for Help in Emergency has led the way in the County of Albemarle in addressing domestic violence by providing 24-hour hotline services to victims/survivors and their families, offering support and information, and empowering survivors to chart their own course for healing; and

WHEREAS, the Shelter for Help in Emergency, recognized as an essential service provider during the global COVID-19 pandemic and continued to provide services and be a safe haven for victims of domestic violence in the County of Albemarle, commemorates its 41th year of providing unparalleled services to women, children and men who have been victimized by domestic violence;

NOW, THEREFORE, we, the Albemarle County Board of Supervisors, in recognition of the important work being done by the Shelter for Help in Emergency, do hereby proclaim the month of

October 2020
as
DOMESTIC VIOLENCE AWARENESS MONTH

and urge all citizens to actively participate in the scheduled activities and programs sponsored by the Shelter for Help in Emergency, and to work toward the elimination of personal and institutional violence against women, children and men.

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.

Mr. Gary Grant, Rio District, said he would recite some verbatim remarks from the Board's September 6 retreat. He said from White Hall Supervisor Mallek at timestamp 1:59:00, "When I'm involved in meetings across the state, people look at the 'Albemarle County' on my nametag, and they say, 'Oh boy, you're all doing such a fantastic job!'" He asked Ms. Mallek to provide Albemarle residents with specifics in the future when she engages in such self-flattery.

Mr. Grant said at the Board's retreat, at timestamp 2:00:00, Ms. Price stated, "I think good governance looks like providing the services that our residents expect, protecting the economic viability of government." He asked Ms. Price if she could also provide Albemarle residents with some words of protection for their economic viability rather than just that of government.

Mr. Grant said at timestamp 2:11:00, Mr. Gallaway stated, "It's a huge responsibility to plan strategically of how that money is going to be programmed. I think we're thoughtful in that. I think we do a good job with that." He asked Mr. Gallaway if he could let Albemarle residents decide on praise, rather than him patting himself on his own back. He countered that the word was not "programmed," but "spent;" how tax money is going to be "spent."

Mr. Grant said at timestamp 2:28:00, Ms. Palmer stated, "For the most part, I think we do a decent job. Sometimes I don't, but the majority of the time, I do." He asked Ms. Palmer if she could let Albemarle residents if she is doing a decent job 51% of the time.

Mr. Grant said at timestamp 3:08:00, Ms. McKeel stated, "It is critical for me that we begin to look

at every decision through a lens of equity.” He asked Ms. McKeel if she could explain to Albemarle residents whether she means capitalist equity of opportunity or socialist equity of outcome.

Mr. Grant said at timestamp 4:14:00, Ms. LaPisto-Kirtley stated, “I think most of us, by the time we get there, if we’ve done our homework, we already know how we’re going to vote.” He asked Ms. LaPisto-Kirtley to shut up and listen to Albemarle residents before making up her mind in advance which way she is going to vote.

Mr. Grant said he looked forward to the Supervisors’ answers and wished them a productive meeting.

Ms. Susan Kruse, Executive Director of the Community Climate Collaborative (C3), said she has come before the Board several times over the last two years to recommend leadership action to reduce the community’s contribution to climate change. She said she was pleased to come before the Board to enthusiastically recommend the approval of Albemarle County’s Climate Action Plan, Phase 1.

Ms. Kruse said nearly one year earlier on October 16, 2019, the Board voted unanimously to set a greenhouse gas emission reduction target of 45% by 2030 and carbon neutrality by 2050. She said there were now nine years remaining to reach their first benchmark, and they had a proposed plan to chart the work ahead.

Ms. Kruse said County staff have worked incredibly hard to prepare the document, and each Supervisor has paid careful attention along the way, pushing for regular measurement and smart targets in each sector. She said the Climate Action Plan incorporates those suggestions, along with a greater focus on the importance of equity and climate action throughout the document.

Ms. Kruse said C3 applauds the work that staff including Mr. Lance Stewart, Mr. Greg Harper, Mr. Andy Lowe, and Mr. Gabe Dayley, have done to get to this point. She asked the Board to vote in favor of the plan’s approval that day. She said the urgency of the climate crisis requires that they move Albemarle County to the next stage: updating the greenhouse gas inventory for the County and using that information to set specific, measurable, ambitious, and timely targets for each sector of the Climate Action Plan.

Ms. Kruse said that in short, there was much more work to do, and that it was time to get specific. She said there was no doubt that 2020 had been an extraordinary year.

Mr. Kirk Bowers said he was a long-term resident of the Rivanna District. He said he serves as Conservation Chair for the Piedmont Group Sierra Club. He said he was speaking that day in support of and to urge the Board to adopt the final Phase 1 Climate Action Plan, Agenda Item 20-514, that was up for discussion. He said Albemarle County is doing a great job in developing the Climate Action Plan over the past four years, and public input was collected. He said County staff have worked diligently to develop the plan, and that now is the time to adopt the plan.

Mr. Bowers said the Sierra Club also urged the Board to expedite implementation of the Climate Action Plan. He said Phase 1 of the plan was substantially complete, and that the next stage of plan implementation appeared to be ready to begin. He said one option he would suggest would be to install solar systems on County school facilities by using Power Purchase Agreements available through existing contracts. He urged the Board to consider and investigate soon.

Mr. Bowers said unfortunately, recent news concerning climate change impacts was extremely grim. He said a movie released just two weeks earlier showed clear evidence that climate change is occurring rapidly. He said predictions were that in 90 years, the human race will be an endangered species and on the brink of extinction. He said he knew this was hard to fathom, but that this was what was happening.

Mr. Bowers said in this context, there was no time to delay. He asked the Board to take action that day. He urged them to adopt the plan and expedite implementation. He said time was running out and that the County must do its part to help mitigate the impacts of climate change.

Mr. Greg McLean, Jack Jouett District, said it was a pleasure to attend that day to thank the Board and County staff for their work on the Climate Action Plan and to recommend approval of the Phase 1 plan that day. He said the plan is a significant step forward for the County and is a result of the hard work of the County staff, community stakeholders, and Board.

Mr. McLean said in the final Phase 1 plan, there are three significant improvements he wanted to call out, with the first being a commitment to create smart sector-specific targets, which were essential to giving the plan feet and enable it to actually deliver on its goals.

Mr. McLean said the second improvement was the commitment to a biennial climate emissions inventory. He said they have gone too long without this information, and that a commitment to regular inventories will let the County know how they are doing and whether or not they are making progress towards their ambitious goals.

Mr. McLean said the third improvement was a material expansion of the County's commitment to equity in the Phase 1 plan, as well as an equally important commitment to hearing from an expanded set of voices in the Phase 2 plan.

Mr. McLean said there was much more work to be done going forward, but that the plan should be recognized as a cause for gratitude. He urged the Board to approve it and thanked them and County staff for their work.

Mr. Rex Linville, County resident, said he was speaking on behalf of the Piedmont Environmental Council and its supporting members in the region. He said they would like to thank the County for the opportunity to voice their support for the Climate Action Plan.

Mr. Linville said in their comments in June, PEC stressed the need to recognize existing greenhouse reduction strategies that are already embedded in the County's planning and policy documents. He said they also noted the importance of properly emphasizing the Climate Action Plan and its strategies within the Comprehensive Plan.

Mr. Linville said PEC was pleased with the improvements they have seen since the initial draft, and the version presently before the Board captures the narrative and recognizes the strong foundation that Albemarle's land use and land conservation policies have provided over the past 40 years. He said these policies will accrue climate and public health benefits for the community well into the future, and swift action was needed if they are to meet the targets contained in the Climate Action Plan.

Mr. Linville said what they do at the local level matters, and that while they will likely need to implement all of the actions laid out in the plan, PEC highlights the following two focus areas. He said Albemarle County is one of the most highly protected counties in the Commonwealth, with over 107,000 acres that are permanently protected with conservation easements. He said transportation is recognized as the single largest contribution of greenhouse gas emissions. He said these protected lands significantly reduce sprawl and related vehicle miles traveled.

Mr. Linville said they also keep the land available for carbon sequestering agriculture and forestry practices, protect the Rivanna River Watershed, and provide the region with a resilient local drinking water supply.

Mr. Linville said PEC hoped that the Board would look seriously at Action T.2.5 and continue to provide incentives for and investment in the protection of the Rural Area as a key climate action strategy.

Mr. Linville added that the first four immediately actionable recommendations within the Transportation and Land Use section of the plan focus on increasing opportunities for bicycling, walking, and other forms of personal transportation. He said PEC has enjoyed a positive and productive relationship with Albemarle County, the City of Charlottesville, UVA, and the TJPDC to encourage coordinated investment in this necessary urban infrastructure. He said this investment will not only serve the Climate Action Plan goals, but also has the co-benefits of fostering economic development, improving the health of residents, and increasing the quality of life.

Mr. Linville said PEC recommends that the County immediately begin Phase 2 implementation and climate resilience planning as parallel efforts to the Comprehensive Plan review. He said the urgency of the climate crisis demands that they move swiftly and set clear timelines, specific targets, and interim benchmarks. He said they live in a community that recognizes the severity of the problem and is committed to working with the Board on solutions. He said PEC, along with numerous other environmental, conservation, and climate-focused organizations are there to help with the implementation necessary to meet the goals set in the plan. He said the Board was not alone in this.

Mr. Linville said PEC looked forward to participating in the process and would continue their related efforts in land conservation, promoting smart growth, and advocating for innovative transportation solutions.

Mr. Chris Meyer said he was speaking as the Executive Director of the Local Energy Alliance Program (LEAP). He said first, he would like to mention his strong support for the Climate Action Plan. He said LEAP has participated since the beginning in this development and believes that it provides a good set of actions that will not only mitigate climate change but will strengthen the local economy and improve the County residents' quality of life.

Mr. Meyer said he would like to provide the Board with a short review on the services LEAP provided to County residents during the 2019-2020 fiscal year. He said LEAP takes its responsibility in receiving and spending County taxpayer money very seriously. He said their work makes the County's economy more efficient while also improving its affordable housing stock. He said services provided by LEAP included 122 home energy assessments and 10 HVAC and energy efficiency mobile home retrofits. He said the majority of the program funding LEAP received from Albemarle County was allocated to serving low-income residents.

Mr. Meyer said LEAP collaborated with Habitat for Humanity to pilot an HVAC energy efficiency mobile home retrofit program in the Southwood Mobile Home Park. He said for the participating mobile homes, LEAP added insulation in their attics and bellies, connected or sealed air ducts that were

previously disconnected (leaking hot or cool air into the bellies), replaced inefficient HVAC systems, installed necessary ventilation fans, and made health and safety repairs.

Mr. Meyer said while delivering these services to local residents using County funding, LEAP simultaneously leveraged an additional \$71,659 in funding from Dominion's income and age-qualifying weatherization programs. He said this came to an average of \$2,500 per household served, and more than a one-to-one leverage of County funding. He said based on the Southwood pilot, LEAP recently received a grant from Dominion for nearly \$200,000 to do some more work in the County in the upcoming year, which was nearly four times the amount the County invested in the pilot.

Mr. Meyer said looking into the rest of the fiscal year, LEAP was already implementing another low-income residential energy efficiency program with the County Environmental Services team. He said LEAP appreciates the collaboration with Albemarle County and looks forward to continuing to collaborate in order to help the County meet its climate mitigation and affordable housing goals.

Mr. Ryan McCall said he and his family moved to the County nine years earlier from the Northern Virginia area. He said the main reason they did so was because of how they saw certain areas in Northern Virginia being managed, with the lack of respect for environmental protections and for fighting climate change. He said the choice to come to Albemarle County to raise their family there was a hard one, but they did so because they saw what the County stood for. He said since they have been there, they have seen the Board make great decisions in protecting the County and environment and maintaining the beauty the County has to offer.

Mr. McCall said he and his family believe that climate change is the biggest threat to humanity and to the environment. He said they also believe that Charlottesville can be a leader in fighting climate change for both the State of Virginia and the country to make a difference and set a path as to how they can make changes over the next 5-10 years to achieve the very realistic goals.

Mr. McCall said he was in full support of the Climate Action Plan and that he believed the Board would make the right decision in supporting the plan.

Mr. David Redding said he would like to thank the Climate Action Plan team and Mr. Lance Stewart for putting many of the items on the immediately actionable list. He said there are 36 items on the list.

Mr. Redding said the County needs to move forward with helping to minimize climate change. He said there are currently thousands of people suffering from wildfires on the West Coast caused by climate change. He added that there have been so many hurricanes in 2020 that they have already gone through the entire alphabet (for hurricane names). He said they have to do something about climate change, and he appreciated the County's work with the Climate Action Plan.

Mr. Redding strongly recommended that the Board make use of the PPAs for solar on all County properties and not just the schools. He said this will allow the County to reduce their carbon footprint as well as saving money on the cost of electricity. He asked the Board to look at Fairfax County's website regarding PPAs, which will save Fairfax taxpayers \$60 million in the next 25 years, as well as eliminating much of the carbon in the process.

Mr. Redding said regarding an answer to the first public speaker that day, he would like to say that as an Albemarle citizen, he believes the Board is doing a great job. He said he appreciates everyone who works for the County.

Mr. Neil Williamson said he serves as President of the Free Enterprise Forum, a privately funded public policy organization focused on local government in Central Virginia. He said later that day, the Board would hold a work session regarding the Housing Albemarle draft. He said the Free Enterprise Forum would like to thank staff, specifically Dr. Stacey Pethia, for her proactive approach that has included all housing stakeholders in the discussion from the beginning.

Mr. Williamson said in addition to participating in the stakeholder meetings, the Free Enterprise Forum provided significant input to the Planning Commission August work session. He said he knew that each Supervisor reviewed those minutes, and so he would not repeat those important points. He said instead, the Forum would humbly ask the Board to examine three questions in the context of the Housing Albemarle draft discussion.

Mr. Williamson said the first question was, "Is the current Albemarle County affordable housing proffer mandate working?" He said in 2005, the Free Enterprise Forum was the only organization to speak in opposition of the policy, but it passed anyway. He said the newspaper that morning included an article by Ms. Allison Wrabel, highlighting that only half of the affordable for-sale homes constructed under the proffer have been purchased by income-qualifying homebuyers. He said due to the failure of the County and providers to provide qualified buyers, the balance sold at market rate.

Mr. Williamson said the article does not mention that all 91 of the affordable units were no longer affordable to the second purchaser. He said the Housing Albemarle draft strategy suggests a higher 20% mandate. He said this reminded him of the struggling produce peddler who, when losing 10 cents on

every watermelon he sold, decided a bigger truck was the solution.

Mr. Williamson said the second question was, “Will the Albemarle Board of Supervisors ever prioritize affordability over NIMBYism?” He said after 17 years of watching development proposals shrink in density throughout the development review process, he was curious if this or any Board will be able to stand up to those who have said, as they heard earlier that year, “Affordable housing is great, just not here” when looking at rezonings. He said politically, they need to turn NIMBY into YIMBY (“Yes in My Backyard”) to increase the affordable housing units.

Mr. Williamson said when he was 13 years old, Jimmy Carter was President, and Albemarle County created a Development Area of roughly 5% of its land mass to focus dense development. He said a great deal has changed since 1979, including the affected shrinkage of the Development Area to less than 5% of the land mass.

Mr. Williamson said presently, they hear the community’s desires to have a soft edge or taper to the Development Area to have the least density on the edge, which is not in the Comprehensive Plan and would further limit development potential.

Mr. Williamson said his third and final question was, “When will Albemarle County consider starting the discussion of the Development Area expansion?” He said the Free Enterprise Forum is encouraged by the draft of the Housing Albemarle document and appreciates the import it puts on for-rent properties as well as ownership opportunities. He said they look forward to working with staff to further hone the strategies and reduce regulatory barriers to increase long-term affordable housing opportunities for all.

Mr. Travis Pietila, Southern Environmental Law Center (SELC), said he was speaking in strong support of the Board’s adoption of the Phase 1 Climate Action Plan. He said the process complements the Board’s laudable decision to adapt strong greenhouse gas reduction goals for the community. He said over the past year and a half, SELC has been excited to see the community come together to develop the initial roadmap to achieving these goals that is reflected in the Phase 1 plan.

Mr. Pietila said overall, the plan conveys not only the scope of efforts needed to meet the County’s goals, but also the many co-benefits to the community that will result from these efforts, as well as the critical need to ensure that the plan serves the benefit of all County residents.

Mr. Pietila said SELC also wanted to thank staff for its incredible work in coordinating various stakeholder groups and many public engagement opportunities offered throughout the process. He said they appreciate the County’s incorporation of so much of the community’s input into the plan.

Mr. Pietila said in particular, SELC was glad to see that the final plan now includes commitments to develop concrete targets for each of the plan’s actions, frequent tracking of the County’s progress, and the creation of a much-needed climate resiliency plan to address the climate impacts the community is already starting to face.

Mr. Pietila said as Mr. Gallaway noted in his forward at the beginning of the plan, this is just the beginning. He said in supporting the adoption of the Phase 1 plan, SELC also asks the Board to quickly move forward with Phase 2, focusing on more detailed actions and implementation. He said they looked forward to participating in that effort as well.

Agenda Item No. 8. Consent Agenda.

Mr. Gallaway noted that Item 8.1 had already been pulled from the Consent Agenda.

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

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

Item No. 8.1. Approval of Minutes: February 28, April 19, April 30, June 7, July 12, September 28, October 2, October 15, and October 29, and November 14, 2019; and January 24, January 29, February 5, March 3, March 5, March 11, and March 18, 2020.

Assigned minutes were pulled from the consent agenda and carried forward to the next meeting.

Item No. 8.2. FY 2021 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 FY 21 budget due to the appropriations itemized in Attachment A is \$68,308.00. 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 as described in Attachment A.

Appropriation #2021030 **\$68,308.00**

Source: Federal Revenue \$ 68,308.00

This request is to appropriate \$68,308.00 in federal revenue for Coronavirus Aid, Relief, and Economic Security (CARES) funding awarded by Housing and Urban Development (HUD) for the Housing Choice Voucher program to help lower-income families, elderly and disabled individuals afford safe housing and support the health and safety of assisted individuals and families. These funds will provide support to voucher recipients, including technology infrastructure for safe virtual meetings and additional computer kiosk space for clients, as well as related overtime and temporary wages and replacing a Housing vehicle.

Appropriation #2021031 **\$0.00**

Source: Seminole Trail Volunteer Fire Department* \$ 7,500.00
Earlysville Volunteer Fire Company* \$ 5,006.00

*This appropriation does not increase or decrease the total County budget.

At the request of Seminole Trail Volunteer Fire Department and Earlysville Volunteer Fire Company, this request is to appropriate \$7,500.00 and \$5,006.00, respectively, from their station's appropriated amount to the Fire Rescue Department. This change is to centralize the budgeting and management of costs for emergency medical services supplies and oxygen for these stations. These costs will be budgeted in the Fire Rescue Department for these stations in future years.

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

**RESOLUTION TO APPROVE
ADDITIONAL FY 2021 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2021030 and #2021031 are approved; and
- 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, 2021.

APP#	Account String	Description	Amount
2021030	3-1100-33050-333000-330018-1550	SA2021030: HUD CARES Funding	\$68,308.00
2021030	4-1100-53020-453010-120000-1550	SA2021030: HUD CARES Funding	\$1,847.00
2021030	4-1100-53020-453010-130000-1550	SA2021030: HUD CARES Funding	\$6,001.00
2021030	4-1100-53020-453010-210000-1550	SA2021030: HUD CARES Funding	\$402.00
2021030	4-1100-53020-453010-601380-1550	SA2021030: HUD CARES Funding	\$15,050.00
2021030	4-1100-53020-453010-800380-1550	SA2021030: HUD CARES Funding	\$25,018.00
2021030	4-1100-53020-453010-312380-1550	SA2021030: HUD CARES Funding	\$19,990.00
2021031	4-1000-32020-432020-561300-1003	APP2021031-STVFD and EVFC costs to FR	-\$7,500.00
2021031	4-1000-32020-432020-561000-1003	APP2021031-STVFD and EVFC costs to FR	-\$5,006.00
2021031	4-1000-32015-432010-600400-1003	APP2021031-STVFD and EVFC costs to FR	\$12,506.00

Item No. 8.3. FY 2020 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 FY 20 budget due to the appropriations itemized in Attachment A is (\$3,115,722.79). 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 and school projects and programs as described in Attachment A.

Appropriation #2020077	\$ (3,115,722.79)
Source: General Fund Transfer to Debt Service Funds	\$ (3,185,509.44)
General Fund Transfer to Capital Funds	\$ 3,185,509.44
VPSA Revenue	\$ 69,786.65
Capital Fund fund balances	\$ (3,185,509.44)

This request is to:

- 1) reconcile the FY 20 Debt Service funds based on actual expenses and revenues; and
- 2) reconcile the General Fund's transfers to Debt Service and Capital Funds by allocating the Debt Service Funds' projected balance to the Capital Funds. As a practice, the County budgets a formula calculation for the transfer from the General Fund to Debt Service and Capital Funds. This budgeted amount is allocated first to the Debt Service Funds, and the remainder to the Capital Funds.

There is projected balance in the Debt Service Funds of \$3,185,509.44 in FY 20 due to the delayed borrowed proceeds issuance previously scheduled for FY 19 and additional non-local revenue received. This amount is recommended to be transferred to Capital Funds.

This appropriation is a decrease in the total County budget because it results in a net decrease in the planned use of Capital Funds' fund balance in FY 20.

By the above-recorded vote, the Board adopted the attached Resolution (Attachment B) to approve the appropriations for local government and school projects and programs as described in Attachment A:

**RESOLUTION TO APPROVE
ADDITIONAL FY 2020 APPROPRIATION**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriation #2020077 is approved; and
- 2) That the appropriation referenced in Paragraph #1, above, is subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2020.

APP#	Account String	Description	Amount
2020077	4-9900-95000-495000-310000-9999	SA2020077 - Debt Service and Capital Transfer Reconciliation	\$257.60
2020077	4-9900-95000-495000-312810-9999	SA2020077 - Debt Service and Capital Transfer Reconciliation	\$16,104.00
2020077	4-9900-95000-495000-920084-9999	SA2020077 - Debt Service and Capital Transfer Reconciliation	-\$2,274,916.77
2020077	3-9900-24000-324000-240404-9999	SA2020077 - Debt Service and Capital Transfer Reconciliation	\$68,369.04
2020077	3-9900-33900-333900-330063-1006	SA2020077 - Debt Service and Capital Transfer Reconciliation	\$1,417.61
2020077	3-9900-51000-351000-512004-9999	SA2020077 - Debt Service and Capital Transfer Reconciliation	-\$2,328,341.82
2020077	3-9000-51000-351000-512004-9999	SA2020077 - Debt Service and Capital Transfer Reconciliation	\$2,328,341.82
2020077	3-9000-69000-351000-510100-6599	SA2020077 - Debt Service and Capital Transfer Reconciliation	-\$2,328,341.82
2020077	4-1000-93010-493010-930003-9999	SA2020077 - Debt Service and Capital Transfer Reconciliation	-\$2,328,341.82
2020077	4-1000-93010-493010-930004-9999	SA2020077 - Debt Service and Capital Transfer Reconciliation	\$2,328,341.82
2020077	4-9910-95000-495000-310000-9999	SA2020077 - Debt Service and Capital Transfer Reconciliation	\$519.38
2020077	4-9910-95000-495000-312810-9999	SA2020077 - Debt Service and Capital Transfer Reconciliation	-\$17,691.00
2020077	4-9910-95000-495000-900105-9999	SA2020077 - Debt Service and Capital Transfer Reconciliation	-\$16,140.00
2020077	4-9910-95000-495000-920084-9999	SA2020077 - Debt Service and Capital Transfer Reconciliation	-\$823,856.00

2020077	3-9910-51000-351000-512004-9999	SA2020077 - Debt Service and Capital Transfer Reconciliation	-\$857,167.62
2020077	4-1000-93010-493010-930202-9999	SA2020077 - Debt Service and Capital Transfer Reconciliation	\$33,348.93
2020077	4-1000-93010-493010-930010-9999	SA2020077 - Debt Service and Capital Transfer Reconciliation	\$823,818.69
2020077	4-1000-93010-493010-930011-9999	SA2020077 - Debt Service and Capital Transfer Reconciliation	-\$857,167.62
2020077	3-9100-51000-351000-512004-9999	SA2020077 - Debt Service and Capital Transfer Reconciliation	\$33,348.93
2020077	3-9100-51000-351000-510100-9999	SA2020077 - Debt Service and Capital Transfer Reconciliation	-\$33,348.93
2020077	3-9010-51000-351000-510100-9999	SA2020077 - Debt Service and Capital Transfer Reconciliation	-\$823,818.69
2020077	3-9010-51000-351000-512004-9999	SA2020077 - Debt Service and Capital Transfer Reconciliation	\$823,818.69

Item No. 8.4. FY 22 Operating and Capital Budget Calendar.

The Executive Summary forwarded to the Board states that the process of developing the County’s Operating Budget for Fiscal Year 22 (FY 22) and the Capital Improvements Program (CIP) for FY 22-25 is underway. Staff provides a proposed budget calendar on an annual basis.

Attachment A provides a preliminary budget calendar for the FY 22 budget process. The budget development calendar establishes specific dates for Board meetings and public hearings on the tax rate, the budget, and the CIP. Staff will continue to provide the public with as much notice as possible for planned community engagement opportunities, public hearings, and work sessions associated with the development of the upcoming budgets.

There are several dates that are driven by Virginia Code requirements which are reflected in the attached calendar:

- Localities with a first-half tax year collection in June must adopt the tax rate on or before May 15.
- There must be at least seven days between the public advertisement of the budget public hearing and the actual hearing date.
- There must be at least seven days between the budget public hearing and the adoption of the budget.
- Localities must provide at least 30 days’ notice of the real estate tax rate public hearing if the reassessment would result in an increase of one percent or more in the total real property tax levied compared to the prior year’s real property tax levies.
- In addition to these Virginia Code requirements, the schedule was developed with the following objectives in mind:
- Adjust the budget process, so that the County Executive will provide the FY 22 Recommended Budget later in February to provide additional time to incorporate the latest revenue projection.
- Provide additional time between the County Executive’s Recommended Budget and the public hearing, so that residents have additional time to review the document before the public hearing.
- Hold at least three work sessions before the Board is required to establish the maximum tax rate for advertising.
- Ensure that work sessions are not held on dates/times that conflict with other meetings Board members are required to attend.
- Improve schedule coordination with the School Division’s budget process.

The preliminary budget calendar for the FY 22 budget process addresses these goals and meets the Virginia Code requirements.

It is important to note that the County’s Financial Policies state that the Board of Supervisors will adopt the operating budget no later than April 30. In the preliminary calendar, the adoption of the budget is scheduled to occur on May 5. Staff will recommend this change and other recommended updates to the County’s Financial Policies for the Board’s consideration and approval on November 4.

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

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



**FISCAL YEAR 2022
BUDGET CALENDAR**

October 2020	
21 (Wed.)	Fall Joint Work Session with School Board – FY 22 Budget Planning Meeting (Affordability/Compensation and Benefits)
November 2020	
4 (Wed.)	New Revenue Options for FY 22 Budget
18 (Wed.)	Strategic Plan Progress Report
18 (Wed.)	<i>Tentative</i> – BOS review of CIP
<i>TBD</i>	CIP Advisory Committee meeting
February 2021	
18 (Thur.)	<i>Tentative</i> - School Superintendent presents budget request to School Board
24 (Wed.)	County Executive's presentation to Board – Recommended Budget
March 2021	
03 (Wed.)	Public Hearing on County Executive's Recommended Budget
10 (Wed.)	Work Session #1
11(Thur.)	<i>Tentative</i> - School Board adopts School Division budget request
15 (Mon.)	Work Session #2 – To include School Board funding request
18 (Thur.)	Work Session #3 – Board proposes Budget and sets maximum tax rate for advertisement
22 (Mon.)	Work Session #4
29 (Mon.)	If needed - Work Session #5
April 2021	
1 (Thur.)	If needed - Work Session #6
Week of 5-9	Spring Break
28 (Wed.)	Public Hearing on the CY 21 tax rate and Board's Proposed Budget
May 2021	
5 (Wed.)	Board approves FY 22 Budget and sets tax rate
13 (Thur.)	<i>Tentative</i> - School Board adopts School Division budget

Item No. 8.5. Schedule Public Hearing to Consider Appalachian Power's Request for Easement.

The Executive Summary forwarded to the Board states that Appalachian Power has requested an underground easement (Attachment A) on County-owned Parcel 12900-00-00-02A0, a portion of the former Keene Landfill. The landfill was in operation from 1968 to 1990. Closure activities were completed in 1994 and were followed by a 10-year post-closure care period, which ended on November 16, 2007.

Virginia Code § 15.2-1800(B) requires a public hearing for this proposed disposal of County property.

The proposed easement would allow Appalachian Power to bring residential electrical service to the adjacent Parcel 12100-00-00-05800. The County purchased the proposed easement location in 1998 as a buffer to improve its ability to maintain and protect the landfill. The deed conveying the property to the County (Attachment B) also included a right-of-way for access by the owners (and their successors) to Parcel 121-00-00-05800. The proposed easement follows the course of that right-of-way and would not further impact the County's use of the property. Based on County assessments, staff determined that \$187.19 was a fair and reasonable value of this proposed permanent easement. Appalachian Power's customer has agreed to pay that amount (Attachment C).

Approving the easement would result in \$187.19 total revenue.

Staff recommends that the Board schedule a public hearing to receive comments from the public regarding Appalachian Power's request for easement on County-owned Parcel 12900-00-00-02A0.

By the above-recorded vote, the Board authorized the Clerk to schedule a public hearing to receive comments from the public regarding Appalachian Power’s request for easements on County owned Parcel 12900-00-00-02A0.

Item No. 8.6. Resolution to accept road(s) in the Foothill Crossing Subdivision Phase IV and V into the State Secondary System of Highways.

By the above-recorded vote, the Board adopted the Resolution to accept road(s) in the Foothill Crossing Subdivision Phase IV and V into the State Secondary System of Highways:

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 7th day of October 2020, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Foothills Crossing Subdivision Phase IV and V**, as described on the attached Additions Form AM-4.3 dated **October 7, 2020**, fully incorporated herein by reference, is shown on plats recorded in the Clerk’s Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Foothills Crossing Subdivision Phase IV and V**, as described on the attached Additions Form AM-4.3 dated **October 7, 2020**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department’s Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right- of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

* * * * *

Report of Changes in the Secondary System of State Highways

Project/Subdivision: Foothills Crossing Phase IV and V

Addition - New subdivision street §33.2-705

Route Number	Street Name	From Termini	To Termini	Length	Number of Lanes	Recordation Reference	Row Width
1825	Leon Lane	Rt 1250, Park Ridge Drive	0.07 Miles South to Rt 1826, Trinity Way	0.07	2	DB 4769, PG 262-271	57
1825	Leon Lane	Rt 1826, Trinity Way	0.05 Miles South to CDS	0.05	2		57
1826	Trinity Way	Rt 1825, Leon Lane	0.19 Miles East to CDS	0.19	2		57

Item No. 8.7. Resolution Endorsing Route 601 (Old Ivy Road) Bridge Repair.

The Executive Summary forwarded to the Board states that the Virginia Department of Transportation (VDOT) is proposing to replace the bridge deck and beams and to rehabilitate the bridge piers of Route 601 (Old Ivy Road) over the US-29/250 Bypass. The existing bridge was built in 1961 and is now rated structurally deficient. The proposed \$3.3 million bridge repair will be funded through State of Good Repair (SGR) allocations, which are dedicated to replacing deteriorated bridges or those deemed in poor condition (structurally deficient) on interstate and primary highways. A public hearing was held on March 11, 2020 at the Holiday Inn Charlottesville-University Area, 1901 Emmet Street, Charlottesville, with a public comment period ending on March 21, 2020. The bridge repair is currently in design and is expected to be advertised for bids in October 2023 with construction beginning in early 2024.

The initial design for the bridge repair did not include any bicycle or pedestrian accommodations.

VDOT received over thirty comments, with the majority reflecting the public's desire to "widen" the bridge structure to provide both pedestrian and bicycle access. SGR funding limits VDOT's ability to make improvements such as widening the structure for bicycle or pedestrian infrastructure, as the scope of the project is for repair or rehabilitation in-kind only. Any further design to accommodate bicycle and pedestrian infrastructure such as bike lanes, sidewalks or a shared-use path would require a new project scope, survey, and engineering. VDOT further evaluated accommodations that could fit in the current project scope and within the proposed bridge geometrics (curb to curb bridge width). The result of that evaluation identified the ability to include a shoulder width of 4 feet on one side of the bridge to provide a bicycle accommodation while still meeting the SGR funding requirements. VDOT is seeking County support of the proposed bridge repairs with this design alternative.

As stated, the repair for Route 601 (Old Ivy Road) bridge will be funded through the SGR program and requires no additional funding from the County budget. Additionally, VDOT will accept future maintenance of the structure. Therefore, no County funds are necessary to support the project.

Staff recommends the Board of Supervisors adopt the attached Resolution (Attachment B) in support of the project and the revised bridge design of Route 601 (Old Ivy Road) over the US-29/250 Bypass.

By the above-recorded vote, the Board adopted the attached Resolution (Attachment B) in support of the project and the revised bridge design of Route 601 (Old Ivy Road) over the US-29/250 Bypass:

RESOLUTION IN SUPPORT OF ROUTE 601 (OLD IVY ROAD) BRIDGE REPAIR DESIGN

WHEREAS, the Virginia Department of Transportation rated the bridge structure on Route 601, Old Ivy Road, over the US-250/29 Bypass as "structurally deficient" and in need of repair; and

WHEREAS, this bridge project was included in Virginia Department of Transportation's Six-Year Improvement Program; and

WHEREAS, a public hearing was held for this bridge project on March 11, 2020, with a public comment period ending on March 21, 2020; and

WHEREAS, strong public comment was provided against the original bridge design, which neglected any bicycle or pedestrian accommodations; and

WHEREAS, the State of Good Repair limits funding for bicycle- or pedestrian-specific accommodations, as allocations are limited to the repair of structurally deficient bridges; and

WHEREAS, the Virginia Department of Transportation is seeking County support in pursuing an additional shoulder width of four (4) feet on one side of the bridge to provide a bicycle accommodation while still meeting the State of Good Repair funding requirements.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors affirms its support for the Route 601, Old Ivy Road, Bridge Repair design with a four (4) foot shoulder for bicycle and pedestrian accommodations.

BE IT FURTHER RESOLVED, that the Clerk of the Board forward a certified copy of this resolution to the District Administrator of the Virginia Department of Transportation.

Item No. 8.8. SE202000008 Belvedere Block 4 – Request for Special Exception to Modify Timing for Completion of Recreational Amenities.

The Executive Summary forwarded to the Board states that the applicant requests a special exception to modify County Code § 18-4.16.3.3, which is the trigger for completion of recreational amenities within Block 4 of Belvedere. The ordinance requires:

4.16.3.3 Recreational facilities shall be completed when fifty (50) percent of the units have received certificates of occupancy.

The applicant has requested an extension of the deadlines for completion of these amenities (Attachment A). The proposed deadline for completion of the SOCA fieldhouse is June 30, 2021. The proposed deadline for completion of the community center is December 31, 2022. Staff analysis of the request is provided as Attachment B.

Staff recommends that the Board adopt the attached Resolution (Attachment C) to approve the special exception, subject to the condition attached thereto.

By the above-recorded vote, the Board adopted the attached Resolution (Attachment C) to approve the special exception, subject to the condition attached thereto:

RESOLUTION TO APPROVE SPECIAL EXCEPTION

**FOR SE202000008 BELVEDERE BLOCK 4 – TO MODIFY TIMING
FOR COMPLETION OF RECREATIONAL AMENITIES**

BE IT RESOLVED that, upon consideration of the Memorandum prepared in conjunction with the application and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-4.16.3.3, 18-8.2(b), 18-20A.1, and 18-33.49, the Albemarle County Board of Supervisors hereby approves the special exception to modify the timing for the completion of recreational amenities for SE202000008 Belvedere Block 4, subject to the condition attached hereto.

* * * * *

SE202000008 Belvedere Block 4 Condition

1. The Block 4 Neighborhood Center Greenspace and Amenities as described in the Belvedere Code of Development must be completed on or before the following dates: SOCA fieldhouse (June 30, 2021); community center (December 31, 2022). The Block 4 Neighborhood Center Greenspace and Amenities does not include the private education center or daycare as proposed in the Belvedere Code of Development.

Item No. 8.9. SE202000010 Two Picnic Shelters – Special Exception Request to Disturb a Required 30-foot Buffer Area.

The Executive Summary forwarded to the Board states that in association with a Letter of Revision for site plan SDP199600094 Comdial, the applicant is requesting a special exception to allow the disturbance of a required 30 foot buffer area. This special exception is needed to permit the construction and installation of two (2) picnic table shelters on existing concrete pads located on the site. The proposed shelters will be 300 square feet and 140 square feet in size, enough to accommodate three (3) picnic tables and one (1) picnic table, respectively. As the applicant explains in its proposal materials, the picnic tables and shelters will be used as outdoor space for lunch and small gatherings by the building's tenants, which include Albemarle County Public Schools' Center I and others.

Because the property is zoned Light Industry and abuts a zoning district that is neither commercial nor industrial, County Code § 18-26.5(c) dictates that no construction activity, including grading or clearing vegetation, is permitted to occur within 30 feet of the abutting property line. A special exception to disturb a buffer is allowed under County Code § 18-26.5(d).

Staff analysis of the request is provided in Attachment C.

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

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

**RESOLUTION TO APPROVE A SPECIAL EXCEPTION
FOR SE202000010 TWO PICNIC SHELTERS**

BE IT RESOLVED that, upon consideration of the Memorandum prepared in conjunction with the application and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-26.5(c) and (d), and 18-33.49, the Albemarle County Board of Supervisors hereby approves the special exception to allow the disturbance of a required 30 feet buffer area for SE202000010 Two Picnic Shelters, subject to the conditions attached hereto.

* * * * *

SE202000010 Two Picnic Shelters Conditions

1. Disturbance of the use buffer adjacent to Tax Parcel 061W0-03-00-019B0 is permitted solely for the construction, installation, and maintenance of two (2) picnic table shelters.
2. Development of the picnic table shelters must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the special exception request dated August 5, 2020 and as shown on the plan exhibit titled "Seminole Trail Site Plan: Site," Sheet A1, dated July 10, 2020.

Item No. 8.10. VACo 2020 Annual Meeting Voting Credentials.

By the above-recorded vote, the Board appointed Supervisor Ann Mallek as the Voting Delegate and Supervisor Liz Palmer as the Alternate Delegate.

Item No. 8.11. Preliminary Unaudited FY 20 End-of-year Revenues and Expenditures, **was received for information.**

Item No. 8.12. Albemarle Broadband Authority Quarterly Report, **was received for information.**

Item No. 8.13. Board-to-Board, September 2020, a monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors, **was received for information.**

Agenda Item No. 9. **Action Item:** Final Phase 1 Climate Action Plan.

The Executive Summary forwarded to the Board states that, at its September 6, 2017 meeting, the Board of Supervisors adopted a resolution reaffirming the County's commitment to climate action and directed staff to develop a Climate Action Plan. Staff have been engaged in climate action planning work - in collaboration with partners, stakeholders, and interested members of the public - since that time. On October 16, 2019 the Board passed a resolution establishing community-wide greenhouse gas emissions reduction targets. Staff introduced a draft Climate Action Plan to the public this past spring and presented the draft Plan to the Board on June 17.

As a local government, Albemarle County has a critical role in mitigating climate change through shifting its own operations to be more sustainable and - as importantly - by creating more sustainable choices for everyone who lives in, works in, and visits the County. The County efforts related to climate change to date should be considered the beginning of a permanent, adaptive program that will be critical to adequately addressing the threat of long-term global climate change.

The Climate Action Plan presented here (Attachment A) is the culmination of the first phase of the County's climate action planning process. The primary outcome of this phase is to identify broad strategies and supporting actions that the County government will take in the coming years to reduce the community's contribution to rising concentrations of atmospheric greenhouse gases that cause climate change. Since local government operations comprise only a small fraction of the community's total contribution to climate change, the proposed actions are not limited to changing how the County operates. The plan includes initiatives to engage, inform, motivate, and empower the greater community to take part in addressing this worldwide crisis. Because of the community-wide emphasis, the strategies and actions were developed collaboratively - with extensive community participation and involvement by key County staff, local subject matter experts, stakeholder groups, and interested individuals.

Staff received an abundance of feedback from the community on the draft plan through the engagement process facilitated last spring via an online community engagement hub <<https://publicinput.com/7926/>>. Staff have subsequently incorporated many community suggestions - and the feedback received from the Board at the June 17 meeting - into the final version of the Plan.

The front sections of the Plan - before the Strategies and Actions sections - were generally reorganized and edited. Major changes include:

- removal of the "At a Glance" section at the beginning
- greater emphasis on the opportunities presented by the challenge of climate change
- a more extensive description of Phase 2 activities

Staff made wide-ranging edits to the strategies and actions in the five major sector categories, including additions and clarifications. These changes are presented in the form of tracked changes in Attachment B.

Following adoption of the Phase 1 Plan, the County will move into the next phase of climate action planning, with an immediate focus on implementing selected actions from the Plan. Phase 2 will also include the completion of an up-to-date greenhouse gas inventory and an assessment of community resiliency to climate change. In addition, we will build on this Plan through a more robust evaluation of the strategies and actions, including a deeper consideration of equitable implementation and additional community benefits.

There are no budget impacts associated with the adoption of this Plan.

Staff recommend that the Board adopt the Phase 1 Climate Action Plan.

Mr. Lance Stewart, Director of Environmental Services, said it was his privilege to introduce to the Board the Albemarle County's Phase 1 Climate Action Plan. He said with the Board's support, he and other County employees, representatives of partner agencies, and members of the community have worked passionately on the plan over the past two years. He said he believes the result is a true community plan and that it is a balanced, actionable, and holistic plan to combat global warming at the local level over the course of the coming years and decades. He said it had been a true honor to work on this.

Mr. Stewart said Mr. Greg Harper, Chief of Environmental Services, will walk through the presentation to prepare the Board to consider adopting the plan that day.

Mr. Harper, Chief of Environmental Services, said he would provide some background, review the main contents of the Climate Action Plan (CAP), review the changes made to the plan since the draft version, and preview the elements of Phase 2, noting that some of these had already started. He said following the presentation, he would answer any questions during the Board discussion.

Mr. Harper said the climate action planning process was initiated by the Board through the adoption of a resolution reaffirming a commitment to climate action, followed by identifying climate action planning as a top priority as part of the planning process for the Strategic Plan for Fiscal Years 20-22. He said more recently, the Board adopted a resolution establishing community-wide greenhouse gas reduction targets, including a 45% reduction from the 2008 baseline year by 2030, and zero net emissions by 2050.

Mr. Harper said as he noted when this was discussed in June, the County had not completed a greenhouse gas inventory since 2008, and so the current emissions status, and therefore the necessary reductions to meet the targets, is unknown. He said they have begun the process of developing a current inventory, however, and expect to be completed with this inventory before the end of Calendar Year 2020.

Mr. Harper said the Climate Action Plan was the culmination of an extensive effort by many people. He said since this is a community-wide plan, the planning process necessarily included substantial input from the community through participation on the sector teams developing the strategies and actions and through providing feedback by attending public meetings, filling out online questionnaires, and sending letters and emails directly to Board members and County staff. He said the list of strategies and actions that make up the heart of the plan were developed from ideas suggested by the community and vetted, refined, and organized by members of the sector teams themselves, including community representation.

Mr. Harper said in early 2020, staff prepared the draft CAP document, adding context, character, and spirit to the list of strategies and actions. He said due to the emergence of the Coronavirus, they were delayed in presenting the plan to the Board and instead, introduced the plan first to the community in April and May, inviting feedback via the County's community engagement hub, Public Input. He said staff then presented the same draft plan to the Board in June.

Mr. Harper said since that time, staff and sector team representatives have been incorporating the suggestions received from the Board and community into the present version of the plan. He said he would provide more information about how the plan was refined from the draft version later in the presentation.

