

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on March 17, 2021 at 1:00 p.m.

BOARD MEMBERS PRESENT: Mr. Ned Gallaway, Ms. Beatrice (Bea) LaPisto-Kirtley, Ms. Ann Mallek, Ms. Diantha McKeel, Ms. Liz Palmer, and Ms. Donna Price.

ABSENT: None.

OFFICERS PRESENT: County Executive, Jeffrey B. Richardson; 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 1:01 p.m. by the Chair, Mr. Ned Gallaway.

Mr. Gallaway said the meeting was being held pursuant to and in compliance with Ordinance No. 20-A(8), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster." He said that the opportunities for the public to access and participate in the electronic meeting were posted on the Albemarle County website, on the Board of Supervisors' homepage, and on the Albemarle County calendar. He stated that participation included the opportunity to comment on those matters for which comments from the public would be received.

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

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Agenda Item No. 4. Adoption of Final Agenda.

Mr. Gallaway noted there were some items to change on the agenda. He said Item 8.1, "FY 2021 Appropriations," would be pulled. He said they would move Items 16 and 17, "Matters From the Board Not on the Agenda" and "Matters From the County Executive Not on the Agenda," to the afternoon. He said this would be placed after Item 10, "CARES Coronavirus Relief Funding Report."

Mr. Gallaway said under Item 16, "From the Board," the topic "St. George Avenue – VDOT Traffic Calming Process" would be addressed at Ms. Mallek's request, as well as "County Code 18.5-1.43 Special Events in Rural Areas," at Ms. Palmer's request.

Mr. Gallaway asked if there were any other changes to the final agenda.

Ms. Mallek said she had a question. She asked if one had a question about the secondary road plan, if this was the day to talk about it. She said she had already emailed staff, and she asked if it should be worked on to come back at a later date.

Mr. Gallaway said this was Item 8.9 on the Consent Agenda. He asked if Mr. Daniel Butch or someone from Transportation if this item should be pulled to have a conversation about, and then make a determination at that time.

Mr. Doug Walker, Deputy County Attorney, said out of abundance of caution, this would be his suggestion. He said if there is an issue that might be discussed by the Board, they should pull it and have that discussion so that there is not any confusion going forward.

Mr. Gallaway said they would then pull Item 8.9 and if it was alright with the Board, they could place it right after the approval of the Consent Agenda for a quick conversation. He asked if there were any other changes and hearing none, he asked if there was a motion to adopt the agenda as amended.

Ms. McKeel **moved** to adopt the final agenda as amended.

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

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

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

Ms. Mallek announced that she and Mr. Gallaway would be co-hosting a townhall on Tuesday, March 23 at 7:00 p.m. She said in addition to any topics of any order from citizens, they will have a presentation and talk about the fire service for Earlysville Fire House, and Chief Eggleston would be there. She said she looked forward to that discussion.

Ms. Price wished everyone a happy St. Patrick's Day. She said she and Ms. Palmer would be having their townhall for the budget in conjunction with the 5th and Avon CAC the following evening. She said they would have the CAC meeting first and then address budget matters.

Ms. LaPisto-Kirtley said there would be a Pantops CAC townhall meeting combination on March

22. She invited everyone to attend, noting they would have a budget presentation along with some other items.

Ms. LaPisto-Kirtley said that on March 27 and 28, there will be a spring cleanup along Proffit Road. She invited all volunteers to come to help them clean up at this yearly event, adding she would be there. She encouraged those interested to ask her questions and contact her, adding that perhaps this could be put on the County website. She said it will be at Proffit and Polo Grounds Road.

Ms. Palmer said in addition to what Ms. Price said about the townhall or CAC, at 6:00 p.m. on Friday, March 19, she would be having another townhall of sorts, hosted by the Yancey Advisory Committee group. She said she would be there special guest, and anyone in the County who wished to join could do so. She said it was listed on the County Calendar, or one could email Mr. Ed Brooks, who is Director of the Yancey Community Center.

Ms. McKeel said she had a comment, and she then wanted to ask a question. She expressed her St. Patrick's Day wishes to everyone. She said on a more serious matter, she had a great townhall meeting that Monday evening, and she wanted to thank all the staff who participated. She said there were great questions in the Q&A session, and a School Board member was there to present some slides from the School Division budget.

Ms. McKeel said one question that came up that has been in the news, which people have been following in the paper, is the situation with the displacement of residents at Red Carpet Inn, and some concerns about where they might be relocated. She said Ms. Emily Kilroy had an opportunity to reach out to Ms. Phyllis Savides, Director of Social Services. She asked Ms. Kilroy if she could share with everyone what she found, as she believed it was good and timely information for people to have.

Ms. Emily Kilroy, Director of Communications and Public Engagement (CAPE), said one of the things that came up in the discussion at the CAC meeting was that the County has been part of the land use approval for the project at the Red Carpet Inn site. She said the land transaction is between two private entities.

Ms. Kilroy said the Thomas Jefferson Area Coalition for the Homeless (TJACH) has shared that, as media reports came out about some of the families that had been living at the Red Carpet Inn on a longer-term basis became aware of the communication issue, they reached out to get a list of all the long-term tenants that had been living there. She said there were 10 households that were impacted with the closure of the Red Carpet Inn, and so TJACH has made contact with all 10 of those households. She said seven of them have reached out for support, and they are working on an individual basis to find the best solution for their needs, to get those individuals rehoused elsewhere in the community.

Ms. Kilroy said the Department of Social Services is now aware of this issue, and they have been working actively with the adults and families that they had an existing client relationship with. She said they have also been working with individuals who have been reaching out to them who they have not had a previous relationship with. She said they go through a standard screening process to determine eligibility, and as with everyone that comes into DSS, DSS provides information and referral for other services that might also help support their needs.