Mr. Harper said first, he would like to summarize the plan in its revised form. He said in its most reductive level, the plan is a list of strategies and actions designed to contribute towards the mitigation of global climate change through decreases in community-wide greenhouse gas emissions and increases in carbon sequestration in the County's landscape. He said the strategies and actions will guide future County initiatives to not only modify internal operations, but to work with their partners to enable, empower, and incentivize residents and businesses in the community to take climate-positive actions.

Mr. Harper said looking at the numbers, the CAP consists of 11 broad goals and 5 action sectors designed to meet the long-term emission reduction targets adopted by the Board in October 2019. He said 31 strategies have been identified to achieve the goals, as well as 135 specific actions to support the strategies.

Mr. Harper said for each of the actions, staff proposed an implementation timeframe. He said "Immediately Actionable" items are those that are already underway or can be implemented in a relatively short amount of time with existing resources. He said "Initiate Planning" items are those which they can begin to plan but will take more time and may require greater financial investments. He said items identified as "Assess Opportunities" are the most indefinite and will require further exploration. He said they may not be possible unless opportunities arise.

Mr. Harper said although the strategies and actions are central to the plan, staff hopes that people will regard the CAP as more than just a simple to-do list. He said the plan was, as the broader climate action program will be, developed and implemented in line with the County's core values and overall vision for the community.

Mr. Harper said staff recognizes there is no merit in actions that may lower greenhouse gas emissions only at the expense of other community values such as equity or the economy. He said on the contrary, climate-positive actions can and should uplift the community in other ways.

Mr. Harper said staff recognizes that the plan echoes many of the same values and broad aspirations identified by other County and regional plans; most prominently, the Comprehensive Plan. He said these other plans should and do overlap with the CAP in countless ways. He said continued work to implement components of the other plans will, in many cases, contribute towards climate mitigation. He said conversely, implementation of the actions in the CAP will push the County towards reaching the other plans' goals.

Mr. Harper said climate change is a complex, global challenge; the ultimate example of the “tragedy of the commons.” He said this challenge can be addressed only through a shared understanding, relying on the world’s subject matter experts and collective action, starting at the local level. He said the Board acted in this cooperative spirit as recently as last February, when they called on the Virginia General Assembly to support climate-friendly policies as a member of the We’re Still In Coalition.

Mr. Harper said it would be careless to measure actions only in their capacity to lower greenhouse gas emissions and without consideration of their impact on other community values. He said staff commits to avoiding this narrow assessment termed “carbon reductionism” and will consider planning and implementation effects, taking into account the overall wellbeing of the community, the economy, and environment.

Mr. Harper said although the first phase of climate action planning did not include quantitative assessments, nor measurable goals at the action level, staff recognizes that effective plans overall must have targets to aim for and methods to measure progress and success along the way. He said the Board adopted greenhouse emission reduction targets 12 months earlier, with the first target just 10 years away. He said to measure progress, staff is committed to conducting greenhouse gas emissions inventories every two years beginning in 2020.

Mr. Harper said as with any complex long-term initiative, the climate action planning process will be phased and adaptive. He said this is particularly necessary in the case of climate action due to the scope and complexity of the challenge, developing technologies, changing politics, and the need for global, collective action. He said during Phase 1, the focus has been raising community awareness, engaging with partners, and seeking community participation to establish rudimentary strategies and actions. He said subsequent phases will build on this foundation with a significant shift from planning to doing.

Mr. Harper said with every opportunity, staff will adjust the course as needed based on their progress and shifting local, national, and global conditions.

Mr. Harper said as he shared in his June presentation, staff received hundreds of comments from individuals and groups throughout the community, particularly as part of the intensive public education effort in April and May. He said from this feedback, staff believes they have produced a better overall plan with a more comprehensive and understandable collection of strategies and actions.

Mr. Harper said after being able to step away from the text of the document for several months, staff were also able to see ways to better organize the opening chapters and to make the plan more readable.

Mr. Harper said the list shown on the screen provided a sense of the number and types of refinements staff made to the opening chapters. He said he would not go through the entire list but would explain the second bullet describing the removal of the “At a Glance” section, which was a summary near the front of the document of the strategies and only the immediately actionable items. He said staff found that a significant number of people misunderstood this section to be the entirety of the actions list and were making suggestions to include actions that already existed.

Mr. Harper said in total, staff developed 20 new actions; edited nearly half the draft actions for clarification and to express additional ideas; and changed the timeframe for 17 actions, with all but one being shifted to earlier implementation. He noted for community listeners that all the changes to the strategies and actions were documented in Attachment B to the Board agenda item, which could be found online.

Mr. Harper said there were too many changes to review in the presentation, but he would provide a few examples of changes on the slides to follow.

Mr. Harper presented “Example 1” of text changes. He said in this example, staff strengthened an action to assess County buildings for suitability for rooftop solar by adding a commitment to develop a plan and timeline for installations and to begin working on the action sooner. He said this and another minor change were made in response to a specific request from community groups for even stronger commitments. He said staff felt that making the language any more specific at that time was not consistent with the character of the Phase 1 plan, and that they intend to add further details to and prioritize actions as part of Phase 2 planning.

Mr. Harper said in the next example, staff again responded to comments they received from the community by adding a clarification to the action related to thinking holistically. He said they did not want readers to think that the County would encourage carbon reduction actions without considering the impacts the actions might have on other important community values.

Mr. Harper said in the final example, staff wanted to be explicit that during any process to evaluate new locations for trash and recycling convenience centers, equity would be strongly considered.

Mr. Harper said before concluding the presentation, he wanted to preview the next phase of climate action work. He said as the title of the slide, “Phase 2 – more than just planning” suggests, staff is looking forward to transitioning from plan development to an emphasis on implementation.

Mr. Harper said there were 36 immediately actionable items alone in the plan. He said staff will continue their progress with the items already underway, such as supporting LEAP's home energy efficiency programs, providing safe connections from neighborhoods to urban centers through sidewalk projects, and exploring ways to improve trash and recycling operations and services.

Mr. Harper said in addition, they will start on new items such as shifting towards a cleaner County vehicle fleet, adopting a green building policy, and facilitating the local expansion of electric vehicle charging stations.

Mr. Harper said implementation will require resources, funding, and/or staffing. He said staff will continue to work to identify these needs and possible ways to meet the needs. He said they will also ensure that there is a responsible party to champion each action.

Mr. Harper said the County is well into the process of developing a current greenhouse gas inventory and intends to have completed this inventory by the end of the calendar year. He said along with the City and UVA, they are also involved in an extensive training session for a new inventory component that will enable them to account for the carbon effect of trees and forests throughout the County.

Mr. Harper said Environmental Services staff have already had several discussions with Fire Rescue's committee on the Risk and Resiliency section to begin getting organized around developing a climate resiliency plan. He said like the CAP, they expect this initiative to involve many County staff and to include extensive community involvement.

Mr. Harper said that, of course, they would not actually turn their backs on the plan itself. He said he described the intent in Phase 2 to completely evaluate every strategy and action in order to determine which ones are most cost effective in reducing greenhouse gas emissions or could contribute the most towards advancing the County's values, including equity. He said this evaluation will also enable staff to be more specific and timebound in revising the actions.

Mr. Harper said lastly, they will continue to engage with the community and promote climate awareness and individual actions and to boost the community's involvement with the County's climate action processes.

Mr. Harper said the CAP represents Albemarle County's commitment to be part of a collective action necessary to address global climate change. He said the plan acknowledges the importance of changing the way they do business and the way they live their lives while also recognizing that climate-positive changes do not have to happen through personal and economic sacrifices. He said it can actually help to bring about the type of community envisioned and desired: one with abundant resources, healthy ecosystems, vibrant development areas, a physical environment that supports healthy lifestyles, a thriving community, and exceptional education opportunities.

Mr. Harper said in adopting this plan, Albemarle County will be joining many other governments and businesses around the world in building an equitable, clean, and prosperous future.

Ms. McKeel said in thinking about this, she had about three pages of notes that she wanted to talk about, though she recognized this was not possible. She said she was not sure she had ever been more excited about a document that has come to the Board in the past six to seven years. She said this was great work and a huge undertaking, and that she was thrilled and appreciated the hard work. She said she believes it was great to put the document aside, come back to it, and revisit it. She said she often does this with letters and speeches she writes as well.

Ms. McKeel commented that she hopes they will not let the perfect be the enemy of the good. She said it is important that they move on as many of the actions as they can, rather than delaying where delay was not necessary. She said the County has spent a long time engaging with the community and that they now had at least the direction they needed to be heading in.

Ms. McKeel said she does appreciate how the plan incorporates actions through an equity lens. She said she read the plan carefully and had many notes about it. She said it references an equitable Climate Action Plan in Albemarle County, which contains the rubrics that staff was talking about.

Mr. Harper indicated this was true.

Ms. McKeel said she believes it will be helpful to quickly send out this document, as she was not sure if everyone had had a chance to look at it.

Mr. Stewart said they will make sure this happens.

Ms. McKeel said this would be a great document for the community as well as the other Board members, as it works in conjunction with the CAP.

Ms. McKeel said in her notes, she highlighted the transportation piece, which overlaps with the Board's next discussion around affordable housing, as they recognize how interconnected these are.

Ms. McKeel said she recognized that Development Area communities have received more focus on this with their new developments. She said for much of this, she did think that when they look at

development through this lens, they also need to remember that it was not just about tying these plans into new developments or existing developments that are currently popular, but about also going back and looking at the older neighborhoods in the older Development Areas. She said they will want to be very careful how they do this, as many of these neighborhoods need to be maintained as affordable housing. She said they do need to look at how to create more livable older neighborhoods that have a quality of life.

Ms. McKeel said she was very impressed with and liked seeing B1.3 and B1.4 better than code minimums. She said in terms of density and connectivity, recalling how Mr. Williamson had talked about density, the Supervisors need to come together as a Board to decide what densities they are going to be supporting with the proposals that come to them.

Ms. McKeel said she was very excited about solar.

Ms. McKeel said there is a lot of park area that is forested in Albemarle County, and that she recently mentioned to Mr. Jeff Richardson that she thinks it would be beneficial, at some point, for the Board or for Parks and Recreation staff to have a discussion with the Forestry Department. She said she would like to better understand forestry management, as many forest fires were happening in the West and perhaps there are things the County should be doing now to prepare in the future. She said things could turn on a dime and there could be a drought.

Ms. McKeel said there are forests in Biscuit Run, many of the County parks, and even property that UVA Foundation owns. She said they need to make sure the community is preparing as best they can for what could be inevitable problems.

Ms. McKeel said overall, she believes the plan is wonderful and supports it.

Ms. Mallek said it was an exciting day because it was a long time ago that the LCAP (Local Climate Action Plan) plan was adopted (in 2011). She said she appreciates the details and specifics put forth because they encourage the community to have hope that the County is not just talking about things anymore but are able to start making some concrete changes.

Ms. Mallek said while she was not trying to delay anything, she did have some specific concerns that she hoped will make the plan even better. She said some general concerns are that the County has many potential partners locally, regionally, and nationally. She said when they call out the names of individual partners, despite them being wonderful partners, it makes it sound as if the County is all set with its partners. She suggested they find a way to talk about the fact that while their partners in the area sectors are important to them, they should not name them, as it is more welcoming to have new ideas and people come forth from other places to offer the County opportunities.

Ms. Mallek said she knows the County has made a lot of progress in the last five years with solid waste, but that she worries that solid waste seems to be completely set aside in the CAP with the exception of a few mild-mannered paragraphs. She said if this were coming in another way, that is great, but wondered if there is a way to focus specifically on cutting the use of single-use plastics and not purchasing things that will create pollution, whether they are plastic, other convenience items, or things for capital projects, and use the disposal elements of these projects and their impacts into the far future as a decision point for what they are going to buy for the County, such as for capital projects.

Ms. Mallek said they want to be careful that they are not getting sucked into the oil companies deciding to make other things because they cannot sell fuel and then the County getting stuck with disposing all those materials. She said with the ground-up tires on playgrounds ten years ago, for example, this was a great way for tire companies to get rid of their tires, but it saddled the counties and cities with the cost of disposing of this when they quickly realized that the black grime was going home with the children all over their shoes and skin.

Ms. Mallek said she believes there needs to be much more included around solid waste in the next phase, when digging into the plan. She reiterated that she thinks it will be helpful not to call out specific partners.

Ms. Mallek said on page 10 of the plan, it talks about protecting the watersheds. She said they did make some progress in the 1990s to protect the watershed, but they need to do a better job of this now. She said whether it is hiking, biking, picnicking, or leaving baby diapers around the watershed, or whether it is the erosion, chemical contamination, and sediment, this problem has not yet been solved. She said the County needs to make sure they continue to move forward in those categories as well.

Ms. Mallek said she was pleased and had some positive comments from citizens about how balancing the carbon versus other consequences is so important. She said they were so pleased to see that it was not just about zeroing in on greenhouse gas. She said she believes many people in other states are concerned as well about utility-scale solar because of it taking over of prime vegetable-growing land. She said when one goes to the Eastern Shore, they see thousands of acres that used to grow tomatoes and are now growing solar panels. She said solar needs to also be put on brownfields and rooftops so they can also continue to grow food.

Ms. Mallek said she also did not want to call out companies as success stories who are generating most of the packaging. She said they can say they are doing a great job on getting rid of the packaging now, but they are selling the packaging all the time.

Ms. Mallek said regarding page 33 of the plan, she hopes they will find a way to talk about the provision of weatherization monies for targeting landlords and making sure they also have opportunities for tenants. She said rather than just the landlords saving money, the tenants and entire hierarchy should benefit. She said these savings need to be reflected in the rents and allow tenants to participate in those savings achieved by weatherization.

Ms. Price said she seconded many of the comments made by Ms. Mallek and Ms. McKeel and would be brief. She said what the discussion shows more than anything is the interplay of the CAP with all the other things the County has to deal with: solid waste, water, air, transportation, energy, and housing. She said her hope is that they will collect objective data metrics, which will then allow them to provide detailed analyses of the progress and shortcomings for future improvement to the plan.

Ms. Price said she recently saw in the news that, once again, environmental records were broken. She said September of 2020 was the hottest September on record, which of course broke the record from 2019. She said environmental impacts around the world are simply increasing and that the County must take action.

Ms. Price said the CAP is an excellent plan. She thanked the constituents and residents for their involvement in the process because government only works with citizen participation. She thanked County staff for working with the residents to put forth the plan, adding that she wholeheartedly supports it.

Ms. LaPisto-Kirtley said she agreed with her fellow Supervisors. She said she thinks they are showing leadership by adopting the CAP and that staff is doing a great job. She said these were good first steps and that more, of course, needs to be done. She said though the County is constrained by finances, she would like to see a convenience center in the Scottsville area.

Ms. LaPisto-Kirtley said it was important to get comments down in writing to see if they are doable. She said this would be a good thing for her fellow Supervisors to do. She commended staff and the Board in taking the initiative to move forward on climate action and climate resilience to do something about it.

Ms. Palmer said she was excited as well, as she has been following the initiative over the past few years. She said she was extremely happy with what staff has done. She said she had a couple comments or questions, and like many, she is concerned about the money to implement this.

Ms. Palmer said with regards to water, they want to continue to support the water supply plan fully implemented, which fits very well into their thoughts on what is going to happen in the future with respect to climate change.

Ms. Palmer said one thing she would like to see the Board talking about and integrating the plan into is their legislative agenda. She said there are many things they could be doing if they had help from the state. She said one thing she wanted to mention under the legislative agenda came under the trash category, which is promoting glass recycling in the state. She said this is a good market if they could have some help from the state on getting some of the producers, such as wineries and breweries, to require some glass recycling. She said currently, glass is counted in diversion credits for recycling.

Ms. Palmer said because they do not look at the end game of where their glass goes to, they are actually incentivizing it to go to landfills, which is a bigger subject that the SWAAC (Solid Waste Alternatives Advisory Committee) is trying to tackle.

Ms. Palmer said she was happy to see the trash equity portion for the convenience center added into the plan. She noted there was a comment in the plan about looking into composting at the drop-off centers. She said she was not sure if she was interpreting this incorrectly but wanted to mention that there is now composting at Ivy, and so the drop-off centers do have composting.

Ms. Palmer said another thing she wanted to mention to staff was on page 2, where it refers to TDRs (Transfer of Development Rights). She said page 2 says, "Continue to expand policies and actions to direct development into the Development Areas and to reduce development in the Rural Areas, such as transfer of development rights" and that this is marked as "immediately actionable." She said having been a person who was around during the TDR discussion over 10 years ago, she would encourage staff if they did not have access to those discussions to talk to some of the Supervisors who have been around for some time, as there were some serious implementation issues around the TDR program. She said she could not imagine why this was "immediately actionable."

Ms. Palmer said she was excited to move forward with the plan. She said she hopes they will find the money to implement the actions and as many community partners as they can.

Mr. Gallaway said in terms of money and his reaction to "immediately actionable" items, measuring is important. He said not only do they have to set up targets and goals for measuring, but they also have to measure expectations. He asked Mr. Harper if "immediately actionable" meant that it was an item that could be done immediately and if this was different than a budget and timeline standpoint. He asked if by saying "immediately actionable," they may be setting the wrong expectation for the community on when it could be implemented.

Mr. Gallaway said when Mr. Harper was talking about Phase 2, it sounded like the defining of a realistic timeline for things labeled “immediately actionable” would come out. He asked if his understanding was correct.

Mr. Stewart offered to answer the questions. He said Mr. Harper mentioned the development of a green building policy, green fleet policy, education and outreach items that were immediately actionable with existing resources. He said staff considers those resources to be a combination of staff and community power as well as financial resources. He said for those items that are phrased such as the solar item, which includes developing a plan for putting solar on government and school buildings, it was phrased the way it was because he believes they have the resources to identify clearly which rooftops specifically would be viable targets, identify costs, either direct costs or PPAs (Power Purchase Agreement), and start detailed conversations to make those things happen.

Mr. Stewart said there were multiple things they would be looking into at the same time and that they would act on anything not requiring immediate investment and come to the Board as necessary for authorization if it is something entirely new or unwarranted.

Mr. Stewart said otherwise, the other things that are plan-centered or need to be vetted more thoroughly to the point where they have a solid grasp and think they can move forward, if funding is required, they do have the \$250,000 they set aside for low-income weatherization program, and another \$500,000 that was set aside for climate action in general. He said those funds are available, and staff intends to come back to the Board with recommendations on those immediately actionable items that require funds to prioritize them in a balanced and holistic way.

Mr. Gallaway said he appreciated this. He said in terms of the policy items and finding the roofs, they could go through each item that says, “immediately actionable” and have that level of conversation. He said the one he was reacting to was T.1.2 on page 28, which is, “Increase the extent of sidewalks, bike lanes, and shared use paths.” He said as they will see in the transportation report, they see how long it takes to get sidewalks in. He said there is not a Supervisor there who would say they are quick with getting sidewalks in. He said there is a lot of bureaucracy and funding that plays into this.

Mr. Gallaway said while he is very supportive of the plan, if the plan says it is “immediately actionable” to increase the extent of sidewalks, they have to make sure everyone understands the process to put sidewalks in place, even short sections of sidewalks, which can be frustrating.

Mr. Gallaway said the Board has said their number one priority is climate action, and that this should follow through in the Board’s budget programming of money. He said how they prioritize what they will budget should be supported by what they say their top priorities are. He said even if they said they were going to fund all sidewalks and make this their top priority, however, the question was to how long this would reasonably take to implement. He said when these types of items are put into the plan as “immediately actionable,” he does not want to be communicating out that this will be done in 6-12 months.

Mr. Gallaway said they have to be very good at explaining the timeline on how these things will be implemented and how they interconnect. He said they could know by next week which rooftops would be appropriate for solar, but that implementing “increasing the extent of sidewalks” was a different conversation. He said he believed this would be coming out in Phase 2 by the way he heard it described, which was not necessarily in his mind as he read through the plan, and so he was confident this would happen.

Mr. Gallaway said there are things that he hopes will come in Phase 2. He said in T.2.3 on page 28, for example, the plan talks about, “Incentivize denser and more mixed-use development.” He said he is curious as to what those incentives are and what some examples would be. He said when he sees the word “incentivized” used in different places, he needs to hear concrete examples so they can begin to consider what incentives look like and how to get them in place.

Mr. Gallaway said T.7.3 was about telecommuting, which had been in place since before the COVID-19 emergency, which states, “Provide opportunities to telecommute.” He said there is now a pandemic that has completely reframed the County’s approach to telecommuting and not needing people to come into the workplace. He said this screams at a larger policy initiative and is one that is immediately actionable because it was done out of need.

Mr. Gallaway said he was confident that the County Executive’s Office is working on this and that moving forward, he thinks there is some opportunity to gain some efficiencies that many aspects of the CAP speak to such as commuting, vehicle use, etc. where having a rigorous work-from-home program in place allows the County to attack much of this. He said he was curious to see how far along those things would have been had they not had the pandemic. He said they are there, out of sheer need, and should capitalize on it in terms of what they have learned and what will fit into this CAP from the work-from-home policies that they can continue once the pandemic is over that will allow the County to achieve some of the goals in the plan.

Mr. Gallaway asked the Supervisors if they had any additional comments.

Ms. McKeel said she agreed with and appreciated Mr. Gallaway’s comments. She said in looking at B.8.1, someone had referenced the importance of the General Assembly and advocating for the Board’s legislative packet, and that she wanted to put something on the table for people to think about.

Ms. McKeel said Mr. Greg Kamptner, County Attorney, spends an enormous amount of time on the Board's legislative packet each year. She said the County is now large enough with a diverse number of concerns and issues that they come forward with every year to the General Assembly. She said over the next year, she would like the Board to start thinking about whether it is time for them to continue using Mr. David Blount (TJPDC), who does great work for the County. She said just as the School Division has their own legislative aide, it may be time for Albemarle County to think about their own legislative aide. She said she was unsure of how this would work and that perhaps they could cost-share with another locality.

Ms. McKeel said Albemarle County has very different packets, concerns, and needs than Greene, Louisa, Nelson, and Fluvanna. She said they are all great localities, but that Albemarle is a different locality and can have a very different packet. She said it wasn't until several years ago that she mentioned in a chair's meeting with those localities something around climate change, and she was told, "We can't use that word in our locality" by at least two of the localities. She said she was only saying that they represent very different populations.

Ms. McKeel said she was wondering if it might be a good idea for the Board to think about this. She said sometimes by spending a little money, one can save or make some money. She said she recognizes this is a time when the County is freezing positions. She said she was putting it on the table that success at the General Assembly can be very important for the County, and perhaps they can start thinking about how they can move their legislative packets forward and free up Mr. Kamptner's office. She said Mr. Kamptner would still be working with that person, but he would not be the single point person, which would help his work plan as well.

Ms. Mallek said someone mentioned broadband, which was already on the forefront of the Board's thoughts. She said she wanted to report that Mr. Evan Feinman, the Governor's broadband guru, spoke at the VACo meeting the week prior. She said when she raised issues about having difficulty getting the local hardline provider to maintain the lines they have, Mr. Feinman told her to stop wasting her time with this because fiber to the home was the only thing she should be working for, rather than making investments in outdated technology.

Ms. Mallek said this was a shock to her because she thought they could slide along with that, and that it did change the entire outlook of how much of the County is actually served. She said she expects there is a grand majority of what is called "served" in Albemarle County that consists of people like herself who get DSL through the phone. She said this is something that should be considered as the County expands this capability that then allows people to do all the things they want them to do, such as working and studying from home.

Ms. Mallek said with regard to landscapes, there is talk about forestation and tree planting and a tree giveaway that Friday. She said the passing ordinances that require or enhance tree preservation and prevent the overlap grading, which demolishes an entire 80-acre property, and then tiny trees are put in place, would be the perfect thing to fold into the CAP so that they can get some recognition of this in the plan. She said teaming up with local partners on this will be important.

Ms. Mallek said she knew there were many things in response to Ms. LaPisto-Kirtley's query, and that she would send her notes in writing, combining notes citizens have sent her and doing a better job on her reporting. She said as she stated at the beginning, this is a huge step forward, and she didn't want to do anything other than making it better.

Ms. LaPisto-Kirtley thanked Ms. Mallek. She said there are many action items for the plan. She said she is always thinking about how one prioritizes and gets concrete results. She asked if they should do everything at once, or should things be prioritized, and if it was staff who does this or Mr. Harper. She asked if they should go for the low-hanging fruit to get some things implemented. She said she would like to see what can be done in what time period and what staff would need from the Board, including if they need any direction. She said she agreed with Mr. Gallaway regarding his comments about the words, "develop," "implement," and "incentivize" and what these mean. She asked how these things will actually be done with the CAP.

Mr. Gallaway asked Mr. Stewart if he wanted to make any comments about this.

Mr. Stewart said Ms. LaPisto-Kirtley and Mr. Gallaway nicely summarized what much of the initial work will be about in terms of defining, prioritizing, and coming up with a holistic methodology that includes equity and co-benefits, is actionable and measurable, and achieves the ultimate goal of greenhouse gas emissions reductions. He said staff have tried a number of matrices and have others to blend together. He said their focus in the last months has been on writing and perfecting the document, listening to online feedback, and getting the plan right. He said he looked forward to getting on with the next phase of intensive action and coming back with some recommendations on exactly this kind of decision-making process.

Ms. Palmer said regarding the comment about a measurable methodology, there are some things in the plan that will be extremely difficult to measure, yet they are still important, especially from an equity standpoint. She said additions to the plan have been made, for example, regarding the equity portion of convenience centers. She said she was not sure how to effectively measure something like this with respect to greenhouse gases. She said Mr. Stewart did not need to answer that question, but she would simply caution that there will be important things in the plan that will be difficult to measure.

Ms. Palmer said her comment about broadband, and regarding Ms. Mallek's comment about fiber, was that the Broadband Authority has definitely prioritized fiber. She said they recognized as a group that this is where they need to be going but given how long some of the fiber projects are taking, such as the CVEC projects (Central Virginia Electric Cooperative), they have also been looking at trying to improve getting Century Link, for instance, to improve their infrastructure because they are not going to be able to get fiber to everyone's home in Albemarle County in the near future. She said it would take years to do that, and so she thinks they need to be looking to the state to help make sure that the ISPs (Internet Service Providers) are taking care of the infrastructure they already have.

Ms. Palmer **moved** to approve Phase 1 of the Climate Action Plan as presented by staff. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Mr. Gallaway thanked Mr. Harper and Mr. Stewart for their work on the plan. He said being it was the Board's top priority and that they had the plan voted on, this was an important step. He said he looked forward to continuation and seeing the Phase 2 elements come back before the Board.

Ms. McKeel asked if the Supervisors could send their ideas in to Mr. Stewart.

Mr. Stewart replied yes.

Mr. Gallaway asked Mr. Stewart to copy the entire Board on his responses.

Ms. McKeel agreed and suggested that perhaps Mr. Stewart could collate all the ideas together and show them to the Board so they can all see the ideas.

Agenda Item No. 10. **Work Session:** Housing Albemarle - Draft Housing Policy Recommendations.

The Executive Summary forwarded to the Board states that Albemarle County is committed to creating sustainable communities and safe, decent housing opportunities for our residents. Since 2004, our Comprehensive Plan and Affordable Housing Policy have provided guidance on how we meet that need. However, new residential development in the County has not kept pace with growing housing demand, leaving many County residents struggling to find housing they can afford that meets their needs. The Comprehensive Regional Housing Study and Needs Analysis report released in 2019, identified more than 10,000 homeowners and renters who are paying more than the recommended 30 % of gross household income for housing and housing related costs. As the County continues to grow, that number is estimated to increase by 4,000 households by the year 2040. To ensure the County continues to provide sufficient and appropriate housing opportunities in our community, the County embarked on an effort to update our housing policy in October 2019. The new policy recommendations provide the tools necessary to meet the diverse housing needs of all County residents regardless of income, age, or other special needs.

In April 2019, the Thomas Jefferson Planning District Commission published the Comprehensive Regional Housing Study and Needs Assessment report. This study, which examined housing needs on both a county level and region-wide basis, identifies more than 10,000 Albemarle County households - both renters and homeowners (20 % and 42 % of total households, respectively) -- struggling with housing costs. Households with incomes less than 50 % of area median income experiencing the greatest housing cost burdens (67% of all very low- and extremely low-income households). The report further shows that the number of households paying more than the recommended 30 % of income for housing costs is anticipated to increase 34 % by the year 2040. To help meet current and future housing needs for county residents, staff is undertaking an update of the county's Housing Policy.

The Planning Commission directed staff to begin work on updating the Housing Policy at their July 23, 2019 meeting. The Housing Policy update was a three-phased process. It began with a series of community engagement activities to collect feedback on housing-related issues and aspirations, as well as on potential tools the County may use to meet current and future housing needs in Albemarle County. The information collected through these activities directly informed the second and third phases of the policy update process - creation of a comprehensive housing policy, as well as an implementation strategy. An overview of this process is outlined below.

Community Outreach Between August and December 2019, approximately 400 county residents engaged with the new policy development process. Staff conducted three community meetings in October 2019 with the goals of sharing information about affordable housing in Albemarle County, listening to residents' concerns about housing in the county, and identifying solutions to support affordable housing in our neighborhoods.

In addition to the community meetings, staff worked with local nonprofit service providers to organize focus group sessions with nonprofit staff, and the individuals and households they serve. Staff completed a total of seven focus group sessions between November 1, and December 17, 2019. These discussions focused on a set of general topics:

1. What, if any, housing related issues are you or someone you know struggling with?

2. How does a lack of affordable housing affect you, your neighborhood, our county?
3. What types of housing do we need in Albemarle County?
4. What can Albemarle County do to address affordable housing needs?

Meeting and focus group participants represented a diverse cross-section of persons who live and/or work in Albemarle County, including residents from both the Development and Rural areas, seniors, renters and homeowners, developers and real estate professionals, local employers and nonprofit service providers. Other engagement and data collection activities undertaken by staff include: Rio29 Form Based Code Public Event & Survey - August 2019 Rivanna Roll Call - November 2019 Office of Equity and Inclusion Roadshow Stop - November 2019 Regional Housing Survey (conducted by the Thomas Jefferson Planning District Commission) Jack Jouett Middle School, Eighth Grade Student Project - November 2019 to January 2020 Community outreach activities were supplemented by staff discussions with various county departments including: the Economic Development Office, Facilities and Environmental Services, the Office of Equity and Inclusion, the Office of Housing, and the Department of Social Services.

Stakeholder Committee To develop the new policy recommendations, staff worked with a nine-member a Stakeholder Committee comprised of individuals representing the following interests: county residents aged 65 years and older; IMPACT; people experiencing homelessness; for-profit developers of multi-family rental housing; the Regional Housing Partnership; homeowners; local employers; low-income households; and the City of Charlottesville. The recommendations developed by this committee include a range of tools and policy objectives to advance affordable housing and encourage the creation of inclusive, sustainable communities throughout Albemarle County.

There is no immediate impact to the budget associated with this item. However, future implementation of some of the policy objectives may require county investment.

Staff recommends the Board review and discuss the attached draft policy recommendations, and provide feedback to staff.

Ms. Stacey Pethia, Principal Planner for Housing, presented. She said this is a work session about the draft housing policy, and so she was presenting it to the Board for the first time to review it, discuss it, and provide feedback on the recommended objectives and strategies.

Ms. Pethia said they would be discussing the background on how they got to this policy, community input that was received during the community outreach and engagement session of the policy development, the draft recommendations for policy objectives and strategies that were created by a stakeholder committee, the proposed implementation schedule, next steps in the process, and an open discussion.

Ms. Pethia said in 2002 and 2003, County staff worked with members of the Albemarle Housing Committee to draft an affordable housing policy. She said this policy was approved by the Board of Supervisors in February 2004 as an amendment to the Comprehensive Plan. She said in 2015, some minor changes were made to the policy during the Comprehensive Plan update, which were mostly wording changes.

Ms. Pethia said with the release of the Comprehensive Regional Housing Needs Study in Spring 2019, staff made a recommendation to the Planning Commission to update the housing policy based on the current and future housing needs presented in that report. She said the Planning Commission supported the recommendation and in July 2019, passed a resolution of intent to amend the Comprehensive Plan with an updated housing policy.

Ms. Pethia said the current housing policy focuses primarily on affordable housing and defines affordable housing as "safe, decent housing where housing costs do not exceed 30% of the gross household income." She said the policy sets maximum rent and home sales prices equal to or less than 100% of federal fair market rent for a housing choice voucher program, minus an allowance for tenant-paid utilities; and to 65% of the maximum mortgage limit for Virginia Housing's first-time homebuyer program. She said for reference, the current fair market rent for a 2-bedroom unit is \$1,262 per month, with the maximum affordable sales price for Albemarle County set at \$243,750.

Ms. Pethia said the current policy contains five objectives that are oriented towards promoting affordable housing; ensuring a variety of choice in housing and equal housing opportunities; creating and preserving safe, high-quality sustainable neighborhoods and housing; understanding the diverse housing needs and special needs of various populations; and directing County assistance towards those populations that are least able to attain affordable housing through the private sector alone.

Ms. Pethia said the current policy contains a number of strategies to support those objectives, which include decreasing regulatory and administrative barriers to affordable housing development; setting targets for the development of affordable units; creating mechanisms to ensure the long-term affordability of for-sale proffer units; pursuing public-private partnerships for affordable housing development and provision; and identifying additional resources for affordable housing projects and

programs.

Ms. Pethia said beginning in October of 2019, staff opened up the community engagement period for the housing policy development. She said they held three community meetings in October 2019, as well as a series of focus group discussions that were organized in partnership with nonprofit housing providers, understanding that the communities that they serve often do not have the time or ability to attend traditional community meetings. She said staff went directly to those organizations and met with a group of their Presidents.

Ms. Pethia said staff also offered opportunities for online feedback from October 2019 through December 2019. She said each of the presentation materials provided during those October meetings were summarized and provided online, along with links to feedback forms so that residents could provide comments.

Ms. Pethia said many things were heard during those meetings, but one of the most received comments was that housing is too expensive for many County residents. She said residents also noted the lack of overall housing supply and a lack of resources dedicated to affordable housing. She said they identified policy and programmatic issues, and that community-based resistance to new housing development all act as barriers to the County's ability to meet its affordable housing needs.

Ms. Pethia said at the end of the public engagement period, staff summarized all of the information collected and comments received from the public, then worked with the nine-member stakeholder committee to draft the set of recommendations presently under review.

Ms. Pethia said the draft policy is designed to support the County's vision of active and vibrant Development Areas, a physical environment that supports healthy lifestyles, and a thriving local economy. She said the draft policy also supports the County's housing goal of safe, decent, and sanitary housing available to and equally accessible by all current and future residents of all income and age levels.

Ms. Pethia said the draft policy contains 12 policy objectives and 39 corresponding strategies. She noted she would not be discussing all of those during the work session due to time constraints. She said instead, the discussion will focus on seven broad policy themes, identifying corresponding policy objectives for each theme and highlighting key strategies associated with those objectives. She said a brief description of the rationale for addressing each theme will also be discussed.

Ms. Pethia said the broad themes addressed in the policy include increasing the overall supply of housing, increasing the supply of affordable and workforce housing, preservation of existing housing and communities, opportunities for increased community engagement, fair housing and community equity, homelessness and special needs populations, and sustainable communities.

Ms. Pethia said one of the issues that was raised during community meetings was the fact that residential development has not kept pace with population growth in Albemarle County. She said County residents expressed concern that this lack of development may be leading to an increase in housing costs. She said according to the Weldon Cooper Center population estimates, Albemarle County's population is expected to increase by about 26% by the year 2040. She said to accommodate this growth, Albemarle County will need to add 11,750 housing units to its current stock over the next 20 years.

Ms. Pethia said Policy Objective 1 speaks directly to this overall housing need and proposes several strategies to support housing development during that period, such as encouraging and incentivizing the construction of a variety of housing types, promoting increased residential density in the County's Development Areas, and designating areas as housing rehabilitation zones as enabled under Section 36-55.64 of the Code of Virginia.

Ms. Pethia said to ensure a sufficient supply of affordable housing is included, the policy recommends ensuring 20% of all new housing units are provided as affordable housing, updating the density bonus for affordable housing, and identifying County-owned land that could be made available for affordable housing development. She said the 20% figure was determined based on data contained within the 2019 Comprehensive Housing Needs Assessment, which indicates approximately 20% of current County households are struggling to afford housing costs.

Ms. Pethia said the draft policy includes six objectives that specifically address affordable housing needs in Albemarle County. She said approximately 10,800 County households are housing cost burdened, which means they are paying more than the recommended 30% of their income for housing and housing-related costs. She said while the majority of these cost-burdened households have incomes at or below 80% of the Area Median Income (AMI), more than 2,000 households with incomes above that level are also struggling with housing costs.

Ms. Pethia said key strategies to address affordable housing needs include several strategies as discussed, as well as adopting an affordable dwelling unit ordinance to replace the current proffer system and increasing the percentage of affordable units gained under rezoning and special use permits from 15% to 20% of total housing units built. She said the definition of "affordable housing" is also being changed to better meet the needs and incomes of County residents. She said a new category of housing for workforce households is being created to fill the gaps in housing provisions that occur based on the current definition of "affordability."

Ms. Pethia said to provide more information about the differences between affordable and

workforce housing, the current policy defines affordable housing as “housing affordable to households with incomes no greater than 80% of Area Median Income.” She said the current AMI is \$93,900 per year. She said the current policy sets the maximum affordable rents to the fair market rent, which is used for the Housing Choice Voucher Program, minus an allowance for tenant-paid utilities; and a maximum house sale price that is equal to 65% of the maximum loan limit for the Virginia Housing first-time homebuyer program, or \$243,750.

Ms. Pethia said the proposed policy recommends tying affordable rental rates to the AMI itself, with maximum rents equaling 25% of 65% of AMI and adjusted for bedroom size. She said the table that was shown on the left of the screen indicates what those rental rates would be under the new definition. She said they are closely aligned with fair market rents, but slightly lower. She said because they are tied to the AMI as opposed to median rents in the region, they are less likely to fluctuate greatly in one direction or the other, as HUD limits often do. She said the affordable rental units are recommended for households with incomes at or below 60% of AMI.

Ms. Pethia said the draft policy recommends setting the price of affordable for-sale units at no greater than 65% of the Federal Home Program 1-unit purchase price limit for existing housing. She said under this definition, this would make the maximum sale price for for-sale affordable units \$191,750; a significant difference from what it is currently set at. She said these units would be available to households with incomes up to 80% of AMI.

Ms. Pethia said workforce rental units would be available to households with incomes between 60% and 100% of AMI, and for incomes between 80% and 100% of AMI for for-sale units. She said workforce rent limits would be set at 110% of the federal fair market rent, and the maximum for-sale price would be equal to or less than 65% of the Federal Home Program 1-unit purchase price limit for new construction.

Ms. Pethia said this would set the for-sale price limit for workforce housing at \$215,150 per unit, which is significantly less than the current policy. She said this is also very close to what the Thomas Jefferson Community Land Trust was able to sell their new units in the City for, and that some of those units were purchased by families at 50% AMI. She said they opened up home ownership to a greater number of people in the County.

Ms. Pethia said the draft policy also addresses preservation of existing housing and communities. She said preservation plays an important role in not only providing housing to County residents, but also in efforts to support social inclusion and promote social equity throughout all units. She said approximately one-third of the County’s housing stock was built prior to 1980, and many of these units are now in need of repair. She said many lower-income families, particularly seniors, do not have the income available to keep these up to code on a regular basis, so working to preserve those units is vital if the County wishes to keep them within its housing stock.

Ms. Pethia said in terms of for-rent units, the County is at risk of losing up to 455 units of affordable housing it currently has in the area, as those affordability periods expire within the next 10 years.

Ms. Pethia said if any housing units are taken out of service, whether this is due to expiring affordability periods or due to aging beyond repair, the County risks losing and breaking up longstanding communities, as residents would have to move away to other areas of the County or outside the County to more affordable housing.

Ms. Pethia said Policy Objective 4 speaks directly to housing preservation and recommended strategies such as encouraging and working with owners of naturally occurring affordable housing, those housing units that are affordable due to market forces without subsidies, to preserve some or all of their units as those affordable units are redeveloped or rehabilitated to be revitalized into market-rate housing; implementing a rental inspection district program to proactively address housing standards, particularly in rental housing and multifamily housing; implementation of an anti-displacement policy; and tracking neighborhood change through a series of neighborhood change indicators.

Ms. Pethia said the neighborhood change indicators would allow the County to identify neighborhoods at risk of disinvestment or sociodemographic change, and help the County identify areas for County investment and services.

Ms. Pethia said the policy also recommends strengthening community engagement with housing policy activities through the creation of a standing Housing Advisory Committee. She said members of this committee would be able to help the County identify emerging housing needs within the community, help the County evaluate current housing policy strategies, make recommendations for improvements when necessary, and help increase County accountability to residents in terms of housing.

Ms. Pethia said for fair housing access and community equity, the policy recommends the creation and implementation of an equity evaluation tool and affordable housing impact statements. She said both tools would provide the County the data necessary for measuring the potential impact of policies and programs on community equity and housing access, as well as the impact of proposed developments on housing choice and community equity.

Ms. Pethia said equity assessment tools are used to evaluate the potential impact of policies, programs, initiatives, and funding on racial equity. She said such tools help protect against unintentional

discriminatory impact on protected classes when developing and implementing policies and programs. She said this tool would be developed in partnership with the County's Office of Equity and Inclusion.

Ms. Pethia said affordable housing impact statements are in many ways similar to environmental and economic impact statements. She said they measure the potential impact of a proposed development, ordinance, or policy in the affordable housing stock. She said such impact statements may include both quantitative and qualitative analysis. She said such impact statement have been implemented in the cities of Atlanta, New Orleans, and San Diego and are currently under consideration for the City of Pittsburgh.

Ms. Pethia said an affordable housing impact statement would in no way allow the County to deny a development. She said the impact statements would simply be designed to help staff and the Board of Supervisors identify what the potential impacts would be and if there are any programs or services that could be implemented in an area to assist.

Ms. Pethia said the policy recommends two objectives to address the housing needs of persons experiencing homelessness or who are at risk of homelessness, as well as the needs of special populations such as seniors and persons with disabilities.

Ms. Pethia said key strategies include increasing the number of permanent supportive housing units, such as The Crossings at 4th and Preston, expanding the emergency shelter capacity, encouraging the incorporation of universal design standards into all new residential developments, increasing the number of affordable and accessible housing units within the County, and encouraging the creation of fully accessible communities. She said this would include ensuring communities have sidewalks that are wide enough to support wheelchair access and that all apartment buildings are accessible to those with disabilities.

Ms. Pethia said Objective 12 of the draft policy provides recommendations for strategies to address the environmental and social sustainability of housing and County communities. She said key strategies under this objective include encouraging energy-efficiency upgrades in rental housing, as was discussed under the Climate Action Plan; encouraging residential development near public transportation and bike and pedestrian paths; and addressing unhealthy housing issues, which can be done under the rental inspection districts.

Ms. Pethia said staff worked with the stakeholder committee to develop a six-year policy and implementation schedule, which can be found in the draft policy beginning on page 45. She said staff has a recommendation to review and update the schedule every five years.

Ms. Pethia said members of the stakeholder committee also identified six strategies recommended for priority action, which include providing incentives to developers to increase the production of affordable rental housing; developing an affordable dwelling unit program with structures and guidelines; developing and implementing a sustainable housing trust fund; establishing a standing Housing Advisory Committee; reviewing the County's Comprehensive Plan to identify barriers to affordable housing and workforce housing development and remove identified barriers; and working in partnership with public, private, and nonprofit partners to expand permanent housing opportunities for chronically homeless households.

Ms. Pethia said the policy also recommends a number of metrics to be used to measure progress towards achieving the goals. She said these include the total number of housing units, tracking affordable homeownership trends and affordable rental housing, efforts to end homelessness within the area, and increasing the number of housing units for persons with disabilities and for seniors. She said these metrics were just the beginning and that there will be more detailed metrics developed for each of the strategies recommended in the policy as those strategies are developed.

Ms. Pethia said staff presented the draft policy to the Planning Commission during a work session on August 11, 2020. She said to summarize the feedback provided by the Planning Commission, there was overall support for the recommendations, and the Commission also recommended that an objective be added to provide public transportation to all County neighborhoods, as well as an objective to provide viable broadband service to all County neighborhoods and to discuss the impacts of COVID-19 on affordable housing and low- and moderate-income communities.

Ms. Pethia said after internal discussions with other Community Development staff, it was decided to not add the recommendations related to public transportation and broadband simply because the County does not have much control over either one of those issues. She said staff did add a paragraph to the introduction to the policy document, however, that discusses COVID-19. She noted it was too early to identify what those long-term impacts will be coming out of the economic impacts from COVID-19 and how they relate to housing, and so this will be something staff will keep track of as they move forward and respond to in any way they can.

Ms. Pethia said the Planning Commission also made a recommendation for the County to adopt an affordable housing specific goal. She said they recognize the goal the County currently has for housing is good, but they felt that it needed to focus more specifically, with a separate goal, on what the vision is for affordable housing, moving forward.

Ms. Pethia said the Planning Commission also made a recommendation to find less stigmatized terms for "affordable" and "workforce" housing. She said staff has not yet determined what those terms

would be.

Ms. Pethia said there were some public comments received during that work session and to summarize some of those comments, there was concern that the objectives and strategies contained within the draft policy were not written using Comprehensive Plan-like language; concern that several strategies and/or action steps could reduce the supply of affordable housing and/or decrease housing affordability overall; and concern that implementation of the rental inspection district program would lead to significant delays in rental unit turnover, should that program be implemented on a monthly basis or as tenants vacate units. She said this was not staff's intention, and should the program be implemented, it would be done as an annual inspection process.

Ms. Pethia said as for next steps, she would collect feedback from the Board of Supervisors during the present work session, and the feedback would then be incorporated into the draft policy. She said once the draft policy is complete, it will then be put out for a public comment period, which would last 4-6 weeks. She said public hearings would be scheduled with the Board of Supervisors in order to adopt the policy into the Comprehensive Plan.

Ms. Pethia said staff will also be working to summarize the draft document for incorporation into the forthcoming regional housing strategy that is being drafted by the Thomas Jefferson Planning District Commission, and also will be reformatting the objectives and strategies for inclusion as the Housing chapter of the Comprehensive Plan.

Ms. Pethia concluded her presentation and offered to hear questions and comments from the Board.

Ms. McKeel thanked Ms. Pethia for the document. She said she did agree with several of the Planning Commissioners who said that they would like to see the document be more robust, but that she did not want to let the perfect be the enemy of the good. She said this is about time and getting things done.

Ms. McKeel said she read through the Planning Commission minutes twice, and one suggestion jumped out at her. She said at least several Planning Commissioners thought that it would be a good idea for they and the Board of Supervisors to get together, perhaps before the final draft is adopted or during the process of creating the final document. She asked Ms. Pethia for her thoughts.

Ms. Pethia replied that this was discussed and that it would be difficult to fit this in between the work session with the Planning Commission and the present work session with the Board. She said this was something staff could look into scheduling, however.

Ms. McKeel said she wasn't sure if Ms. Pethia wanted to go on to work on the final draft, but that she would be very interested in hearing the Planning Commission's thoughts in a joint session with the Board. She said this would be a good idea, and that she would suggest holding this sooner rather than later.

Ms. McKeel said she loved the inclusion of the equity assessment tools.

Ms. McKeel said as she was going through the document, she read the suggestions about small houses. She said her concern, and what she sees in the urban ring, is about how to avoid UVA students filling these units up. She said perhaps this meant many discussions, but what she sees happening is accessory dwellings or "mother-in-law apartments" filling up with UVA students, which would not accomplish the County's goal. She said this was akin to what they were fighting back on the homestays, where the units are being flipped and the County is losing its affordable housing. She said her question is if they do some of these things, how the County can avoid UVA students filling them up.

Ms. McKeel said the flip side of this was that what she also sees is affordable housing being purchased by UVA parents. She said they have every right to buy it, but it is a quandary in a university town.

Ms. McKeel said the County is now in a spot where they have at least one mall that is emptying out. She said malls have been used in other communities as great options for affordable housing. She said she was not happy using the word "affordable housing," but whatever they will call it, what she sees happening in the community is that they are talking about how the financing of expensive houses is driving fear and segregation. She said it is concerning to her that they have segregated communities and that she believes it is largely based on the balance sheet and finances.

Ms. McKeel said she could talk for a long time about the connection with transit, but that she does feel they need to recognize that they have talked a lot about on-demand in Albemarle County. She said fixed routes will not do it for them. She said the County does need fixed routes, but they need to move forward with on-demand, which would move transit around Albemarle County in a way that would allow them to move more affordable housing around in the County.

Ms. McKeel said she believes staff has done this, to some degree, but that they should stop thinking about a "CAT bus stop" and more about "transit stops," which adds more flexibility. She said she would even extend this further. She said if they can establish a definition for multimodal stops, such as bicycle, pedestrian, on-demand for last mile, they get into bike racks, shelters, and electric vehicle charging stations.

Ms. McKeel said there is a lot to work on and that, to some degree, the Regional Transit Partnership (RTP) is working on some of this. She said the RTP will be holding a work session in October, and one thing they will discuss is that they have been going for six months in the community with "fare-free." She asked what fare-free would look like throughout the County. She said it has worked so far and has increased the ridership, meaning they are bringing down more federal dollars. She said it will take a lot of time, but transit has a big footprint when talking about affordable housing and somehow, this work needs to be tied together.

Ms. McKeel said Ms. Pethia talked to some degree about the maintenance of sidewalks. She said one only has to drive along Hydraulic Road right now to see the impact that sidewalks can make on an older neighborhood that brings respectability and improvements without gentrifying. She said that whole area now looks so much better, and people are taking pride in their houses, which have been improved. She said they are not being gentrified because the last thing the County wants to do is to go into their affordable housing areas and gentrify them.

Ms. McKeel said she was excited and would start to push on building sidewalks in the older neighborhoods. She said the County is insisting on connectivity and sidewalks in new developments, and in her opinion, they should be retrofitting the older neighborhoods with sidewalks. She said it is a win-win for many reasons.

Ms. McKeel said she was excited about the document and thanked Ms. Pethia for her work. She said she would like to think about the Planning Commission and some other ideas. She asked Mr. Gallaway if the Supervisors could send Ms. Pethia additional thoughts.

Mr. Gallaway replied yes.

Ms. Mallek said in the district she represents, there are hundreds of houses built from the 1920's-1940's that need upgrading. She said there are programs to help with this, which she supports, but they have to be careful to find ways not throw those people out because all it takes is one McMansion in an old neighborhood to destroy it. She said she knows the County planners are working on this and have come up with some good ideas, and that this is incredibly important to her as they discuss housing that they do not make it worse for some while trying to help others. She said she does understand there is a great deal of need out there.

Ms. Mallek said the mission included the point, "Make housing available to all people of all income levels." She asked how the County can do this. She said this was like saying they will provide housing for everyone. She said some care needs to be taken to focus in on that so that others don't ask what this means. She said it sounds as if the County is going to put up blocks and blocks of housing, and so she did not think this wording was appropriate.

Ms. Mallek said she completely understands the changes regarding "cost-burdened." She said just a decade ago, an affordable unit was \$192,000 and now, it is \$243,000. She said salaries in the area, however, have not increased during that time.

Ms. Mallek said she has been in her house for nearly 40 years, and they added onto it a room at a time, and it is a completely different approach now. She said having everything done with big apartment complexes and subdivisions is that the costs are so much higher than they are if somehow, the County can encourage the people to buy small houses that can stay affordable. She said to her, this is much more effective than having a \$250,000 house that sells for \$200,000 and then immediately becomes market rate. She said it is a blessing to the first owner who gets the equity, but it does not help the County make any progress in the process.

Ms. Mallek said she would like to learn more later about what a "housing rehab zone" is, as well as how the County is working with the regional housing effort especially relating to what Ms. McKeel said about UVA students filling up every available house that comes along. She said this is like the lack of office space in the County because every time they get a great building, UVA buys it. She said there is a great demand and need for offices that businesses can use.

Ms. Mallek said another item she wanted to bring up was something she has been talking about for 20 years, which is that the County's zoning plan gives away their ability to have affordable housing be built except in an almost extortion-level negotiation between builders who demand extra things, then make it sound like the County is causing great burdens to them to have them build smaller units.

Ms. Mallek said instead of having the units be 6-36 units as a zone, which is a huge range, she would suggest having sections like 6-12 units, 12-18, 18-24, and 24-30 and then, with each of these steps up in density, there is a higher requirement to build more affordable units. She said Mr. Kamptner will have to advise the Board later as to whether they have the authority to do this, but it seems much more direct than having some nebulous idea that someone is doing them a favor by building something.

Ms. Mallek said she agreed that the profit margin is much greater on a big house for only a little more effort, but the County cannot allow themselves to get sucked into an eternal argument about how it is all their fault they do not have any affordable housing. She said in the 1980s and 1990s, before the County had its housing plan and proffers, no builders were building affordable houses. She said they were maxing out what they could build to get the biggest profit they could. She admitted that the houses are much bigger now than they were in 1982, and perhaps this was why.

Ms. Mallek said she hopes staff can think about this idea and see if there is a way to fold something like this into the ordinance. She said if they are to have an affordable unit ordinance, noting she did not understand the details of this, this may be one way to get at it. She said she did not expect an immediate answer, however.

Ms. Price paraphrased an article she had read in that morning's Daily Progress. She said since the early 2000s (before 2005), developers have agreed to build about 411 houses as affordable for-sale units. She said of those, 91 have been constructed, and 45 have actually been purchased. She said doing the math, this means they have averaged approximately 3 affordable for-sale units per year being constructed since the early 2000s. She said without casting aspersions on any individual, she would say that this is a demonstration that the current housing plan in Albemarle County has not only been unsuccessful but, frankly, has been an abysmal failure, at 3 houses per year.

Ms. Price said she is hopeful that as the draft plan continues to be worked upon, it will improve the Board's ability to provide and maintain affordable housing in the community. She said four months earlier, almost to the day, she voted against an application before the Board and did so principally over transportation and safety concerns. She said this is a vote she has come to regret because when she voted against that development, it took away a plan for a substantial number of affordable housing units. She said in that vote, she contributed to not making housing available and affordable.

Ms. Price said a month ago, she voted against a different application, although in that case, there were a number of reasons. She said one of the reasons was that she thought there was an inadequate proffer of cash to build affordable housing elsewhere, rather than in that particular development. She said once again, they were dealing with NIMBY and people wanting affordable housing, but not near them.

Ms. Price said when she looks through the draft plan, however, she has reason for optimism. She said she did have some questions and comments, however. She said she noticed that in the list of terms to be defined, "social equity" on page 9 was the only one that was not actually defined and that every other term there has a definition. She said she would like to know how this will be defined for these purposes.

Ms. Price said she supports the desire to increase the percentage of affordable housing to 20% from the current 15%, but she is also mindful of the comments that Mr. Williamson has made both at the Planning Commission level and earlier that evening that when one increases the percentage of affordable houses, one is (by necessity) increasing the costs of those houses that do not classify under the affordable category. She said the 80% will then become more expensive. She said this then requires that the County also look at increasing the density in order to offset the additional expenses to the developer because developers are businesses and need to make money.

Ms. Price said she is very much in favor of deed restrictions on for-sale affordable units and believes this is comparable to what is happening in the Southwood development, where individuals are getting zero-interest loans and have to hold the property for 40 years in order to attain the full equity out of it. She said if they sell it before then, there is a payback. She said she believes the housing policy should do something similar with deed restrictions for for-sale units. She said she also concurs with the plan of 30 years for rental units in order to ensure they remain in the affordable category.

Ms. Price said there is a clear correlation between jobs, meaning income, and housing. She said as others mentioned, they also have to tie in the transportation aspect because housing and transportation go hand in hand when looking at affordability, as well as quality of life because although someone can get a cheaper place farther out, they will lose quality of life due to transportation time and increased costs.

Ms. Price said she believes that this also reflects the need for an increase in the reasonable nature of the homestay regulations in order to ensure they maintain an adequate supply of permanent affordable housing. She said it is distressing to see that 40% of rental families are already in the at-risk category and that the County is looking at the potential loss of about 45% of its existing affordable rentals. She said she thinks this demonstrates the need to have some sorts of restrictions to keep the affordable dwelling units in the County's inventory.

Ms. Price said she is optimistic they can get an amendment to the County's Zoning Ordinance that can help improve this and as just discussed, they will obviously face the contrast between gentrification, which can drive up the cost of housing, versus deterioration. She said they do need to remember that affordable housing is not limited to new housing, but also must apply to existing housing.

Ms. Price said she would like to see further work with the Planning Commission and community input back to the Board. She said overall, she is optimistic and appreciates the work that County staff and residents have done. She said she is hopeful that they will be able to increase the actual supply of affordable housing units for sale beyond the average of 3 per year that it appears they have only been able to achieve over the last 15 years.

Ms. LaPisto-Kirtley concurred with Ms. Price's statements. She said she was wondering the same question herself about how to ensure that affordable housing stays affordable, such as when someone sells it after a couple years, it goes to market rate, which benefits the seller but makes it unaffordable. She said she likes the idea of looking into the deed restrictions to make sure that for a period of years, the unit does stay affordable, and that this answered one of her questions as to how to do this.

Ms. LaPisto-Kirtley said currently, there is a 15% affordable housing requirement on developments at 80% AMI and that she would like to see the AMI lowered. She said by doing this, this will cause more density, and the Board will have to approve more density in order to be able to reduce the AMI from 80% to 60%.

Ms. LaPisto-Kirtley said she likes the idea of keeping rentals affordable for a number of years. She said there is a lot that they can do and are doing those things. She thanked staff for their presentation and hard work, adding that they were moving in the right direction. She said they will continue to work with the builders and the community to make progress.

Ms. Palmer said these were all good comments, and that there was a lot of content in the document. She said she wanted to add that the Daily Progress article referenced half of the proffered affordable houses built, and that there were certainly other affordable houses, or affordable to those who built them, in the community, although not many. She said the article only referenced proffered houses.

Ms. Palmer said she wanted to give Ms. Pethia an opportunity to comment on the article and why only half of the proffered affordable houses were bought by qualified income earners and what the County was doing about this, going forward, to correct this. She said this is something that the Board has talked about for quite some time, with many Supervisors bringing this up over the years. She asked Ms. Pethia to comment.

Ms. Pethia replied that the way the proffered for-sale units currently work is that the developer must offer them for sale to income-qualifying homebuyers for a period of 90-100 days, depending upon the period that they proffer. She said if no income-qualified buyer is identified during that time period, then the developer can sell the unit at market rate, and the County considers the proffer to be satisfied.

Ms. Pethia said in the past, the Office of Housing had a homebuyer club program that worked with homebuyers to connect them with those units and always had people who could buy those homes. She said more often than not, the price was often out of their price limit, so they could not afford them. She said many of the developers currently work with Piedmont Housing Alliance and their homebuying program, but many buyers are not able to qualify for a mortgage at the \$243,000 price level.

Ms. Pethia said there is also a marketing program, as it is difficult for the developers to connect with homebuyers. She said the Thomas Jefferson Planning District Commission and Regional Housing Partnership are preparing to launch an affordable housing locator website that would include listings of both affordable rental units and homebuyer units. She said developers, as their proffer units come online, would be able to go to that website, list those units for sale, and identify what that qualifying income level will be. She said the hope is that this will help bring more income-qualifying process into the process.

Ms. Palmer asked if Ms. Pethia said this will be launched soon.

Ms. Pethia replied that it would be launched in November or December.

Ms. Palmer said this was great. She said she had a couple of questions for clarity on the report. She said as she was reading the information on rental housing costs increases in the area, she was struck by this and found some things to be confusing. She said there was a comparison done between rental housing costs and median gross rent. She said she could not find a definition of "rental housing costs" and wondered if this was some kind of average, a sample of 100 rentals, or something else. She asked if Ms. Pethia could explain this to her, as the numbers for the increases were quite different.

Ms. Pethia replied that this was dependent on what data was used. She said she did not have the report opened in front of her, and so she would have to follow up in an email after going back and clarifying. She said rental housing costs generally include everything, including the monthly rental amount and utilities (the gross rent). She said the Census data is more accurate when looking at the median gross rent as opposed to the individual housing units. She said she used a combination from the Census Bureau website and the Regional Housing Study, for which that consultant had access to a more expansive source of information than she did. She asked if she could follow up with more details.

Ms. Palmer said this was great, as the difference on page 14 was from 21% to about 14%, which she thought was substantial.

Ms. Palmer said she would also like to know what the increases in rental costs were due to. She said she could not find out if they were adjusted for inflation in any way, and also questioned how much an increase in the property taxes over that period of time contributed to the increase in rental costs. She asked Ms. Pethia if she could get back to her on that. She said there had been at least a 10% increase in property taxes over that period of time, and she would love to know what the reasons were. She said clearly, as a homeowner, the cost of maintaining her home has increased dramatically over that period of time.

Ms. Palmer said there was a comment on page 25 of the document that read, "Due to conflicts between the County's density bonus program and the density recommendations outlined in the Comprehensive Plan, few developers have taken advantage of this bonus program." She asked Ms. Pethia if she could expound on this so she can better and more specifically understand the issue.

Ms. Pethia replied that in many cases, the 30% bonus in density that a developer would pursue to

be able to include affordable units on the property actually brings the density above what is allowed in the Comprehensive Plan, and so the developer is not able to actually pursue the density bonus. She asked Ms. Palmer if this made sense.

Ms. Palmer replied yes. She said regarding Strategy 5A's action steps, it establishes the right of first refusal for the purchase of for-sale affordable dwelling units by Albemarle County or designee. She asked if she was correct in saying that this was done with Southwood because she thought they took the first right of refusal for purchasing when they had their agreement with them, and perhaps this was a question for Mr. Kamptner.

Ms. Pethia replied that she remembered discussing this but did not remember if this had been included.

Ms. Palmer asked Mr. Kamptner if he could comment.

Mr. Kamptner replied that he would have to pull up the agreement. He said he would let the Board know if he were to retrieve the information right away.

Ms. Palmer said she was remembering the performance agreement and thought there had been quite a few discussions about the first right of refusal. She said there had been conversation about how to maintain the affordability of those units, going forward in the future.

Ms. Palmer said page 28 of the document lists some of the reasons for the County's housing problems, which include, "Inadequate water and sewer infrastructure." She asked Ms. Pethia what this meant, as the County had put in a tremendous amount of money and work into its water and sewer infrastructure in recent times, and she was unaware of areas that were inadequate, unless privately owned, like Southwood.

Ms. Pethia replied that this was one of the barriers identified in the housing needs assessment taken on by the Planning District Commission. She said this was looking at areas beyond the Development Areas, as well as some portions of the Development Areas that may be privately owned properties and that do not have the infrastructure necessary to build a considerable amount of housing without support from the County, such as Southwood.

Ms. Palmer said the County has certainly done grants with the state in the past to improve sewer on aging homes and has been successful with some of those grants done by the Albemarle County Service Authority. She said if Ms. Pethia had more information as to where those areas are, she would greatly appreciate it.

Ms. Palmer said she had a comment that as she was reading through all the alternatives, she was happy to see that Ms. Pethia mentioned in a couple of places in the document the land trust. She said going forward, this is something she hopes they will look at to maintain the affordability of the homes that they are putting money towards over time.

Ms. Palmer thanked Ms. Pethia, noting that it was a lot of work and figuring out of the priorities.

Mr. Gallaway said he had an idea to share and wasn't sure how the other Supervisors would feel about it. He said with the level of work that has gone into the policy, including the level of import for the Board but also regionally with the Regional Housing Partnership, which has been keeping up with when the policy was coming before the Board in the County, and the level of questions that he knows Supervisors likely have not asked due to time constraints that day, this was a topic where they would be getting down into the weeds. He said there was simply not enough time for him to go through all the items on his sheets.

Mr. Gallaway said perhaps, as Ms. McKeel alluded to, this was a good topic to have a joint work session with the Planning Commission, specifically to the policy. He said they should do this soon as quickly as possible, but under the guise of getting all the Supervisors' questions and reactions to Ms. Pethia and getting these categorized so that perhaps from this, a framework for the work session with the Planning Commission is developed. He said the Supervisors need to have some time on this, as there are bigger-picture policy and philosophy questions related to the density bonus that he would love to get into, as well as long-term ROIs. He said they knew they were not going to have the time to get into those details that afternoon.

Mr. Gallaway said he was seeing Supervisors nodding as though they were not objecting. He asked Ms. Pethia if she had a reaction to this. He said he and Ms. Price would be willing to meet with Commissioner Bivins to do the work to make this happen.

Ms. Pethia said staff indicated to the Planning Commission after their work session that they were happy to schedule that. She said they simply did not have the time to get that together before the present work session.

Mr. Gallaway said it was perfectly clear that it was necessary and would allow everyone to get their ideas in, as they did with the Climate Action Plan. He said if Ms. Pethia needed help putting this together, he and Ms. Price were willing to assist. He said he wanted to make sure that they give Ms. Pethia's work the right due of consideration. He said he thinks there will be some interesting conversations that will play out with some of the topics and that with some of his questions, it would likely

be helpful to get answers before the work session in order to have a bigger-level policy conversation. He said if this is the case, he would not belabor the meeting by going through all his feedback presently.

Mr. Gallaway asked Ms. Pethia what the next step would be, and if he, Ms. Price, and Ms. Pethia should reconvene about finding a time. He expressed that he did not want this to wait and did not think it would take much effort to schedule it.

Ms. Pethia replied that she would work with the Planning staff and the Board to get something scheduled.

Mr. Doug Walker, Deputy County Executive, said the County Executive's Office would work with the Chair, Vice-Chair, and Clerk's Office to honor the interest in trying to get a joint meeting scheduled as soon as possible.

Mr. Jeff Richardson, County Executive, clarified that the Board members would be sending their questions for follow-up to Ms. Pethia, which would give her an opportunity to work offline to prepare for the forthcoming work session. He said the Board had some work in the fall ahead of them with the budget, CIP, and Strategic Plan. He said he heard Mr. Gallaway that this cannot wait until February, but that this would be on the list of many urgent items. He said with all due respect, staff will have to work it in with a realistic expectation of everything else they are working on in tandem with COVID-19.

Ms. Mallek suggested that they allow a couple of weeks for the assimilation of the questions and answers that can be given to everyone, including the Planning Commission. She said many of the questions that may come up at the joint meeting could be answered ahead of time and allow the Board and Commission to focus more on the global policy matters and concerns not yet discussed. She said rather than rushing to a meeting, she would rather the Supervisors get their questions and ideas to Ms. Pethia quickly and give her a couple of weeks to dig in, get it right, and send it back. She said a couple of weeks after that, they can have a meeting.

Mr. Gallaway said it would not be before November, as the October agenda was already full. He said he would like to see the meeting happen before the end of the year and that this was reasonable. He said he thinks it has impacts for budget conversations in the fall as well, and so it would be wise to have it done ahead of time. He said it can also impact Community Development's work program.

Ms. McKeel said she thinks the Planning Commission will embrace this because they were asking for it during their discussions. She said it is important that the Planning Commission and Board of Supervisors are all on the same page when talking about the policy.

Mr. Gallaway asked Ms. Pethia and Mr. Walker if a follow-up meeting could be scheduled with the Chair and Vice-Chair to start working on this.

Mr. Kamptner said he could answer Ms. Palmer's earlier question about the Habitat agreements. He said they were assured to remain affordable for 40 years, and the County has a right of second refusal as Habitat retained the right of first refusal for its units.

Ms. Palmer said for the new Board members that the Board had had a discussion at that point about the need for some kind of fund to purchase those, as these were many units, and whether Habitat will want to purchase those at that time. She said a long discussion took place at that time around this.

Recess. The Board recessed its meeting at 3:47 p.m. and reconvened at 4:03 p.m.

Agenda Item No. 11. **Presentation:** County Transportation Planner Quarterly Report.

Mr. Daniel Butch, Senior Planner in Transportation, presented the Transportation Planning Quarterly Report for July through September 2020. He said Chief of Planning Mr. Kevin McDermott was available as well.

Mr. Butch said he would recap the transportation priorities. He said the numbers presented next to the project names on the screen were the rankings from the transportation priorities that were approved in 2019. He said the revenue sharing projects were Berkmar Drive Extension and Old Lynchburg Road Moores Creek Greenway, which were submitted in 2019. He said he was recently updated that for revenue sharing, they will be going to the Commonwealth Transportation Board on October 20 for final decisions, as those decisions had been delayed due to COVID-19.

Mr. Butch said for transportation alternatives, he was informed that the Tabor Street and High Street Pedestrian Improvements project was funded at 50% of the amount requested. He said in consulting with Mr. McDermott, they will have to evaluate this and come back to the Board with next steps.

Mr. Butch said the 2020 Smart Scale applications were submitted. He said Mr. McDermott presented these several times to the Board that summer and in August, the projects were submitted. He said they have been working with VDOT on some minor edits needed for the applications, and they expect the scores for these applications in January 2021.

Mr. Butch said in terms of major planning projects, the 5th Street Extended STARS Study is in full swing and in the final stages. He said staff held virtual public meetings in the spring and summer and that they were expecting the final report in Fall 2020.

Mr. Butch said the Crozet Transportation Study supports the Crozet Master Plan update currently in progress, as well as the Barnes Lumber redevelopment. He said this will be going to the Crozet CAC (Community Advisory Committee) with the existing conditions results in the fall.

Mr. Butch said for the Eastern Avenue South Extension, the study of three alignments was sent to County staff and that FES (Facilities and Environmental Services) is evaluating these. He said from those, they will have an expected route, with design to follow. He said this is expected for completion in Spring 2021 for a revenue sharing application in the summer.

Mr. Butch said the Rio Road Corridor Study is in its beginning stages, with a consultant under contract. He said the public outreach will begin in the fall.

Mr. Butch said with the Climate Action Plan, staff has been involved with the transportation sector and have been working to address public comments for the draft plan.

Mr. Butch said regarding the Broadway Blueprint, City and County internal meetings were held in the past quarter.

Mr. Butch said for transit, staff has been working actively with developers for improvements in their developments of bus stops and shelters. He said a new bus shelter is located at The Lofts at Meadow Creek on Rio Road that was recently completed by the developer there. He said staff is attending the RTP (Regional Transit Partnership) and that the TJPDC has recently submitted grants towards the Regional Transit Vision Plan and route expansion. He said through the RTP, staff has been updated that for the Afton Express, they are still in coordination with the TJPDC and DRPT (Division of Rail and Public Transit).

Mr. Butch said for the Quality-of-Life Bike and Pedestrian projects, the Avon Corridor Study recommendations will be taken to make the revenue sharing or transportation alternatives grants for next year's submission. He said Berkmar Shared Use Path Connection is currently in design.

Mr. Butch said the Rivanna River Bridge Crossing, a connection called out in the TJPDC Regional Bike/Ped Plan, is being evaluated for a location of the crossing and a concept. He said the public engagement for this will be tied in with the Rivanna River Corridor Study taking place in Fall 2020.

Mr. Butch said staff is working on its bicycle and pedestrian facilities inventory mapping, a GIS inventory of existing infrastructure in coordination with UVA, the City, and the County. He said they are in the last steps of this and in being able to finalize data. He said they are in the merging process and although it was not yet publicly available, it will be a planning tool to show existing and future bicycle and pedestrian infrastructure.

Mr. Butch said some of the development projects listed on the screen had already gone to the Board. He said these were major items under staff review that have been submitted for Zoning Map Amendments, special use permits, or site development plans. He said staff looks at the Traffic Impact Analyses for any transportation improvements within the developments. He said the attachment included a detailed report of all the development projects.

Mr. Butch said regarding reported transportation issues, staff is working with VDOT on Miller School Road to address the sign correction that is currently posted as "No through trucks" and the endorsement for the resolution that was "No through tractor trailers."

Mr. Butch said staff is working on developing a process with VDOT and Albemarle County Police for addressing the speed concerns they receive that are stages towards a traffic calming process. He said this is a funded process to implement infrastructure toward speeding concerns. He said staff will be bringing this process before the Board to support the steps that they take when they receive speed and safety concerns.

Mr. Butch said regarding the Secondary Six-Year Plan for rural rustic paving, Coles Rolling Road, which was funded in two phases in 2019 and in the current fiscal year, would be underway for paving. He said Reservoir Road and Wesley Chapel Road were fully funded in 2020 and will soon be getting engineering drainage work, with paving expected by the spring.

Mr. Butch said the Old Ivy Bridge Replacement Bicycle and Pedestrian Accommodations was supported by a resolution that afternoon, where VDOT desired support from the County to provide a 4-foot shoulder there. He said there was quite a lot of public comment on that, as well as restrictions with the funding. He said VDOT wanted to make a way to accommodate that public comment by providing the 4-foot shoulder.

Mr. Butch concluded his presentation and said that he and Mr. McDermott were available for questions.

Ms. McKeel thanked Mr. Butch for mentioning the Old Ivy Bridge and the bike and pedestrian access the Board approved on the consent agenda. She said she knows many people will be happy

about this.

Ms. Mallek said she was excited to hear about the process staff was working on with regard to speeding, as she thinks all six districts have received constant complaints. She said people in many neighborhoods are terrified to go out to their mailboxes. She said as soon as staff has any kind of criteria to share with the Board so that they can share it with neighbors, this will help them know what they should be documenting. She said otherwise, months will pass, and time will be lost.

Ms. Mallek said there was one-tenth of a mile on Wesley Chapel Road and five years of waiting. She said there was no drainage to be done there, but simply pavement to be put down so that the people there do not continue to have respiratory trouble from the dust produced by the lumber trucks coming off Fox Mountain. She said it would be exciting if there was any way to get this done in the fall as opposed to waiting until March. She said the people there cannot go out of their houses, which is sad.

Ms. Price thanked Mr. Butch for his presentation. She said she was especially pleased to see that between both what is happening in Transportation and with what ABBA has been able to do, some of the residents on Coles Rolling Road were going to see improvements in their quality of life.

Ms. LaPisto-Kirtley said like Ms. Mallek, she looked forward to seeing the criteria staff will be putting forth with VDOT so that they can address some of the speeding concerns.

Ms. Palmer said she wanted to second Ms. Mallek's request to see any criteria on the speeding matters as soon as they are available to share.

Mr. Gallaway said in terms of the Greenbriar/Hillsdale traffic calming, there was an update from September 20 about VDOT reevaluating Tier 1 and Tier 2. He asked if staff could speak to where this stood.

Mr. Butch replied that the study was final and went through the entire traffic calming process. He said VDOT left staff with three tiers of recommendations. He said he believed he had sent the study along to the Board and would make sure he did so. He said staff asked VDOT to look into the cost, future funding, and how they can implement Tier 1 and Tier 2, which have to do with lane configuration and stop bar adjustments. He said Ms. Carrie Shephard with VDOT would follow his presentation and may be able to provide additional information. He said staff brought this matter to VDOT at their last monthly engineering meeting to provide an update for those costs and see next steps on how to implement those.

Mr. Gallaway asked Mr. Butch if he had, indeed, sent this information to the Board.

Mr. Butch said he was almost certain he did, but that he would send it immediately following the presentation.

Mr. Gallaway said in terms of the Rio Road Corridor Study, there was a note about Fall 2020. He asked if there would be times during public input and outreach. He said corridor studies were still somewhat new and wanted to know if there was a way to have a meeting about a plan, expectations, and points of public outreach.

Mr. McDermott replied that he received Mr. Gallaway's request to speak to the community about this, and so he was working on this. He said he had not yet finalized exactly what steps they would go through, but that he would be back in touch that week to confirm this. He said staff can give a preview of what the corridor study will look like. He said there will be ongoing public involvement throughout the process and that staff would come to the community a number of times to talk about it.

Ms. McKeel said Mr. Butch referenced the Commonwealth Transportation Board meeting. She said she just looked on their website, and it was not listed. She asked if, as they get closer to the meeting time, the Board can get some information. She said she would at least like to see what the agenda is and listen to it but currently, there is not anything to be pulled off the website.

Mr. Butch replied that he would follow up with an email.

Agenda Item No. 12. **Presentation:** Virginia Department of Transportation (VDOT) Quarterly Report.

Ms. Carrie Shephard, Charlottesville Residency Administrator, presented. She said the engineering update had not changed by much since the last update in July.

Ms. Shephard said the Route 240/250 Roundabout is still in progress. She said there was somewhat of a delay as far as the schedule, but that the advertisement date is still on track for late 2020/early 2021, with construction still planned for next summer.

Ms. Shephard said the Route 240 Bridge Rehab over Lickinghole Creek is also still in progress, with an expected ad date of Spring 2020. She said there was a concern about increased traffic congestion to the Crozet area because of this bridge replacement, which she wanted to comment on.

Ms. Shephard said she talked with VDOT's bridge engineers, and the project is funded through State of Good Repair, meaning that the bridge is structurally deficient. She said it is VDOT's goal to

replace the structure as quickly as possible. She said this is just a superstructure replacement, meaning just the top. She said they therefore do not have to as extensive an amount of work as if they were to do superstructure below the abutment. She said as they continue to design, they hope to look for ways they can streamline the process and have it close for as short a time as possible.

Ms. Shephard said it was not a full closure, and it is just one lane. She said VDOT will be putting in temporary signals. She said the maintenance and traffic engineering plan is being put together currently, and they are evaluating where to put those signals to make sure that the entrances within the vicinity will not be locked by queues. She said of course during the project, if there is something that needs to be adjusted, VDOT will be doing so. She said they are coordinating with the roundabout project as well to make sure the communication is there.

Ms. Shephard said the Route 708 Bridge Repair over N.F. Hardware is in the same status as last time. She said the next milestone is public hearing, with an advertisement date of March 2022.

Ms. Shephard said for the Route 641 Bridge Replacement over Marsh Run, the next milestone is public hearing, with an expected advertisement date of October 2025.

Ms. Shephard said for the Route 677 Bridge Replacement over Piney Creek, the next milestone is field inspection, with an expected advertisement date of January 2023.

Ms. Shephard said for the Route 702 Bridge Replacement over Morey Creek, the next milestone will be right of way, with an expected advertisement date of March 2022.

Ms. Shephard said lastly for the Connector Road from Berkmar Drive to Airport Road, the next milestone is authorizing preliminary engineering, with an advertisement date of Fall 2023.

Ms. Shephard said for the 29 Solutions project, VDOT is still working on the Automated Traffic Signal Performance Metrics with the City.

Ms. Shephard said that the Smart Scale application for the Hydraulic/Hillsdale South project has been submitted and that they will wait for scoring results to be received in early 2021.

Ms. Shephard said as far as the Albemarle County Design-Build projects, Design-Build is preparing right-of-way submissions for the Route 151/250 Roundabout. She said they are working on some final wetland and stream impacts, and that the first submittal should be within the next couple of weeks, with no significant deviations from the public hearing plans.

Ms. Shephard said for the Route 20/649 Roundabout, the next milestone is right-of-way plan approval. She said VDOT provided comments on the first submission, and there were no significant deviations from the public hearing. She said construction will likely start in Fall 2021, with right-of-way acquisitions and then utility work.

Ms. Shephard said as far as the Exit 124 Diverging Diamond project, the next milestone is plan approval. She said VDOT has received a first design submission, and comments were being worked through. She said there were minor deviations from what had been discussed in the design proposed at the public hearing. She said it was primarily reducing right-of-way impacts and adding a right turn lane at Hansens Mountain Road. She said construction is still set to start in Winter 2020-21, with utility relocation work on US-250.

Ms. Shephard said for the Connector Road between Rio Mills and Berkmar Drive Extended project, the next milestone is construction completion. She said the construction began in September on the piece of property that was donated as part of the Brookhill proffer. She said right-of-way acquisition is underway for small portions of the property needed at Rio Mills tie-in, and utility relocation work is being performed at the tie-in as well. She said it is likely to take much of 2021 to finish.

Ms. Shephard said for the Exit 118 project, the construction should be wrapping up over the next couple weeks, with the final items to begin the installation and activation of traffic signals and completion of punch list items. She said there will a road closure associated with installation of the traffic signal mast arms, and VDOT will be communicating with media outlets to provide more information to the public about that.

Ms. Shephard said the Fontaine Avenue project is also under construction and should be wrapping up over the next couple weeks, with the final items being the installation of the overhead sign and completion of punch list items. She said there will be a change in traffic pattern, which VDOT will be communicating information through outlets to let the public know.

Ms. Shephard provided updates on the Rural Rustic projects. She said Route 824 Patterson Mill Lane is complete.

Ms. Shephard said state forces work has started on Coles Rolling Road Phases 1 and 2, and VDOT has replaced some pipes. She said they are working on obtaining rights of entry and removing trees so they can continue the work.

Ms. Shephard said for Wesley Chapel Road Funding Year 21, the scoping and environmental clearance process is in progress. She said the same process had not quite started for Reservoir Road,

but that it was about to be in progress.

Ms. Shephard noted that there was incorrect information on her quarterly report. She said Burnt Mill Road is actually funded in FY22 and that shortly VDOT will begin scoping and environmental clearance processes to get this project started as well.

Ms. Shephard said as far as construction activities, there are some County safety improvement and operations projects that are ongoing. She said there are two locations where VDOT is making incidental concrete repairs, with one being the Rosemont Drive V-ditch repair, which was completed as of the prior week. She said the Lambs Road sidewalk repair at Albemarle High School is scheduled to start October 13 and is expected to last about two days.

Ms. Shephard said another project VDOT is working on is Fox Mountain Road, and that she would share pictures of this with the Board later. She said this project is underway, and VDOT has finished the northern portion. She said the next step is to begin work on the southern section to install a ditch line and entrance pipes to improve the drainage on that side.

Ms. Shephard said for Route 20 Valley Street, just north of Scottsville, VDOT discovered there were three failing pipes. She said they are scoping the replacement, which will require open cut and road closure. She said the closure is expected to last 5 days, and VDOT is trying to get this completed before the end of October.

Ms. Shephard said VDOT is also working on a pipelining project on Route 602 at Howardsville Turnpike. She said there is a 72-inch pipe that is failing and requires a lining. She said VDOT is currently working on the hydraulic analysis involved and the environmental clearances needed to line the pipe.

Ms. Shephard said for Willow Lakes Drive, there are three failing 72-inch pipes, so VDOT is working on the required environmental clearances and hydraulic analyses associated with their replacement. She said she did not yet have a good idea as to whether or not they can be lined.

Ms. Shephard said at Four Seasons Drive, there is a sinkhole that is threatening the roadway. She said when VDOT began to investigate this, they also noticed that there are six failing drop inlets, so they are working to put a contract in place so that they can repair those and fix what is needed as far as the concrete work.

Ms. Shephard said under bridge projects, the Route 726 bridge replacement over Totter Creek is ongoing. She said work began in the summer, and VDOT expects completion by March 2021.

Ms. Shephard said that for Route 640 Gilbert Station Road, at the last meeting, the work was anticipated to begin in the fall. She said VDOT has had to delay this, however, because they have not been able to get the necessary railroad clearances. She said they hope to work through this and get it on their schedule for Spring 2021.

Ms. Shephard said there are various bridge maintenance repair projects on I-64 and Route 29 that are ongoing throughout the year. She said there will be lane closures for nighttime and allowable daytime hours.

Ms. Shephard said for traffic engineering, VDOT performed a sign review for 1115 Broadway Street, which is complete, with the sign installed.

Ms. Shephard said for 1765 Fontana Drive, a sign review has also been completed, and a speed limit sign has been installed.

Ms. Shephard said the sign review for 627 Porters Road is complete, and VDOT installed "Stop Ahead" signs.

Ms. Shephard said the sign review for Sugar Hollow Road is complete, and "One-Lane Bridge" signs have been installed.

Ms. Shephard said Greenwood Station/Greenwood Road was an intersection review for an all-way stop. She said this review is also complete and from VDOT's Traffic Engineering group, it was determined that an all-way stop is not warranted because the traffic volumes through that section are very low. She said the five-year crash history shows no crashes within 300 feet of the intersection. She said VDOT's recommendation would be to work with the police department to do some speed enforcement.

Ms. Shephard said Dick Woods Road was a speed review, and the review is complete. She said VDOT proposes to extend the 35-mph zone to make it consistent through that road. She said this is pending sign installation.

Ms. Shephard said the pavement marking review for Avon Street is complete, and the pavement marking has been installed to extend a turn lane for the school. She said this is in place, as well as the signal adjustment.

Ms. Shephard said 1301 Harrison Street was an all-way stop review, and the review is complete. She said it was determined that a four-way stop was warranted, and so VDOT is waiting on sign installation.

Ms. Shepherd said Rolling Road/Secretarys Sand/Jefferson Mill Road was an intersection review of five roads coming in at one place. She said this review is complete, and VDOT's Maintenance group did some vegetation cleaning and clearing to improve sight distances. She said VDOT will be installing Curve Warning and "Stop Ahead" signs.

Ms. Shepherd said the STARS Study for 5th Street and Old Lynchburg Road is currently under review, as mentioned earlier by Mr. Butch.

Ms. Shepherd said the intersection review for Eastern Avenue is also underway.

Ms. Shepherd said as far as the land use update, for the Brookhill development on Route 29, Polo Grounds Improvement Phase 1 is complete, and Phase 2 should be beginning soon. She said it will be approximately 2 miles of internal subdivision streets with a connection to Ashwood Boulevard.

Ms. Shepherd said for the Lewis and Clark Extension, construction is ongoing. She said landscaping is underway, and preparations are being made for final surface paving and striping, which is scheduled for October.

Ms. Shepherd said for North Pointe, the median work is ongoing. She said nightly lane closures can be expected through October. She said VDOT is constructing two of the three major entrances along Route 29. She said the signalized R-cut at Lewis and Clark has not yet begun and is being handled by a separate developer.

Ms. Shepherd said for Rivanna Village Phase 2, just like at the last meeting, they are awaiting plan approval because they are working through agreements for retaining wall maintenance needed between VDOT and the County.

Ms. Shepherd said she would share with the Board photos of some of the work done over the past couple of months. She presented photos on the screen to various concrete repairs VDOT has made. She pointed out Colonial Drive and Monacan Trail South; the V-ditch on Lambs Road; and sidewalk repairs on Crozet Avenue, Old Brook Road, and Rio Road.

Ms. Shepherd presented photos of a crossline pipe replacement on Route 53. She said the pipe had been deteriorated, and that two of the photos showed the existing inlet and outlet, where there was a concrete headwall that had to be removed. She said it required open cut, and VDOT performed the open cut, cleaned it up, replaced the pipe with a plastic pipe, and put asphalt over the top to finish the project.

Ms. Shepherd presented photos of progress made on Fox Mountain Road on the southern side. She said VDOT has installed riprap, regraded the ditches, and installed frontline pipes to help with drainage. She said hopefully once they finish the next section, this will be complete and will serve as a much-needed improvement for that area.

Ms. Shepherd concluded her presentation and offered to take questions or concerns.

Ms. McKeel thanked Ms. Shepherd for the great report. She asked her to update her on Georgetown Road, which she assumed was still in the works. She said at one point, Ms. Shepherd said she was waiting on some replacements.

Ms. Shepherd asked if Ms. McKeel was referring to the ditch.

Ms. McKeel replied yes, adding that this was the area that was flooding. She asked for the status of the project.

Ms. Shepherd replied that it has been difficult trying to get a contract in place to remove the junction boxes out of the ditch so VDOT can clean it, and so this has been the hold-up. She said they have been working with their Traffic and Maintenance groups through the district to try to get something in place, and that it has been challenging.

Ms. McKeel said it was still in the works, then.

Ms. Shepherd said yes.

Ms. Mallek said at the beginning of the presentation when Ms. Shepherd talked about bridges, she may have misheard Ms. Shepherd say that the Lickinghole Bridge/240/Crozet Avenue's next phase was the Spring of 2020, and that she hoped Ms. Shepherd meant 2022 because the County was certainly not ready to do this yet. She said the chart in the mailing had said 2022 and if this were true, she was happy.

Ms. Shepherd said she must have misspoken and that it was indeed 2022.

Ms. Mallek said she was glad there was a change of design. She said the reason the Board had been told it was 8 months is because the piers were broken and had to all be replaced.

Ms. Mallek said for Rio Mills/Berkmar, she is now seeing a lot of traffic on Earlysville Road, with dump trucks turning into Rio Mills to head down there. She asked Ms. Shepherd if she could give those

drivers direction to stay on Route 29 instead of creating even more damage on Earlysville Road. She said it had been quiet for the last year but has stepped up a lot in the past few weeks.