Ms. Kilroy said the County is supporting the individuals and families who have been impacted by this unfortunate communication, and they are also making sure they are connecting with TJACH in their work to support those households.

Ms. McKeel thanked Ms. Kilroy for sharing this information.

Mr. Gallaway said he appreciated Ms. McKeel bringing up this topic. He said the Red Carpet Inn falls within the Rio District. He said he did not know what happened in the breakdown. He said it was unfortunate and frustrating, on many levels. He said he, for one, wished that when the Board had this application in front of them that evening for action, he would have had the wherewithal to ask what the transition was from current ownership to new ownership. He said he did not ask that, and he did not think to ask it.

Mr. Gallaway said for his part, as he is seeing the comments and appreciates the support that DSS is providing, he thinks he owes an apology to those families that are living there because this is a stressful event. He said it is not something that is a pop-up communication and can throw things into turmoil. He said he, for one, is very disappointed that they have had to go through that, and he was offering his apology for not doing his part in helping that transition. He said the Board could have all had the chance to do that. He said he was glad the topic came up at the CAC and that Ms. McKeel brought this up.

Mr. Gallaway said as Ms. Mallek stated, he will be joining her for a townhall later in the month.

Ms. Mallek said she had one more matter to bring up. She said on March 27, the Earlsville Fire Company will be having a scavenger hunt fundraiser all around the Western and Northern Albemarle area. She said she can be contacted for information, or one can visit the fire company website. She said more information would be coming out soon.

Ms. Mallek noted that with regard to St. Patrick's Day, her Irish ancestor from the 13th century was a pirate and incarcerated in the Tower of London, so she was wearing green in her honor.

Agenda Item No. 6. Proclamations and Recognitions.

Item No. 6.a. Proclamation Celebrating Women's History Month.

Ms. Price **moved** to adopt the proclamation celebrating Women's History Month as she read it aloud.

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

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

NAYS: None.

Ms. Irtefa Binte-Farid, Coordinator of Equity and Accountability, said as a quick fact, she actually grew up in Albemarle County and has benefitted greatly from female role models in the community, whose leadership and guidance has shaped who she is today. She said it is her pleasure to play a small role in celebrating the accomplishments and contributions of Albemarle County women that they have made and continue to make toward improving the community and making it a better home for all.

Ms. Binte-Farid said she was happy to introduce Ms. Virginia Daugherty, a member of the Board of Directors of the local chapter of the National Organization for Women (NOW). She said she has learned a lot from their work about women in history who are often forgotten from the dominant narrative, and she is inspired by their continued efforts toward gender equity.

Ms. Daugherty offered thanks from the Charlottesville NOW to the Board of Supervisors for recognizing Women's History Month. She said the story of women needs to be told much better in the future than has been done in the past. She said one way to do that happened in the last year. She said a commission appointed by Governor Northam voted to remove the statue of Robert E. Lee from the Capitol in Washington and substitute a statue of Civil Rights activist Barbara Johns.

Ms. Daugherty said Lee held slaves and fought to keep them, claiming that slavery was essential to maintaining social order. She said at the same time, he acknowledged slavery was a moral evil. She said Barbara Johns was a student in the 1950s at the all-Black Moton High School in Farmington, Virginia. She said her school lacked laboratories, a gym, a cafeteria, and other features that are now taken for granted. She said Johns and her sister, Joan, decided to organize a strike. She said students boycotted the school for two weeks, returning only after the superintendent made threats against their families.

Ms. Daugherty said Johns decided to take legal action. She said her case was made part of four cases that formed the appeal in Brown vs. Board of Education. She said this appeal led the Supreme Court to declare segregated schools unconstitutional. She said Johns was forced to move in with an uncle in Montgomery, Alabama after receiving threats for her role in the strike. She said in the end, Johns went on to study library science at Drexel University.

Ms. Daugherty said the story of this brave young woman is a Virginia story that needs to be told. She said they are fortunate there is actually a statue of Johns on the Virginia State Capitol grounds that is near the Governor's mansion. She said it is a wonderful sculpture, and she encouraged others to make a special trip to see it.

Ms. Daugherty said in conclusion, she wanted to invite the Board to the Charlottesville NOW program for Women's History Month. She said the topic was, "The Pleasures of Age: Old Women and Political Power in the United States Suffrage Movement." She said Ms. Corrine T. Field from the UVA Department of Women will speak. She said Professor Fields will reveal why 19th-century suffragists demanded respect and security for older women as an essential dimension of political empowerment, and why these hopes remained unrealized over a century later. She said the program would be on March 27 at 7:30, held virtually. She said one could register via Charlottesville NOW's Facebook page.

Ms. Daugherty thanked the Board for their support of women's history and for the work they are doing to improve things for women in the community.

Ms. LaPisto-Kirtley jokingly asked if this program also included those who are younger women.

Ms. Daugherty laughed at the comment, adding she was sure Ms. LaPisto-Kirtley would appreciate the program. She said it was interesting that a number of the suffragists were older women and continued the work to get there in their old age. She said some of them did not get to see it happen, and it was an interesting history.

Mr. Gallaway said that prior to moving to a virtual meeting format, he only had to look to his right and left to see women in leadership in the County, and it has been a pleasure.

Ms. Mallek agreed and was also equally inspired by their ancestors and forbearers who went before who have been responsible locally for the Water Protection Ordinances and so many local government processes in Albemarle County over the past 80 years.

Ms. Price said she believed the proclamation itself did not go far enough in describing the impact of the pandemic on women in the workforce. She said the last statistic she saw was that women were substantially more seriously impacted by reduced working hours and loss of income than any other identifiable demographic. She said women continue to carry the burden not only of working outside the home, but the majority of the work inside the home. She said she is proud to be a part of an organization that has recognized the contributions of women, and she especially appreciates the work that Ms. Daugherty and NOW has done to improve the lives of women in the country.