Ms. Mallek said she was very glad to have the one-lane bridge signs back in Sugar Hollow because they are getting hundreds of cars zooming down there, and many people are not aware of these bridges until they come onto them.

Ms. Mallek said she would like some help from Ms. Shepherd in connecting with someone in VDOT who can help the County with replacing the scenic river signs that have disappeared. She said there were three along there for many years, and she has been sent to Mr. Burgess, but he has not yet responded. She said perhaps Ms. Shepherd could help with this.

Ms. Mallek asked Ms. Shepherd if there was a timetable for the Eastern Avenue intersection review to be finished.

Ms. Shepherd asked Ms. Mallek to clarify which river signs she meant.

Ms. Mallek clarified that they are the state scenic river signs for Moormans River on Sugar Hollow Road. She said they were there for 20 years and have disappeared. She said she is trying to get them replaced and has someone who will pay for the signs, but there needs to be a process to get them approved.

Ms. Shepherd said she did not have a good timeframe for the Eastern Avenue study, and that VDOT would discuss it again at their next Traffic Engineering meeting.

Ms. Price said she had two points to bring up. She said when Ms. Shepherd covered "Traffic Engineering Complete," there were two slides, and the bottom entry on the first slide referenced the Rolling Road/Secretarys Sand/Jefferson Mills Road. She said this should be "Secretarys Road," not "Secretarys Sand Road." She said Secretarys Sand is about a mile west of Walton Middle School on the west side of Route 20, and that this intersection is about 7 miles east of Route 20. She said if a truck was trying to find it using Secretarys Sand, it wouldn't be there. She said this is a minor point, but that there is often confusing between Secretarys Road and Secretarys Sand Road.

Ms. Price said she wanted to compliment VDOT on how quickly they responded when she filed a concern over this particular intersection because of the population growth and the fact that there are five different roads that come in a very short distance of time. She said she notified Mr. McDermott and he notified VDOT, and it seemed like between 24-48 hours, VDOT was there to improve the safety of the intersection. She thanked Ms. Shepherd for how quickly VDOT responded to this.

Ms. Price said she was very pleased with some of the other work she sees coming to fruition in the Scottsville District. She asked about the pipes failing just north of the Town of Scottsville as to whether this was outside of the town proper or just within the town limits.

Ms. Shepherd replied that she did not know where they fall in the boundary of the town, but that she could identify this on the map if Ms. Price would like a follow-up.

Ms. Price said a follow-up later would be great, and that she wanted to make sure she was coordinating with the Town Council in Scottsville on that information. She thanked Ms. Shepherd and said she appreciated her presentation.

Ms. LaPisto-Kirtley asked if the Route 20/Proffit Road Roundabout was not getting started until Fall 2021, as she had thought it was going to be Fall 2020.

Ms. Shepherd asked if Ms. LaPisto-Kirtley was asking about the Route 20/649 Roundabout.

Ms. LaPisto-Kirtley said yes.

Ms. Shepherd replied that she was unsure if it was supposed to start in Fall 2020, but the latest update she received was that VDOT has provided comment on the first submission of the right-of-way plans, at that point. She said construction is supposed to start in Fall 2021 after the right-of-way acquisition phase is complete.

Ms. LaPisto-Kirtley thanked Ms. Shepherd and VDOT for their quick action regarding Burnley Road, which had been deteriorating for years due to the pipes underneath that VDOT discovered. She said this was all fixed and that everyone is extremely happy.

Ms. Palmer said she was reminded of something when Ms. Price mentioned Secretarys Sand versus Secretarys Road. She said recently, she has received some complaints about Secretarys Sand Road and where it comes into Plank Road in needing a four-way stop. She said she understands that it doesn't warrant and assumes that this is because there is much less traffic on Secretarys Sand compared to Plank Road. She said Plank Road is a crazy road, however, and all the roads coming into it are blind curves and have many driveways coming into it.

Ms. Palmer asked Ms. Shepherd, in order for her to better explain to residents how VDOT looks at the traffic comparisons, such as numbers of cars or other information, when they are deciding whether or not a four-way stop should go in. She said she was not talking specifically about that four-way stop but

was asking about the criteria in general for the rural roads.

Ms. Shepherd replied that it goes to VDOT's Traffic Engineering group and although she could speak about her knowledge on this, that group could likely provide her more details about it. She said she knows they take a crash history to see how many crashes have occurred in the last five years with a certain radius of the intersection, 300 feet. She said they also look at the traffic volumes to see if they are high volume or low volume. She said they also look at pedestrian movements when they make that decision. She said she would have to ask VDOT's Traffic Engineer what this specifically entails.

Ms. Palmer said if Ms. Shepherd has an opportunity to let her know what the determination was specifically for the Secretarys Sand and Plank Road intersection, she was looking more for the specifics of the traffic volume, and if there were any crashes. She thanked Ms. Shepherd for the presentation.

Mr. Gallaway asked Ms. Shepherd if there was any report out or what the next point of update will be for the Earlysville/Reas Ford mini-roundabout study that was under review.

Ms. Shepherd replied that currently VDOT has reached a certain point where in order to proceed any further, they will need a design. She said she has discussed this with Mr. McDermott and Mr. Butch. She said at this point, VDOT will need the County to pursue a consultant engineer to put together the survey, the design, and determine the right-of-way needs so that there is a good place to go forward if they do want to implement the actual solution. She asked Mr. McDermott if he had anything to add.

Mr. McDermott added that staff is looking at this within their priorities. He said it will require funding from the County, and so staff will have to bring this back to the Board to make a decision on whether they want to push funding towards the project.

Mr. Gallaway said he understood. He said his other question was a procedure question. He asked if, when the Exit 124 Diverging Diamond project is complete, it is normal procedure for VDOT to conduct a new signal study along that corridor, since it will result in a major change in traffic pattern.

Ms. Shepherd replied that this project is tied into a corridor signal review. She said she knows VDOT is optimizing the signals for that area and that they have completed a couple. She said the one they put in for the DDI (Diverging Diamond Interchange) will be tied into that, as it is all a talking system. She said to generally answer the question, it will be looked at. She said VDOT will have the ability, more than they do now, to be able to control those signals so they can help as needed with traffic flow. She said there is more technology being put into the new signals that are coming with the DDI to help with the corridor improvement.

Mr. Gallaway said this was further down the road, but that he would be curious as to what intersections the corridor runs to and from and what the road distances for signalization would be.

Ms. Mallek said she had a follow-up about Reas Ford. She said in Fall 2019, the Board was told that the original design, the Route 64 intersection design, had been tossed, and this was going to be shrunk down to something very small. She said Mr. Alan Saunders had said this could all be done within the existing right-of-way, and the portable bolt-down mound in the center would be a solution. She said she is frustrated that it is now back to starting all over again because her understanding was that it was first VDOT staff working on it, and then it was punted to County staff. She said she and Mr. Gallaway could shrink this down to be small. She asked what is actually happening with this process.

Ms. Shepherd replied that the conceptual plan that was provided is completely doable, but that there are many different factors that could potentially cause problems. She said this is where a design engineer would come in to look at those items. She said there could be utility relocations, and the roundabout needs to be sized appropriately. She said they also need to obtain the right-of-way necessary. She said before they can look at putting in the roundabout with state forces, they need to have a fleshed-out plan. She said from the conceptual point to VDOT doing the work, there is a gap where some items are necessary to do this successfully.

Ms. Mallek said there is the 80-foot in diameter roundabout at Wegmans that Mr. Joel DeNunzio had said was the perfect template to drop in. She said she assumes those files can be carried from one place to another and then establish the differences. She said she looks forward to learning more about this before the next person gets hit there.

Agenda Item No. 13. Closed Meeting.

At 4:45 p.m., Ms. LaPisto-Kirtley **moved** that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (1):
 1. To discuss and consider appointments to the Economic Development Authority, the Jefferson Area Board for the Aging, and two citizen advisory committees; and
 2. To discuss and consider the annual performance of the Clerk, the County Attorney, and the County Executive; and
- Under Subsection (7), to consult with legal counsel and briefings by staff members pertaining to actual litigation between the Board and the Charlottesville City Council regarding the

Ragged Mountain Natural Area where consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the County and the Board; and

- Under Subsection (8), to consult with and be briefed by legal counsel regarding specific legal matters requiring legal advice regarding the Continuity of Government Ordinance

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

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

NAYS: None

Agenda Item No. 14. Certify Closed Meeting.

At 6:04 p.m., Ms. LaPisto-Kirtley **moved** that the Board 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. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Ms. Price

NAYS: None

Agenda Item No. 15. Boards and Commissions.

Item No. 14. a. Vacancies and Appointments.

Ms. Price **moved** to make the following appointments to the respective committees:

- **Appointed** Mr. Stephen J. McNaughton to the Economic Development Authority as the Rivanna District representative to fill an unexpired term ending January 19, 2022.
- **Appointed** Mr. Cameron Mowat to the Jefferson Area Board for Aging (JABA) with said term to expire October 20, 2022.
- **Appointed** Ms. Marilyn Minrath to the Public Defender's Office Citizens Advisory Committee with said term to expire December 31, 2022.
- **Appointed** Ms. Peggy Gilges to the Solid Waste Alternatives Advisory Committee to fill an unexpired term ending May 31, 2022.

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

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

NAYS: None

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

Mr. Rory Stolzenberg said he is a City resident and engineer at a company building renewable energy tech for home solar and storage. He said unfortunately, he had not landed a slot earlier in the day to speak, and wanted to address the Climate Action Plan, specifically sections R1 and R2, Strategy to Encourage Utility-Scale Renewable Energy.

Mr. Stolzenberg said while he was pleased to see the shout-out to energy storage in the strategy, he was disappointed to see the changes between the June 17 draft and the final version in the actions proposed. He said instead of enabling and incentivizing utility-scale solar, as the strategy calls for, the new tech seems to raise the bar for utility-scale projects and explicitly says, "Commercial-scale projects, like rooftops and parking lots, should be preferred."

Mr. Stolzenberg said while commercial-scale solar projects are good and important, they cannot match the cost nor the scale of utility-oriented solar, even on greenfield land that can be used for vegetable growing. He said utility-scale solar is and will be an important part of the energy mix in the green future and is already an important part of the regional economy, just only in the form of company headquarters and not megawatts produced.

Mr. Stolzenberg said he hopes that as the Board implements this plan into their policy and reviews going forward, they do not equivocate in their support for utility-scale solar.

Mr. Gallaway closed Matters from the Public.

Agenda Item No. 17. **Public Hearing: ZMA201900003 Albemarle Business Campus (formerly known as Royal Fern).**

PROJECT: ZMA201900003 Albemarle Business Campus (formerly known as Royal Fern)

MAGISTERIAL DISTRICT(S): Samuel Miller, Scottsville

TAX MAP/PARCEL(S): 076000000046A0, 076000000046F0, 07600000005400

LOCATION: Property on the northwest side of 5th Street across from the Albemarle County Office Building – 5th Street, from Wahoo Way to Old Lynchburg Road, on the east side of Old Lynchburg Road from 5th Street to Country Green Road, and on the west side of Old Lynchburg Road from Country Green Road to Mountainwood Road.

PROPOSAL: Rezone two parcels of land and a portion of a third parcel of land from R2 Residential, R10 Residential, and CO, Commercial Office, to NMD, Neighborhood Model District, to allow for a mixed-use development. A maximum of 128 residential units and a maximum of 401,000 square feet of non-residential space are proposed.

PETITION: Request to rezone 10.17 acres from R2 Residential, which allows residential units at a density of 2 units per acre; 0.58 acres from CO Commercial Office, which allows offices, supporting commercial and service, and residential by special use permit (15 units per acre); and 2.88 acres from R10 Residential, which allows residential units at a density of 10 units per acre; to NMD, Neighborhood Model District, which allows residential (3-34 units per acre) mixed with commercial, service, and industrial uses. A maximum of 128 residential units is proposed for a gross and net density of approximately 9.4 units per acre. A maximum of 401,000 square feet of non-residential space is proposed. An associated request for a special exception to waive the requirement for a Neighborhood Model District to have a minimum of two housing types under §18-8.2(b) and §18-20A.8(a).

ZONING: R-2 Residential - 2 units/acre; R-10 Residential - 10 units/acre; and CO Commercial Office – offices, supporting commercial and service; residential by special use permit (15 units/acre).

OVERLAY DISTRICT(S): EC – Entrance Corridor, Steep Slopes – Managed, AIA – Airport Impact Area

PROFFERS: Yes

COMPREHENSIVE PLAN: Community Mixed Use – residential (up to 34 units/acre), community scale retail, service and office uses, places of worship, schools, public and institutional uses; and Urban Density Residential – residential (6.01-34 units/acre), supporting uses such as places of worship, schools, public and institutional uses, neighborhood scale commercial, office, and service uses; in Neighborhood 5; in the Southern and Western Urban Neighborhoods Master Plan area. *(Advertised in the Daily Progress on September 21 and September 28, 2020)*

The Executive Summary forwarded to the Board states that this application was initially considered by the Planning Commission (PC) on October 8, 2019, when it was recommended for denial. This application then went to the Board of Supervisors on November 20, 2019, when the Board referred the application back to the PC for further review, at the request of the applicant, due to the applicant's intention to significantly revise the application. On February 18, 2020, this application was considered at a work session of the PC to consider the applicant's proposal to reduce the residential units and increase the amount of commercial space. Finally, the revised application, including a change in the requested zoning from the originally proposed Planned Unit Development (PUD) to the now-proposed Neighborhood Model District (NMD), was considered at a second public hearing by the PC on August 18, 2020. At this public hearing, the PC voted 5-0 to recommend approval of the ZMA request, with the revisions recommended by staff in the staff report. In addition, the PC voted 5-0 to recommend denial of the Special Exception request that is associated with the ZMA, to waive the requirement for at least two housing types in an NMD. The reasons stated by the PC for recommending denial of the special exception request include: 1) that the neighborhood model calls for a variety of housing types; 2) that fewer housing types may inadvertently create economic segregation in this opportunity zone that is defined as a low income urban, suburban, and rural census tract; and 3) that it is important to think carefully about the ramifications of the NMD having more office and commercial than residential uses. The PC staff report, action letter, and meeting minutes are attached (Attachments A, B, and C).

At the August 18 PC meeting, staff recommended approval of the proposed ZMA application, with some recommended revisions to the code of development (COD) and the application plan, and staff recommended approval of the special exception request. The PC recommended approval of the ZMA application, provided that staff's recommended revisions were made prior to the Board of Supervisors' public hearing. The applicant has submitted revised versions of the COD (Attachment D), application plan (Attachment E), and proffer statement (Attachment F) to address those concerns. The following is a summary of changes made:

- The development's streets (as well as references to them) have been re-labelled so as to identify them as either private or public, with the final determination of their status to be made at the site planning stage.
- Private balconies have been removed as an amenity from the "Amenities" table in the COD.
- Additional sidewalks and pedestrian connections have been identified on the application plan.
- The landscaping strip along the east side of Old Lynchburg Road has been widened to six feet.
- Errors and typos have been corrected.

The applicant also requested a special exception to waive the requirement that an NMD have a minimum of two housing types located within the district. This requirement can be waived by the Board if at least two housing types are within one-quarter mile of the proposed district. For this project, there are four different housing types within one-quarter mile of the proposed district. However, the PC recommended denial of this special exception for the reasons previously stated in the "Background"

section above.

In order to address the PC's concerns, the applicant has listed another potential housing type in the COD that could be permitted in the development – townhouses with accessory apartment units. The applicant has included a note in the COD stating that a minimum of two housing types must be provided in the NMD unless a special exception is approved by the Board of Supervisors waiving this requirement. Although this additional information has been included in the COD, the applicant still wishes to pursue the request for a special exception waiving the requirement for at least two housing types, based on the justification mentioned above: that there are already four housing types within one-quarter of a mile of the proposed district.

If the Board chooses to approve the Zoning Map Amendment request, staff recommends that the Board adopt the attached Ordinance (Attachment G).

If the Board chooses to approve the Special Exception request, staff recommends that the Board adopt the attached Resolution (Attachment H).

Mr. Andy Reitelbach, Senior Planner, presented. He provided an aerial view of the project, noting that it is located at the intersection of Old Lynchburg Road and 5th Street, directly across from the County Office Building on 5th Street. He said Region Ten is to the north-northwest, the Sherwood Manor subdivision is to the northwest, and the Oak Hill Store is across the street to the southwest.

Mr. Reitelbach presented the zoning map. He said the rezoning currently consists of three parcels: 76-54, 76-46A, and a portion of 76-46F. He said he outlined this portion of 76-46F on the map, noting that it was the portion of the property on the west side of Old Lynchburg Road.

Mr. Reitelbach said the property currently consists of three different zoning districts: R10 Residential, shown on the map in brown; R2 Residential, shown in olive green; and CO Commercial Office, shown in pink. He said currently, through by-right development, the applicant could put up to 48 residential units, with the possibility of up to 72 units using various bonus factors. He said even though there is a portion zoned Commercial Office, due to its size and location, it is unlikely that any commercial office uses could actually be developed on that property.

Mr. Reitelbach said there are three zoning overlay districts: the Entrance Corridor, which is along 5th Street, the Airport Impact Area, and Steep Slopes Managed.

Mr. Reitelbach presented the Comprehensive Plan map for the property. He said the portion on the east side of Old Lynchburg Road, shown on the map in brown, is designated as Community Mixed Use. He said the portion of the property on the west side of Old Lynchburg Road is designated for Urban Density Residential, which recommends a density of 6.01 to 34 dwelling units per acre and small-scale neighborhood-serving retail and commercial uses. He said the Community Mixed Use designation suggests a wide range of uses such as commercial, service, retail, and residential.

Mr. Reitelbach said in this rezoning, the applicant is proposing to rezone the three parcels from the three various zoning districts into one mixed-use development zoned Neighborhood Model District. He said as a Neighborhood Model District, a code of development and an application plan are required. He said the code of development includes the permitted uses and the development standards that the applicant proposes for the project.

Mr. Reitelbach said as part of the code of development, the applicant has divided the property into five blocks. He said Block 1 consists of a little over 5 acres and is all of the property on the west side of Old Lynchburg Road. He said Blocks 2 through 5 are on the property on the east side of Old Lynchburg Road, at about 8.55 acres in total, with each block being roughly equal in size. He said the applicant is proposing a maximum of 128 residential units, which would give an overall density on the property of approximately 10 units per acre, and nonresidential space of a maximum of 401,000 square feet.

Mr. Reitelbach said as a Neighborhood Model District, open space is required, and 20% of the entire acreage of the project is required to be open and green space, which the applicant is providing.

Mr. Reitelbach said the applicant is providing 15% affordable housing at 80% AMI in consistency with Chapter 6 of the County's Comprehensive Plan.

Mr. Reitelbach said the application plan for Neighborhood Model District depicts the proposed general layout of the site, including the internal circulation, such as pedestrian paths and sidewalks, general location of greenspace and amenities, and the street sections proposed.

Mr. Reitelbach presented one of the sheets from the application plan, showing what is proposed for Block 1. He said it includes various amenities such as a dog park, sitting garden, clubhouse, and pool; the buildings which are represented by dark gray rectangles on the plan, and the parking area, the portion in the center of the property.

Mr. Reitelbach presented a sheet showing the proposed application plan for Blocks 2 through 5. He said there is a proposed street going through the middle from Old Lynchburg Road over to Wahoo Way, which serves the Cavalier Crossing apartment development. He said the map also outlines the various buildings and where parking areas would be, multiuse paths and other sidewalks and paths

throughout the property, and three different parks: a dog park, general park in the northern corner, and “ABC Park” in the center and southern portion of the property.

Mr. Reitelbach said as part of this proposal, there are some transportation improvements proposed, including right-of-way dedication for a future roundabout at the intersection of 5th Street and Old Lynchburg Road. He said the diagram on the screen showed the proposed street section for 5th Street, including a 10-foot multiuse path with 2 feet of shoulder on each side for a total of 14 feet, with a 5.5-foot landscaping strip in the middle.

Mr. Reitelbach said according to the TIA (Traffic Impact Analysis) that was provided for the project, it projects approximately 3,700 additional trips. He said to help address the impacts of those trips, the applicant has proffered infrastructure improvements, cash, and a trip generation limit for the combined development to cap it at 3,200 daily vehicular trips.

Mr. Reitelbach said schools are another issue that was brought up, especially by the Planning Commission, in the review of this project, as Mountain View Elementary is already over capacity and would remain that way. He said Burley Middle and Monticello High Schools, however, would remain below capacity.

Mr. Reitelbach said the chart on the slide showed a calculator provided by the public school system to determine the rough number of students that would be generated by each housing type. He said 128 dwelling units that the applicant proposes would produce between 26 and 38 students, depending on the exact mix of housing types that would be constructed in the development. He said to help address these impacts, the applicant has proffered \$500,000 in cash. He said although this cash is not directly tied to the schools in the proffers, it is being proffered to the County’s CIP budget and could be used for the school improvements if the Board chose to do so.

Mr. Reitelbach presented more information on the proffers that the applicant proposes for the project in three parts. He said the first part deals with infrastructure improvements, for which there would be a \$500,000 cash contribution to the County’s CIP fund, which could be used for improvements to the 5th Street and Old Lynchburg Road intersection in that corridor or for the school system for making improvements to Mountain View. He said it also includes a small piece of dedication of land for a roundabout at the intersection of 5th Street and Old Lynchburg Road.

Mr. Reitelbach said Proffer 2 regards trip generation and limits the combined trip generation to 3,200 daily vehicular trips, or peak hour trips in the morning and evening to a maximum of 509.

Mr. Reitelbach said the third part of proffers deals with the performance agreement, where the applicant is proffering to develop the property in accordance with the approved performance agreement. He said the performance agreement being referenced was approved by the Board on April 15, 2020.

Mr. Reitelbach said as a part of the application, the applicant is also requesting one special exception to be approved. He said this is a special exception to Section 18-20A.8(a) of the Zoning Ordinance, which regards mixture of uses and a minimum of two housing types within the Neighborhood Model District. He said the applicant requests that only one type of housing be required, although multiple housing types would still be allowed. He said Section 18-20A.8(a) of the Zoning Ordinance states, “Each district shall have at least two housing types, provided that this requirement may be waived by the Board if the district is an infill project, or at least two housing types are already present within one-quarter mile of the proposed district.”

Mr. Reitelbach said for this Neighborhood Model District rezoning request, the applicant is looking at the option that the two housing types are already present within one-quarter mile of the proposed district. He said in reviewing the application, there are not only two, but actually four different housing types that currently exist within one-quarter mile of the project site. He said those four housing types are single-family detached houses, single-family attached houses, multifamily housing, and mobile homes.

Mr. Reitelbach said in reviewing the application, there were factors that staff found favorable to the request that were presented to the Planning Commission at the public hearing on August 18. He said there were also a couple of factors unfavorable to the request, which were included in the staff presentation and staff report to the Planning Commission.

Mr. Reitelbach said as a part of staff’s and the Planning Commission’s recommendation from August 18, it was recommended that several revisions be made to the application prior to coming before the Board. He said after the Planning Commission public hearing, the applicant did provide a revised application.

Mr. Reitelbach presented a brief summary of the changes that were made. He said the development streets, as well as references to them throughout the code of development and the application plan, were labeled to identify them as either private or public instead of just private, as they were originally, which would allow the final determination of their statuses, either public or private streets, to be made at the site planning stage.

Mr. Reitelbach said private balconies were removed from the amenities portion of the code of development. He said additional sidewalks and pedestrian connections have been identified on the application plan. He said a landscaping strip along the east side of Old Lynchburg Road has been widened to 6 feet, from 4 feet. He said there were some errors and typos found throughout the code of

development which have been corrected. He said another potential housing type has been added to the code of development, which is townhouses with accessory apartments.

Mr. Reitelbach said the Planning Commission held a public hearing on this item on August 18, 2020 and at this public hearing, the Commission voted 5-0 to recommend approval of the Zoning Map Amendment. He said regarding the special exception request, however, the Commission voted 5-0 to recommend denial of that request for the following reasons: that the Neighborhood Model does call for a variety of housing types; that fewer housing types may inadvertently create economic segregation in this area; and that it is important to consider the ramifications of a Neighborhood Model District project having more office and commercial uses than residential uses, which is typically what has been seen in the past.

Mr. Reitelbach presented the suggested motions for the rezoning request as well as for the special exception request. He offered to answer questions from the Board.

Ms. McKeel asked Mr. Reitelbach how the applicant plans on capping the number of trips.

Mr. Reitelbach replied that this would be based on the uses that are ultimately included in the project. He said at the site planning stage, when staff reviews those plans, they do require the proposed use. He said as a part of that, on the cover sheet of the site plan, the applicant would include the number of trips that are generated by that use based on the ITE numbers that VDOT uses to assess trip generation. He said staff would look at these numbers to determine how many trips would be generated.

Ms. McKeel said perhaps she was wrong, but she had not seen this come up in the past before and did not see how this would play out.

Mr. Reitelbach said Mr. Kevin McDermott was also available and may be able to provide better detail and more information on that.

Ms. McKeel said if this is something the Board would begin to see, then she would like to understand it. She said she did not see how, once this is approved, how they can start capping the number of trips.

Mr. Kevin McDermott, Chief of Planning, responded. He said this is something that staff has recently been doing more of with major rezonings. He said as Mr. Reitelbach explained, when the developer or applicant comes back with their site plan, it has to meet the use requirements that are approved for that zoning. He said when staff looks at the use and the square footage, they use ITE (Institute of Transportation Engineers) trip generation numbers to determine what the expected trip generation will be. He said he did not want the Board to confuse this as being the exact trip generation, as they do not know exactly how many cars will be there, but it is an estimate.

Mr. McDermott said anytime a site plan comes in, staff will look at this, and they have the developer submitting the site plan list in a table where they are on the trip generation estimate. He said anytime a site plan or zoning clearance comes in, they have to check it against that number and make sure they have not gone over the ultimate trip limit that has been set. He said if it comes in over this, then staff would deny the site plan or zoning clearance.

Ms. McKeel said this was new to her and perhaps she missed it in the last couple of applications. She said the only other question or comment she had was about how the Board has talked about private and public roads, and that they are now back having the final determination on private or public roads being made at the site planning stage. She said they all know what happens when these roads are private and are not taken to public standards; that in a few years, they come back to haunt them. She asked if staff could speak about this particular application and private versus public roads.

Mr. Reitelbach replied that in this case, the applicant had originally proposed private roads, and there was concern that based on entrance locations and spacing between those roads, VDOT may not accept those roads as part of the public street system, so they would be considered private. He said knowing the Board's previous concerns about private roads, especially in the Development Areas, however, the Planning Commission and staff did want to make sure that those roads could be made public, if possible. He said this is why staff had the applicant revise the application plan.

Mr. Reitelbach said knowing once it comes in at the site plan stage, if VDOT is not willing to accept those roads into the public street system, they would likely then have to become private streets. He said especially on Blocks 2 through 5, as it is looking to be more of a commercial development, private streets can be approved administratively in commercial developments.

Ms. McKeel said she understood and thanked Mr. Reitelbach for describing this to her. She said it goes back to her concern, which has been discussed with different proposals, that if the streets are approved as private, they will break down and come back with real issues. She asked if someone else on the line was trying to speak.

Ms. Palmer said the Supervisors were agreeing with this.

Ms. McKeel added that the private streets cannot be brought back up to standards and there is no money to repair them, which causes the property values to go down. She said she was not happy about this.

Ms. Mallek said page 17.a5 (in the agenda packet) on page 2 includes a chart and talks about how there is no Light Industrial in Blocks 2 and 5 without a special permit. She said her favorite zoning color is the purple R&D Flex because it can be anything from small manufacturing to an Afton Scientific-type research lab, clean wet lab, and the like that is not going to have impacts, such as a smokestack. She said she would like to know more about why this has been labeled such that if any one of these great businesses wanted to come in for 5,000 square feet in one of these bigger buildings, why they would then have to spend the time and money to get a special permit.

Ms. Mallek said the report also lists energy distribution facilities as being by right. She said the neighborhoods at Union Hill in Buckingham County know what energy distribution facilities all are about, which can include compressor stations. She said if there is more specificity that can be written in that protects this application as well as the County from Dominion going wild there, she would appreciate that.

Ms. Mallek said her thought on the private streets is that if they better allow the JAUNT buses to get in than something that meets the VDOT handbook or having right-angle parking when it is not allowed, those are the kinds of things she has seen in other places that have been very successful.

Mr. Reitelbach asked Ms. Mallek to repeat her first question.

Ms. Mallek explained that the report shows that Light Industrial uses in Blocks 2 and 5 could not happen without a special permit.

Mr. Reitelbach said this was correct.

Ms. Mallek asked if there was something that could be done about this.

Mr. Reitelbach asked Ms. Mallek if she was asking if those uses could instead be permitted by right.

Ms. Mallek said if performance standards were met and if they were compatible with other uses in the building, then she would hope so. She said looking at the inside of Comdial, for instance, and it is spectacular there and that this is Light Industrial to her. She said this is where she would like some more information.

Mr. Reitelbach said the applicant may be able to provide more information on why they chose to make those only by special use permit. He said this is how it was submitted to staff.

Mr. Gallaway asked Ms. Mallek if any other responses were needed to her questions.

Ms. Mallek said someone could later address the energy distribution facilities, when appropriate.

Ms. Price said she would largely hold off on her questions until after the applicant speaks. She said that as an initial observation, however, this strikes her as appearing to be two separate projects rather than one, with Block 1 being all residential on one side of the street with a very narrow point of connection with Blocks 2 through 5, which are commercial.

Ms. Palmer said she had two questions for staff and apologized for the first one. She said the packet was very large and that she was somewhat confused about the special exception for not having enough housing types. She asked if after the Planning Commission voted for denial, townhouses were added, or if this was something she misheard.

Mr. Reitelbach explained that after the Planning Commission voted for denial, the applicant met with staff to discuss other housing types the applicant was considering putting on the property. He said townhouses were already permitted in the code of development. He said the additional housing type that was included after the Planning Commission was a townhouse with accessory apartment. He said this would potentially be a three-story building where the top two stories could be a townhouse and where the bottom would be an accessory apartment to that townhouse. He said this type of unit is similar to some of the units that are found at Riverside Village off of Route 20, just north of the Route 20/250 intersection.

Mr. Reitelbach said this was the other type of housing unit that was added to the code of development after the Planning Commission meeting. He said the applicant was still moving forward, however, with their request that the requirement for two housing types be waived and that they only be permitted to do one.

Ms. Palmer asked, if they were to add the townhouse with accessory structure, if the special exception would not be necessary.

Mr. Reitelbach replied this was correct. He said if they were to include the townhouse with accessory unit as well as something like multifamily, additional apartments that are not associated with the townhouse units, this would meet the requirement for two housing types and the special exception would not be needed.

Ms. Palmer said when the applicant speaks, he can then explain why he still wants to pursue the special exception.

Ms. Palmer said there was an email the Board received about this particular application, which

said, "Require developer to provide more than the bare minimum, as required by VDOT, and what is called for in the master plan, which is the standard that the master plan provides for non-priority area rezoning." She asked if there were something specifically a non-priority area rezoning and if Mr. Reitelbach could define this for her.

Mr. Reitelbach replied that he did not know what non-priority rezoning is. He said in the Southern and Western Urban Neighborhoods Master Plan, the master plan that serves the area, there are certain portions of that area that have been designated as priority areas. He said these would include locations such as Southwood and the Mill Creek area near the fire station and across the street from Monticello High School. He said this property is simply not located within one of those priority areas.

Ms. Palmer said this made sense.

Mr. Gallaway opened the public hearing and invited the applicant to speak.

Mr. Kyle Redinger, the applicant, thanked everyone for their participation. He said he has worked on the project for nearly three years with County staff, Economic Development, the Board (on the public-private partnership agreement), and various architectural and engineering firms in the area. He said it was the culmination of many different people's work and that he was honored to represent everyone at the present meeting.

Mr. Redinger said the project is immediately across the street from the County Office Building on 5th Street. He said it is also located as a key piece in what is a much larger residential area. He said in the context of designing the site, he thought about how to integrate the residential into what is becoming an important commercial center and intersection and making this attractive, vibrant, and desirable to the community.

Mr. Redinger said since they met several months earlier, they have achieved a lot. He said they have used the Neighborhood Model District zoning designation, submitted a full site plan that matches the zoning designation, and put together a series of renderings of architectural design and landscaping that is proffered as part of the plan. He said what he was about to show the Board was reflective of the design they would see once the buildings are constructed. He said they also added a lot of greenspace and park space that will be useable and serve as desired amenities for tenants and other members of the community.

Mr. Redinger said they engaged Mr. Bruce Wardell, a former ARB member and long-time Albemarle County architect, to spearhead the design. He said he has enjoyed working with Mr. Wardell's team in driving the design.

Mr. Redinger said they have received both staff's and the Planning Commission's recommendations for the project and have put together an attractive proffer package totaling over \$1 million. He said half of this is in the form of a \$500,000 cash contribution that the Board can use at its discretion for anything in the CIP the Board deems worthy.

Mr. Redinger said he has been a resident of Albemarle County and the City of Charlottesville for nearly 40 years. He said he owns a house in the County, is a long-time entrepreneur, and likes to leave a positive mark on the places he designs. He said it is important to him to bring vibrancy to this area, and that having a greenfield site on this location is immensely important to him.

Mr. Redinger said he also wants to bring in local design elements, which is why he has tried to engage as many local architects and designers as he could to make this project attractive. He said as an entrepreneur and real estate developer, it is important to create various business opportunities, and so there are various types of spaces for future businesses in this project.

Mr. Redinger said they will also create over \$10 million in net direct positive economic benefit, which is in direct taxes alone.

Mr. Redinger said as a developer, he also knows it is important to manage their impacts, and that they do this through proffered connections, traffic improvements, parks, greenspaces, and all the other design elements he will be presenting.

Mr. Redinger presented a rendering of the site, noting it was designed by Mr. Wardell. He said although these were not final designs, they were very close to being those he will submit to the ARB. He said the rendering showed the view from the intersection of Old Lynchburg Road and 5th Street, looking towards the City of Charlottesville. He pointed out the improved bus stop, multimodal mixed-use trail, and the first two retail buildings that frame the intersection. He said they designed the first of four parks on this side of the street to be usable from the tenants' perspective, with this park being designed towards restaurant/café or for people who are waiting for the bus or other transportation means.

Mr. Redinger presented a bird's eye view rendering, noting that the buildings look much larger than they actually will be. He said the buildings are 4,000 to 6,000 square feet. He pointed out the Flex building in the back, the prominent Class A office, and the hotel or second office in the background.

Mr. Redinger presented a rendering of a view from the same multiuse trail, looking in the other direction towards the future roundabout, that included a street-scale view of the retail buildings. He said there is another sidewalk and pedestrian access to the center of the property. He said there are green

screens and a design that he believes to be desirable from the County's perspective.

Mr. Redinger presented a rendering of the prominent Class A office. He said they have designed a building that they believe blends historic elements of Albemarle County, such as brick and wood, with modern, progressive elements, such as steel and glass. He said the intent of the building design is to attract the type of tenants that Albemarle County desires in this location, such as biotech, software tech. He said he knows people from these industries and comes from that background, and so he tried to create a building that is appealing to that type of tenant and demographic.

Mr. Redinger presented a rendering of the other side of the building, looking towards downtown on the same trail. He said they have designed the building to integrate with the central "ABC Park." He said they want this park to be a relaxing area for workers who work in the building, serving as a space for those employees to have lunch or coffee.

Mr. Redinger said they will put solar power on the buildings as much as they possibly can, and that their building will exceed LEED Silver standards.

Mr. Redinger presented a rendering from the middle road, at the center of the site, looking up towards Old Lynchburg Road. He said there is a lot of grade on the site, which has allowed them to disguise the largest building on the site. He said this is actually a five-story building and that at least two, possibly three, of those stories are below grade. He said they have put all the loading and unloading access to the building in the rear so that it is hidden from the Entrance Corridor, which has allowed them to put retail and office types of finishes on the front of the building. He said those elements shown that started in the office building are carried throughout the design of the entire site.

Mr. Redinger said the other important thing about the design is that they have designed about 5,000 square feet of what they call "flex space" in the building. He said he would address Ms. Mallek's question shortly. He said self-storage has a very specific type of building construction, which is much less expensive than traditional office or retail. He said this allows them to get to a lower price point for tenants of the building, and so they think a start-up or up-start brewery will be a good fit for this as a starting point for them. He said those tenants would then have access to unlimited inventory space in the rear of their store.

Mr. Redinger presented the site plan view, noting that he wanted to call out a few important elements. He said Blocks 3 and 4 parking areas are designated as farmers markets by right, and so they intend to work with the County on holding a farmers' market on either Saturdays or Sundays, when office tenants are not using the office. He said the greenway extends from the future roundabout intersection to the central park, to the second central park, and up to the dog park. He said the intent is to provide a usable green and amenity space that not only meets the requirements of the over 20% usable space from the County, but also is something that a tenant will want and value when they think about leasing the space.

Mr. Redinger said they have also put a dynamic transport plaza in the center, which is a raised drop-off area for ride-hailing services, autonomous vehicles, bikes, or any sort of mixture of transportation options, including JAUNT buses.

Mr. Redinger said on the other side of the street, they will take architectural elements from the office building and apply them to the multifamily buildings, enveloped in greenspace and usable amenity space. He said 15% of the units will be affordable at 80% of AMI.

Mr. Redinger said the greenspace does some important things and if anyone has driven up Route 29, they know what a traditional commercial development looks like. He said with all the extra greenspace, they are able to screen parts of the project that are not as desirable from an Entrance Corridor, mainly the parking. He said there is a minimum of two tree screens between each viewshed, and a minimum of 21 feet and up to over 60 feet of space between the road and structures and/or parking.

Mr. Redinger said through Mr. Wardell's team, they have also started to engage a local landscape design firm. He said it is important to set the choices for their plants and trees selection early in the process. He said this will be an important thing that will market to future tenants on the site.

Mr. Redinger presented a rendering to demonstrate how the trees screen the parking area while allowing the building to stand out with prominence on the street. He said while the building was not rendered in full, one could get a sense of the scale of the project, driving away from the City of Charlottesville.

Mr. Redinger presented a bird's eye view to demonstrate the amount of screening between the parking area and the street. He said the intent is to hide the parking and make the road access attractive.

Mr. Redinger said he would try to address questions that may come up. He said some have asked why they would now build office space with COVID-19 happening. He said they have all heard stories about the mass exodus of offices, particularly in major markets as well as locally.

Mr. Redinger said having been in the area a long time, the Comprehensive Plan and planners have made the County an attractive place to live. He said it is a two-edged sword in that Albemarle has become the second largest growth area in Virginia according to Weldon Cooper, and that much of this

growth is driven by UVA, which has increased their operating budget in the last 10 years from \$2 billion to \$3 billion. He said from his research, UVA is adding about 1,500 jobs per year to the area. He said there may be a hiccup for the next 6-18 months, but he does think the growth will return, and the County will need offices and business services.

Mr. Gallaway informed Mr. Redinger that his speaking time had expired. He asked the Supervisors if they had any questions for the applicant.

Ms. McKeel said she was returning to her earlier point, noting that she understood the final determination on public versus private road. She said it was not about whether or not JAUNT can use the road but is about VDOT maintaining it versus the people who live there maintaining it. She asked Mr. Redinger to expound on this.

Mr. Redinger replied that the community will be designed in a way that it will have a property owner's association. He said this association will charge assessments to each of the tenants in the community, with those assessments going towards road maintenance. He said because it is a commercial community, there is a large risk of not maintaining those roads to standards. He said unlike a predominantly residential community where there is not a large budget or means to pay for the maintenance of the road, if they had WillowTree or a similar company there and the road was dilapidated, everyone would be angry, and the company would have to fix it. He said there are some economic forces that will drive the maintenance of the road.

Mr. Redinger said it will be complicated to have a public road there, particularly with the multimodal transit area and with some of the turns and setbacks needed. He said if this were mainly a residential community, he would agree that they would be pursuing VDOT, but because most of this is commercial and the commercial tenants all have an incentive to maintain those roads for access to their businesses. He said there will be a binding agreement that is filed in a deed where they will have to maintain the roads, which will cover any risk of maintenance going forward.

Ms. McKeel asked if the agreement will cover the residential area, which is what Ms. Price was referring to as being almost separate. She said she has experienced this issue in her district many times, and it is probably that the areas in her district are 20-40 years old. She said the neighborhood associations were supposed to collect fees and that this has not worked. She said she understood what Mr. Redinger was saying about the commercial piece.

Mr. Redinger said on the multifamily side, it is a business and a management company, and in order to be competitive from a leasing standpoint, they will not want to have a dilapidated parking lot and the like. He said he thinks there are similar incentives that apply for the applicant as owners of that property, and they intend to maintain it going forward. He said a bulk of the multifamily portion is parking area, with very little pure road there, and so he did not know whether or not VDOT would even accept it.

Ms. McKeel said she has an area in her district that is mainly parking and has very deep potholes, which is a huge problem. She said Mr. Redinger's answer was appreciated and helpful.

Ms. Price asked if Block 1 was all residential but would all be rental with no private ownership there. She asked if there was an objection to having more than one housing type there, since Mr. Redinger was still asking for the special exception for that.

Mr. Redinger said he had not had a chance to chime in during the Planning Commission's discussion of this issue. He said when he switched to Neighborhood Model, which is typically mostly residentially focused, he believed the intent of a mixture of housing was to provide more affordability to the community through multiple housing types.

Mr. Redinger said because on that side of the street they are building all multifamily, which is the least expensive and most affordable housing type they can build, in order to achieve multiple housing types, they will have to change from multifamily to a townhome-type product. He said this would reduce their total unit count. He said on the requested exemption, it is 128 multifamily units, with 20 of those being affordable. He said there are additional design costs associated with fitting rental townhomes in with a multifamily community, as this is not traditional. He said without the exemption, they would get about 100 or so multifamily units, with 15 of those being affordable and 10 becoming expensive townhome rentals.

Mr. Redinger said he was sure the Supervisors had seen multifamily building types before, and if one of those becomes a row of townhomes, they end up losing units. He said he was happy to do either and that it was absolutely at the Board's discretion, but he thinks from maximizing density in that area and providing the most affordability, he would prefer that they go with the exemption.

Ms. Price said this helped explain, at least to her understanding, a benefit that she was not previously cognizant of.

Ms. Palmer asked Mr. Redinger to explain what an "expensive townhouse" is.

Mr. Redinger replied that while he had not done a construction budget for townhomes, they typically rent for \$2,200 to \$2,400 per month. He said Arden Place and Beacon are probably the most comparable from a new construction standpoint, versus a 2-bedroom multifamily unit that might run from \$1,600 to \$1,800. He said it is a little bigger but is not as affordable for the types of people who want to

rent those places, which are typically younger professionals and the like.

Ms. Palmer asked Mr. Redinger if he was talking about a 2-bedroom townhouse.

Mr. Redinger replied that it would be 2-3 bedrooms, depending on the layout. He said it was tricky because they might be able to do a two-level townhome above a single multifamily unit. He said basically, they are trying to maximize their density there with some design choices they ran by staff, and the hope was that with a rental unit underneath, perhaps they can get an extra standalone bedroom that is still a sort of townhouse-type unit.

Ms. Palmer asked if this was the lower-level accessory unit, which would be additional underneath the townhouse. She said the accessory units are supposed to be affordable.

Mr. Redinger said it was only 5 acres and that they are constrained by the size of the site. He said the traditional mother-in-law unit that sits off the back or is standalone or attached to a larger structure probably wouldn't be built, although it was possible. He said they have not done this site plan but that more than likely, it would be a traditional row of townhomes in place of a multifamily block.

Ms. Palmer asked if it would include the accessory structure.

Mr. Redinger replied that it would most likely include the accessory, but they have not gotten that far into the details, though he knew they would be losing some units.

Ms. Palmer asked Mr. Redinger if he could pull up his last slide so that she could understand the numbers. She said the slide showed 100 multifamily units and 15 affordable units. She asked if this would mean losing 5 units and although she was not trying to be difficult, it looked as if with the accessory structure, they would still be getting 20 affordable units with the 10 "expensive townhomes."