Ms. LaPisto-Kirtley said she has been following the history of the suffragettes, which was back in the 1800s. She said she was sure that even before then, women greatly influenced their partners or spouses politically. She said they also know that when they educate women around the world, they also raise the level of living. She said one of the main factors that will raise the level of living is educating women. She said they will have healthier children, and the children get educated. She said this is something near and dear to her heart, and she supports it completely.

Ms. Palmer said she knows the Board stands on the shoulders of wonderful people who came before them. She said before Ms. Daugherty arrived to the meeting, the Board had been talking about St. Patrick's Day, and Ms. Mallek talked about her pirate ancestor. She said she herself has a 6-foot-tall great-grandmother who migrated from a little island off the west coast of Ireland with her seven daughters under the age of 12. She said family lore is that her ancestor got the money to do so by stealing her father's cow and selling it. She said there are so many stories. She asked if one could imagine traveling across the ocean to another country. She said it was amazing, and she could never do any of the things that the Suffragettes and so many others did.

Ms. Daugherty said it was a great story.

Ms. McKeel said she appreciated and agreed with all the wonderful remarks from the other Supervisors. She thanked Ms. Daugherty for being there and for the great work NOW does. She thanked Mr. Gallaway, as there are lots of men in the world that make it possible for women today to do what they do. She said they must realize that, adding that she is very impressed with the younger generations of men who are stepping up to the plate and sharing the workload more with the women in their lives. She said this was a great, appreciated recognition.

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**Proclamation Celebrating Women's History Month**

WHEREAS, Women's History Month, celebrated during the month of March, originated in 1987 to recognize the heritage and achievements of women in the United States; and

WHEREAS, throughout our nation's history, women have been pioneers in all areas of society, and their knowledge, skills, and abilities have laid the foundation for a more robust workforce and a more prosperous economy; and

WHEREAS, while the Covid-19 pandemic has been grueling for all employees, it has also uniquely and disproportionately affected women in the workplace—particularly working mothers, women of color especially Black and Latinx women, women with disabilities, and women in senior leadership positions—with 1 in 4 women contemplating downshifting their careers or leaving the workforce; and

WHEREAS, this pandemic has put into stark relief the truth that what is good for gender equity is good for the economy and for the whole society, and has provided us with an opportunity to create a more flexible and empathetic workplace where everyone can thrive; and

WHEREAS, Albemarle County has taken steps to make our organization more inclusive of all, including the Board's vote to revise the County Code to embrace gender inclusive pronouns, along with other initiatives to prioritize gender equity; and

WHEREAS, a more diverse and gender inclusive organization is better suited to serve all members of our community; and

NOW, THEREFORE, BE IT RESOLVED, that we, the Albemarle County Board of Supervisors does hereby acknowledge and celebrate Women's History Month 2021 and our continuing ability to serve our community during this unexpected year.

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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 (Earlsville area, Rio District) thanked White Hall Supervisor Ms. Mallek for her excellent constituent services to Rio District residents who have recently had concerns about a proposed shooting preserve and a violation of Albemarle's land disturbance ordinance. He thanked Ms. McKeel, Ms. Palmer, Mr. Gallaway, Ms. Price, and Ms. Mallek for correctly filling out their annual state-required Statements of Economic Interest for 2021.

Mr. Grant asked who, among the six Supervisors, had the courage to admit that their February 17 closed meeting discussion of their Rules of Procedure policy was at least unethical, if not illegal.

Mr. Grant asked what the Albemarle taxpayers who pay for their own broadband services privately think about the County Executive recommending that County Government should collectively give away tax dollars to pay for others' broadband.

Mr. Grant asked where the Board thinks the electricity comes from for all the expenses electric vehicles they want Albemarle residents to buy. He said according to the U.S. Department of Energy, 60% of Virginia's electricity comes from burning natural gas, a fossil fuel. He said 30% comes from nuclear power, producing tons of anti-Climate Action Plan radioactive waste. He asked the Board why their local Climate Action Plan does not include protections against the health and property consequences of open burning.

Mr. Grant asked when the Board's illegibly updated County website's search function will actually function.

Mr. Grant asked the Board how they expect taxpayers to trust them with their money when they and the County Executive cannot even bring themselves to say the word "money." He said resources are money. He said investments are expenditures and costs. He said fund balance is surplus, and market adjustments are raises. He asked the Board if they could not speaking in governmental euphemisms.

Mr. Grant told Ms. McKeel that saying there is no tax increase is a lie. He asked Ms. McKeel to check the videotape, like he did. He said even if the tax rate does not change, when reassessments go up, taxes do increase on community members.

Mr. Grant thanked the Board for spending taxpayer money to stream their meetings and for his less than three minutes of their valuable time that day. He wished them a productive meeting.

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Mr. Lonnie Murray (White Hall District) said the Consent Agenda included the Secondary Six-Year Plan for Road Improvements, which includes pavement projects in the Rural Area. He said as a citizen, he wanted to bring the Board's attention to Attachment B, the Unpaved Road Policy's Review Process. He said while he gives credit to the County for the development of this process, there are still some important adjustments he feels need to be made.

Mr. Murray said as noted by staff, rural road paving can run contrary to the Comprehensive Plan and end up causing development of Rural Areas, despite the County's goal to protect them for the primary uses of agriculture, conservation, and recreation. He said one of the conditions of rural-rustic road projects is that the County Board indicates that growth and traffic generated by the land is not expected to increase significantly.

Mr. Murray said given the Board approved a statement certifying this is a fact, he would strongly encourage them to explicitly include this analysis in the process. He said because these projects have the same impact as a rezoning, it may even be a good idea to send them to the Planning Commission first so that they can make a decision about whether a given paving is, indeed, consistent with the Comprehensive Plan goals, including considerations like habitat fragmentation.

Mr. Murray said as a long-distance runner, it is concerning to him that only cars are evaluated in this process. He said many gravel roads are highly used by the running and mountain biking community. He said these natural greenways are a limited resource, and pavement can leave runners without a safe place to exercise, which is even more important during COVID-19.

Mr. Murray said unlike some sports, runners do not ask much from the County. He said they do not ask for millions of dollars for artificial turf, stadiums, or lighting. He said they simply want the County not to destroy the places necessary to train safely for the sport. He said he feels it is important that the criteria also includes the outreach to the cycling and running community in its analysis of non-vehicular traffic. He said three of the paving projects on the list are highly used by cyclists and runners and will be irrevocably damaged by paving.

Mr. Murray said staff reaches out routinely to other organizations, such as the Farm Bureau, so reaching out to the Charlottesville Track Club, Charlottesville Area Trail Runners, and Charlottesville Area Mountain Bikers seems like a reasonable thing to do and is consistent with Comprehensive Plan goals.

Mr. Murray said lastly, even when there is significant public opposition, it is hard to get one of these roads removed from the list. He said White Mountain Road is an example of this, as noted by VDOT. He said the process, as it stands, is backwards, since many homeowners are not notified or asked for input until the paving is imminent, at which point, these projects develop institutional inertia, which is hard to overcome.

Mr. Murray added that some real estate agents promise homebuyers, "Don't worry, it's being paved," which sets up expectations that are hard to overcome. He said there needs to be a clear process for removal, which gives more weight to property owners who will be negatively impacted. He reminded the Board that in the Rural Area, residents do not get bike lanes or sidewalks. He said this infrastructure is reserved for the Growth Area, given the policies concerning road paving should be consistent with that philosophy and also abide by the principle of "do no harm."

Mr. Gallaway closed Matters From the Public.

Agenda Item No. 8. Consent Agenda.

Mr. Gallaway reminded the Board that Item 8.1 ("FY 2021 Appropriations") and Item 8.9 ("VDOT/Albemarle County FY 22-27 Secondary Six-Year Program") had been pulled from consent.

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.

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Item No. 8.2. Historic Highway Marker Recognizing the Swanson Case.

The Executive Summary forwarded to the Board states that the Virginia Department of Historic Resources (DHR) historical highway marker program documents facts, persons, events, and places prominently identified with the history of the nation, state, or region. The Jefferson Madison Regional Library (JMRL) is moving forward with an application for a historic marker at the Central Branch of the library, which requires a signature from the building owner.

The Central Branch location is co-owned by the City of Charlottesville and the County of Albemarle.

The proposed historic marker will educate the public on the legal case of Gregory Swanson v. the University of the Virginia. The text submitted to DHR for review will read:

In 1950, Gregory Swanson, a lawyer from Danville, became the first Black man to study at UVA. Established in 1819 for whites only, UVA rejected Swanson's application to the graduate legal program because he was Black. Swanson filed suit with the support of the NAACP Legal Defense Fund. On 5 Sep. 1950, the case was heard in the Charlottesville federal court. After 30 minutes of deliberation, a three-judge panel ruled Swanson's 14th Amendment rights had been violated and that UVA must allow Swanson to enroll. He registered for classes ten days later. In 2020, Jefferson Madison Regional Library renamed the former courtroom as the Swanson Case Room to recognize Swanson's role in desegregating Virginia's public colleges and UVA grounds.

The \$1,945 cost of the marker will be paid by JMRL. There is no expected cost to the County.

Staff recommends that the Board approve JMRL's submission of the application for placement of the Swanson v. UVA historic marker (Attachment A).

**By the above-recorded vote, the Board approved JMRL's submission of the application for placement of the Swanson v. UVA historic marker (Attachment A).**

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Item No. 8.3. Revitalization Area Designation – Premier Circle.

The Executive Summary forwarded to the Board states that Virginia Supportive Housing (VSH) is pursuing Low Income Housing Tax Credit (LIHTC) financing for an 80-unit Permanent Supportive Housing project on the Red Carpet Inn site (TMP 061M0-00-0000600) located on Premier Circle. To support a successful LIHTC application for project financing, VSH is requesting the Albemarle County Board of Supervisors designate the project site as a revitalization area, as defined by Virginia Code § 36-55.30:2(A).

VSH is proposing the development of 80 units of permanent supportive housing for homeless and low-income individuals from Albemarle County and the City of Charlottesville. Each studio apartment will be approximately 350 square feet and will contain a kitchenette with full-size appliances and a full private bathroom. The building, which will be certified for resource and energy efficiency, will contain a community room, a computer room, a fitness room, laundry facilities, a front desk, staff offices for on-site support services and property management staff, and off-street parking. The building will have an extensive security system and the front desk will be staffed sixteen hours a day with a night monitor on-call during the evening hours.

To help obtain this financing, Virginia Housing recommends that the local governing body adopt a resolution designating the development site as a Revitalization Area, as defined under Virginia Code § 36-55.30:2(A).

The designation for the proposed project is based on the following conditions: (1) the project is located in area such that the industrial, commercial or other economic development of such area will benefit the city or county but such area lacks the housing needed to induce manufacturing, industrial, commercial, governmental, educational, entertainment, community development, healthcare or nonprofit enterprises or undertakings to locate or remain in such area; and (2) private enterprise and investment

are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in such area and will induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area.

The proposed project qualifies for Revitalization Area designation under condition 2, as well as meeting critical affordable housing needs in Albemarle County.

There is no direct budget impact related to this action.

Staff recommends the Board adopt the attached resolution (Attachment A) making the determinations requested by Virginia Supportive Housing for the proposed permanent supportive housing project.