Mr. Redinger said the slide was not very clear and apologized. He said with the exemption, it is 128 total multifamily units, of which 20 are affordable. He said without the exemption, it would be 110 total units, with about 16 being affordable. He said they end up losing a few units and encountering some design challenges without the exemption. He said he did not explore all the possible layouts, but he does know that it is less expensive and more efficient to build multifamily units. He said if they add townhomes, they will lose between 10-18 total units. He said because they have not yet submitted a specific site plan, they do not know what it will be, but that it will definitely be less units.

Ms. Palmer said the 10 expensive townhomes would have the 10 accessory units, however.

Mr. Redinger said he did not know whether or not those are treated as separate units, and perhaps Ms. Kelsey Schlein could weigh in.

Ms. Schlein said they would be counting the accessory units towards the overall density within the Neighborhood Model. She said with the layout of 100 units Mr. Redinger was referring to, they would effectively be losing a 24-unit footprint and replacing it with townhomes. She said from a density standpoint, the accessory units are contributing to the density on the property.

Ms. Palmer said she believed she understood and wanted to be sure she was counting the 10 expensive townhomes as 20 full units, as there would be 10 accessory units with the 10 expensive townhomes.

Ms. Schlein said this would be the case but as Mr. Redinger said, they have not yet fully laid this out and did not have a particular footprint to replace the multifamily footprint with a townhome unit.

Mr. Gallaway opened the public comment portion of the hearing.

Mr. Rex Linville, Samuel Miller District, said he is a former member of the 5th and Avon Community Advisory Committee. He said he was speaking in his capacity as a staff person with the Piedmont Environmental Council.

Mr. Linville said the Southern and Western Neighborhoods Master Plan designates the Albemarle Business Campus site as Community Mixed-Use on the east side of Old Lynchburg Road and as Urban Density Residential on the west. He said the Community Mixed-Use guidelines describe the purpose and intent of this category as, "A mixture of residential and retail services that serve the community. A mixture of uses within buildings is encouraged, with retail office on ground floors and residential or office on the upper floors."

Mr. Linville said despite the Master Plan favoring a mixture of uses within buildings and, at the very least, within this specific type, this is essentially two different projects: the business campus containing self-storage units, Class A office space, and a hotel on the east side of the road; and a residential development on the west. He said these two distinct projects geographically divided by Old Lynchburg Road are masquerading as one in order to give the appearance of Community Mixed-Use. He said instead of serving the mixed-use vision, the project appears to be moving forward because it is a financially feasible model that will generate tax revenue for the County and opportunity zone tax incentives for the applicant.

Mr. Linville said the original Royal Fern project contained a mix of uses that would have far better

served the Southern Neighborhood for tomorrow and today. He said it was better because it met needs on a single site, which is how mixed-use is supposed to function. He said this project does the opposite; by spacing uses out, it creates a new suburban strip which is not the community's vision for the 5th Street Corridor.

Mr. Linville pointed out that PEC does very much appreciate the inclusion of bike and pedestrian infrastructure as part of the project. He said along with this onsite work, there is a need for a cohesive strategy for building a functional bike/ped system that will connect surrounding residents, employees, and customers to and through this site.

Mr. Linville said absent that, this project will only increase bike/ped demand without addressing the systemic need for connectivity, and the existing hodgepodge of pathways and connections in this region may actually become more confusing and disjointed. He said if this project is constructed as proposed, residents of 5th Street apartments who are trying to get to the nearby Azalea Park using the proposed shared use path would have to traverse several non-standard asphalt paths, cross multiple busy streets some without crosswalks, following two discontinuous sidewalks, pass under I-64 with no pedestrian accommodation, and walk on a stretch of grass beside the road.

Mr. Linville said this sort of improvisational wayfinding is not what one would expect from a world-class community. He said the County can and must do a better job of planning and building out the urban infrastructure before projects like Albemarle Business Campus come online. He said the Climate Action Plan passed earlier that day speaks directly to this and lists improved infrastructure to make bike/ped usage safer and more comfortable as one of the immediately actionable ways to address climate change.

Mr. Gallaway closed the public comment portion and offered Mr. Redinger five minutes to rebut anything he heard during public comment.

Mr. Redinger said there are a couple Supervisor questions that he wanted to address. He said Ms. Price and Mr. Linville both referred to this as two projects. He said the background on the site is that it was split by VDOT when they did the construction of Old Lynchburg Road long ago. He said when he acquired the site, it was two parcels, but the parcel that is split is actually a single parcel. He said they followed what was in the Comprehensive Plan for the multifamily side, which is what it calls for.

Mr. Redinger said the connecting portion of the site is where they are constructing pedestrian improvements. He said they looked at doing even more robust improvements across the intersection and explored various options with Mr. McDermott and VDOT. He said what they are doing is the maximum of what is allowable, and so they tried as best they could to do any additional connections that were required and weren't considered offsite proffers for other owners, such as the VDOT parcel in the middle of theirs. He said there are some constraints that are not their fault but have made best efforts to provide connections to every adjoining parcel.

Mr. Redinger said another thing that Mr. Linville perhaps doesn't understand is that on the Wahoo Way side, there is actually a sidewalk system one can access if they cut across Wahoo Way and go through Cavalier Crossing. He said there is a lot of new development, and because the edge of his property line will have sidewalk there, it is reasonable to assume that people will start walking through there. He said whether or not Cavalier Crossing will want to make easements or allow that is up to that property owner, but he thinks it is a much better existing connection.

Mr. Redinger said Ms. Mallek raised two issues, with the first being R&D and Flex. He said it was his understanding that with the types of tenants they are planning for in those two blocks, they may have biotech or a wet lab. He said the intent was not to shy away from that, as they would love to have a biotech incubator on the top-right portion. He said he did not think R&D Flex prevents that unless he was mistaken but if it is the case, they may have some issues. He said he assumes that an office designation would allow for those types of uses as well.

Mr. Redinger said in terms of the energy distribution question, there was no intent to put an energy transmission or distribution system there. He said he would be happy to strike this out if the Board desired. He said he was definitely not wasting valuable commercial space for a transmission system or energy storage.

Mr. Redinger offered to answer any additional questions.

Ms. Mallek asked Mr. Reitelbach if he could answer Mr. Redinger's question about whether or not his proposals for biotech or a lab would come in under the office zoning which is being proposed, or whether they would require a separate special permit process. She said this was the reason why she asked the question because they could be saddling someone with a special permit process when it is not necessary.

Mr. Reitelbach replied that he would have to meet with Zoning to see how they would classify those uses. He said Mr. Frances MacCall from Zoning was available and so he could contact him quickly and hopefully get back to the Board soon.

Mr. Reitelbach received a message from Mr. MacCall. He said Mr. MacCall told him that the use referenced is a standard use in all districts and would be permitted.

Ms. Mallek said the special permit needs to then come out of the table before it is adopted and

causes trouble.

Ms. Price said she had no questions at that time but would have comments later.

Ms. Palmer commented that she thinks the accessory units are often even more affordable than multifamily units and are important. She said she does plan to vote against the special exception as the Planning Commission voted. She said she likes the addition and appreciates that Mr. Redinger included the townhouses and accessory units. She said she would rather see this happen than to have the flexibility of removing those, which is how she views the special exception.

Ms. Mallek said she appreciates that there was a reason why the Comprehensive Plan and Master Plans had the option, when there are so many other kinds of housing within a quarter mile, that they do not restrict every single property to having exactly the same mixtures. She said what comes to mind is what the Crozet Master Plan is currently saddled with which is mandatory vertical mixed use, which is not possible to finance and is very difficult to carry out. She said she would personally be okay with the special exception because of the many different kinds of housing there.

Ms. Mallek said she supports the project. She said it is very well designed, and she is very glad to have more employment than more housing. She said there is lots of housing in the area and having places for some of the residents nearby to go to work would be wonderful.

Ms. Price said she had conflicting or diverging thoughts in the sense that the geographic structure of how this is set up seems odd to her. She said it doesn't strike her as meeting what the definition of this type of proposal is because there is such a separation between the residential and business side. She said it strikes her as almost two projects.

Ms. Price said she does very much like the business side of this. She said she likes the design and the mix developed as well as the aesthetics, all of which she supports.

Ms. Price said in general, she supports the housing. She said she has been conflicted on the special exception Mr. Redinger was asking for. She said she could see benefits either way. She said she intended on moving approval of the Zoning Map Amendment but would listen to the Planning Commission's recommendation on the special exception.

Ms. LaPisto-Kirtley said she liked and planned on supporting both proposals Mr. Redinger presented. She said it is slightly different from what is done, but she thinks this is what makes the County special. She said she likes that they are perhaps going outside of their comfort zone to have some things be different. She said she likes the idea of the housing being close to the businesses, which is innovative. She said perhaps it doesn't comply, and she hated going against the Planning Commission, but she did plan on voting yes on the exception.

Ms. McKeel said she wanted to understand the Supervisors of record's concern from the Samuel Miller and Scottsville Districts. She said she is intrigued with the plan and concept and is supportive of the project and special exception.

Mr. Gallaway said he agreed with the way Ms. Mallek described the special exception. He said he read through the Planning Commission meeting minutes several times. He said it seems to him that either way would work for the applicant. He said he thinks having the special exception in place would still give the applicant the flexibility to go the other way if he wanted to, as opposed to blocking it out, and so he would like to keep that intact.

Mr. Gallaway said regarding Mr. Randolph's comments in the Planning Commission minutes relating to the \$500,000 proffer being a flexible item that goes into the CIP, he would certainly be supportive of seeing that somehow being directed to the schools to see if there is a way to help with the impacts to them.

Mr. Gallaway said taking the \$500,000 and dividing it by the maximum number of students, which was about 38 students, that this comes out to about \$13,100. He asked if anyone knew what the current state amount per student is. He said it was probably not the same, but that the number looked familiar to something he was remembering from 4-5 years earlier. He said it seemed that this number for 38 students would be a worthwhile proffer to see it go to the schools rather than to another part of the County. He said he supports and appreciates Mr. Randolph's thoughts on that.

Mr. Frances MacCall, Deputy Zoning Administrator, said he wanted to offer some clarification on the back-and-forth regarding industrial uses. He said in the Light Industrial consideration, this is laid out in the Code of Development as far as trying to interpret those uses. He said it would have to depend on a specific use and if something were being proposed that Zoning would have to interpret at that time. He said it was hard to say that the uses would or would not fit in, but Zoning would utilize the tools they have in the Zoning Ordinance and Comprehensive Plan in guiding them towards making the decision on whether a specific use would go in that particular district.

Mr. MacCall said as to the water, sewer, energy, and communication distribution facility, this is a standard use that is listed in all zoning districts and was carried over from each of the districts, and so this is a standard consideration in most codes of development staff has seen.

Mr. Kamptner said although this term is not defined in the Zoning Ordinance, the Zoning

Ordinance does define “energy transmission facility,” which speaks to transmission lines, pumping stations, and appurtenances. He said he thinks Zoning can handle the distinction between the transmission and the distribution.

Ms. Mallek said if she understood correctly, regarding the special permit in the table for Light Industrial that she understood Mr. Reitelbach to say was part of Mr. Redinger’s application, she wanted Mr. Redinger to say whether or not he wants to leave it in or take it out to have more flexibility to put in Afton Scientific or someone similar in one of the buildings without a special permit. She said if other Supervisors have an issue with this, they would have to find this out.

Mr. Redinger asked if Afton Scientific or a wet lab space was considered Light Industrial.

Mr. MacCall said he did not know offhand, but that for a specific use, staff would have to evaluate it, which would give them the opportunity to identify potential impacts and the Board the opportunity to judge it with the special use permit request. He said it theoretically could fall within R&D Flex, but that he did not know offhand.

Ms. Mallek said it does put uncertainty on things down the line when there is a building and tenant but suddenly, staff decides they do not qualify. She said she was trying to avoid this for everyone by making a clear decision now about what the applicant and community can expect.

Mr. MacCall said evaluating this now was difficult, which was the idea of leaving it broader with the overall uses that are listed in the code of development.

Ms. Mallek said it was up to Mr. Redinger to see what he wanted to do.

Mr. Redinger said he would prefer not to do a special permit if they can avoid it. He said it was hard to say the specific uses and what would encompass the definition of what is Office R&D versus Light Industrial. He said he had some preliminary discussions with specialty biotech manufacturing and wet lab space. He said these are places that are manufacturing drugs in very expensive climate-controlled facilities, with no noise and nothing spilling out of the building. He said these are the kinds of things he would like to do by-right. He said obviously, they would not want to be making engines there.

Mr. Redinger said he was unsure if they should clarify this now, or deal with it in the future. He said he preferred to do it now if it did not obstruct the project moving forward.

Ms. Palmer said she thought they were just told by staff that it is difficult to evaluate that now, and so she would prefer to keep it as it is. She said she understands Ms. Mallek’s point but that she doesn’t know the ramifications of what could happen. She said she appreciated Mr. MacCall’s clarification.

Mr. Gallaway said he agreed with Ms. Mallek but that it would be a difficult thing to determine at the present moment.

Mr. Gallaway said if there were no further comments, there would need to be two motions: one to approve the ZMA (Attachment G), and the other to approve the special exception request (Attachment H).

Mr. Kamptner said if the Board were inclined to not approve the special exception, there was a resolution sent by email to give the Board both options.

Ms. Price **moved** that the Board adopt Attachment G, an ordinance to amend the Zoning Map for Tax Parcel 76-46A, 76-46F, and 76-54. Ms. Palmer **seconded** the motion.

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

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

ORDINANCE NO. 20-A(15)
ZMA 2019-00003

AN ORDINANCE TO AMEND THE ZONING MAP
FOR TAX PARCELS 076000000046A0, 076000000046F0 (portion), AND 07600000005400

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2019-00003 and their attachments, including the code of development dated September 21, 2020, the application plan dated September 8, 2020, and the proffers dated September 14, 2020, the information presented at the public hearing, any written comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code §§ 18-20A.1 and 18-33.27, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2019-00003 with the code of development dated September 21, 2020, the application plan dated September 8, 2020, and the proffers dated September 14, 2020.

Ms. Mallek **moved** to adopt the resolution, Attachment H, to approve the special exception mixture of uses. Ms. McKeel **seconded** the motion.

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

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

NAYS: Ms. Palmer, Ms. Price

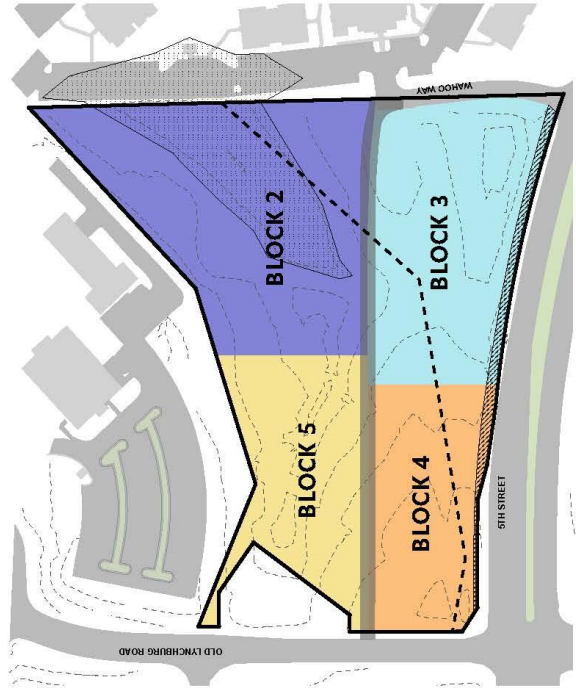
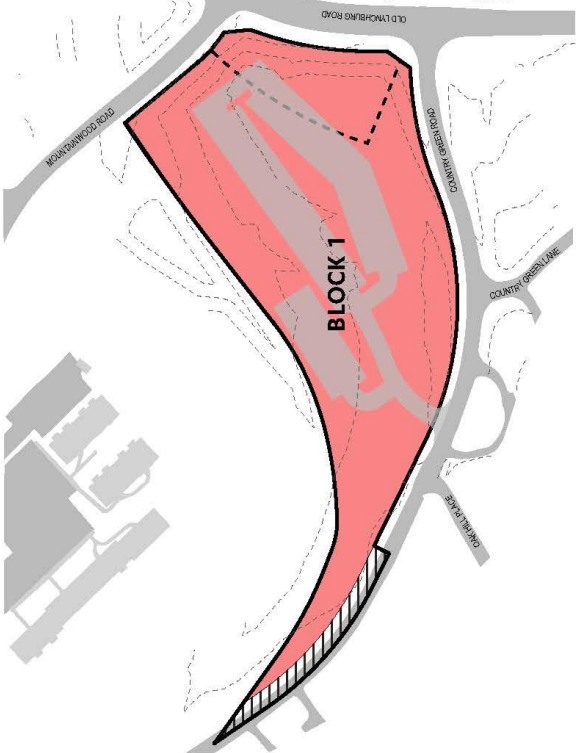
**RESOLUTION TO APPROVE A SPECIAL EXCEPTION
FOR ZMA 2019-00003 ALBEMARLE BUSINESS CAMPUS**

BE IT RESOLVED that, upon consideration of the Transmittal Summary and Planning Commission Staff Report prepared in conjunction with the application and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to special exceptions in Albemarle County Code §§ 18-8.2(b), 18-20A.8(a), and 18-33.49, the Albemarle County Board of Supervisors hereby approves the special exception to waive the requirement for a Neighborhood Model District to have a minimum of two housing types.

Code of Development

The following is a Code of Development (“COD”) drafted in accordance with Section 20A.5 of Chapter 18 of the Code of Albemarle, Virginia and specific to tax map parcels 76-46A, 76-54, and a portion of 76-46F. This Code of Development establishes the unifying design guidelines, specific regulations, and block characteristics. The COD also provides certainty about the permitted uses, locations, and appearance of central features.

**ALBEMARLE BUSINESS CAMPUS
A NEIGHBORHOOD MODEL DISTRICT
ZMA201900003 | Code of Development**



SHIMP ENGINEERING, P.C.

Submitted 16 March 2020
Submitted 22 June 2020
Revised 28 JULY 2020
Revised 6 August 2020
Revised 8 September 2020
REVISED 21 SEPTEMBER 2020
ZMA2019-03 COD | 1

ALBEMARLE BUSINESS CAMPUS
A NEIGHBORHOOD MODEL DISTRICT
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TABLE A. Uses					
	BLOCK 1	BLOCK 2	BLOCK 3	BLOCK 4	BLOCK 5
RESIDENTIAL					
Attached single-family dwellings such as two-family dwellings, triplexes, quadruplexes, townhouses, and townhouses with accessory apartment units	BR	BR	N	N	N
Multifamily	BR	BR	BR	BR	BR
Group Homes	BR	BR	BR	BR	BR
Boarding Houses	BR	BR	BR	BR	BR
Home Occupation Class A	BR	BR	BR	BR	BR
NON-RESIDENTIAL					
Office/R&D/Flex	BR	BR	BR	BR	BR
Light Industrial	N	SP	N	N	SP
Retail Sales	BR	BR	BR	BR	BR
General Commercial Service	BR	BR	BR	BR	BR
Public Establishments	BR	BR	BR	BR	BR
Institutional	BR	BR	BR	BR	BR
Hotel/Conference Facility	N	BR	N	BR	BR
Self-service storage facilities	N	BR	N	N	BR
Farmers' markets	N	BR	BR	BR	BR
Car Washes	N	N	N	N	N
Automobile, Truck Repair Shops	N	N	N	N	N

“BR” = “By-right”
“SP” = “Special Use Permit”
“N” = “Not Permitted”

ALBEMARLE BUSINESS CAMPUS
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Machinery and equipment sales, service, and rental	N	N	N	N	N
Manufactured home and trailer sales and service	N	N	N	N	N
Motor vehicle sales, service and rental	N	N	N	N	N
Wholesale Distribution	N	N	N	N	N
Sale of major recreational equipment and vehicles	N	N	N	N	N
Storage Yards	N	N	N	N	N
Drive-through windows	N	N	N	N	N
Water, sewer, energy and communications distribution facilities	BR	BR	BR	BR	BR
Accessory uses and buildings including storage buildings	BR	BR	BR	BR	BR
Temporary construction headquarters and temporary construction storage yards (reference §18-5.1.18)	BR	BR	BR	BR	BR
Temporary industrialized buildings (reference 5.8)	BR	BR	BR	BR	BR
Public Uses (reference §18-5.1.12)	BR	BR	BR	BR	BR
Tier I and Tier II Personal wireless (reference §18-5.1.40)	BR	BR	BR	BR	BR
Outdoor storage, display and/or sales serving or associated with a Permitted use, other than a residential use	N	SP	SP	SP	SP
Stand alone parking	BR	BR	BR	BR	BR
Notes to Table A: 1. Reference to uses not otherwise defined or listed in this Code of Development shall be defined as listed first, in the Albemarle County Zoning Ordinance or second, in the adopted Comprehensive Plan. If no definition of the use is provided (Code of Development, Zoning Ordinance, Comprehensive Plan) then such use must be officially determined by the zoning administrator, after consultation with the director of planning, to be permitted in a particular Block pursuant to subsection 8.5.2(c)(1). 2. A minimum of two housing types must be provided within the NMD unless a special exception is approved by the Board of Supervisors permitting one housing type within the NMD.					

“BR” = “By-right”
“SP” = “Special Use Permit”
“N” = “Not Permitted”
SHIMP ENGINEERING, P.C.

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ZMA2019-03 COD | 3

ALBEMARLE BUSINESS CAMPUS
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TABLE B. SQUARE FOOTAGE					
	BLOCK 1	BLOCK 2	BLOCK 3	BLOCK 4	BLOCK 5
TOTAL					
MIN Non-Residential Square Footage	0	0	25,000	4,000	45,000
MAX Non-Residential Square Footage	6,000	100,000	110,000	60,000	125,000
					401,000

TABLE C. RESIDENTIAL DENSITY (Net Density Calc)					
	BLOCK 1	BLOCK 2	BLOCK 3	BLOCK 4	BLOCK 5
TOTAL					
Approximate Block Area (Net Acreage)	5.08	3.17	2.35	1.49	1.54
MIN Residential Units	29	0	0	0	0
MAX Residential Units	128	85	56	38	39
MAX Block Gross Density (DUA)	25	26	23	25	25
Notes to Table C:					
1. Total number of residential units in Albemarle Business Campus not to exceed 128.					
2. Overall maximum residential density not to exceed 10 DUA in Albemarle Business Campus.					

TABLE D. GREENSPACE & AMENITIES					
	BLOCK 1	BLOCK 2	BLOCK 3	BLOCK 4	BLOCK 5
Amenity Area MIN SF	44,257		74,488 SF for Blocks 2-5		
Amenity Area MIN %	20%		20% for Blocks 2-5		
Amenity Characteristics ²	Passive & active recreational opportunities; clubhouse, fitness center, pool, sitting garden, dog park, landscaped walking path	Passive & active recreational opportunities; park/dog park, central greenspace, pedestrian path	Passive recreational opportunities; rooftop deck, central greenspace, pedestrian path, multi-use path, dynamic transport plaza, linear greenway adjacent to multi-use path with sensory/experiential plantings (edible trees & shrubs, flowers, seasonal blooms)	Passive recreational opportunities; central greenspace, linear greenway adjacent to multi-use path with sensory/experiential plantings (edible trees & shrubs, flowers, seasonal blooms), multi-use path, transit plaza	Passive recreational opportunities; walking path
Green Space MIN Sf	44,257		74,488 SF for Blocks 2-5		
Green Space MIN %	20%		20% for Blocks 2-5		
Green Space Characteristics ³	Grass/other vegetation or water feature	Grass/other vegetation or water feature	Grass/other vegetation or water feature	Grass/other vegetation or water feature	Grass/other vegetation or water feature
Amenity + Green Space MIN %	20%		20% for Blocks 2-5		
Notes to Table D:					
1. A minimum of 20% of Albemarle Business Campus shall be designated as green space and amenity area. In non-residential blocks, the 20% greenspace and amenity area minimums may be distributed among multiple blocks. Any block containing residential use must provide 20% greenspace and amenity area in that block and provide recreational facilities in accordance with 4.16 provided that facilities and equipment substitutions may be pursued at site plan. Examples of potential equipment and facilities substitutions are provided on Table D1.					
2. Amenities explicitly listed in each block provide an overview of potential amenity improvements. This list is not exhaustive and final amenities will be determined at site plan.					
3. Uses in green space may include, but are not limited to, stormwater areas, wooded slopes, graded & revegetated slopes of 25% to 50%, required yards on both residential & non-residential lots, landscaped areas, landscaped islands in parking lots, and other land covered in vegetation. Where areas for amenities are vegetated, amenities, such as in parks and playgrounds, shall be included in required greenspace calculations.					
4. Amenities identified in any standing performance agreement between the owner and the County shall be completed in accordance with any timelines for amenity completion identified in the standing performance agreement. Amenities per block required by this code of development, but not expressly identified in the performance agreement, must be completed prior to the issuance of certificate of occupancy for the first permanent building or structure located within that block. ^{2/1}					
5. At least 90% of the residential units in the NMD will be within a quarter-mile walk of an amenity.					

ALBEMARLE BUSINESS CAMPUS
A NEIGHBORHOOD MODEL DISTRICT
ZMA201900003 | Code of Development

TABLE D1. RECREATIONAL EQUIPMENT & FACILITIES ALTERNATIVES	
Section 4.16.2 Minimum Facilities	Alternative Facilities
Minimum 2,000 sq. ft. tot lot	<ul style="list-style-type: none">Natural playscape (≥ 2000 sq. ft.)Kiddie poolClubhouse
1/2 basketball court	<ul style="list-style-type: none">Fitness centerPoolClubhouse
Notes to Table D1: 1. The alternative equipment & facilities provided are non-exhaustive and are meant to provide a general framework for potential substitutions pursued at site plan.	

Architectural Standards (Sections 20A.5g)

In addition to any architectural, landscape, and site requirements illustrated or otherwise included in other sections of this application, the Entrance Corridor guidelines of Section 30.6 shall also apply, which may require features and/or treatments over and above those listed in this Code of Development. Architectural design and detail of structures will be subject to Architectural Review Board (ARB) review and Section 30.6 "Entrance Corridor Overlay District" of the Albemarle County Code, as applicable.

1. The illustrations in Figures 1 - 4 demonstrate possible form, massing, and proportions of structures within the NMD; final architectural designs to be determined at site plan.
2. Each building facade shall have a minimum of two material treatments; material treatments exclude windows and doors.

**ALBEMARLE BUSINESS CAMPUS
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Figure 1



Figure 2



Figure 3



Figure 4

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ZMA201903 C0117

TABLE E. LOT & BUILDING REGULATION

LBEMARLE BUSINESS CAMPUS

BLOCK 1 BLOCK 2 BLOCK 3 BLOCK 4 BLOCK 5

	BLOCK 1	BLOCK 2	BLOCK 3	BLOCK 4	BLOCK 5
Building Height					
Stories ⁶	1 Min - 3 Max	1 Min - 4 Max	2 Min - 4 Max	1 Min - 3 Max	1 Min - 3 Max
Height	45'	60'	60'	50'	50'
Setbacks					
Primary Front ¹	5' Min	5' Min - 30' Max	5' Min - 30' Max	5' Min - 30' Max	5' Min - 30' Max
Secondary Front ¹	N/A	N/A	0' Min - 30' Max	0' Min - 30' Max	N/A
Side	5' Min	None	None	None	None
Rear	None	None	N/A	N/A	None
Stepbacks					
Primary Front ¹	None	For each above grade story that begins above 40' in height or for each above grade story above the third story, whichever is less, the minimum stepback shall be 15 feet	For each above grade story that begins above 52' in height or for each above grade story above the third story, whichever is less, the minimum stepback shall be 15 feet	For each above grade story that begins above 40' in height or for each above grade story above the third story, whichever is less, the minimum stepback shall be 15 feet	For each above grade story that begins above 40' in height or for each above grade story above the third story, whichever is less, the minimum stepback shall be 15 feet
Secondary Front ¹	N/A	N/A	For each story that begins above 45' in height or for each story above the third story, whichever is less, the minimum stepback shall be 15 feet	For each story that begins above 40' in height or for each story above the third story, whichever is less, the minimum stepback shall be 15 feet	N/A
Side and Rear	None	None	None	None	None
Building Footprint					
Maximum Single Building Footprint	20,000	40,000	40,000	30,000	40,000

Notes to Table E:

1. For double-frontage lots in Blocks 3 & 4, 5th Street shall be considered the primary front and the interior road parallel to 5th Street shall be considered the secondary front. Primary facades of buildings in Blocks 3 & 4 shall be oriented to 5th Street.

2. On any parcel with multiple main buildings, at least one main building shall meet the maximum setback.

3. Front setbacks shall be measured from the edge of the right-of-way or the exterior edge of the sidewalk, if the sidewalk is outside of the right-of-way.

4. Surface parking in Blocks 3 & 4 shall not be located closer than 10' from the edge of the 5th Street right-of-way.

5. Building separation shall comply with all applicable USBC regulations & Section 4.11 of the Zoning Ordinance.

6. Minimum and maximum building story ranges provided are for above grade stories.

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ZMPC2017-05 COD | 8

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Notes to Table E (continued):

- 7. Porches, eaves, and awnings shall be considered part of the structure and shall not extend closer to the street than the required setbacks. Awnings and railings shall not be subject to setback regulations.
- 9. Side setbacks for structures in Block 1 may be reduced for structures sharing a common wall.
- 10. R&D/Flex and Light Industrial building footprints shall be limited to 20,000 SF.

Parking Areas (Section 20A.5i(8))
Parking shall be generally located as shown in Figures 5 & 6 below. Table E of the Code of Development and the Application Plan shall be referenced for parking area restrictions. Parking, stacking, and loading shall be provided in accordance with Section 4.12. A parking and loading needs study required by Section 33.19(D) shall be submitted in conjunction with the initial site plan. The parking and loading needs study may demonstrate that reductions from the minimum parking requirement may be permitted. Bike racks shall be installed at every building in the NMD and may be one method utilized to alleviate the need for automobile parking.



Figure 5



Figure 6

Landscape Treatments (Section 20A.5h)

Landscaping shall be generally located as shown in Figures 5 & 6 above. Landscaping and screening shall be provided in accordance with Section 32.7.9 of the Albemarle County Code and in accordance with Entrance Corridor Design Guidelines. Plantings may be provided in the Virginia Department of Transportation right-of-way only as permitted by VDOT. Dumpsters and Dumpster Pads on the Property shall be screened pursuant to Section 4.12.19 of the Zoning Ordinance.

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**ALBEMARLE BUSINESS CAMPUS
A NEIGHBORHOOD MODEL DISTRICT
ZMA201900003 | Code of Development**

Additional Landscape Treatments

If surface parking is constructed in the southeast corner of Block 3, the grade and landscape treatments should work together to screen the parking area from the Entrance Corridor. Figures 7 & 8 depict general screening measures for future surface parking in the southeast corner of Block 3.

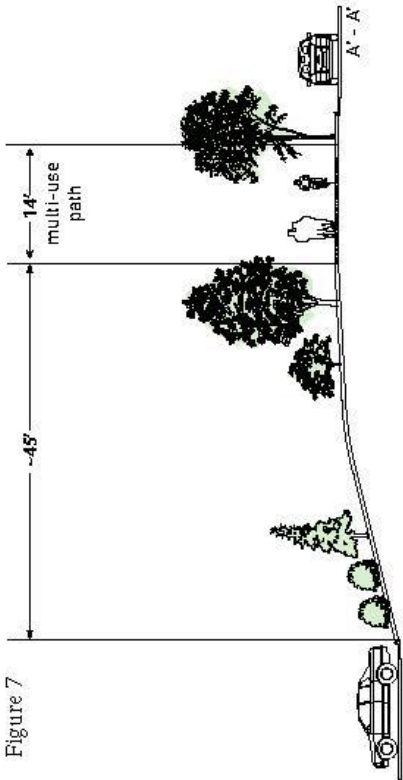


Figure 7



Figure 8

Sidewalks & Pedestrian Paths (Section 20A.5i(5))

Sidewalks and pedestrian paths shall be generally located per the Application Plan associated with ZMA201900003. Exact location of sidewalks and pedestrian paths will be determined at site plan.

**ALBEMARLE BUSINESS CAMPUS
A NEIGHBORHOOD MODEL DISTRICT
ZMA201900003 | Code of Development**

Sidewalks within the NMD must be constructed, at minimum, to VDOT standards, and will be provided on either side of any street within the NMD. Sidewalks will be located generally as shown in Figures 9 & 10 of this Code of Development and as provided for in the Application Plan however, final sidewalk locations will be determined at site plan. Modifications to general sidewalk locations may be pursued at site plan so long as pedestrian connections providing comparable connectivity to the connections shown in Figures 9 & 10 are provided. The “comparable connectivity” of any modifications to the general location of sidewalk connections shown in Figures 9 & 10 shall be determined by the Director of Community Development or its designee. In addition to the general locations shown in Figures 9 & 10, sidewalks will be constructed to provide safe and convenient pedestrian connections between parking areas and building entrances.

Pedestrian paths/allées/connections will be located generally as shown in Figures 9 & 10 of this Code of Development and as provided for in the Application Plan however, final pedestrian path/allée/connections locations will be determined at site plan. Modifications to general pedestrian path/allée/connection locations may be pursued at site plan so long as pedestrian connections providing comparable connectivity to the connections shown in Figures 9 & 10 are provided. The “comparable connectivity” of any modifications to the general location of pedestrian path/allée/connections shown in Figures 9 & 10 shall be determined by the Director of Community Development or its designee.

Figure 9

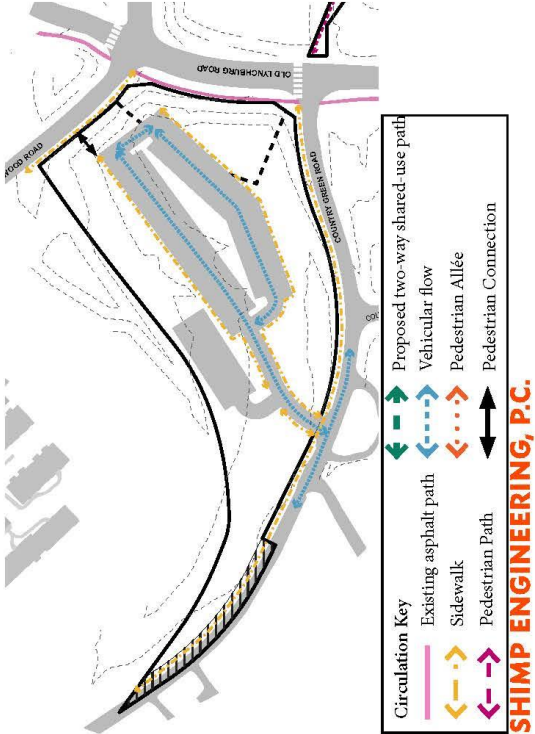
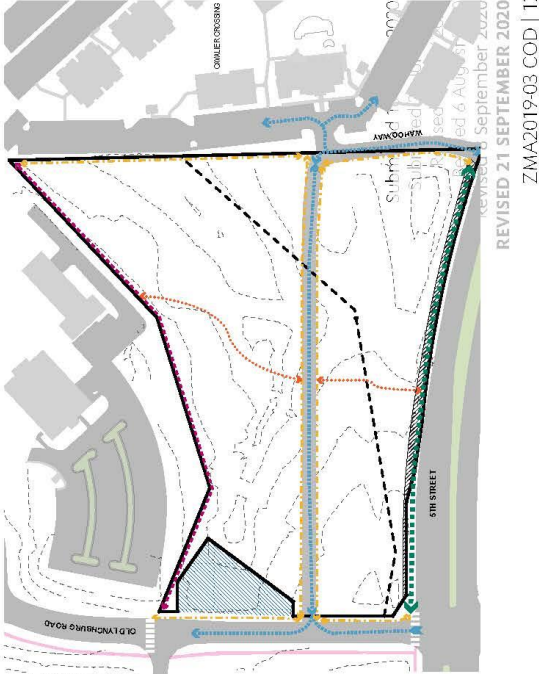


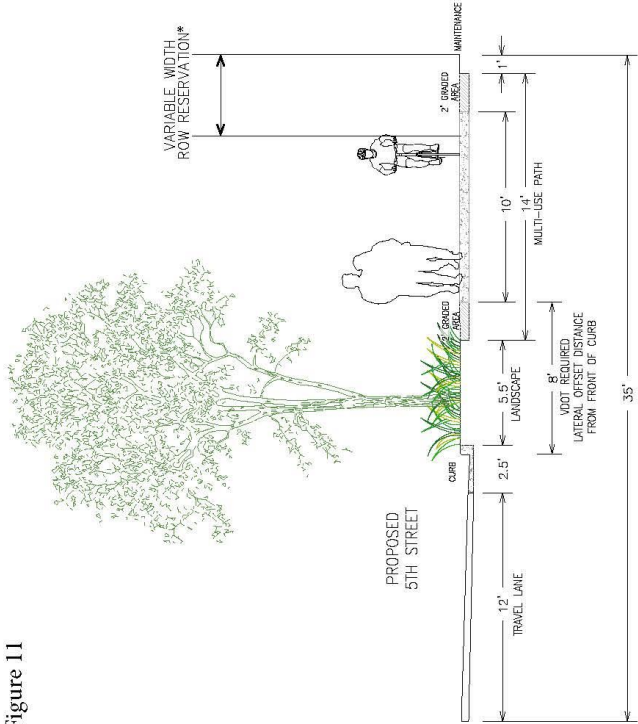
Figure 10



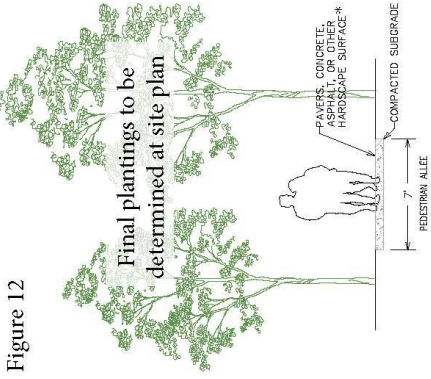
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A NEIGHBORHOOD MODEL DISTRICT
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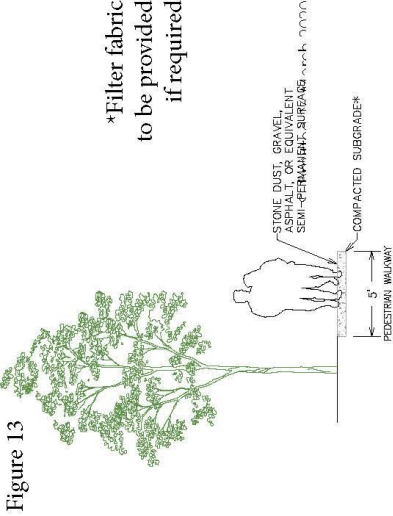
TWO-WAY SHARED-USE PATH
(VDOT STANDARDS)
5TH STREET EXTENDED



PEDESTRIAN ALLÉE



PEDESTRIAN PATH



*To be dedicated if necessary for multi-use path improvements

1. Improvements shown in Figure 11 are within right-of-way and right-of-way reservation area adjacent to 5th Street
2. Plantings provided as permitted by VDOT

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ALBEMARLE BUSINESS CAMPUS
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AFFORDABLE HOUSING
15% of the total residential dwelling units built within areas designated for residential use within the project shall be Affordable Dwelling Units (the “15% Affordable Housing Requirement”). The 15% Affordable Housing Requirement may be met through a variety of housing types, including but not limited to, for-sale units or rental units.

For-Sale Affordable Dwelling Units: All purchasers of the affordable units shall be approved by the Albemarle County Community Development Department or its designee (“Community Development”). A for-sale Affordable Dwelling Unit shall mean any unit affordable to households with income less than eighty percent (80%) of the area median income (as determined by the U.S. Department of Housing and Urban Development (HUD) from time to time) such that housing costs consisting of principal, interest, real estate taxes and homeowners insurance (PITI) do not exceed thirty percent (30%) of the gross household income. The Applicant or its successor shall provide the County or its designee a period of ninety (90) days to identify and prequalify an eligible purchaser for the for-sale Affordable Dwelling Units. The ninety (90) day period shall commence upon written notice from the Applicant, or its successor, that the unit(s) will be available for sale. This notice shall not be given more than sixty (60) days prior to receipt of the Certificate of Occupancy for the applicable for-sale Affordable Dwelling Unit; the County or its designee may then have thirty (30) days within which to provide a qualified purchaser for such for-sale Affordable Dwelling Unit. If the County or its designee does not provide a qualified purchaser **SHIMP ENGINEERING, P.C.**

during the ninety (90) day period, the Applicant or its successor shall have the right to sell the unit(s) without any restriction on sales price or income of the purchaser(s). This shall apply only to the first sale of each of the for-sale Affordable Dwelling Units.

For-Rent Affordable Dwelling Units:

1.) **RENTAL RATES:** The net rent for each rental housing unit which shall qualify as an Affordable Dwelling Unit (“For-Rent Affordable Dwelling Unit”) shall not exceed HUD’s affordability standard of thirty percent (30%) of the income of a household making eighty percent (80%) of the area median income (as determined by HUD from time to time). In each subsequent calendar year, the monthly net rent for each For-Rent Affordable Dwelling Unit may be increased up to three percent (3%). The term “net rent” means that the rent does not include tenant-paid utilities or Homeowners Association fees. The requirement that the rents for such For-Rent Affordable Dwelling Units may not exceed the maximum rents established in this Section shall apply for a period of ten (10) years following the date the certificate of occupancy is issued by the County for each For-Rent Affordable Dwelling Unit, or until the units are sold as low or moderate cost units qualifying as such under either the VHDA, Farmers Home Administration, or Housing and Urban Development, Section 8, whichever comes first (the “Affordable Term”).

2.) **CONVEYANCE OF INTEREST:** All deeds conveying any interest in the For-Rent Affordable Dwelling Units during the Affordable Term shall contain language reciting that such unit is

**ALBEMARLE BUSINESS CAMPUS
A NEIGHBORHOOD MODEL DISTRICT
ZMA201900003 | Code of Development**

subject to the terms of this Section. In addition, all contracts pertaining to a conveyance of any For-Rent Affordable Dwelling Unit, or any part thereof, during the Affordable Term shall contain a complete and full disclosure of the restrictions and controls established by this Section. At least thirty (30) days prior to the conveyance of any interest in any For-Rent Affordable Dwelling Unit during the Affordable Term, the then-current Owner shall notify the County in writing of the conveyance and provide the name, address and telephone number of the potential grantee, and state that the requirements of this Section have been satisfied.

3.) REPORTING RENTAL RATES: During the Affordable Term, within thirty (30) days of each rental or lease term for each For-Rent Affordable Dwelling Unit, the Applicant or its successor shall provide to the Housing Office a copy of the rental or lease agreement for each such unit rented that shows the rental rate for such unit and the term of the rental or lease agreement. In addition, during the Affordable Term, the Applicant or its successor shall provide to the County, if requested, any reports, copies of rental or lease agreements, or other data pertaining to rental rates as the County may reasonably require.

Tracking: Each subdivision plat and site plan for land within the Property shall designate lots or units, as applicable, that will satisfy the 15% Affordable Housing Requirement. Such subdivision plat(s) or site plan(s) shall not be required to identify the method by which the 15% Affordable Housing Requirement will be satisfied. The aggregate number of such lots or units designated for affordable units

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within each subdivision plat or site plan shall constitute a minimum of fifteen percent (15%) of the lots or units in such subdivision plat or site plan, unless such subdivision plat or site plan does not contain any residential uses. The Applicant, at the Applicant's option, may accelerate the provision of affordable units ahead of the 15% Affordable Housing Requirement and shall be entitled to receive credit on future subdivision plat(s) or site plan(s) for any such units provided beyond the 15% Affordable Housing Requirement.