**By the above-recorded vote, the Board adopted the attached resolution (Attachment A) making the determinations requested by Virginia Supportive Housing for the proposed permanent supportive housing project:**

#### **RESOLUTION**

**WHEREAS**, the County of Albemarle is committed to ensuring that safe, decent, affordable, and accessible housing is available for all residents; and

**WHEREAS**, the County of Albemarle is committed to engaging actively in redevelopment and revitalization in the County's Development Areas; and

**WHEREAS**, the Virginia Supportive Housing proposes to construct 80 units of permanent supportive housing for homeless individuals on the site of the Red Carpet Inn located on Premier Circle (Tax Map Parcel 061M0-00-00-00600) utilizing Low Income Housing Tax Credit (LIHTC) financing; and

**WHEREAS**, pursuant to Virginia Code § 36-55:30.2(A), Virginia Housing may provide LIHTC financing for projects enhancing economically mixed communities located within Revitalization Areas.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby certifies that the above-referenced development is located in a Revitalization Area in the County of Albemarle, Virginia, and that the project is located in area such that the industrial, commercial, or other economic development of such area will benefit the county but such area lacks the housing needed to induce manufacturing, industrial, commercial, governmental, educational, entertainment, community development, healthcare, or nonprofit enterprises or undertakings to locate or remain in such area; and

**BE IT FURTHER RESOLVED** that the Albemarle County Board of Supervisors has determined that private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe, and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in such area and will induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area.

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Item No. 8.4. SE202000025 Homestay Special Exception-Break Heart Studio.

The Executive Summary forwarded to the Board states that pursuant to County Code § 18-5.1.48(i)(1)(ii), the applicant is requesting a special exception to reduce the 125' setback from the southern rear and eastern side property lines required by County Code § 185.1.48(j)(1)(v) for a proposed homestay at 5525 Break Heart Road.

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

Staff recommends that the Board adopt the attached Resolution (Attachment G) to approve the special exception with the conditions contained therein.

**By the above-recorded vote, the Board adopted the attached Resolution (Attachment G) to approve the special exception with the conditions contained therein:**

#### **RESOLUTION TO APPROVE SPECIAL EXCEPTION FOR SE2020-00025 BREAK HEART STUDIO HOMESTAY**

**BE IT RESOLVED** that, upon consideration of the Memorandum prepared in conjunction with the application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-5.1.48 and 18-33.49, the Albemarle County Board of Supervisors hereby approves a special exception to modify the

minimum 125 foot southern rear and eastern side yards required for a homestay in the Rural Areas zoning district, subject to the conditions attached hereto.

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#### **SE 2020-25 Break Heart Studio Homestay Conditions**

1. Parking for homestay guests is limited to the existing parking areas, as depicted on the Parking and House Location Exhibit dated February 21, 2021.
2. The existing screening, as depicted on the Parking and House Location Exhibit dated February 21, 2021, must be maintained, or equivalent screening that meets the minimum requirements of County Code § 18-32.7.9.7(b)-(e) must be established and maintained.

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Item No. 8.5. SE202000026 Homestay Special Exception-King, Bianca.

The Executive Summary forwarded to the Board states that pursuant to County Code § 18-5.1.48(i)(1)(ii), the applicant is requesting a special exception to reduce the 125' setback from the side property lines required by County Code 18-5.1.48(j)(1)(v) for a proposed homestay at 754 Woodlands Road.

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

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

**By the above-recorded vote, the Board adopted the attached Resolution (Attachment F) to approve the special exception with the conditions contained therein:**

#### **RESOLUTION TO APPROVE SPECIAL EXCEPTION FOR SE2020-00026 THE LITTLE HOMESTEAD HOMESTAY**

**BE IT RESOLVED** that, upon consideration of the Memorandum prepared in conjunction with the application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-5.1.48 and 18-33.49, the Albemarle County Board of Supervisors hereby approves a special exception to modify the minimum 125 foot south and west side yards required for a homestay in the Rural Areas zoning district, subject to the conditions attached hereto.

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#### **SE 2020-26 The Little Homestead Homestay Conditions**

1. Parking for homestay guests is limited to the existing parking areas, as depicted on the Parking and House Location Exhibit dated February 21, 2021.
2. Homestay rental is limited to one guest room within the existing house, as depicted on the Parking and House Location Exhibit dated February 21, 2021.
3. The existing screening, as depicted on the Parking and House Location Exhibit dated February 21, 2021, must be maintained, or equivalent screening that meets the minimum requirements of County Code § 18-32.7.9.7(b)-(e) must be established and maintained.

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Item No. 8.6. SE202000029 2231 Seminole Lane Drive-Through Special Exception.

The Executive Summary forwarded to the Board states that the applicant requests a special exception to vary the supplemental regulations in County Code § 18-5.1.60 (d), to allow a drive-through window at a proposed restaurant to operate from 5:30 A.M. - 10:00 P.M. daily. The ordinance requires:

**5.1.60 Each drive-through window shall be subject to the following:**

***d. If any portion of a drive-through lane that is located between 50 and 100 feet of a residential district, the rural areas district, the Monticello Historic district, or any part of a planned development allowing residential uses, the drive-through window shall be open for business no earlier than 7:00 a.m. and shall be closed no later than 10:00 p.m., daily.***

The subject property is surrounded by commercial zoning on three (3) sides. However, the property located to the rear (southeast) side is zoned R1 Residential and is part of the Carrsbrook subdivision. Therefore, the applicant is requesting to allow the drive-through window to operate 1.5 hours earlier in the A.M. than the Code allows. 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 SE202000029 2231 SEMINOLE LANE DRIVE-THROUGH WINDOW**

**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 §§ 18-5.1(a) and 18-5.1.60(d), the Albemarle County Board of Supervisors hereby approves the special exception to allow the drive-through window associated with SE202000029 to operate from no earlier than 5:30 a.m. to no later than 10:00 p.m., subject to the condition attached hereto.