ZONING MAP AMENDMENT
APPLICATION PLAN
ZMA201900003

**ALBEMARLE
BUSINESS CAMPUS**
A NEIGHBORHOOD MODEL DISTRICT
TMP(s) **76-46A, 76-54, Portion of 76-46F**

Project ID: 18.004
Submitted 18 March 2019
Revised 17 June 2019
Revised 29 July 2019
Revised 13 September 2019
Revised 16 December 2019
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Revised 22 June 2020
Revised 28 July 2020
Revised 6 August 2020

REVISED 8 SEPTEMBER 2020
Context Map
Sheet 1 of 19

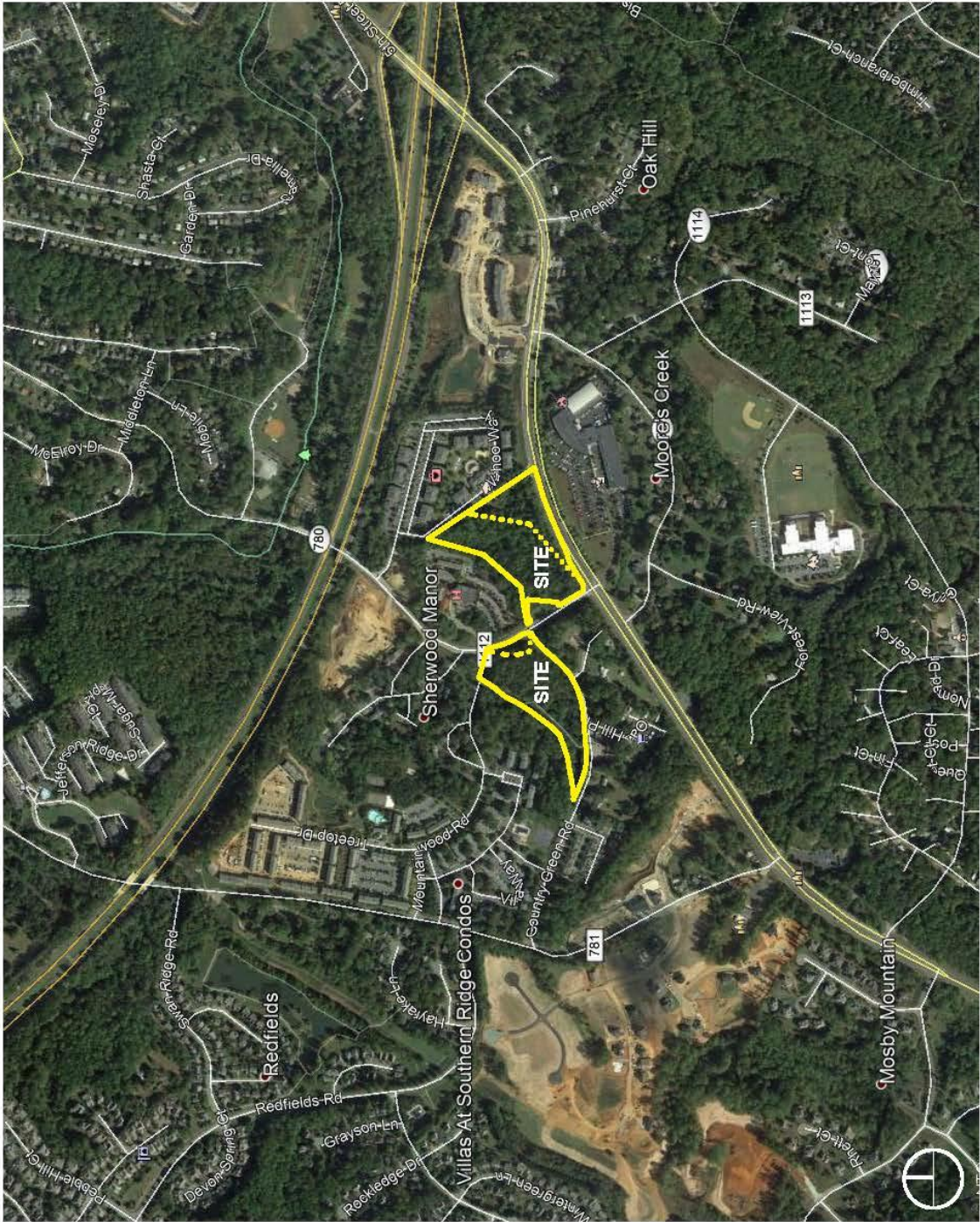


Image provided by Google Maps

INDEX OF SHEETS

- 1 - Cover & Context Map
- 2 - Site & ZMA Details
- 3 - Existing Conditions-Entire Site
- 4 - Existing Conditions
- 5 - Existing Conditions
- 6 - Block Network
- 7 - Land Use Categories
- 8 - Proposed Circulation
- 9 - Conceptual Grading & Stormwater
- 10 - Green & Amenity Space
- 11 - Block Network
- 12 - Land Use Categories
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- 15 - Green & Amenity Space
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- 17 - Conceptual Street Section
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- 19 - Conceptual Street Section

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ZONING MAP AMENDMENT
APPLICATION PLAN
ZMA201900003

ALBEMARLE BUSINESS CAMPUS
A NEIGHBORHOOD MODEL DISTRICT
SITE & ZMA DETAILS

Sheet 2 of 19

OWNER/DEVELOPER
Fifth Street Forest, LLC
250 West Main Street, Suite 201
Charlottesville, VA 22902-0000

TMP(S)
76-46A, 76-54, Portion of 76-46F

MAGISTERIAL DISTRICT
Samuel Miller & Scottsville

STEEP SLOPES & STREAM BUFFER
There are no stream buffers within the project area.
Managed steep slopes exist within the project area.

SOURCE OF BOUNDARY & TOPOGRAPHY
Boundary from compiled plats for subject parcel and GIS for adjoining parcels. Ten (10) foot contour interval topography from Louisa Aerial Surveys, Inc (08/22/07). Supplemented by additional field survey performed by Roger Ray.

FLOODZONE
According to the FEMA Flood Insurance Rate Map, effective date February 4, 2005 (Community Panel 51003C0286D), this property does not lie within a Zone A 100-year flood plain.

WATER SUPPLY WATERSHED
Non-Watershed Supply Watershed

WATER AND SANITARY SERVICES
Provided by Albemarle County Service Authority (ACSA)

PARKING
Parking requirements to comply with section 4.12.6 of the Albemarle County Zoning Ordinance, unless parking alternatives per section 4.12 are pursued during site plan and are approved by the Zoning Administrator.

PROPOSED UNITS
MAX 128 units. Gross & net density: 9.39 units/acre

USE
EXISTING: Vacant
PROPOSED: Mixed Use Development

ZONING
EXISTING: R2, R10, CO
OVERLAY: Airport Impact Area, Entrance Corridor, Steep Slopes - Managed, Dam Break Inundation Zone - State
COMPREHENSIVE PLAN: Urban Density Residential, Community Mixed Use
PROPOSED: NMD

ROW RESERVATION CALCULATION			
	ACREAGE	RIGHT-OF-WAY RESERVATION	ACREAGE LESS R/W RESERVATION
TMP 76-46A (West)	4.50	0.21	4.29
Portion of TMP 76-46F	0.58	.002	0.58
TMP 76-46A (East)	5.67	.014	5.66
TMP 76-54	2.88	0.22	2.66
Total	13.63	0.44	13.19

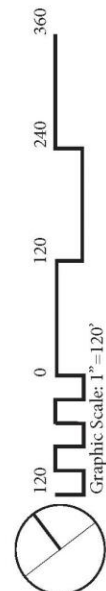
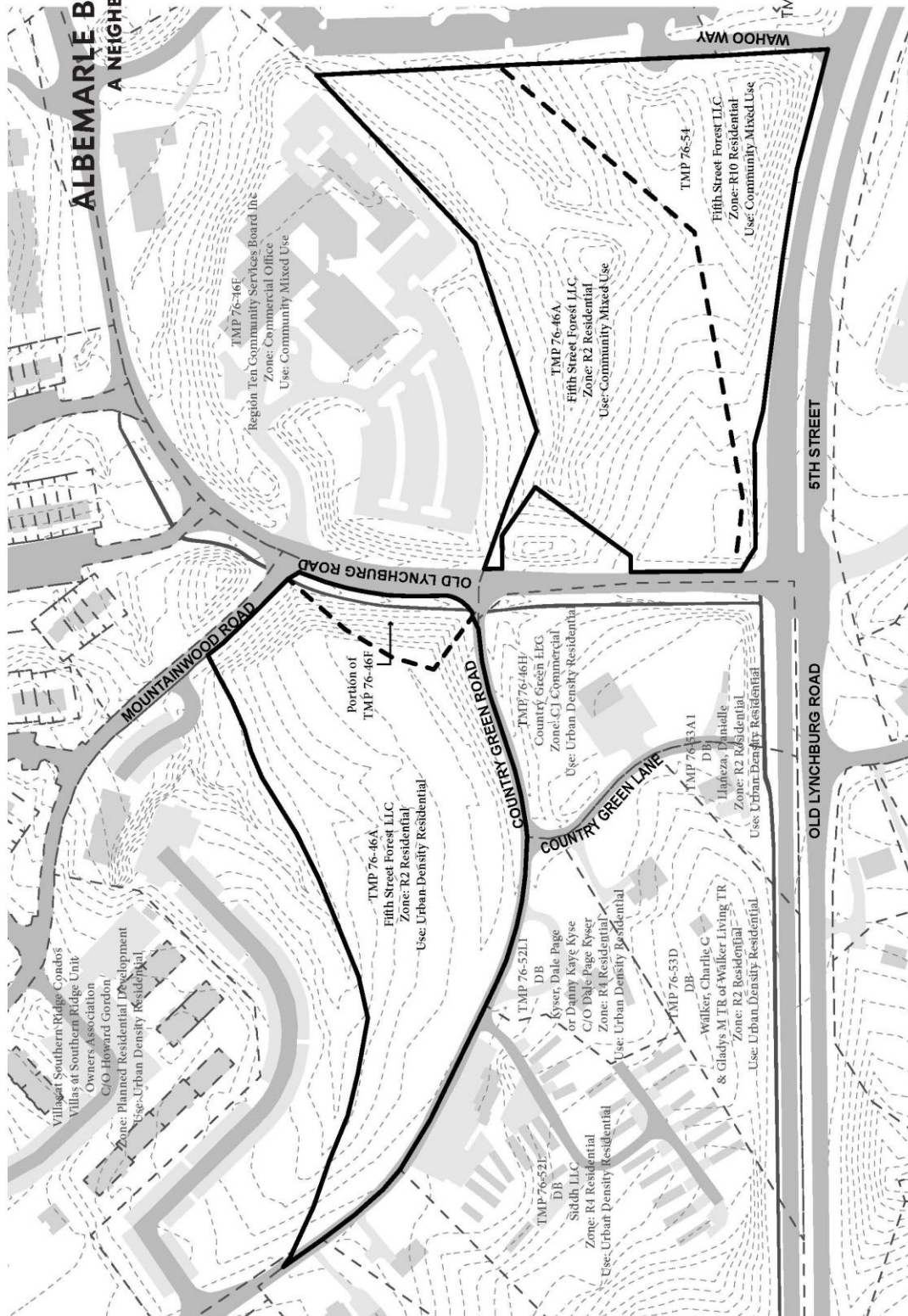
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Revised: 16 March 2020
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Revised: 28 JULY 2020
Revised: 6 August 2020

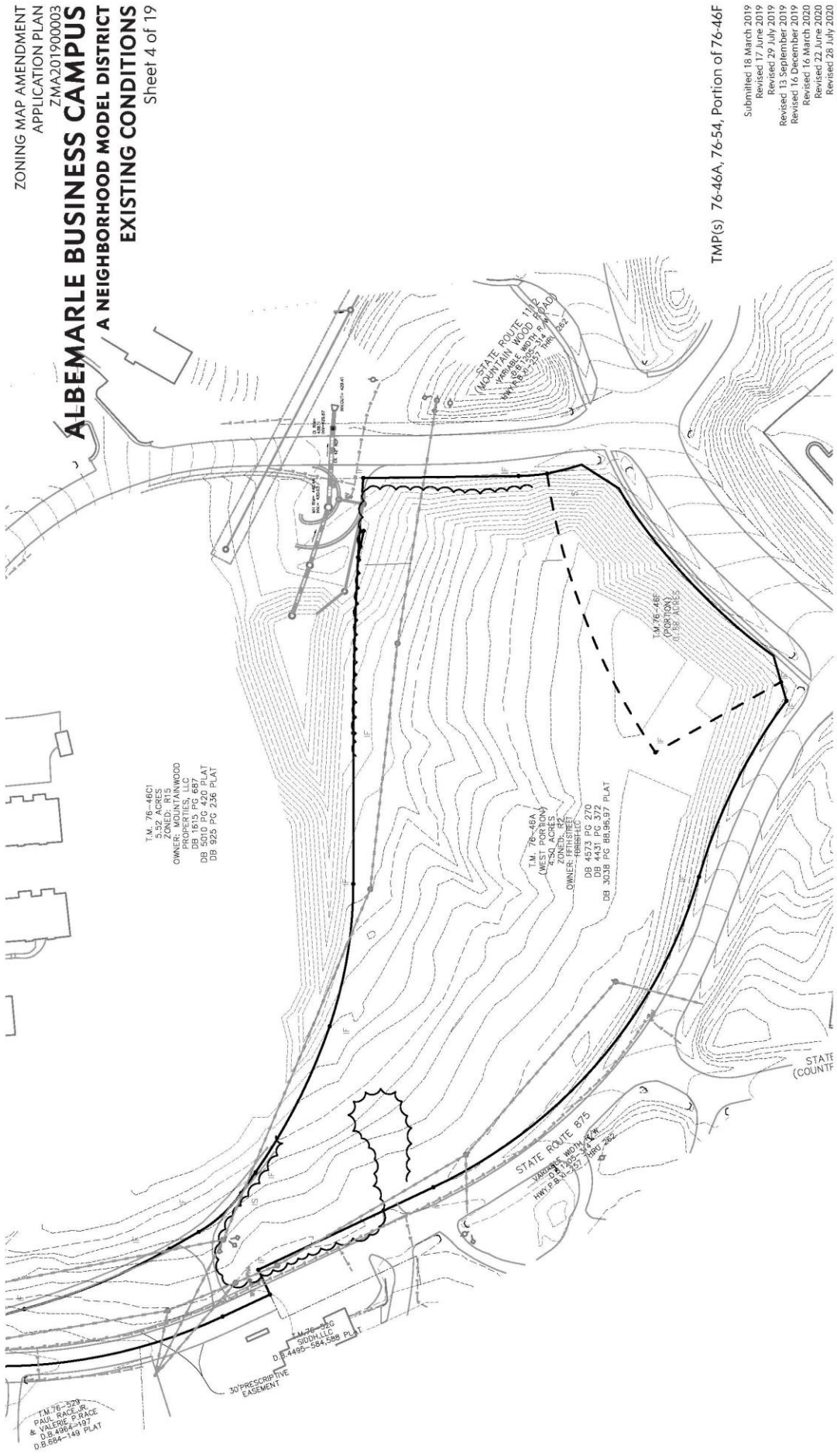
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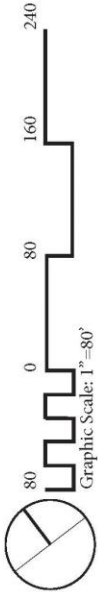
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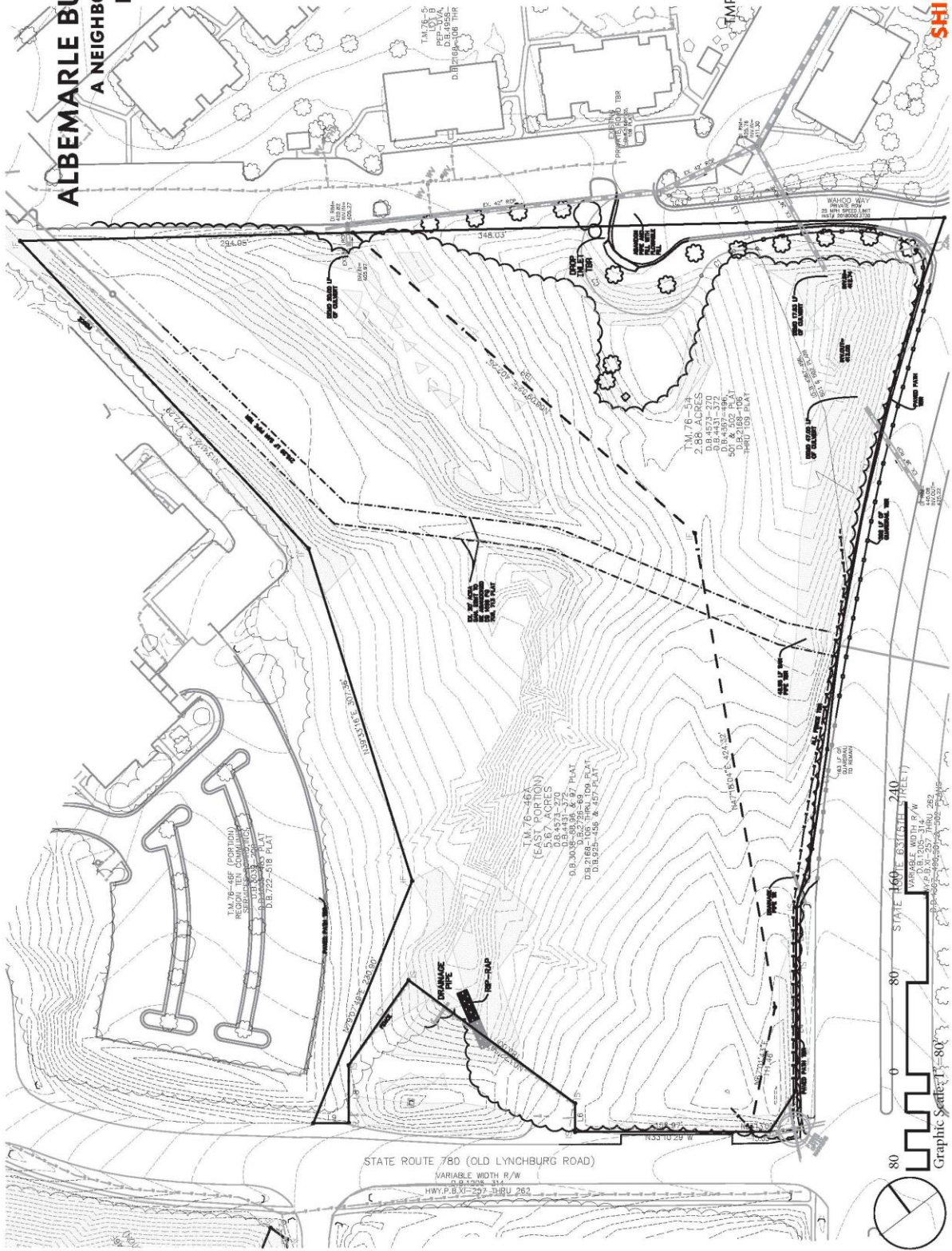
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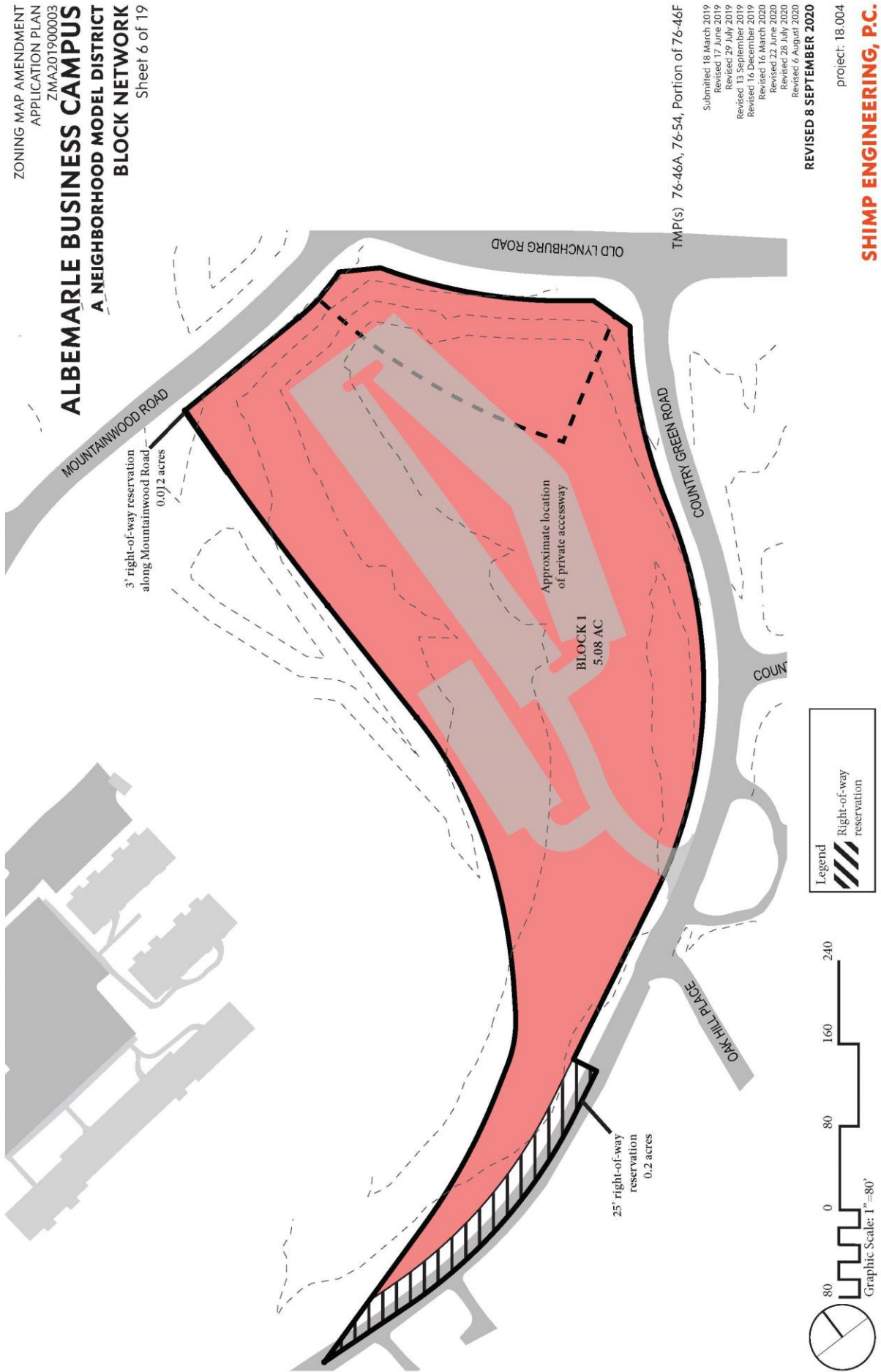
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ZONING MAP AMENDMENT
APPLICATION PLAN
ZMA201900003
ALBEMARLE BUSINESS CAMPUS
A NEIGHBORHOOD MODEL DISTRICT
EXISTING CONDITIONS
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

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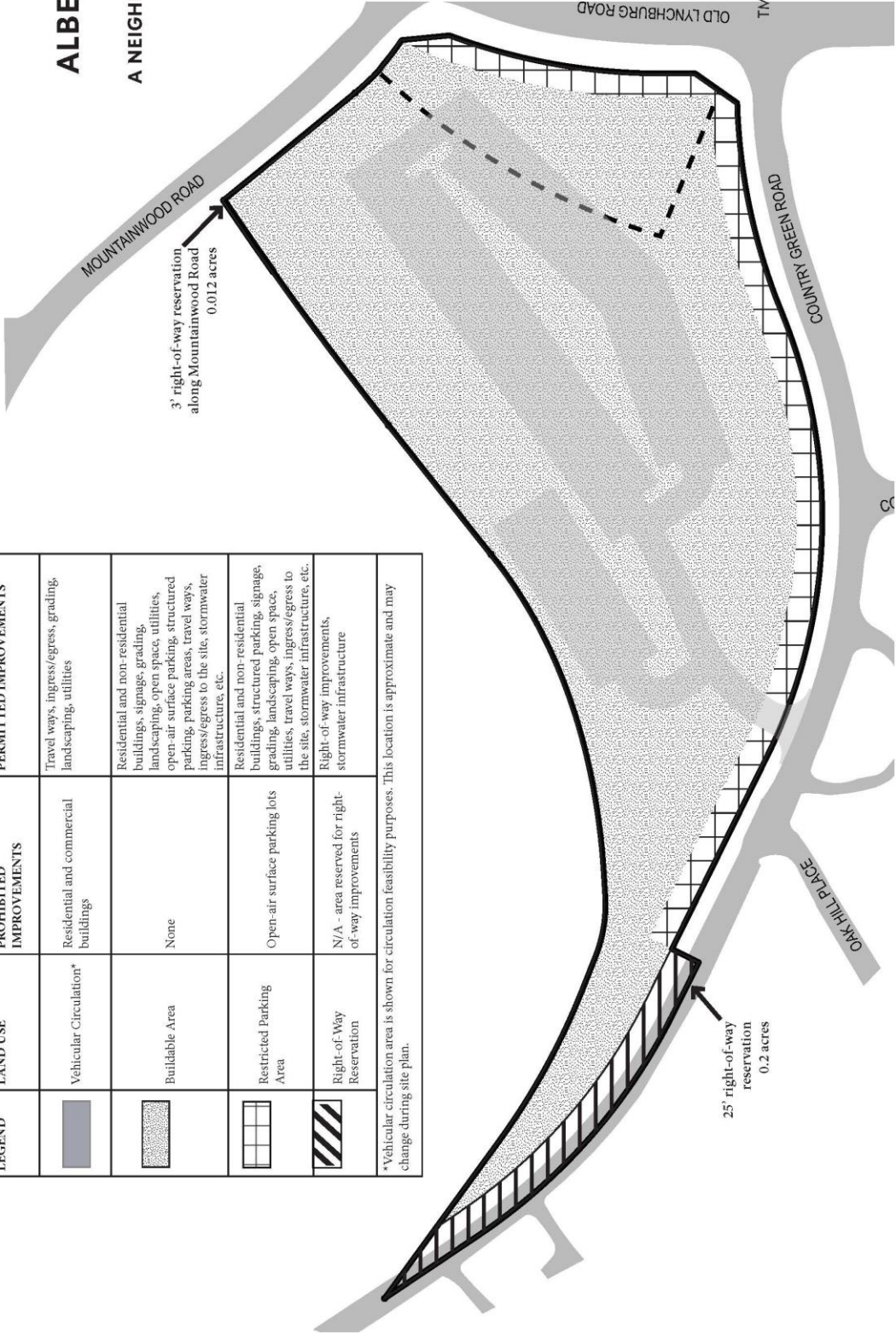


ZONING MAP AMENDMENT
APPLICATION PLAN
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**ALBEMARLE BUSINESS
CAMPUS**
A NEIGHBORHOOD MODEL DISTRICT
LAND USE CATEGORIES
Sheet 7 of 19

LEGEND	LAND USE	PROHIBITED IMPROVEMENTS	PERMITTED IMPROVEMENTS
	Vehicular Circulation*	Residential and commercial buildings	Travel ways, ingress/egress, grading, landscaping, utilities
	Buildable Area	None	Residential and non-residential buildings, signage, grading, landscaping, open space, utilities, open-air surface parking, structured parking, parking areas, travel ways, ingress/egress to the site, stormwater infrastructure, etc.
	Restricted Parking Area	Open-air surface parking lots	Residential and non-residential buildings, structured parking, signage, grading, landscaping, open space, utilities, travel ways, ingress/egress to the site, stormwater infrastructure, etc.
	Right-of-Way Reservation	N/A - area reserved for right-of-way improvements	Right-of-way improvements, stormwater infrastructure

*Vehicular circulation area is shown for circulation feasibility purposes. This location is approximate and may change during site plan.



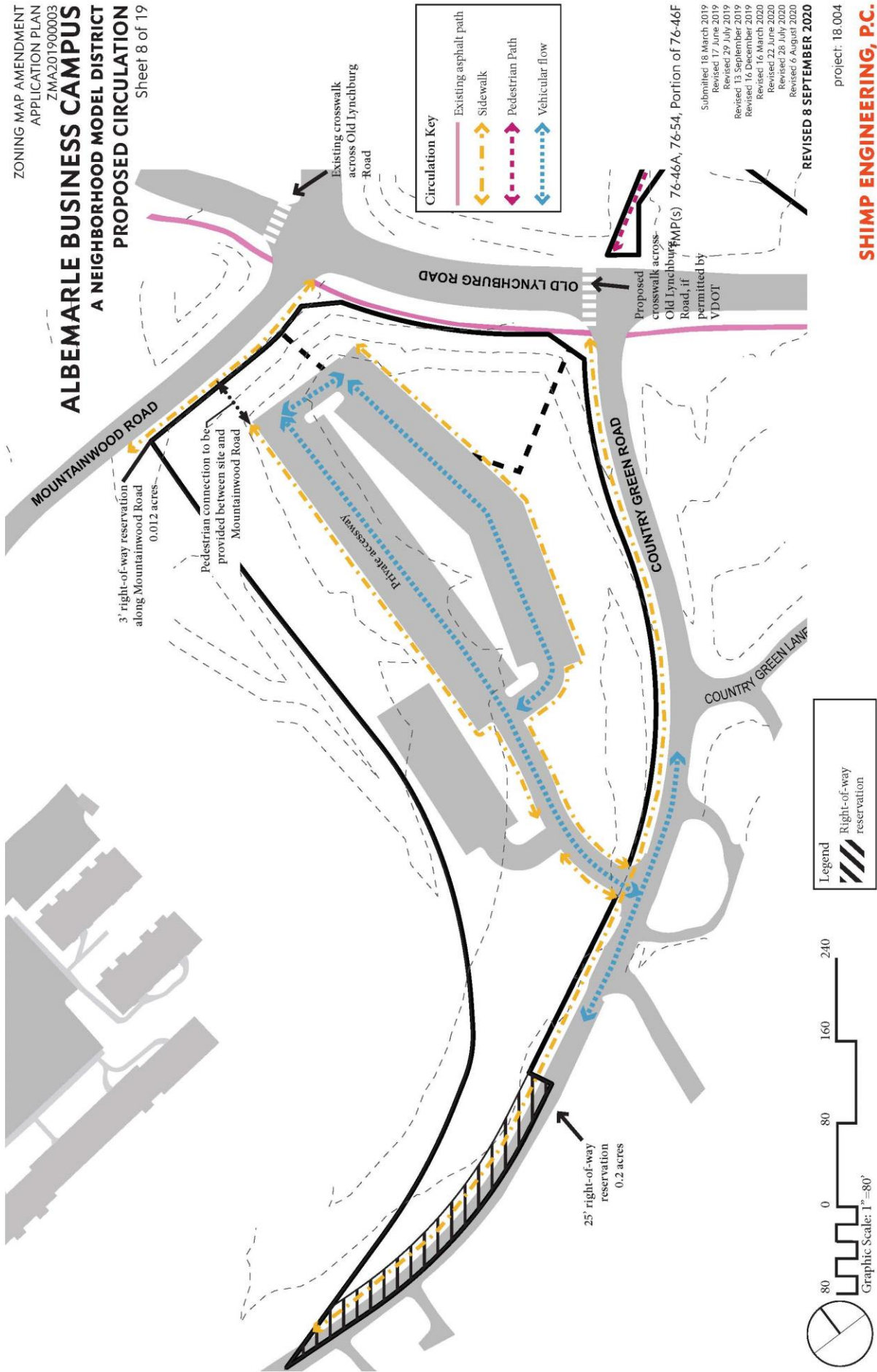
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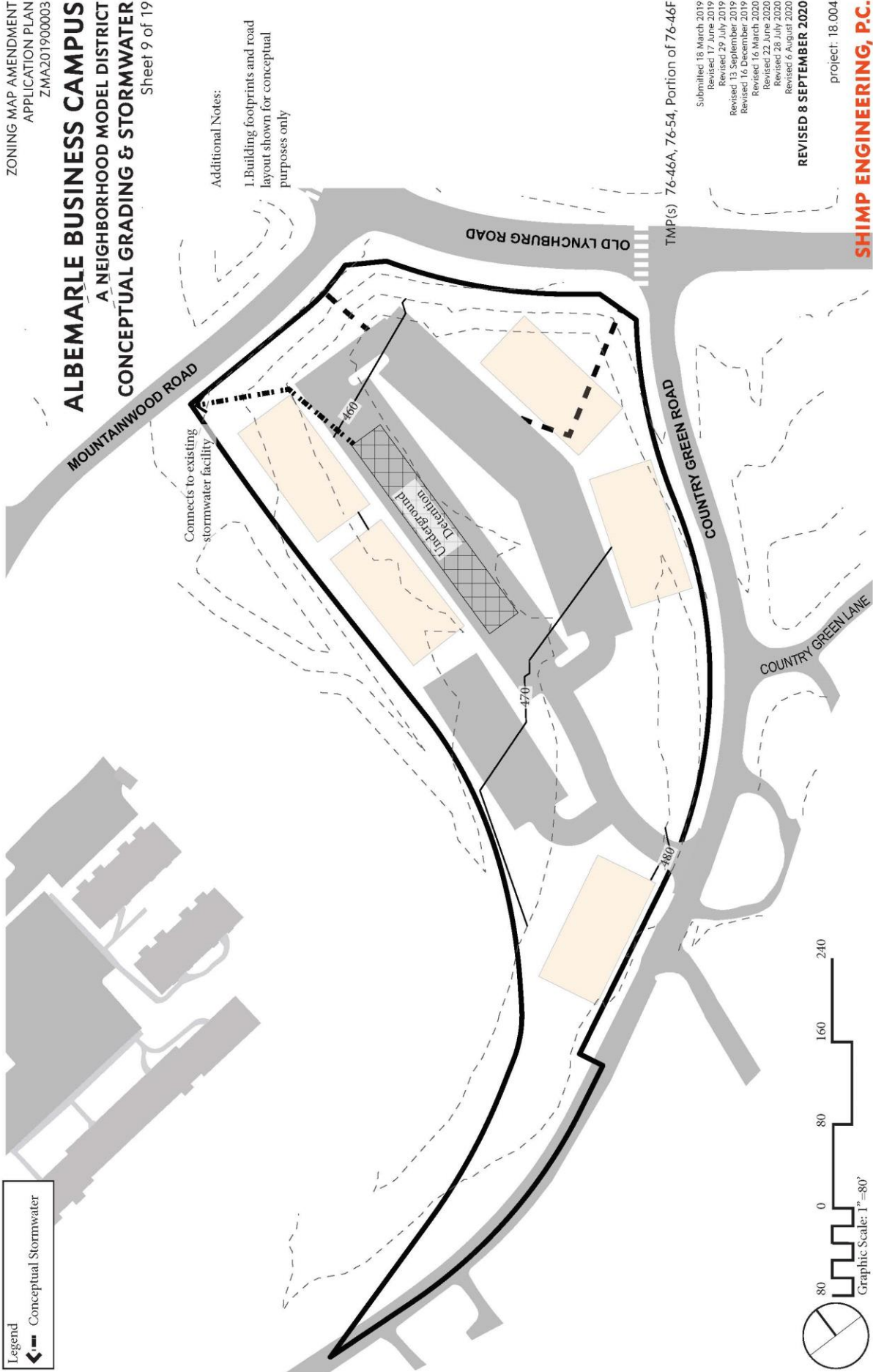
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ALBEMARLE BUSINESS CAMPUS
A NEIGHBORHOOD MODEL DISTRICT
CONCEPTUAL GRADING & STORMWATER
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ZMA201900003

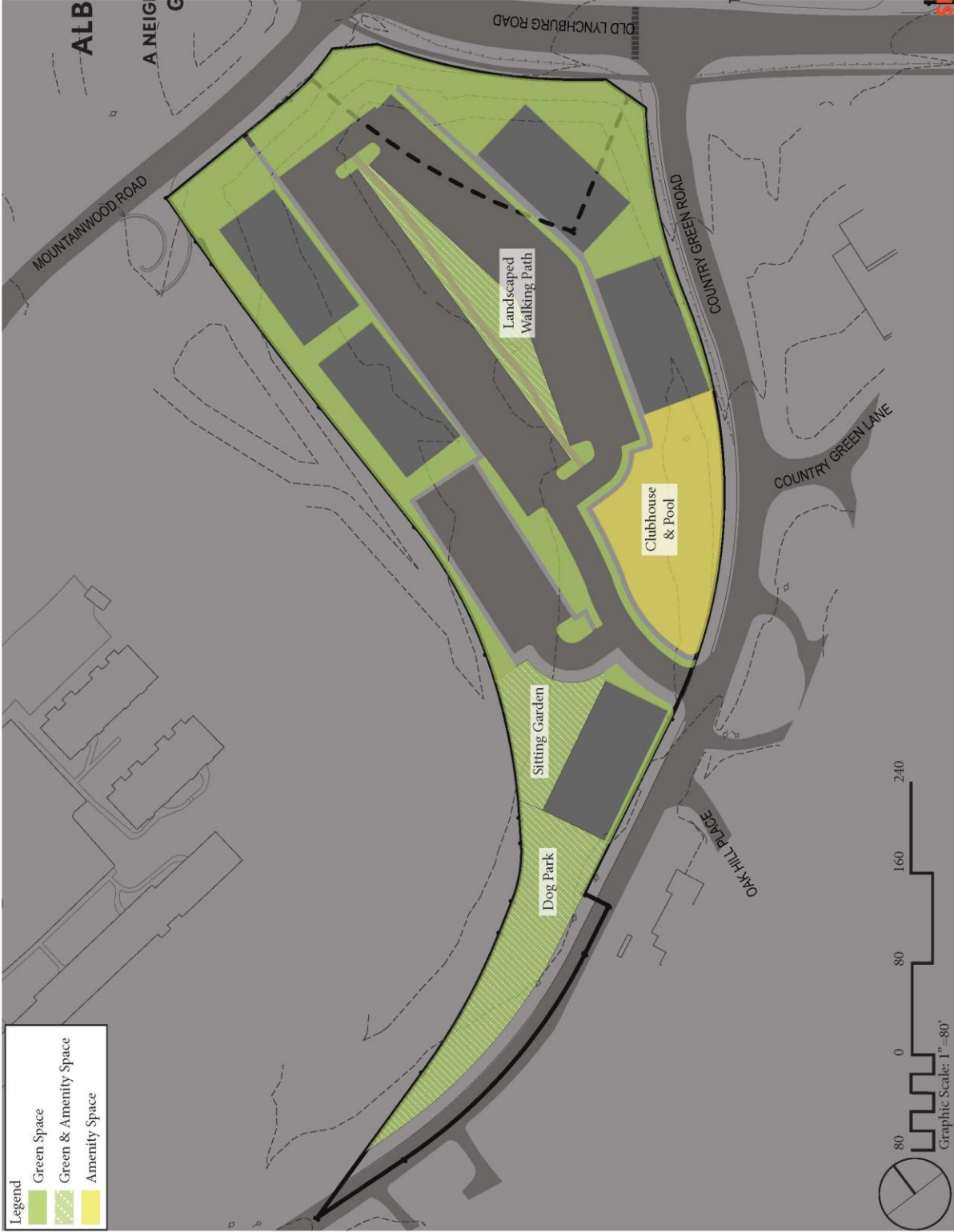
**ALBEMARLE BUSINESS
CAMPUS**

A NEIGHBORHOOD MODEL DISTRICT
GREEN & AMENITY SPACE

Sheet 10 of 19

Additional Notes:

1. Building footprints and road layout shown for conceptual purposes only
2. Notwithstanding the green & amenity spaces depicted on this Application Plan, the Code of Development shall regulate the minimum required green & amenity spaces and landscape. Therefore, provided such requirements are satisfied, non-substantive changes to the depicted design are allowed. There will be a minimum of 20% (118,744.56 SF) green space and amenity area in the NMD.



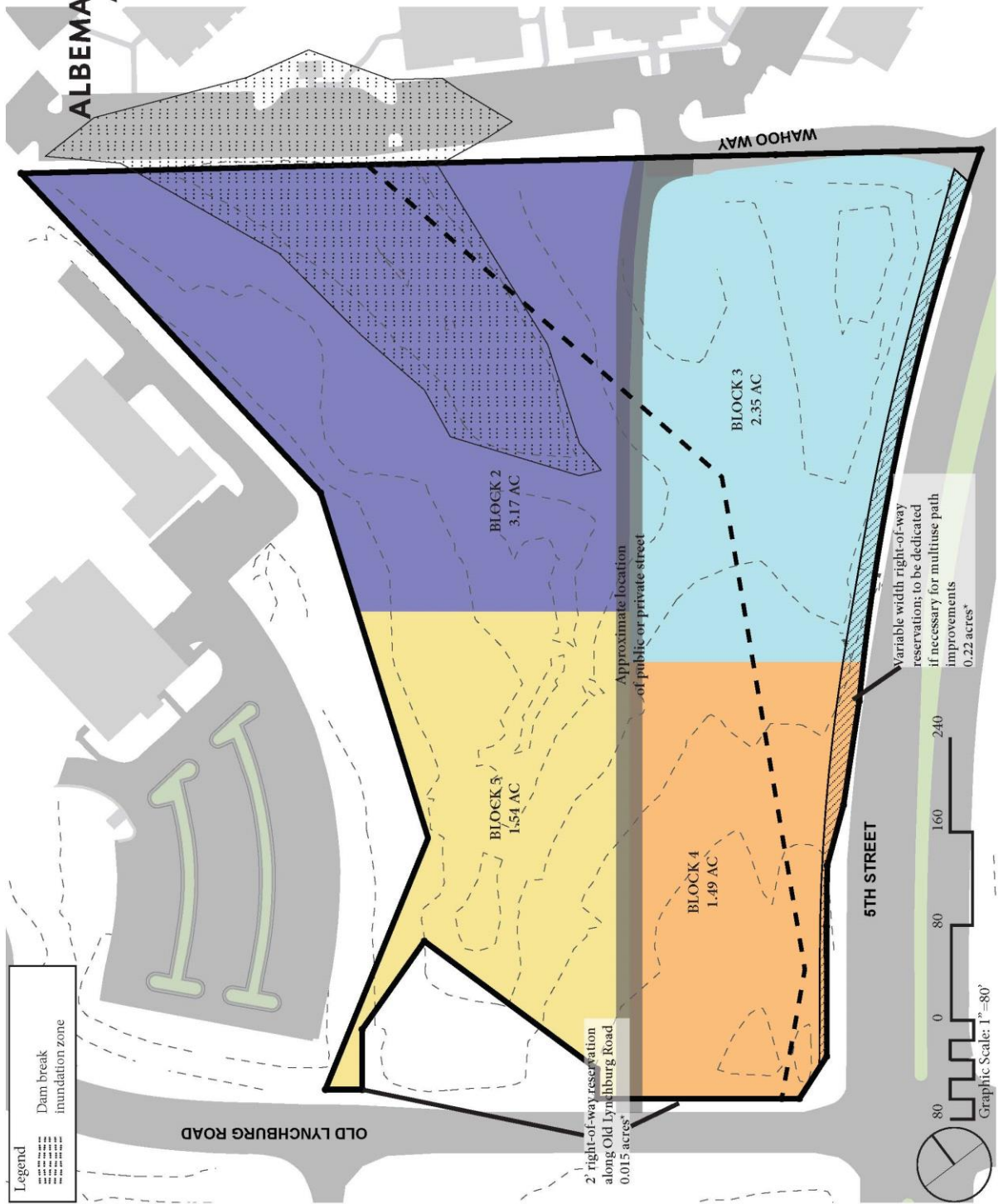
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ZONING MAP AMENDMENT
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ALBEMARLE BUSINESS CAMPUS
A NEIGHBORHOOD MODEL DISTRICT
BLOCK NETWORK
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*See sheet 2 for right-of-way reservation by parcel

TMP(S) 76-46A, 76-54, Portion of 76-46F

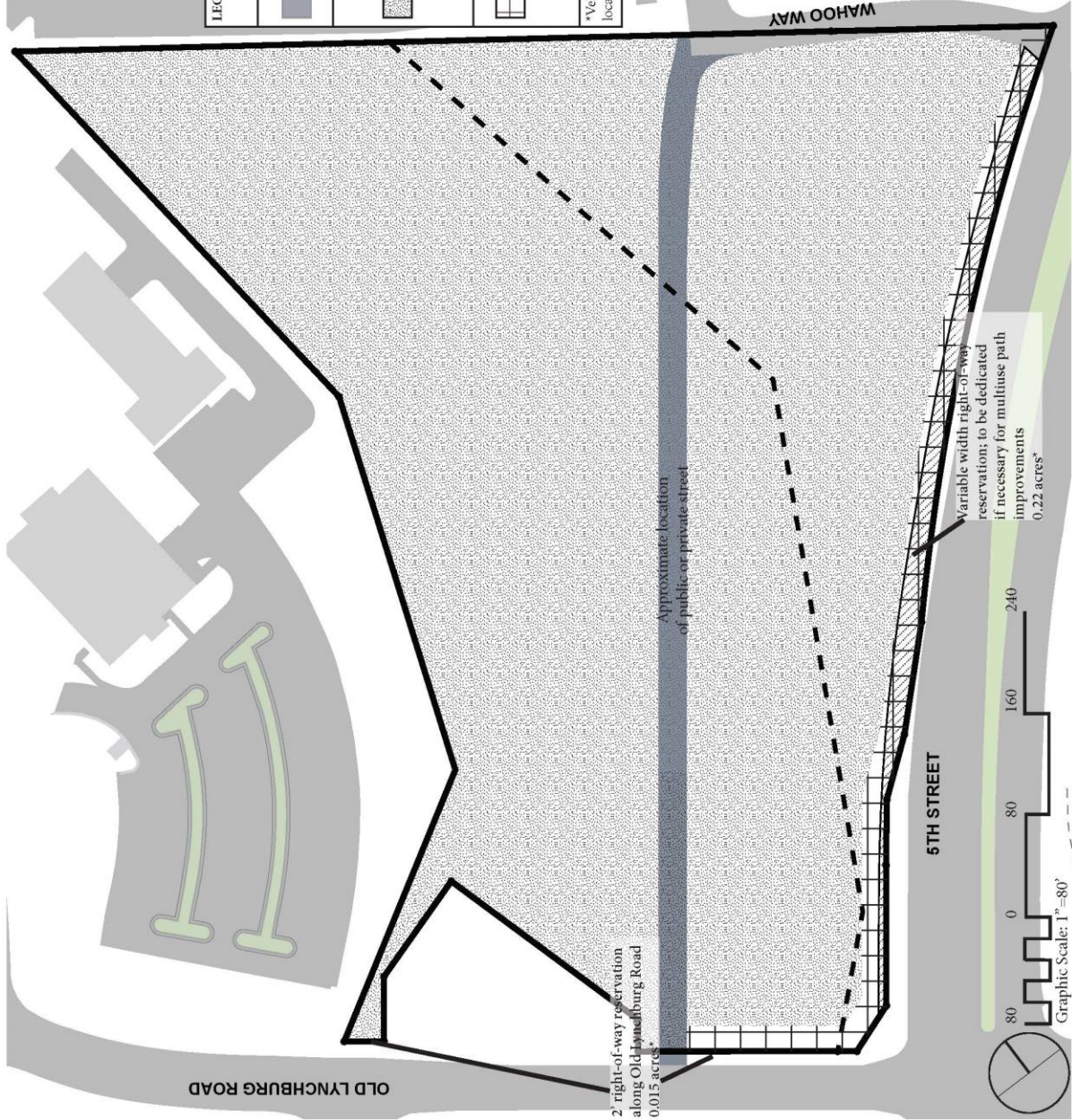
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ZONING MAP AMENDMENT
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ZMA201900003
ALBEMARLE BUSINESS CAMPUS
A NEIGHBORHOOD MODEL DISTRICT
LAND USE CATEGORIES
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LEGEND	LAND USE	PROHIBITED IMPROVEMENTS	PERMITTED IMPROVEMENTS
	Vehicular Circulation	Residential and commercial buildings	Travel ways, ingress/egress, grading, landscaping, utilities, along with other uses typically permitted within VDOT ROW
	Buildable Area	None	Residential and non-residential buildings, signage, grading, landscaping, open space, utilities, open-air surface parking, structured parking, parking areas, travel ways, ingress/egress to the site, stormwater infrastructure, etc.
	Restricted Parking Area	Open-air surface parking lots	Residential and non-residential buildings, structured parking, signage, grading, landscaping, open space, utilities, travel ways, ingress/egress to the site, stormwater infrastructure, etc.