\* \* \* \*

**SE202000029 2231 Seminole Lane Drive-Through Window Condition**

1. The drive-through window may open for business no earlier than 5:30 A.M. and must close no later than 10:00 P.M. daily.

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Item No. 8.7. Resolution to accept road(s) in the Old Trail Subdivision-East Village into the State Secondary System of Highways.

**By the above-recorded vote, the Board adopted the resolution to accept roads in the Old Trail Subdivision-East Village into the State Secondary System of Highways:**

**RESOLUTION**

WHEREAS, the street(s) in Old Trail Subdivision – East Village, as described on the attached Additions Form AM-4.3 dated March 17, 2021, 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 Old Trail Subdivision – East Village, as described on the attached Additions Form AM-4.3 dated March 17, 2021, 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.

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Item No. 8.8. Resolution to accept road(s) in the Briarwood Subdivision Phases 4 & 6 into the State Secondary System of Highways.

**By the above-recorded vote, the Board adopted the resolution to accept roads in the Briarwood Subdivision Phases 4 & 6 into the State Secondary System of Highways:**

**RESOLUTION**

WHEREAS, the street(s) in Briarwood Subdivision, Phases 4 & 6, as described on the attached Additions Form AM-4.3 dated March 17, 2021, 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) Briarwood Subdivision, Phases 4 & 6, as described on the attached Additions Form AM-4.3 dated March 17, 2021, 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.

Item No. 8.10. Solid Waste Alternatives Advisory Committee (SWAAC) – Semi-Annual Report, **was received for information.**

Item No. 8.11. Resolution to accept road(s) in the Briarwood Subdivision Phases 4 & 6 into the State Secondary System of Highways, **was received for information.**

Item No. 8.1. 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 \$745,220.00. 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 described in Attachment A.

\* \* \* \* \*

Mr. Andy Bowman, Chief of the Budget Division in the Department of Finance and Budget, said this is a revision to an Appropriation 2021-053 based on the Board's discussion at the budget work session on March 15. He said on February 17, the Board gave direction to move forward on funding for three items including the development of a Southern Convenience Center, and for conceptual analysis and preliminary design of the Reas Ford/Earlysville intersection improvements. He said there was no change to the appropriation for those items.

Mr. Bowman said based on the discussion for broadband, this appropriation was revised so that instead of \$3 million for broadband support, at this time, they would appropriate \$350,000 from the Pandemic Reserve. He said this would be for the partial year start-up costs for two full-time employees, related operating costs, and an affordability support program. He said this would be subject to moving forward in 2021, contingent on the Board's approval in the FY 22 budget.

Mr. Bowman said the remainder of that \$3 million, which is \$2.65 million for broadband infrastructure, is recommended to be paused at this time to provide for additional analysis of pending funding that would be coming to the community from the American Rescue Plan Act of 2021 that was approved last week and signed by the President. He said a future appropriation would be coming for broadband infrastructure, and this would be a pause for that \$2.65 million at this time.

Ms. Price thanked Ms. Palmer who, in the previous discussion, brought up the advisability of this. She said she supports it.

Ms. LaPisto-Kirtley also offered her thanks to Ms. Palmer.

Ms. McKeel said it was a great suggestion and that she was in favor.

Ms. Palmer **moved** to adopt the attached Resolution (Attachment B) to approve the appropriations for local government projects and programs described in Attachment A.

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

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

**RESOLUTION TO APPROVE  
ADDITIONAL FY 2021 APPROPRIATIONS**

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

- 1) That Appropriations #2021053 and #2021054 are approved;
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2021.

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Item No. 8.9. VDOT/Albemarle County FY 22-27 Secondary Six-Year Program.

The Executive Summary forwarded to the Board states that this Board agenda item is intended to present information on the Albemarle County Secondary Six-Year Plan (SSYP) and road paving priorities in advance of the development and approval of the FY 2022-2027 SSYP in May 2021.

The SSYP allocates funding for construction, maintenance, and improvement of roads in the state secondary system. The funds allocated to Albemarle County through the SSYP include state and federal funds for a variety of road improvement programs. The SSYP for Albemarle County is updated and approved annually and identifies the specific funding source, use, and levels allocated for the immediate fiscal year. The SSYP also identifies projected funding allocations for the next five fiscal years. The Albemarle County Priority List for Secondary Road Improvements, Unpaved Roads is a listing of all Secondary Roads which either the public, a County department, or the Board of Supervisors have requested be paved. This list is reviewed and approved by the Board annually and forms the basis of the SSYP for Albemarle County.

The review of the SSYP in preparation for the required public hearing to approve the plan is typically done in a work session in which feedback from the Board members on the proposed plan is considered by staff before finalizing this plan. This year no additional routes have been requested to be paved or added to the proposed paving list. Further, there are no significant changes in funding or scheduling of the projects currently listed in the SSYP. Therefore, it was determined that providing this report and background materials as a consent item would be sufficient.

The Secondary Six-Year Plan Report March 2021 (Attachment A) provides the background on the SSYP, the Virginia Department of Transportation paving programs, and Albemarle County's paving requests and priorities. The SSYP report is established prior to development of the Draft SSYP in order to inform the development of the Plan. The SSYP is the plan for expending state funds allocated to Albemarle County for road improvements to the Secondary Road System (roads with a route number of 600 or higher). The majority of the available funding must be used for paving unpaved roads. The report also provides information on the projected funding allocations, the status of the projects currently in the SSYP, and County and VDOT staff recommendations for any changes or additions to the SSYP.

Included in the report is information regarding the process for reviewing and prioritizing unpaved road projects.

Additionally, a chart on the last page of Albemarle County Unpaved Road Policies and Review Process (Attachment B) gives a description and requirements of each paving type and standards for each.

Based on any direction received from the Board, staff will continue to work with VDOT staff to finalize the SSYP for public hearing and adoption in May.