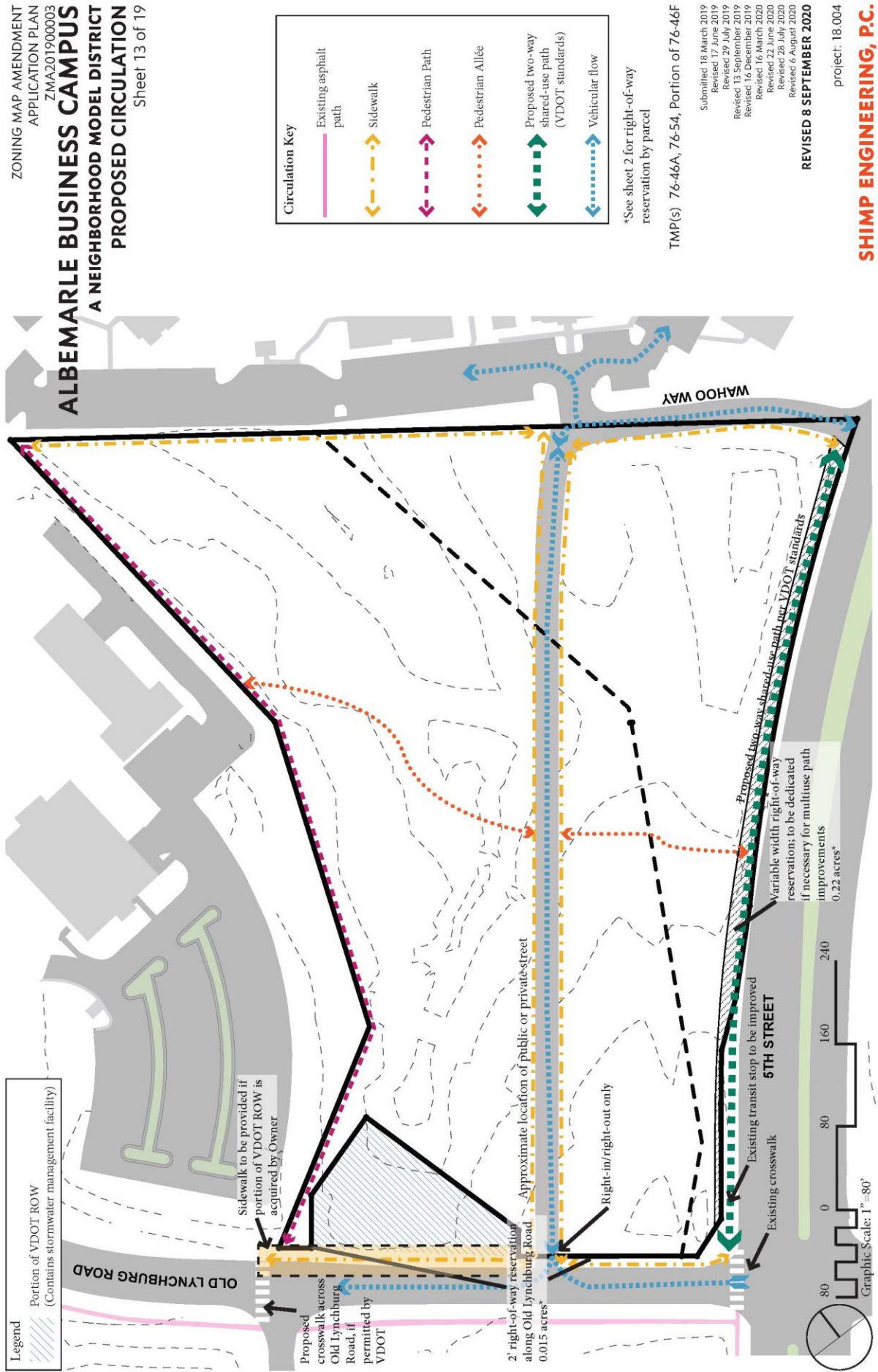
*Vehicular circulation area is shown for circulation feasibility purposes. The ROW reservation location is approximate and may change during site plan.

*See sheet 2 for right-of-way reservation by parcel

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Legend

Portion of VDOT ROW
(Contains stormwater management facility)



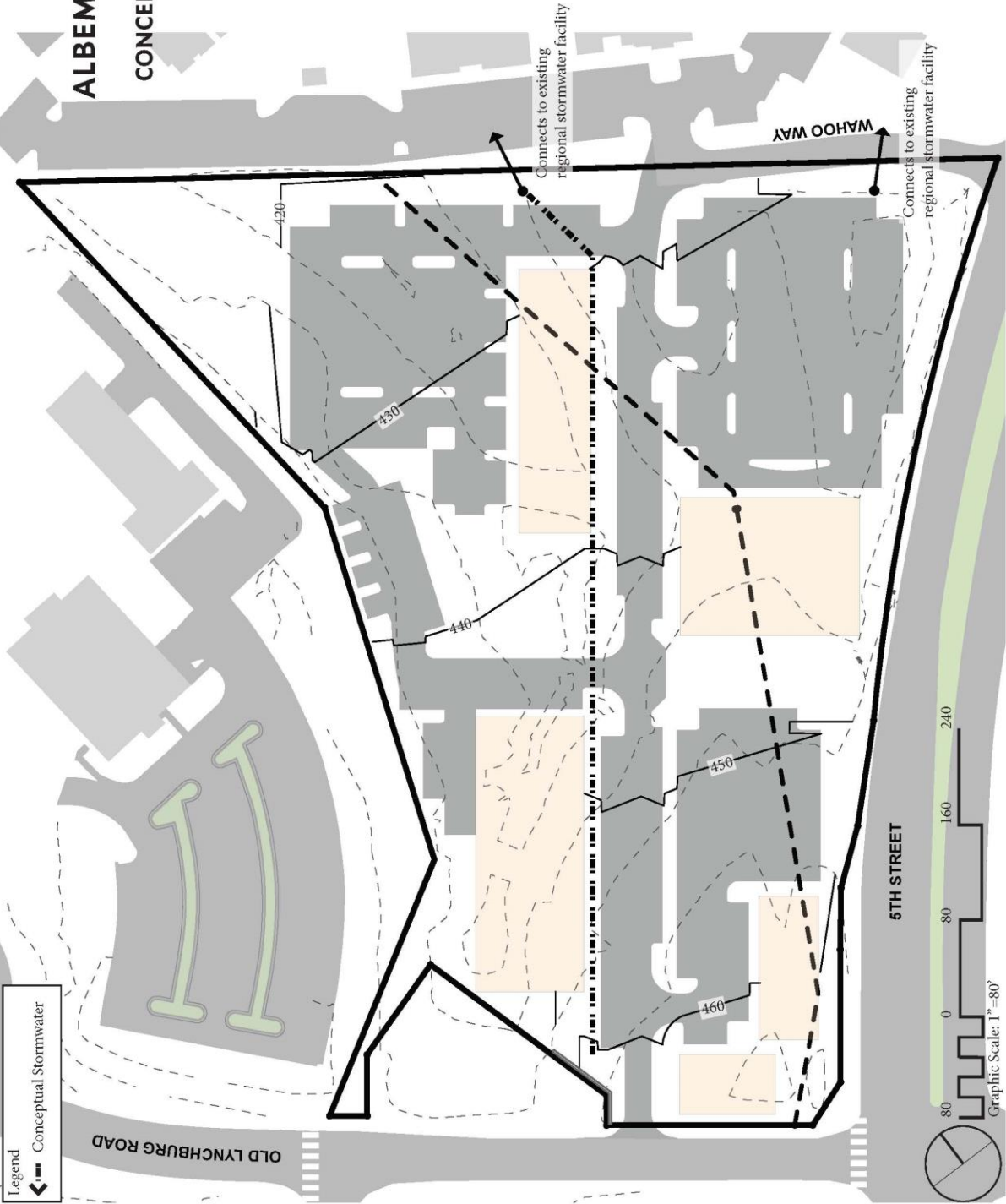
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ZMA201900003

ALBEMARLE BUSINESS CAMPUS
A NEIGHBORHOOD MODEL DISTRICT
CONCEPTUAL GRADING & STORMWATER

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Additional Notes:

1. Building footprints and road layout shown for conceptual purposes only



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**ALBEMARLE BUSINESS
CAMPUS**

**A NEIGHBORHOOD MODEL DISTRICT
GREEN & AMENITY SPACE**

Sheet 15 of 19

Additional Notes:

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2. Notwithstanding the green & amenity spaces depicted on this Application Plan, the Code of Development shall regulate the minimum required green & amenity spaces and landscape. Therefore, provided such requirements are satisfied, non-substantive changes to the depicted design are allowed. There will be a minimum of 20% (118,744.56 SF) green space and amenity area provided in the NMD.

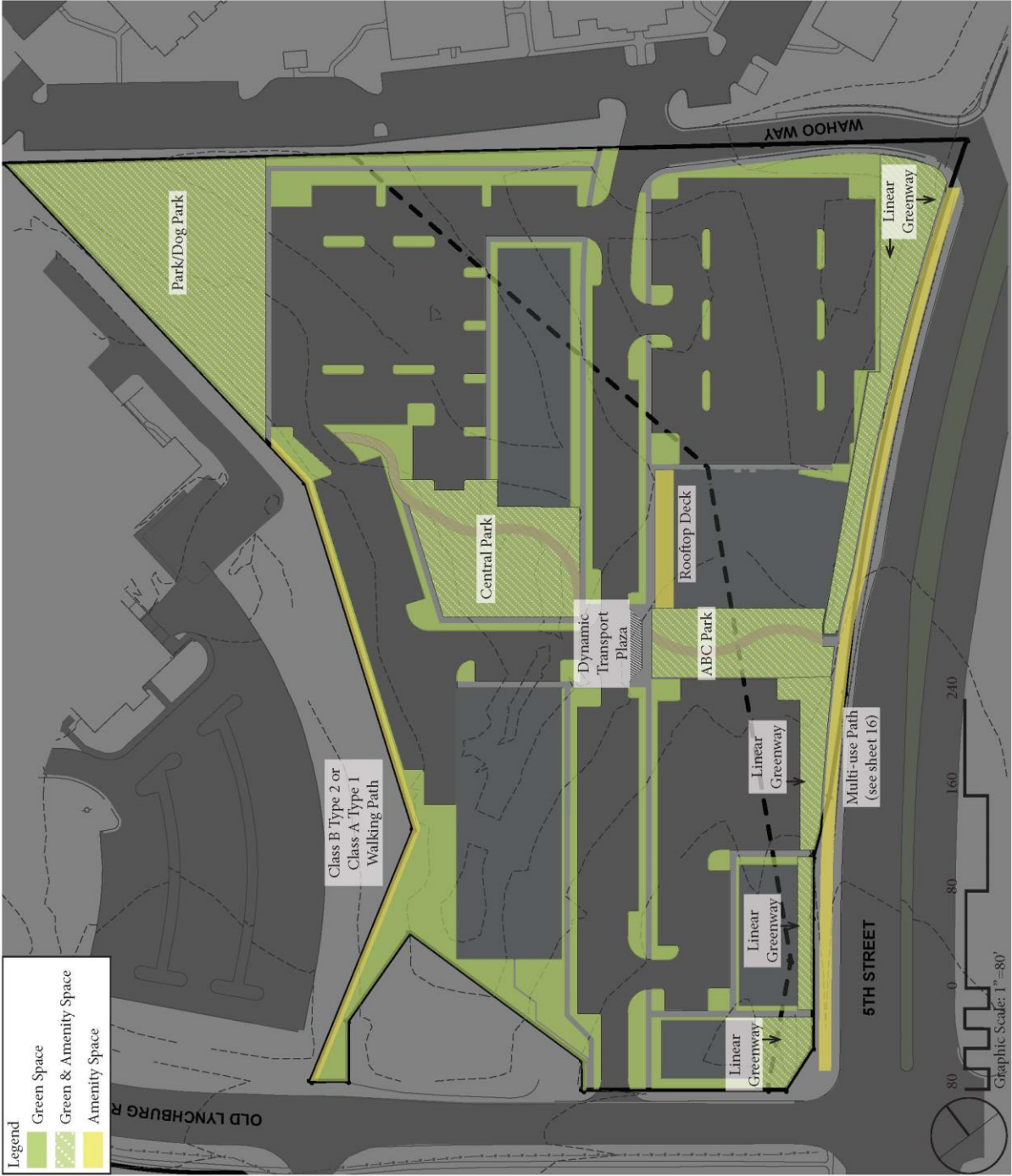
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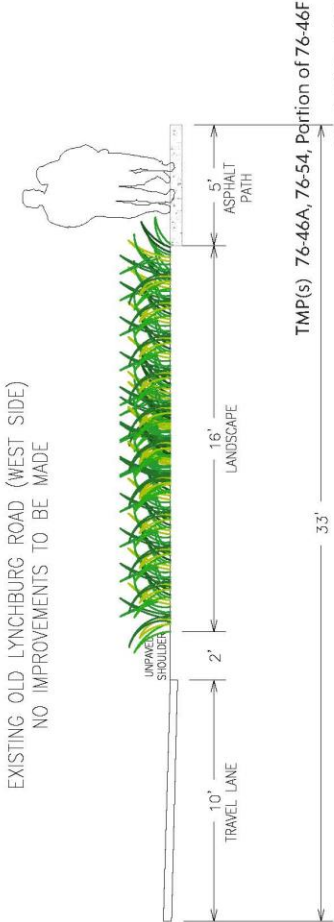
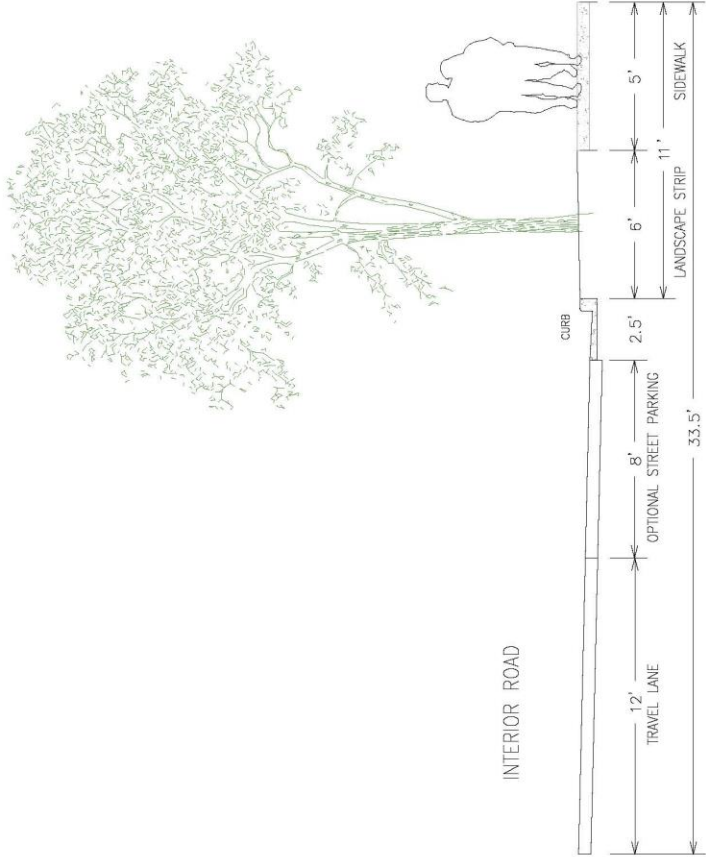
ALBEMARLE BUSINESS CAMPUS
A NEIGHBORHOOD MODEL DISTRICT

OLD LYNCHBURG ROAD (WEST SIDE)
EXISTING ASPHALT PATH

CONCEPTUAL
STREET SECTIONS

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INTERIOR STREETS



TMP(s) 76-46A, 76-54, Portion of 76-46F

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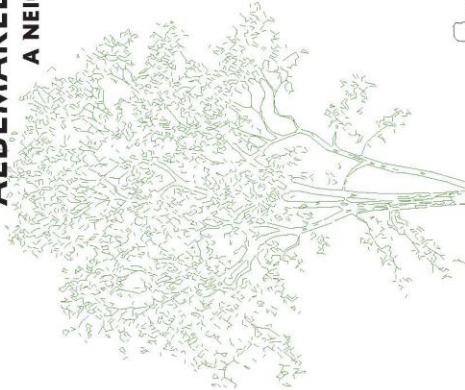
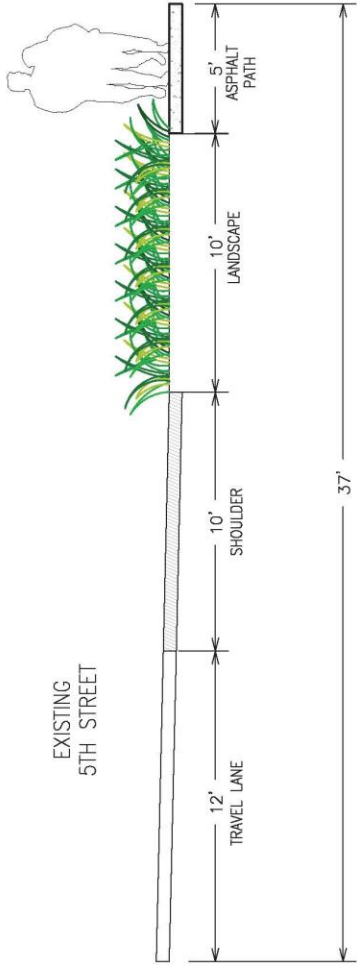
project: 18.004

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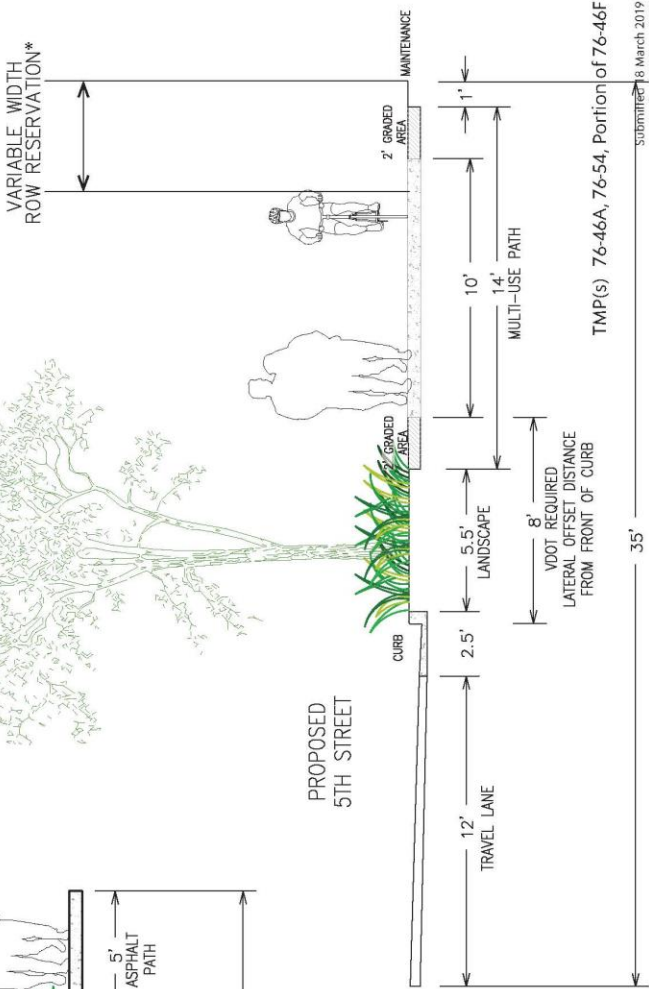


ZONING MAP AMENDMENT
APPLICATION PLAN
ZMA201900003
ALBEMARLE BUSINESS CAMPUS
A NEIGHBORHOOD MODEL DISTRICT
CONCEPTUAL
STREET SECTIONS
Sheet 18 of 19

**TWO-WAY SHARED-USE PATH
(VDOT STANDARDS)
5TH STREET EXTENDED**



**PROPOSED
5TH STREET**



TMP(s) 76-46A, 76-54, Portion of 76-46F

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*To be dedicated if necessary for multi-use path improvements

1. Improvements shown are within right-of-way and right-of-way reservation area adjacent to 5th Street

REVISED 8 SEPTEMBER 2020



Source: VDOT Road Design Manual, Appendix A(1): VDOT Complete Streets: Bicycle & Pedestrian Facility Guidelines, Bus Stop Design & Parking Guidelines, (A(1)-24, 26)

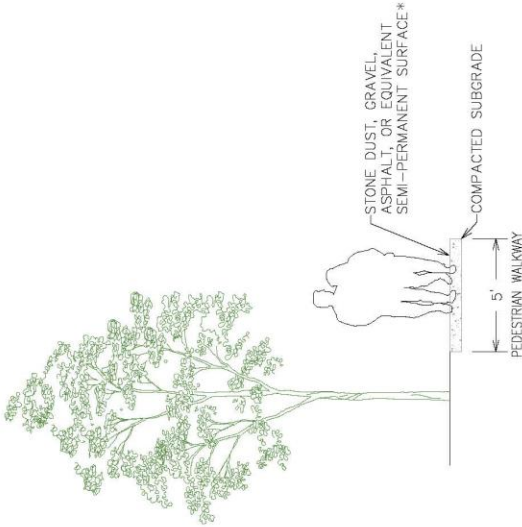
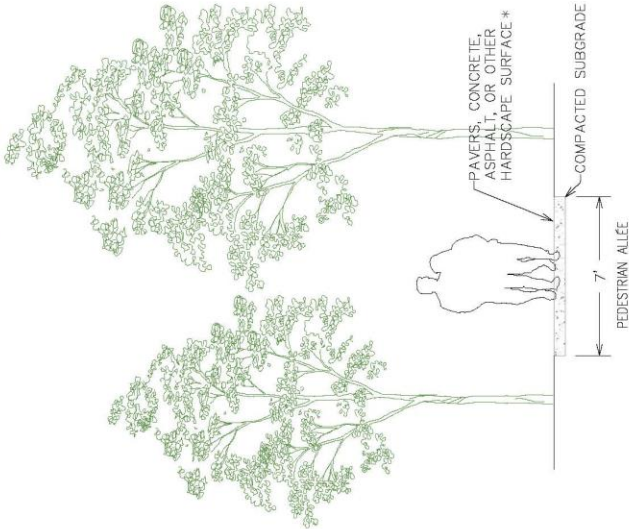
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ZONING MAP AMENDMENT
APPLICATION PLAN
ZMA201900003
ALBEMARLE BUSINESS CAMPUS
A NEIGHBORHOOD MODEL DISTRICT
CONCEPTUAL
STREET SECTIONS
Sheet 19 of 19

PEDESTRIAN ALLÉE

PEDESTRIAN PATH



TMP(s) 76-46A, 76-54, Portion of 76-46F

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Revised 28 July 2020
Revised 6 August 2020

REVISED 8 SEPTEMBER 2020



*Filter fabric to be provided if required

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ZONING MAP AMENDMENT
ZMA201900003

**ALBEMARLE BUSINESS
CAMPUS
SINGLE-LANE
ROUNDABOUT EXHIBIT**

Sheet 1 of 1

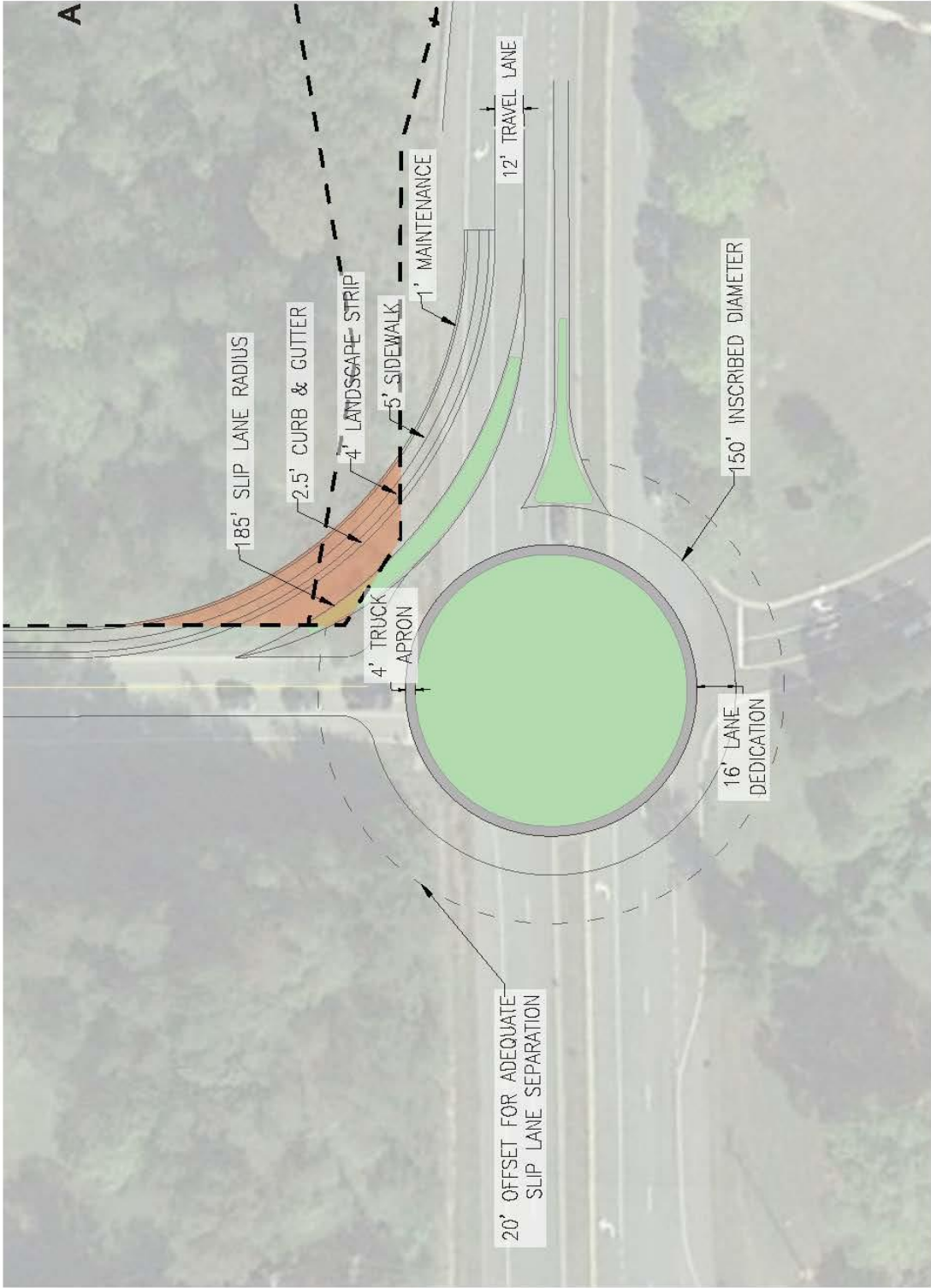
This exhibit is shown for roundabout feasibility purposes. This exhibit shows a roundabout with a 150' inscribed diameter, slip lane, and pedestrian improvements.

Approximately 0.05 AC (2350 SF) ROW dedication from the eastern portion of the project property may be required for a single-lane roundabout with a 150' inscribed diameter.

Key

Area on project property that may be required for roundabout improvements

Fared boundary



TMP(S) 76-46A, 76-54, Portion of 76-46F

Submitted 18 March 2019
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Revised 13 September 2019
Revised 16 December 2019
REVISED 16 MARCH 2020

project: 18.004

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Original Proffers X
Amendment

PROFFER STATEMENT

ZMA Number and Name: 2019-00003 Albemarle Business Campus

Parcel ID Numbers: 07600-00-00-05400, 07600-00-00-046A0, and 07600-00-00-046F0 (portion)

Owners: 5th Street Forest LLC and Region Ten Community Services Board, Inc.

Date of Proffer Signature: September 14th, 2020

10.17 acres to be rezoned from R-2 Residential to Neighborhood Model District
2.88 acres to be rezoned from R-10 Residential to Neighborhood Model District
0.58 acres to be rezoned from Commercial Office to Neighborhood Model District
Total: 13.63 acres to be rezoned to Neighborhood Model District

5th Street Forest LLC, a Virginia limited liability company is the owner of Tax Parcels 07600-00-00-05400 and 07600-00-00-046A0, and is the contract purchaser of a 0.58 acre portion of Tax Parcel 07600-00-00-046F0 (collectively, the “Property”), which together are the subject of rezoning application ZMA No. 2019-00003, a project known as “Albemarle Business Campus” (the “Project”). Region Ten Community Services Board, Inc. is the current owner of Tax Parcel 07600-00-00-046F0. 5th Street Forest LLC and Region Ten Community Services Board, Inc. are hereinafter collectively referred to as the “Owner.”

Pursuant to Section 33 of the Albemarle County Zoning Ordinance (Chapter 18 of the Albemarle County Code), the Owner hereby voluntarily proffers the conditions listed below, which shall be applied to the Property if it is rezoned to the requested Neighborhood Model District (NMD). These conditions are proffered as a part of the requested rezoning and the Owner and applicant specifically deem the following proffers reasonable and appropriate, as conclusively evidenced by the signature(s) below. Each signatory below signing on behalf of the Owner covenants and warrants that it is an authorized signatory of the Owner for this Proffer Statement.

- 1. INFRASTRUCTURE IMPROVEMENTS:**
- a. Prior to the issuance of certificate of occupancy for any building with a use that solely or collectively (with other existing uses on the Property) would generate more than 487 vehicle trips per day, the Owner shall contribute Five Hundred Thousand Dollars (\$500,000.00) as a cash contribution (the “Cash Contribution”) to Albemarle County’s Capital Improvement Program (CIP) fund.

- b. Prior to or concurrent with the Cash Contribution payment, the Owner shall dedicate for public use a portion of the Property, as shown on the “Single-Lane Roundabout Exhibit” prepared by Shimp Engineering, dated March 18, 2019 with a revision date of March 16, 2020 (the “Roundabout Exhibit”), attached hereto.
- 2. **TRIP GENERATION:** Daily and peak hour vehicular trips shall be noted on all site plans and zoning clearances on the Property. Site plans and zoning clearances on the Property must contain a note that itemizes each proposed use, and if applicable, each previously approved use that is expected to continue, with its affiliated daily and peak vehicular trips. Neither a site plan nor a zoning clearance shall be issued if the combined uses on the Property are estimated to generate a number of daily vehicular trips exceeding 3,200 or a number of peak hour trips exceeding 509. Trip generation numbers shall be derived from the then-current edition of the Institute of Transportation Engineers Trip Generation Manual and shall account for internal trip capture for mixed-use developments, as determined by the Director of Community Development or the Director’s designee.
- 3. **PERFORMANCE AGREEMENT:** The Owner shall develop the Property and the Project in accord with the terms and conditions of that certain Performance Agreement between Albemarle County, the Albemarle County Economic Development Authority, and 5th Street Forest LLC, dated April 15, 2020 (the “Performance Agreement”), as it may be amended in the future pursuant to the terms and conditions thereof.

(Signature Pages Immediately Follow)

WITNESS the following signatures:

OWNER:

Owner of Tax Parcels 07600-00-00-05400 and 07600-00-00-046A0:

5TH STREET FOREST LLC,
a Virginia limited liability company

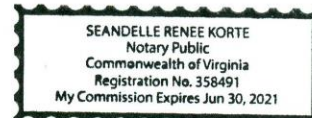
By: KSR
Kyle Redinger, Manager

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Charlottesville, to wit:

The foregoing instrument was acknowledged before me this 14th day of September 2020
by Kyle Redinger, Manager of Albemarle Land Development LLC.

My Commission expires: 06/30/2021

Seandelle Renee Korte
Notary Public



Owner of Tax Parcel 07600-00-00-046F0:

REGION TEN COMMUNITY SERVICES BOARD, INC.
a Virginia corporation

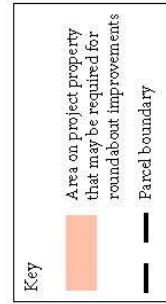
By: 
Lisa Beitz, Executive Director

ZONING MAP AMENDMENT
ZMA201900003

**ALBEMARLE BUSINESS
CAMPUS
SINGLE-LANE
ROUNDABOUT EXHIBIT**
Sheet 1 of 1

This exhibit is shown for roundabout feasibility purposes. This exhibit shows a roundabout with a 150' inscribed diameter, slip lane, and pedestrian improvements.

Approximately 0.05 AC (2350 SF) ROW dedication from the eastern portion of the project property may be required for a single-lane roundabout with a 150' inscribed diameter.

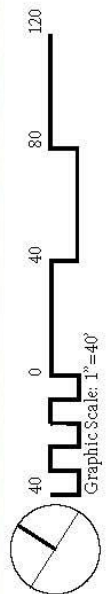
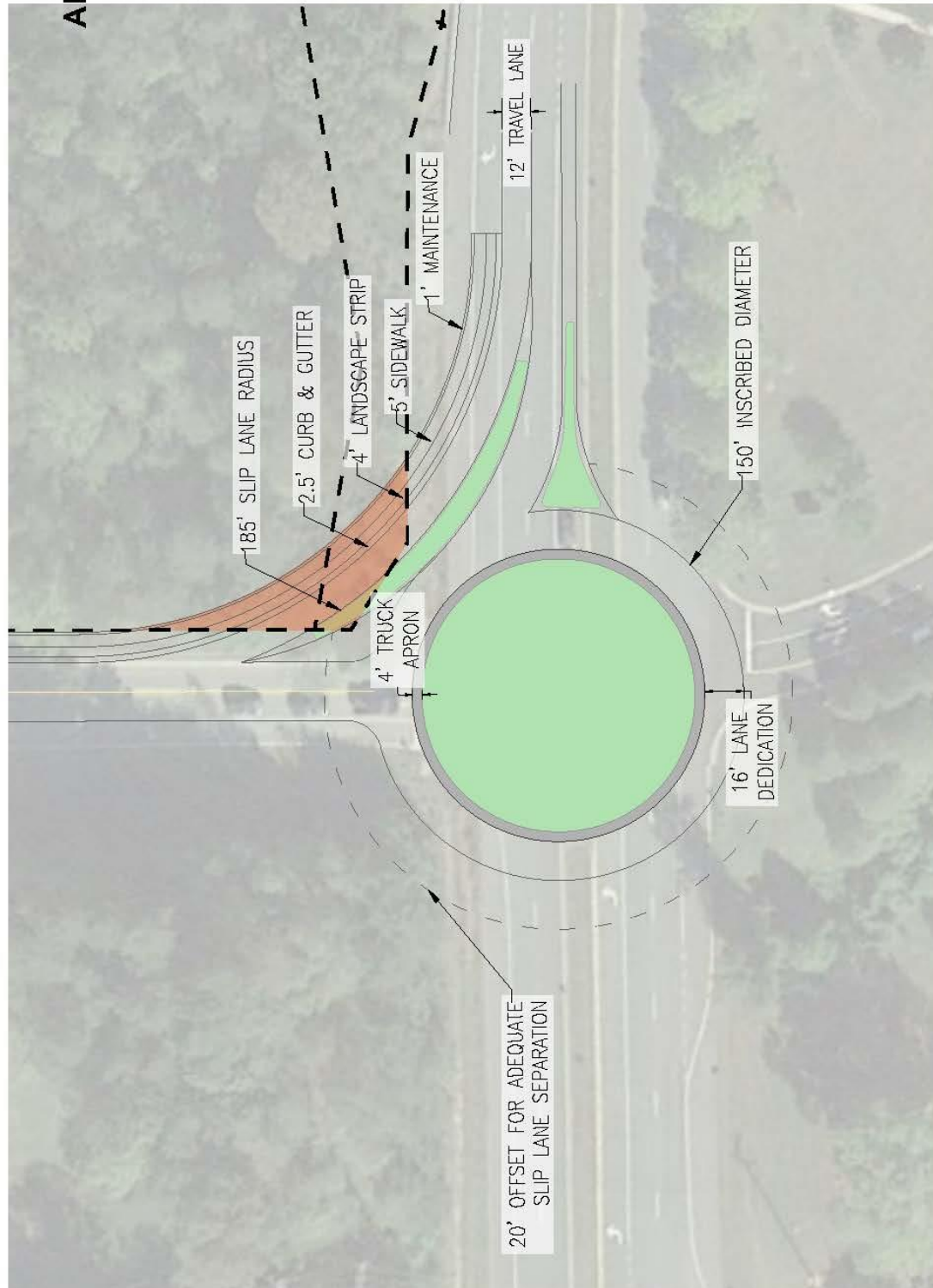


TMP(S) 76-46A, 76-54, Portion of 76-46F

Submitted 18 March 2019
Revised 17 June 2019
Revised 29 July 2019
Revised 13 September 2019
Revised 16 December 2019
REVISED 16 MARCH 2020

project: 18.004

SHIMP ENGINEERING, P.C.



Agenda Item No. 18. **Public Hearing: Public Hearing to Consider Appalachian Power's Request for Easements Across the Yancey School Community Center Property.** To receive public comment on its intent to consider granting two easements to Appalachian Power Company across the Yancey School Community Center property owned by the County (TMPs 128A2-00-00-01800 and 128A2-00-00-02200). The easements have been proposed to upgrade the local power grid. (Advertised in the Daily Progress on September 28, 2020)

The Executive Summary forwarded to the Board states that Appalachian Power (APCO or AEP) has requested easements (Attachments A and B) on County owned property, parcels 128A2-00-00-01800 and 128A2-00-00-02200, commonly referred to as the Yancey School Community Center.

Appalachian Power is planning to upgrade the local power grid by rebuilding approximately six (6) miles of transmission line and upgrading one of its substations located in Albemarle County. Appalachian Power is seeking to supplement existing easements to meet updated standards for the safe construction, operation, and maintenance of the new transmission line. The supplemental easements would update the existing "blanket" easements by defining a specific right-of way width (Attachment C). Appalachian Power is offering a payment of \$1,500.00 for each of the two easements.

Virginia Code § 15.2 - 1800 (B) requires a public hearing for this proposed disposal of County Property.

These two parcels, totaling 11.57 acres, are the site of the Yancey School Community Center and associated waste-water treatment facility. The proposed easements follow the general course of an existing overhead transmission line and would not further impact the use of the property. The \$3,000.00 (total) payment by Appalachian Power is deemed fair and reasonable.

Staff's analysis of this request has focused primarily on the proposed property conveyance. However, staff is also mindful of the Board's interest in electric transmission facilities. At staff's request, AEP has provided initial conceptual renderings of the proposed line (Attachment D).

Because County Code § 18-10.2.2(6) would require a special use permit (SP) for the proposed facilities, the Board will have an opportunity to review their final design as part of the SP application process. However, under County Code § 18-33.32(A), AEP cannot apply for its SP without either an easement or the owner's consent, creating a potential procedural closed loop.

If the Board has concerns about the final design of these facilities, it could defer consideration of the property conveyance until final design could be considered as part of an SP application. However, for the application to even be considered under that scenario, the Board would have to authorize either the County Executive or AEP to submit the SP application on the County's behalf.

Approving the easements would result in \$3,000.00 in total revenue.

After conducting a public hearing on the proposed easements, staff recommends that the Board approve the requests for easements and authorize the County Executive to sign the easement agreements.

Alternatively, if the Board has concerns about the final design of these facilities, staff recommends that the Board defer consideration of the property conveyance until final design can be considered as part of an SP application. In that event, staff recommends that the Board authorize the County Executive to submit the SP application on the County's behalf.

Mr. Michael Freitas, Chief of Public Works, presented. He said he was joined by Mr. Scott Markwell from Appalachian Power and Mr. Tim Hamilton from Stantec.

Mr. Freitas said Appalachian Power is requesting the easements in order for them to upgrade the local power grid. He said the easements will also allow them to meet current standards for the construction, operation, and maintenance of the new transmission line. He said the alternative to this easement would be to rebuild in the existing right-of-way, which could present issues along other portions of the proposed line's route.

Mr. Freitas said the two proposed easements cross the parcels that comprise the Yancey School Community Center; one parcel being the site of the center itself, and the other the site of the wastewater treatment facility that services the center. He said the easements would cross the northern portion of each parcel, or what one would consider to be the rear of the property.

Mr. Freitas presented a map and indicated to the location of the Yancey School Community Center. He said to the right of this is the wastewater treatment facility. He said to the north, one could see the course of the existing easement as well as the proposed easement. He mentioned that neither easement would further restrict the use of the property and that, in fact, at the easternmost portion of the property, the new easement actually would move the powerline almost off of the property itself.

Mr. Freitas said Appalachian Power has offered to pay \$1,500 per easement, which staff considers to be fair and reasonable.

Mr. Freitas turned the presentation over to Mr. Scott Markwell.

Mr. Scott Markwell of Appalachian Power said that as Mr. Freitas described, they are building 6 miles of 46-kb line that is between the Esmont and Scottsville substations in Albemarle County. He said they are also looking to make improvements at the Scottsville substation and improve parts of the distribution line between the substations.

Mr. Markwell said the line currently there is almost 100 years old and contains structures that are original construction. He said this is under 1920s design and does not have a shield wire that protects the line, which impacts reliability to the line, aside from the line simply being old.

Mr. Markwell said at a future point, Appalachian Power would be coming back to the Board to

submit a special use permit application for the line itself and the station, which they project to be sometime in 2021.

Mr. Markwell presented a map showing the Scottsville substation just south of Scottsville, which roughly follows parallel with Irish Road or Highway 6, heading towards Esmont. He said close to Esmont is where Irish Road goes under the line.

Mr. Markwell presented another map showing the County's two pieces of property. He said currently, the line runs where the red line on the map was shown. He said as Appalachian Power was doing their due diligence working on the rebuild, they noticed they have some encroachments under the line on a couple of these pieces of property. He said normally when these are encountered, there are two choices: they can either try to move the line or move the encroachments. He said it is their preference to move the line slightly rather than dealing with taking down structures.

Mr. Markwell indicated on the map to where the line was just slightly altered, which allows them to miss the structures and get them out of their right-of-way, under the new proposed line. He said this calls for them to try to move the line back slightly so they can get behind the encroachments.

Mr. Markwell said there was some discussion as far as the types of structures that will be used. He said as far as structure comparisons, currently there are 65 wood H-frame structures there that are about 50-60 feet tall. He said they propose to put in about 62 steel H-frame structures that will be about 15-20 feet taller, due to the current safety requirements for the shield wire. He said the shield wire is a wire that runs along the top, above the actual conductors themselves, which protects the conductors from lightning strikes. He said it is a major enhancement as far as reliability is concerned and so not only are they going to be replacing the old line, but it will have an enhancement where it will be less likely to go out in the event of a lightning strike.

Mr. Markwell said structures will generally be in the same location, with the proposal being nearly one-to-one.

Mr. Markwell presented a picture showing the current situation and a simulation. He said these were the 50-foot to 60-foot structures. He said the simulation shows the H-frame, and that while the design is approximately the same, they are going up about 15-20 feet higher. He said there are three conductors in the current situation and that the simulation shows the same three conductors, but with shield wires above it. He said this is what made them drive up the structures higher.

Mr. Markwell said their intent is to have the least impact they can. He said through some feedback they received from the Planning office, this is where he thinks they will be coming back to the Board and proposing that they put some structure back in place that is very similar to what is there currently.

Mr. Markwell said his final slide contained information about the right-of-way. He said as Mr. Freitas noted, the other option to not moving the line in this particular case was to stay in the right-of-way and deal with the encroachments. He said this was not unusual for them to do, either. He said the line likely predated the encroachments and that they would still look to compensate the owners, even if they needed to move the structures.

Mr. Markwell said these were his introductory slides and that there would be more information when they position themselves to submit the special use permit application later, in 2021.

Mr. Freitas said the request for easements were only one part of the process. He said that as stated, Appalachian Power will have to apply for a special use permit, during which time the Board will be afforded the opportunity to review final design. He said Appalachian Power, however, cannot apply for the special use permit without the easements or the owner's consent.

Mr. Freitas said if the Board has concerns about the final design, decision on the easements could be deferred until the special use permit application process has concluded. He said this scenario would require the Board to authorize either the County Executive or Appalachian Power to submit the special use permit application on behalf of the County.

Mr. Freitas said after conducting a public hearing on the proposed easements, staff recommends that the Board approve the request for easements and authorize the County Executive to sign the easement agreement.

Mr. Freitas said, alternatively, if the Board has concerns about the final design of these facilities, staff recommends that the Board defer consideration of the property conveyance until final design can be considered as part of the special use permit application. He said in that event, staff recommends that the Board authorize the County Executive to submit the special use permit application on the County's behalf.

Mr. Freitas concluded his presentation and asked if there were any questions.

Ms. Mallek said she wanted to understand correctly what Mr. Freitas just said, that the County Executive would sign the application for the future tower changes, or if he would sign the application for the easement delivery. She said she did not want to get boxed in.

Mr. Freitas said this was a bit of a conundrum. He said Appalachian Power cannot submit a

special use permit unless they have an easement or the consent of the County. He said if the Board chooses to defer the conveyance of the easement until a later time, after the design process, in that case staff would recommend the Board authorize the County Executive to submit that special use permit application on the County's behalf.

Ms. Mallek asked if this predetermines the Board's answer. She said if they are submitting an application to themselves, this doesn't make sense. She said she did understand having to give approval of the applicants to apply and that she was surprised, as she thought they had taken care of this in 2019 with REC (Rappahannock Electric Cooperative).

Ms. Mallek said there have been so many difficulties with the sizes and finishes in the last five years of the transmission line replacements. She said even though people say it will look just like the old one, it turns out to be massively different, or shiny aluminum where they have to go to the SEC to fight to make it be bronze like it used to be. She said she would personally be much happier to either have the applicants tell the Board now what the design features will be and answers questions on impact or wait.

Mr. Gallaway asked if it was appropriate to get a response on the design elements.

Mr. Kamptner said it may be preliminary for the applicant. He said if the County were to file the application, the difficulty would be that this special permit is one to cover the line beyond the County's property. He said it becomes a process where there could potentially end up being multiple applications.

Mr. Kamptner said he had a question that perhaps either Mr. Markwell or Mr. Freitas could answer. He asked if the Board were to grant the easement now before the special permit is granted, the current line would be outside of the easement. He said there is no release of the existing easement and asked if they would be okay.

Mr. Markwell replied that it was his understanding that they could stay in the existing easement. He said they wouldn't need a modification to the easement if they stayed within the existing right-of-way. He said this was purely for taking care of the people further up the line who have an encroachment on the line.

Mr. Markwell said there are two options. He said they can move the line slightly and avoid the encroachments, or they can stay in the right-of-way and would not be seeking the modification. He said they would still be coming back for the special use permit but that at that point, they would not be coming back because they would be staying in the right-of-way where they currently are on the County's property.

Mr. Markwell said this is to help the people who are a few lots up, but that it can be dealt with in another fashion. He said the bottom line is that they would have to come back and follow the special use permit, but they cannot get on with that process without doing one or the other.

Ms. Mallek asked why the Board cannot grant permission for Appalachian Power to make its own applications where granting them an easement is contingent upon getting the approval through the special use permit process, rather than having the County Executive have to apply for someone else. She said this troubles her.

Mr. Kamptner said the cleanest process may be for the Board to hold the public hearing that evening and as part of its motion, if the Board is inclined to approve the easement across the two parcels, they would direct that the County Executive not tender the deed until the special use permit is approved.

Ms. Mallek asked if this gets the County Executive out of having to sign some sort of application.

Mr. Kamptner said they were in somewhat of a chicken-or-egg situation.

Ms. Mallek said she did not understand why the applicant was not making their own application.

Mr. Kamptner said it was due to the way the ordinance was worded. He said when the Board amended the regulations that allowed electric cooperatives to proceed before they become easement holders, that particular change was very limited in scope, as the applicant has to be identified as an electric cooperative.

Ms. Mallek said this was her mistake, as she had thought Appalachian Power was a co-op.

Ms. Palmer said Mr. Larry Jackson, Director of External Affairs, met with then-Supervisor Mr. Rick Randolph and herself to go over this at the beginning of the process. She said she did bring it up at the Yancey Community Center, and that the center's director put out a flyer to the community and brought it up at the Yancey Advisory Committee. She said she just wanted to let everyone know this had been discussed in that framework.

Ms. Palmer said she is very happy that this is being upgraded because there are reliability issues in that area. She said she would have one more question for Mr. Markwell after the public hearing.

Ms. Palmer said she was somewhat confused by the conversation they just had, and so she would ask a question. She asked for the reason as to why the applicant would need a special use permit and come back later.

Mr. Freitas replied that it was his understanding that they were changing the construction, which requires the special use permit.

Ms. Palmer said this is what she had thought, and so the Board would be able to see what the applicant plans to do when they come back for the special use permit.

Mr. Freitas said yes. He said part of this is reviewing the final design, which is part of the approval process.

Ms. Palmer said it sounded as if they were covered with this.

Mr. Kamptner said yes. He said the fact that the Board may have already conveyed the easement does not, in any way, affect the Board's review of the special use permit application.

Mr. Gallaway opened the public comment portion of the hearing. As there were no sign-ups, he closed the public hearing and brought the matter back to the Board.

Ms. Palmer said she wanted Mr. Markwell to tell the Board more about the substation. She said she was very happy to hear that the substation in Scottsville was being redone. She asked Mr. Markwell to tell the Board more about the substation to the west, as she had heard that the status was that it desperately needed more upgrading.

Mr. Markwell replied that they will be upgrading both substations. He said the Scottsville substation is bigger and requires much more work, with 138-kb lines coming into it and with 70-year-old transformers there. He said the Esmont substation is much smaller and though there are improvements there, they will be staying within exactly the same footprint they have there. He said they know they will need to have some expansion of the Scottsville substation to do what is needed there, which will be part of the special use permit.

Ms. Palmer asked if CVEC (Central Virginia Electric Cooperative) also uses the substation in Esmont.

Mr. Markwell replied that he did not believe CVEC had a connection there. He said CVEC will be connecting to some other improvements that are farther down the line, in Nelson County. He said there will be a pair of new stations in Nelson County, and CVEC will tie into one of those. He said further south, there is another connection point with CVEC as well.

Ms. Palmer said she wanted the Board to know that when they talked on the Broadband Authority about CVEC doing fiber to the home in Southern Albemarle, one of their timing issues was the upgrades of the substations in Southern Albemarle. She said she did not know which was this one, and was not knowledgeable enough to understand that, but wanted the Board to know that this was a significant issue that was explained to those on the Broadband Authority.

Mr. Markwell said CVEC approached Appalachian Power about doing a fiber hut and some of the fiber operations at a new station called Soapstone in Nelson County. He said this does not impact either the Scottsville substation or Esmont, but it does affect Soapstone, which is probably what Ms. Palmer was hearing about. He said he just heard about this about a month earlier in terms of the desire to put in a fiber hut and some connectivity there.

Ms. Palmer asked if Appalachian Power is part of a larger company, American Electric.

Mr. Markwell replied yes. He said Appalachian Power is one of the bigger operating companies within American Electric Power. He said they are trying to figure out how they can help there with broadband. He said there are powerlines going across, and everyone is trying to figure out how to make this work, but it was not quite as easy as running up another line on their lines. He said they would get there, but not in the timeframe that he thinks anyone wants.

Ms. Palmer **moved** that the Board approve the request for easements and authorize the County Executive to sign the easement agreements. Ms. LaPisto-Kirtley **seconded** the motion.

Mr. Kamptner said he would insert the language, "Subject to approval as to form and substance by the County Attorney."

Ms. Palmer amended her motion with the added language from Mr. Kamptner. Ms. LaPisto-Kirtley seconded the amended motion.

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

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

Line Name: Esmont - Scottsville

Line No.: TLN150:00437 **Easement No.:** 5A

SUPPLEMENTAL EASEMENT AND RIGHT OF WAY

On this 16 day of October, 2020, **Albemarle County, Virginia**, whose address is 401 McIntire Road, Charlottesville, Virginia 22902, ("Grantor"), whether one or more persons, owns an interest in a tract of real property that is more particularly described lands of the Grantor, situated in the State of Albemarle Virginia County, Tax Parcel Number 128A2-00-00-02200 in that certain document, dated 09/25/2017 recorded as Instrument# 201700011120 of the real property records of Virginia County, Albemarle, and such tract is subject to easements and rights-of-way granted in favor of Appalachian Power Company.

Appalachian Power Company, a(n) Virginia corporation, a unit of American Electric Power, whose principal business address is 1 Riverside Plaza, Columbus, Ohio 43215, ("AEP") is the current owner and holder of the rights, title, and interest, or a portion thereof, granted in or arising under that certain right of way and easement, dated 10/26/1939, and recorded in Deed Book 253, Page 192 of the official records of Albemarle County, Virginia (the "Original Easement").

NOW, THEREFORE, in consideration of the sum of Ten and NO/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor hereby grants, conveys and warrants this Supplemental Easement and Right of Way ("Easement") to AEP for electric transmission, distribution, and communication lines and appurtenant equipment and fixtures to supplement the Original Easement.

Auditor/Key/Tax Number: 128A2-00-00-02200

The location, width, and boundaries of the easement area are hereby revised, modified, and clarified to be as described and depicted on Exhibit "A", attached hereto and made a part hereof ("Easement Area").

The Easement is also supplemented by the addition of the following language:

AEP, its successors and assigns, are granted the right to construct, reconstruct, operate, maintain, alter, inspect and patrol (by ground or air), protect, repair, replace, renew, upgrade, relocate within the Easement Area, remove and replace poles, towers, and structures, made of wood, metal, concrete or other materials, including crossarms, guys, anchors, anchoring systems, grounding systems, communications facilities, and all other appurtenant equipment and fixtures, and to string conductors, wires and cables. The electric transmission facilities may consist of a variable number of towers, poles, wires, guys, anchors and associated fixtures, including the right to enlarge, and may transmit electricity of any voltage or amperage, together with the right to add to said facilities from time to time, and the right to do anything necessary, useful or convenient for the enjoyment of the Easement Area herein granted, together with the privilege of removing at any time any or all of said facilities erected on the Easement Area.

202000017517 PG 002

AEP and its successors and assigns, shall have the right, in AEP's reasonable discretion, to cut down, trim, and otherwise control, using herbicides or tree growth regulators, or other means, and at AEP's option, to remove from the Easement Area any and all trees, overhanging branches, vegetation, brush, or other obstructions. AEP shall also have the right to cut down, trim, remove, and otherwise control trees situated on lands of the Grantor which adjoin the Easement Area, when in the reasonable opinion of AEP those trees may endanger the safety of, or interfere with the construction, operation or maintenance of AEP's facilities or ingress or egress to, from or along the Easement Area.

AEP and its successors and assigns are granted the right of unobstructed ingress and egress, at any and all times, on, over, across, along and upon the Easement Area, and across the adjoining lands of Grantor as may be reasonably necessary to access the Easement Area for the above referenced purposes.

In no event shall Grantor, its heirs, successors, and assigns plant or cultivate any trees or place, construct, install, erect or permit any temporary or permanent building, structure, improvement or obstruction including but not limited to, storage tanks, billboards, signs, sheds, dumpsters, light poles, water impoundments, above ground irrigation systems, swimming pools or wells, or permit any alteration of the ground elevation, over or within the Easement Area. AEP may, at Grantor's cost, remove any structure or obstruction if placed within the Easement Area and may re-grade any alterations of the ground elevation within the Easement Area. AEP shall repair or pay Grantor for actual damages to growing crops, fences, gates, field tile, drainage ways, drives, or lawns caused by AEP in the exercise of the rights herein granted.

The failure of AEP to exercise any of the rights granted herein, including but not limited to the removal of any obstructions from the Easement Area, shall not be deemed to constitute a waiver of the rights granted herein and the removal of any facilities from the Easement Area shall not be deemed to constitute a permanent abandonment or release of the rights granted herein.

Except as modified by this Supplemental Easement and Right of Way, all terms and provisions of the Original Easement and all rights arising in connection with the Original Easement shall remain in full force and effect, and the Original Easement shall keep its priority in title as of the date of its recording. Those provisions and rights are expressly ratified, reaffirmed by and incorporated within this Supplemental Easement and Right of Way. The Original Easement along with this Supplemental Easement and Right of Way shall for all purposes function as a single instrument, however, to the extent any terms or provisions of the Original Easement conflict with, limit or are inconsistent with any term or provision of the Supplemental Easement and Right of Way, the terms and provisions of this Supplemental Easement and Right of Way shall control. Nothing herein will in any manner vary, change, modify, or restrict the rights and privileges that AEP may have acquired through any instrument other than the Original Easement or by any other means.

The terms and conditions as supplemented by this instrument, are the complete agreement, expressed or implied between the parties hereto and shall inure to the benefit of and be binding on their respective successors, assigns, heirs, executors, administrators, lessees, tenants, licensees, and legal representatives.

202000017517 PG 003

This instrument may be executed counterparts, each of which will be deemed an original, but all of which taken together will constitute one and the same instrument.

Grantor acknowledges that AEP has explained the transmission project to Grantor, and Grantor's consent for such project is hereby granted.

NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all of these rights through exercise of eminent domain. To the extent that any of the rights conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights you are voluntarily conveying.

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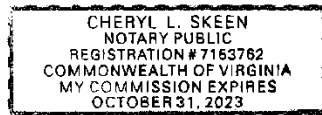
IN WITNESS WHEREOF, the Grantor has executed this Easement effective the day, month and year first above written.

GRANTOR
Albemarle County, Virginia

By: [Signature]
Its: COUNTY EXECUTIVE

State of Virginia §
City of Charlottesville §
County of Albemarle §

This instrument was acknowledged before me on this 16th day of October, 2020 by Jeffrey B. Richardson County Executive of Albemarle County, Virginia, a(n) _____ corporation, on behalf of said corporation.



Cheryl L. Skeen
Notary Public
Print Name: Cheryl L. Skeen
Commission Expires: Oct. 31, 2023

This instrument prepared by Thomas G. St. Pierre, Associate General Counsel – Real Estate, American Electric Power Service Corporation, 1 Riverside Plaza, Columbus, OH 43215 – for and on behalf of Appalachian Power Company, a unit of American Electric Power.

When recorded return to: American Electric Power - Transmission Right of Way, P. O. Box 2021, Roanoke, VA 24002-2121

202000017517 PG 006

INSTRUMENT # 202000017517
E-RECORDED IN THE CLERK'S OFFICE OF
ALBEMARLE ON
DECEMBER 3, 2020 AT 10:07AM

JON R. ZUG, CLERK
RECORDED BY: MEB

Line Name: Esmont - Scottsville

Line No.: TLN150:00437 **Easement No.:** 5A

SUPPLEMENTAL EASEMENT AND RIGHT OF WAY

On this 16 day of October, 2020, **Albemarle County, Virginia**, whose address is 401 McIntire Road, Charlottesville, Virginia 22902, ("Grantor"), whether one or more persons, owns an interest in a tract of real property that is more particularly described lands of the Grantor, situated in the State of Albemarle Virginia County, Tax Parcel Number 128A2-00-00-02200 in that certain document, dated 09/25/2017 recorded as Instrument# 201700011120 of the real property records of Virginia County, Albemarle, and such tract is subject to easements and rights-of-way granted in favor of Appalachian Power Company.

Appalachian Power Company, a(n) Virginia corporation, a unit of American Electric Power, whose principal business address is 1 Riverside Plaza, Columbus, Ohio 43215, ("AEP") is the current owner and holder of the rights, title, and interest, or a portion thereof, granted in or arising under that certain right of way and easement, dated 10/26/1939, and recorded in Deed Book 253, Page 192 of the official records of Albemarle County, Virginia (the "Original Easement").

NOW, THEREFORE, in consideration of the sum of Ten and NO/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor hereby grants, conveys and warrants this Supplemental Easement and Right of Way ("Easement") to AEP for electric transmission, distribution, and communication lines and appurtenant equipment and fixtures to supplement the Original Easement.

Auditor/Key/Tax Number: 128A2-00-00-02200

The location, width, and boundaries of the easement area are hereby revised, modified, and clarified to be as described and depicted on Exhibit "A", attached hereto and made a part hereof ("Easement Area").

The Easement is also supplemented by the addition of the following language:

AEP, its successors and assigns, are granted the right to construct, reconstruct, operate, maintain, alter, inspect and patrol (by ground or air), protect, repair, replace, renew, upgrade, relocate within the Easement Area, remove and replace poles, towers, and structures, made of wood, metal, concrete or other materials, including crossarms, guys, anchors, anchoring systems, grounding systems, communications facilities, and all other appurtenant equipment and fixtures, and to string conductors, wires and cables. The electric transmission facilities may consist of a variable number of towers, poles, wires, guys, anchors and associated fixtures, including the right to enlarge, and may transmit electricity of any voltage or amperage, together with the right to add to said facilities from time to time, and the right to do anything necessary, useful or convenient for the enjoyment of the Easement Area herein granted, together with the privilege of removing at any time any or all of said facilities erected on the Easement Area.

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AEP and its successors and assigns, shall have the right, in AEP's reasonable discretion, to cut down, trim, and otherwise control, using herbicides or tree growth regulators, or other means, and at AEP's option, to remove from the Easement Area any and all trees, overhanging branches, vegetation, brush, or other obstructions. AEP shall also have the right to cut down, trim, remove, and otherwise control trees situated on lands of the Grantor which adjoin the Easement Area, when in the reasonable opinion of AEP those trees may endanger the safety of, or interfere with the construction, operation or maintenance of AEP's facilities or ingress or egress to, from or along the Easement Area.

AEP and its successors and assigns are granted the right of unobstructed ingress and egress, at any and all times, on, over, across, along and upon the Easement Area, and across the adjoining lands of Grantor as may be reasonably necessary to access the Easement Area for the above referenced purposes.

In no event shall Grantor, its heirs, successors, and assigns plant or cultivate any trees or place, construct, install, erect or permit any temporary or permanent building, structure, improvement or obstruction including but not limited to, storage tanks, billboards, signs, sheds, dumpsters, light poles, water impoundments, above ground irrigation systems, swimming pools or wells, or permit any alteration of the ground elevation, over or within the Easement Area. AEP may, at Grantor's cost, remove any structure or obstruction if placed within the Easement Area and may re-grade any alterations of the ground elevation within the Easement Area. AEP shall repair or pay Grantor for actual damages to growing crops, fences, gates, field tile, drainage ways, drives, or lawns caused by AEP in the exercise of the rights herein granted.

The failure of AEP to exercise any of the rights granted herein, including but not limited to the removal of any obstructions from the Easement Area, shall not be deemed to constitute a waiver of the rights granted herein and the removal of any facilities from the Easement Area shall not be deemed to constitute a permanent abandonment or release of the rights granted herein.

Except as modified by this Supplemental Easement and Right of Way, all terms and provisions of the Original Easement and all rights arising in connection with the Original Easement shall remain in full force and effect, and the Original Easement shall keep its priority in title as of the date of its recording. Those provisions and rights are expressly ratified, reaffirmed by and incorporated within this Supplemental Easement and Right of Way. The Original Easement along with this Supplemental Easement and Right of Way shall for all purposes function as a single instrument, however, to the extent any terms or provisions of the Original Easement conflict with, limit or are inconsistent with any term or provision of the Supplemental Easement and Right of Way, the terms and provisions of this Supplemental Easement and Right of Way shall control. Nothing herein will in any manner vary, change, modify, or restrict the rights and privileges that AEP may have acquired through any instrument other than the Original Easement or by any other means.

The terms and conditions as supplemented by this instrument, are the complete agreement, expressed or implied between the parties hereto and shall inure to the benefit of and be binding on their respective successors, assigns, heirs, executors, administrators, lessees, tenants, licensees, and legal representatives.

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This instrument may be executed counterparts, each of which will be deemed an original, but all of which taken together will constitute one and the same instrument.

Grantor acknowledges that AEP has explained the transmission project to Grantor, and Grantor's consent for such project is hereby granted.

NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all of these rights through exercise of eminent domain. To the extent that any of the rights conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights you are voluntarily conveying.

Any remaining space on this page intentionally left blank. See next page(s) for signature(s).

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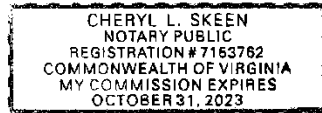
IN WITNESS WHEREOF, the Grantor has executed this Easement effective the day, month and year first above written.

GRANTOR
Albemarle County, Virginia

By: *[Signature]*
Its: COUNTY EXECUTIVE

State of Virginia §
City of Charlottesville §
County of Albemarle §

This instrument was acknowledged before me on this 16th day of October, 2020 by Jeffrey B. Richardson County Executive of Albemarle County, Virginia, a(n) _____ corporation, on behalf of said corporation.



Cheryl L. Skeen
Notary Public
Print Name: Cheryl L. Skeen
Commission Expires: Oct. 31, 2023

This instrument prepared by Thomas G. St. Pierre, Associate General Counsel – Real Estate, American Electric Power Service Corporation, 1 Riverside Plaza, Columbus, OH 43215 – for and on behalf of Appalachian Power Company, a unit of American Electric Power.

When recorded return to: American Electric Power - Transmission Right of Way, P. O. Box 2021, Roanoke, VA 24002-2121

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INSTRUMENT # 202000017517
E-RECORDED IN THE CLERK'S OFFICE OF
ALBEMARLE ON
DECEMBER 3, 2020 AT 10:07AM

JON R. ZUG, CLERK
RECORDED BY: MEB

Agenda Item No. 19. **Action Item:** Proposed 2021 Legislative Priorities and Legislative Positions and Policy Statements.

The Executive Summary forwarded to the Board states that each year the Board considers and approves its Legislative Priorities and its Legislative Positions and Policy Statements. The Board then meets with the County's local delegation from the General Assembly to discuss these priorities and submits them to the Thomas Jefferson Planning District Commission (TJPDC), the Virginia Association of

Counties (VACo), and the Virginia Municipal League (VML). This is the third of at least three anticipated Board discussions to develop its priorities for the 2021 General Assembly session. Proposed Legislative Positions and Policy Statements are also provided.

Following are summaries of the pending initiatives and their status following the Board's July 15 and September 2, 2020 review of its legislative priorities and initiatives:

Priorities

Enable civil penalties instead of criminal punishment for local violations: Pursue legislation to expand the authority to use civil penalties instead of criminal punishment for ordinance violations. See Attachment A.

Increase the civil penalties enabled for repeated violations of zoning regulations: Pursue legislation to increase the civil penalties for repeated zoning violations. The current maximum penalties for zoning violations are \$500 per violation/\$5,000 in the aggregate. See Attachment A.

Enable localities to carry over appropriated funds for multi-year capital projects: Pursue legislation to allow appropriated funds for multi-year capital projects to be carried over from one year to the next without being re-appropriated. This priority was originally requested by the Department of Finance to obtain enabling authority to carry over appropriated funds for one year, similar to the existing enabling authority that allows the County to carry over outstanding grants for one year. After the Board's September 2, 2020 meeting, the Department of Finance revised its request to enable the carry over to be from year-to-year, rather than for one year, and to have that authority apply to both multi-year capital projects and multi-year grants. See Attachment A.

Amend State law to establish minimum standards for certain "farm buildings or structures" or redefine the term: Pursue legislation to establish minimum standards for farm buildings and structures or redefine "farm buildings or structures" if those buildings or structures are used for large gatherings such as those held at farm wineries, breweries, or distilleries, or places of agricultural tourism. The purpose of the legislation would be to require farm buildings and structures used for gatherings to be constructed subject to the minimum standards of the Virginia Uniform Statewide Building Code. See Attachment A.

Enable public bodies to meet by electronic communication means when a State or local emergency is declared: Pursue legislation to enable public bodies to meet by electronic communication means when a State or local emergency has been declared and the purpose of the meeting is to adopt a continuity of government ordinance. At the beginning of the COVID-19 pandemic, the Governor had declared in Executive Order 51 that COVID-19 posed a public health threat, yet the Board was required to physically assemble in order to adopt the emergency ordinance to continue its government. See Attachment A.

Initiatives supported as a multi-locality initiative

Amend Virginia Code § 15.2-915 to clarify that the 2020 amendments may apply to jointly-owned public facilities: The City Attorney requested the County to join the City in its request to amend Virginia Code § 15.2-915, which was amended in 2020. The current law enables localities to prohibit the possession or carrying of firearms, ammunition, or components, or any combination thereof, in locality buildings, parks, community centers, and other public facilities, and public rights-of-way. The law also requires that the public facilities be owned or used by the locality, or by any authority or local governmental entity created or controlled by the locality, for governmental purposes. It is unclear whether the law applies to public facilities jointly owned by the County and the City, such as Darden Towe Park, or by a "local governmental entity" jointly created by multiple localities, such as a local library.

Initiatives that can be supported by Board resolutions

Increase funding for broadband: There are pending in the General Assembly a pair of budget amendments (HB 5005 <<https://budget.lis.virginia.gov/item/2020/2/hb5005/introduced/1/114/>> and SB 5015 <<https://budget.lis.virginia.gov/item/2020/2/sb5015/introduced/1/114/>>) that would provide \$84,450,000 for Virginia Telecommunications Initiative grants in the current budget cycle, with \$49,725,000 in the first year and \$34,725,000 in the second year. The bills provide that the "funds shall be used for providing financial assistance to supplement construction costs by private sector broadband service providers to extend service to areas that presently are unserved by any broadband provider." Staff recommends that the Board consider adopting a resolution supporting the increase in funding.

Increase funding for community services: This initiative would seek more State financial support for community services. Staff is monitoring the General Assembly's special session.

Initiatives to be included in the Board's Legislative Positions and Policy Statements Authorize impact fees in lieu of cash proffers: This will be a multi-year statewide initiative that the County will pursue with other localities. For this year, staff recommends that this initiative be included as part of the Board's 2021 Legislative Positions and Policy Statements.

Stop extending the sunset provisions in Virginia Code § 15.2-2209.1: First adopted in 2009 to extend the validity of certain land use approvals during the Great Recession, the General Assembly has repeatedly extended the sunset clauses for these approvals, resulting in non-vested and undeveloped but approved projects that can be 15 years old or more that may no longer be consistent with the locality's current planning policies or zoning or site development requirements. Expand the authority to use photo speed monitoring devices: The current law, effective July 1, 2020, authorizes State and local law enforcement agencies to use photo speed monitoring devices only in school crossing zones and highway work zones, with maximum penalty of \$100.

There are no specific, identifiable budget impacts.

Staff recommends that the Board adopt its legislative priorities and its legislative positions and policy statements.

Mr. Greg Kamptner, County Attorney, said there was time, if the Board needed more time, to make some final decisions before October 21. He said looking at the calendar, they would not be able to meet with the General Assembly delegation until the week of November 8.

Mr. Kamptner presented the list of proposed priorities, noting that these were discussed at the Board's last meeting. He said the next few slides provided examples as to how the legislation might actually look. He said these were just examples and would be left up to the County to do further work and to the General Assembly's legislative services to take a look at it.

Mr. Kamptner said one way for the County to obtain the authority to pursue civil penalties in lieu of criminal punishment would be to amend Virginia Code Section 15.2-1429, which currently, with exceptions (for example, the authority to enforce the Zoning Ordinance), the County enforces by proceedings as if the violations are misdemeanors.

Mr. Kamptner said he worked with Community Development to get their input on the second priority, increased civil penalties, and that the \$1,000, \$1,500, and \$2,000 civil penalties shown in the proposed legislation were pulled from another section of the planning and zoning laws, which are the punishments available for localities that enforce through criminal proceedings. He said they are simply mirroring what is already there.

Mr. Kamptner said the current civil penalties in the civil penalties' statute were last amended in 2006, which was some time ago.

Mr. Kamptner said Ms. Lori Allshouse and Mr. Trevor Henry were on the call to answer any questions about the next priority. He said this was a slight change from what the Board saw at the last meeting. He said the proposed change recommended by staff would be to not only authorize carryover for multiyear capital projects, but also for multiyear grants where they already have the authority to carry outstanding grants over for one year. He said what Finance has told him is that this is a very cumbersome process. He said allowing them to carryover from year to year without being reappropriated would be efficient and has been identified as a best practice.

Mr. Kamptner said this enabling authority is not only in Section 15.2-520, which is in the County Executive form of government laws but is also in the broader budget laws that apply to other localities.

Mr. Kamptner said for the next priority, he again sought assistance from Community Development, specifically from the Building Official. He said how Mr. Dellinger recommends approaching this priority would be to amend the definition of "farm buildings or structures." He said what they would do there is carve out the use that would fall under this proposed definition, "public use agricultural building," which would deal with the new construction on these types of farming operations that are really intended for the public to congregate and hold events. He said Mr. Dellinger also recommended that the building code regulations be amended to include standards for the public use agricultural building.

Mr. Kamptner said the next priority was the enabling authority for a virtual public meeting during a state of emergency to allow the adoption of a continuity of government ordinance. He said this would be an amendment to the Freedom of Information Act, specifically to the section that currently deals with electronic communication meetings. He said there is already a subsection that allows electronic communication meetings to address the emergency itself. He said clarification that would allow localities to adopt their continuity of government ordinances could easily be fit into that subsection.

Mr. Kamptner said the final priority was the clarification to the new firearms legislation. He said because the City and County jointly own some properties, and because there is also some joint exercise of power type of entities as well as some regional forms of governmental entities, in particular, the library system, some clarification would help make this enabling authority more useful.

Mr. Kamptner emphasized that these were just samples of the types of changes that could be made. He asked if there were any questions.

Ms. McKeel acknowledged it was late and that there was not much time to get into the discussions about this that evening. She said she agrees with civil penalties in lieu of criminal punishment but having said this, there are some bad actors or "frequent flyers." She said there are people the County has taken to court for 10-15 years. She said as soon as they come out of court, they go back to doing what they have done. She said they have fines in excess of \$5,000. She said she wants to make sure that they can handle the bad actors without creating a situation where they cannot deal with them in an appropriate way, as it already seemed as if the County had their hands bound. She said Ms. LaPisto-Kirtley has spoken about this as well.

Mr. Kamptner said he did not increase the aggregate with this legislation. He said they get to \$5,000 within four violations. He said if they were to cite someone once every 10 days, this would be a

40-day period. He said once they reach this threshold, they are then moving to criminal enforcement or injunctive relief in circuit court. He said it gets seriously quickly, and the hope is that these civil penalty thresholds are more than just the cost of doing business.

Ms. McKeel said although there were not many bad actors, there were a few.

Mr. Kamptner agreed.

Ms. McKeel said staff is spending an enormous amount of time dealing with those very few. She said the community is paying a price and that somehow, the County has to figure out how to deal with the bad actors. She said most people take the warnings and work with staff to get it done, but there are some who do not.

Ms. Mallek said she agrees completely with Ms. McKeel that she worries about giving up some leverage for the few who are impossible to deal with. She cited the example of someone using their yard as a storage place for their restaurant materials after it went out of business, adding that there were many other examples too. She said if they can keep these situations under control and make it a little less punitive for others, she supposed she understood.

Ms. Mallek said the farm building matter was a great start and that hopefully, progress would be made, since the building code people statewide dropped the ball that year and said they were not coming back for three years, so this was the only option. She said it focuses on safety features and saving the people rather than the building.

Ms. LaPisto-Kirtley said her understanding from Mr. Kamptner regarding the zoning was that after the \$5,000 fine, they can continue and take it into criminal penalty.

Mr. Kamptner said yes. He said once they reach \$5,000, they end the civil penalties manner of enforcement and then have criminal punishment or injunctive relief.

Ms. LaPisto-Kirtley said regarding firearms, she thought they were going to look at other jurisdictions in Virginia where one cannot discharge a gun within 100 yards of an occupied building.

Mr. Kamptner said the County already has that authority, and they will come back to the Board with an amendment to the current regulations. He said it is Hanover County that has adopted what Ms. LaPisto-Kirtley was speaking to.

Ms. Palmer said she had to ask another question about the fines. She said her favorite example of this was one from her district, where someone had \$5,000 in violations and the County kept her in court for many months. She said the person finally fixed everything at the last minute and never paid any of the fines. She said she keeps hearing these types of things happening over and over again. She asked if under the proposed legislation, with five violations, the person would have had \$10,000 in fines.

Mr. Kamptner replied that the fines cannot exceed \$5,000 and that once they reach that limit, the County moves on to criminal enforcement.

Ms. Palmer asked about multiple violations.

Mr. Kamptner said if it is a different type of violation or a violation where they are cited and then they abate the violation, a new violation is started, and the process starts over again.

Mr. Kamptner continued his presentation. He said in terms of the proposed legislative positions and policy statements, there were two new additions that the Board talked about at the last meeting they discussed this. He said these were added to the Board's materials in Attachment B.

Mr. Kamptner said there was some legislation that did affect or may affect the Board's positions and policy statements. He said none of these completely went as far as the Board's positions in Attachment B, but they do go part of the way. He said there was room for discussion if the Board wishes to keep them all or change any of the other ones. He said it was difficult, given the number of positions and policy statements that relate to funding and with the General Assembly being in their special session, to keep up with things. He said he left the funding items alone, for the moment.

Ms. LaPisto-Kirtley asked Mr. Kamptner to go back to the previous slide. She asked if the photo speed monitoring devices were only for highway work zones and school crosses.

Mr. Kamptner replied yes. He said this was new legislation, and the Board was interested in expanding it. He said when the General Assembly adopts a new law, they want to see how it works before they consider amending it. He said they moved the item to the additions to proposed legislative positions and policy statements rather than under priorities, with Mr. David Blount's assistance.

Ms. LaPisto-Kirtley asked if the Board currently does not have the authority to put these up at highly traveled intersections where people run red lights.

Mr. Kamptner replied that these are different than the photo speed monitoring devices.

Ms. Mallek said she would prefer that they leave all these things Mr. Kamptner worked hard on

there, as no one knew what the legislature would do. She said she would rather leave it all intact even if some of it has been achieved, for now. She said they cannot be trusted to finish this.

Ms. LaPisto-Kirtley asked Mr. Kamptner if he could go forward to the next slide. She asked if raising the food and beverage tax limit from 4% to 6% was something they wanted to do now.

Mr. Kamptner replied that Finance would be coming back to the Board in November. He said some of these new taxes have delayed effective dates, and so they were not rushing forward at this point.

Ms. Palmer asked Mr. Kamptner if he was asking for life to be less cumbersome for his processes, for the Board to take off anything that they do not believe is needed at this point in time.

Mr. Kamptner replied that one of the Supervisors, at the first meeting in July, mentioned that. He said he was not recommending that anything come off the list at this point, as he did not think that any of them had been fully addressed.

Ms. Palmer said this was fine and that she had a final comment to make. She said as she had previously mentioned during the Climate Action Plan public hearing, SWAAC is talking to people in the Glass Packaging Institute and others about trying to get glass recycling to be more prevalent in Virginia and about legislative changes or things the Board can support. She said a representative from the Glass Packaging Institute is going to come out with their policy statement sometime in October. She said she asked if Ms. Mallek would join her on a Zoom call, since she is the VACo point person on the Board, to hear what this person has to say after the policy statement comes out, and hopefully after SWAAC is further ahead in their discussions.

Ms. Palmer said she would keep the Board informed and wanted to mention this because she did not know if they will be asking the Board to have another legislative priority added to this. She said perhaps it will be decided that there is not enough time.

Ms. McKeel asked Mr. Kamptner about HB-150 and if there was something the Board needed to put in their packet that year to address the old derelict buildings and blight. She said this has been discussed and wanted to know where they were at with actually being able to address abandoned structures and derelict houses. She said Mr. Kamptner had mentioned at one point that the County would benefit from expanding the scope of the tall grass and weeds law. She asked if any of this needs to be addressed.

Ms. McKeel said there are two abandoned buildings near her, and other one in the next neighborhood over.

Ms. Mallek said she does as well.

Ms. McKeel said Ms. LaPisto-Kirtley has also talked about this. She said it seems like they keep talking about it and asked what tool they need to help to address it. She said perhaps this was a discussion for another day, but that she did not want the legislative packet to go forward without that included if something is needed.

Mr. Kamptner said they would have to work with Community Development to come up with something.

Ms. McKeel said they have been talking about this now for years. She said they took their blight ordinance as far as they could and still have the problem. She said she had an email from Mr. Kamptner that said they were going to be talking about it in July.

Mr. Kamptner said it keeps getting pushed.

Ms. McKeel said it has been pushed for four years.

Ms. Mallek asked if there were templates, they could use from another county already doing this instead of having to reinvent the wheel. She said if they have the authority to do things, they can go to the resources out there and copy something. She said other counties copy Albemarle's work all the time, and she thinks they should take advantage of this if possible.

Mr. Kamptner said he could resend the multipage memo he sent out in 2019 that lists all the enabling authority that the Board has that they are not using. He said he was trying to pull up HB-150 and that his recollection was that they needed to first adopt an ordinance.

Ms. McKeel pulled up HB-150 and read a description of it aloud: "Derelict residential buildings: civil penalty bill allows certain localities to impose a civil penalty not exceeding \$500 per month on derelict residential properties." She said the County needs this.

Mr. Kamptner said they need to first establish the program that would make the civil penalty actionable.

Ms. Mallek asked if this was a zoning program that the Zoning Inspectors would carry out.

Mr. Kamptner said it was not zoning but was a matter that would end up in Community

Development.

Ms. McKeel said she was not frustrated with Mr. Kamptner personally, but was frustrated that they have now been talking about this for years. She asked when they can have a discussion on what needs to be done and how to deal with these, as the Supervisors were all dealing with these. She said it came up in a neighborhood association meeting she recently attended.

Mr. Gallaway said it sounded like it was something that was internal at that point and not something that needs to go legislatively.

Ms. McKeel said she thought they were waiting on something from the General Assembly. She said another matter that had come up that night was the mention of single-use plastics.

Ms. Mallek said she had brought this up. She said she thought this did pass and was now in the Board's court to carry it out.

Mr. Kamptner said the plastic bag tax legislation passed. He said unless he was mistaken, the other bills did not pass. He said he has not been monitoring the special session for plastic bags.

Ms. McKeel said this was then a matter for another time with the Board.

Ms. Mallek asked for this to be on the November agenda.

Ms. LaPisto-Kirtley **moved** that the Board adopt the proposed 2021 legislative priorities, legislative positions, and policy statements. Ms. Mallek **seconded** the motion.

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

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

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

Item Number 20.a: Expanding JAUNT Demand Response for Rides to Vote.

Ms. McKeel said this is a resolution to accept JAUNT's offer to provide transportation services for County voters for the 2020 General Election. She said the Board will need to approve this because it is outside the normal services that JAUNT would provide.

Mr. Gallaway noted that the resolution should be made available.

Ms. McKeel **moved** to approve the resolution accepting JAUNT's offer to provide transportation services for County voters for the 2020 General Election without the need for any additional funding. Ms. Mallek **seconded** the motion

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

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

Agenda Item No. 21. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Trevor Henry, Assistant County Executive, alerted the Board that there was an email that came out from the County's website a few weeks earlier announcing a welcoming event for military families. He said a culmination of the local Veterans Affinity Group, local government, and schools are sponsoring a Zoom webinar next Tuesday, October 13 from 6:00 p.m. to 7:30 p.m.

Mr. Henry said Mr. Jeff Richardson and Superintendent Haas will open the event with a welcoming statement. He said he would give a brief overview of Albemarle County and that Ms. Jamie Gilmer from Schools will do the same from the schools' side. He said the new Defense Affairs Committee coordinator will also give a presentation trying to connect opportunities, resources, and fun things to do to those military families in the community. He said as of the previous week, there were about 40-45 families signed up.

Mr. Henry said the Board is welcome to attend and that there is a registration process. He said Ms. Mallek has already registered. He said he could send a link to the event as a reminder.

Ms. Mallek said the Supervisors should copy Ms. Borgersen on their RSVPs so she will know if anything needs to be done if three or more Supervisors have signed up.

Mr. Henry said he would also note which Supervisors will be listening in.

Non-Agenda Item. Closed Meeting

At 8:30 p.m., Ms. LaPisto-Kirtley **moved** that the Board go into a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (1), to discuss and consider the annual performance of the County Attorney

Ms. Palmer **seconded** the motion.

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

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

Non-Agenda Item. Certify Closed Meeting

At 9:10 p.m., Ms. LaPisto-Kirtley **moved** that the Board 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. Palmer **seconded** the motion.

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

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

Agenda Item No. 22. Adjourn.

At 9:10 p.m., Mr. Gallaway adjourned the meeting to October 21, 2020, 1:00 p.m., an electronic meeting pursuant to Ordinance No. 20-A(14), “An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster.”

Chair

Approved by Board
Date 06/01/2022
Initials CKB