The SSYP outlines the expenditure of State/VDOT secondary road construction funds allocated to the County. The SSYP does not require the expenditure of County funds unless the Board directs additional funding from the County general fund be appropriated to a project, such as through the use of the revenue sharing program.

Staff recommends that the Board review this Executive Summary, the Secondary Six-Year Plan Report March 2021 (Attachment A), Albemarle County Unpaved Road Policies and Review Process (Attachment B), and Current FY 2021-2026 Secondary Six-Year Plan (Attachment C). Staff further requests that the Board affirm the proposed paving priorities and proposed funding described in the Draft Albemarle County Priority Paving List for Secondary Road Improvements, Unpaved Roads (Attachment D), and Draft FY 2022-2027 Secondary Six-Year Plan (Attachment E) by voting to approve the recommendations. If Board members have questions or comments, please reach out to staff contacts prior to the May 19, 2021 Public Hearing.

\* \* \* \* \*

Ms. Mallek said she would ask staff to allay any confusion that she may have about how some of these roads seem to be moving forward, even though she thought they were not. She said for White Mountain, for example, which is in Ms. Palmer's district, she thought this was still up in the air because of the considerable controversy about it. She said there is one in the White Hall District, Fox Mountain, at the bottom of the list, which they do not have to worry about doing immediately because it is many years away, but it is another one where she does not think it is ready for the list because of the considerable disagreement about what to go with.

Ms. Mallek said this directly relates to the comment from one of the speakers during "Matters From the Public" that afternoon about paving roads through remote mountain properties with no

residential uses. She said they should refine the criteria going forward to not be getting public pressure to spend millions of dollars on four miles of something that is not going to serve more than three houses and will also open up tremendously remote area to subdivision. She said this is her concern, and Mr. Kevin McDermott or Mr. Daniel Bailey could help her out with that, after everyone else had a chance to ask their questions.

Mr. Gallaway said they could go to Mr. Bailey, and he could loop around again to the other Supervisors if they had questions.

Mr. Daniel Butch, Senior Planner in Transportation, said Attachment B is the priority list for unpaved roads for the County. He said this is what was approved at last year's public hearing for the Secondary Six-Year Plan. He said any roads on this can be removed by the Board.

Mr. Butch said presently, the focus for Secondary Six-Year pavings is on rural-rustics, which include the first 19 secondary roads. He said Attachment E of the Secondary Six-Year Plan includes what the projected funding is for those. He said Ms. Mallek mentioned White Mountain, and this is #19 on the list. He said on the draft Secondary Six-Year Plan, this is projected to be funded in FY 25 and fully funded in FY 26.

Mr. Butch said for the outyears, this is just a projection, and any Board member can remove any of these roads. He said for Fox Mountain, after rural-rustic pavings, they have the regular paving list, and these are Priorities 20 through 31 in the attachment. He said these were for roads that were evaluated by VDOT and decided that they do not meet rural-rustic eligibility. He said as the rural-rustic pavings are currently the priority pavings, the secondary priority list, from numbers 20 to 31, are what will be tackled after the rural-rustic pavings.

Mr. Butch said Fox Mountain comes in at the very last of the list, at #31, because it does not meet rural-rustic, but it will be under a regular paving eligibility from VDOT. He said if Ms. Mallek chose to remove this, any removal would be updated for when this goes back to the Board for public hearing in May.

Ms. Mallek said she will be glad to have communication with the residents about that between now and then. She said they have had lots of work with VDOT to get spot improvements done on that road because of its wretched condition, but how it jumped from there to the paving list is where her knowledge gap was, and Mr. Butch could send her information about that later.

Ms. Price said one thing she has become much more attuned to is the concerns of the property owners that are affected by decisions on paving a road. She said she appreciated Mr. Murray's earlier comments, which replicate many of the comments that she has heard from residents in her district.

Ms. Price said candidly, a year or two ago, she would have thought that some of the roads were a no-brainer to pave. She said now that she understands the situation more, however, she realizes that on many of these roads, while the surface may be better for vehicular traffic, the adverse consequences of developmental pressures, the loss of some of the recreational areas because of higher vehicular count and higher speeds, among other things, have raised in her mind the concern over the process that is being used to notify the property owners adjacent to the roads that are being considered for paving to ensure that the County is receiving adequate input from the residents before paving decisions are made.

Ms. Price said even Secretarys Road, which is the road that the gravel road she lives on comes off of,, to this day, has residents there who are not frustrated, if not disappointed, that the road was paved. She said while it has made for an easier transit for vehicles, it has increased the number of vehicles going between Scottsville Road, Virginia 20, to the Rolling Road/Jefferson Mill area, with substantial speeds well above the speed limit and has increased those developmental pressures.

Ms. Price said her comments were not directly intended with regard to any particular road, but more towards ensuring that the process ensures an adequate opportunity for the property owners affected by these roads to have input before decisions are made.

Ms. LaPisto-Kirtley said she agreed with Ms. Price regarding informing everyone. She said what she realized when she has gone out into the community is that some people living along gravel roads do not want them touched, while others want them paved. She said it is very important to be able to get input from everyone.

Ms. LaPisto-Kirtley said one thing that recently came up that she realized is happening on Stony Point Road, which gets a lot of traffic, is that they are putting down gravel, but this is a very fine gravel that is now actually going into the nearby streams and blocking the culverts. She said she wonders if paving it would then relieve that, or if there is something called a "chip and tar" or something between gravel and paving that can be used whereby gravel does not go into the sides of the road, culverts, and streams and block or affect the waterflow. She said this was a question for either Mr. McDermott or Mr. Butch.

Mr. Butch replied that VDOT evaluates this, and he had a response from them addressing this, which included the steps for dealing with the runoff. He said he just noticed that VDOT is moving away from the "chip and seal" direction and toward asphalt, when appropriate.

Ms. LaPisto-Kirtley asked if chip and seal would not cause less erosion of gravel going into the

streams as opposed to just gravel.

Mr. Butch said he would feel more comfortable following up with VDOT on their approach to see what their engineers say, then provide additional information.

Ms. Palmer said to follow up on that, VDOT has clearly gotten much finer dust to put down on the roads in recent years. She said she is curious why that change has taken place. She said she lives off a dirt road, and there is a creek there in terrible condition because of the amount of this fine dust getting into it.

Ms. Palmer said Ms. Mallek brought up White Mountain Road, and when she was reading the criteria (which she appreciated the evaluation being written out and provided to the Board), she was struck by the part that said that it is up to the individual who is asking for it to be paved to show some support from other people on the road. She said she thought this was great, and when she looks at White Mountain Road (for which she has been listening to the problems with the road for seven years now), there is one individual who is very interested in getting it paved. She said there is one other family who has asked for it to be paved, and there are multiple people who have asked for it not to be paved. She said the list of people who are interested in having it paved, as long as she has been on the Board, has never been brought in.

Ms. Palmer said she was going to bring this matter up when the Board addressed the six-year plan publicly, but as a heads up, this was something that she noted because there are several people on that road who do not want it paved. She said this was a comment more than a question, unless staff had a list of people who had written them that she has not seen or heard about.

Mr. Kevin McDermott, Planning Manager and formerly Transportation Planner, said he had dealt with this a lot, and to provide more information, the process that was provided in the attachments was developed a few years before he came to the County in 2016. He said his understanding is that roads that had been previously requested for paving were just brought over into it, and so it is possible that when White Mountain Road was first brought on, the requirement for the petition was not there, and perhaps it was simply put on the initial list because one or two people had brought it up. He said this project has been around for a long time, and he believes it was prior to the current process.

Mr. McDermott said that as Mr. Butch mentioned, the Board can request to remove roads at any point in time, and when it goes to the year of the paving, the Board has a second chance to take a look at this, which is the point when the County sends letters to every resident along that road. He said for any road that gets its sole access by that same route, the County sends a letter to those residents letting them know about the proposed upcoming paving, and staff comes to the Board before that approval with all the comments they received on it. He said this is another chance for the Board to look at all the comments from the public and either remove it at that time or move forward.

Ms. McKeel said she found the conversation interesting and as the Supervisors had been talking, she thought back to streetlights and being very thankful on several occasions that there is, by Dominion Energy, a rule that if someone requests a streetlight on their block, they have to get the permission of everyone that lives within a certain distance from that house in order to put up the streetlight. She said one could see the comparison on where she was going with that.

Ms. McKeel said as the mother of two Albemarle High School cross-country runners, she has been very thankful that there were some non-paved roads in the County that they could run on. She noted that having said that, she understands people's frustrations sometimes. She said she has a friend who lives in Stony Point and has replaced her windshield four times due to gravel kicking up off the road.

Ms. McKeel said she is interested in what Ms. LaPisto-Kirtley brought up and would very much like to know about the powder's impact on Albemarle County's streams. She said even in the subdivisions in the Urban Ring, the salt that VDOT puts down destroys and eats away at the curb and gutter, and at people's yards and the grass it washes into. She said she would like to know the pros and cons about the powder product that is being used.

Ms. Mallek said it would be very helpful to her if Mr. McDermott and Mr. Butch would consider sharing the "do not pave" list. She said it may still contain Dick Woods Road, though she was not sure. She said it took five years to establish and get the pressure off the continual argument about Dick Woods Road. She said sometime in the future, when it is not budget season and a rush to adopt the six-year plan, they were to deliberately go through discussions about getting some of the other roadways onto the "do not pave" list. She said once it is public, it reduces the ability for people to misrepresent the situation one way or another, depending on their own needs. She said there was some wonderful input that afternoon that got the discussion started.

Ms. Mallek said she knows that in the Rivanna District there are difficult mountain crossings, but she does not want to confuse what spot maintenance for a short place where there is a real management problem, or it is slippery or steep, where they have had several places with 30 yards of paved area on a steep to keep maintenance issues down and make it safer to drive; as opposed to paving a whole length of things, which then brings in hordes of cut-through traffic. She expressed they should find a way to balance those two needs and not lock VDOT into a downward spiral of having to take care of these challenging roads, as she understands that each one of these gravel roads in the area is a tremendous burden for VDOT.

Ms. Mallek said there is no width to pave on these roads, as they are 12 to 14 feet wide, and they do not even meet the 18-foot requirement for rural-rustic. She said she understands there were some contract problems a number of years ago, before any of the current VDOT residency staff started, where they had to discontinue using supplies from a quarry because none of it would stay where it was supposed to stay, and it did not have the quality. She said it took VDOT some time to figure this out, and the County is still suffering with it. She said she still has much of it in her pasture because it picked up and ran into the grass when it rained.

Ms. Mallek said she appreciates staff's assistance with this issue. She said it is an incredibly traumatic thing for residents. She said one of the biggest problems is that it happens over and over again, over a very long timeframe. She said this is why she is hopeful they will figure out a way to isolate things in certain categories to keep people from having to go to the barricades every year about something, especially when it is not even coming up in reality for 10 years or more.

Ms. Mallek said she was sorry she was caught by surprise on Fox Mountain the day before. She said citizens reached out on both sides of the argument, and she was in the crosshairs on that matter.

Ms. LaPisto-Kirtley asked if VDOT or the state was planning on eventually paving all the roads in Virginia. She asked if this was a plan, or if it was merely something she heard. She said when she says "plan," it could be decades or centuries from now.

Mr. Butch replied that he did not think this was the goal, but that VDOT wants to address any safety needs and improvements. He said they could give the County funding to do that, but he did not think VDOT was outright saying that they want to pave every gravel road.

Mr. Gallaway noted that this was an action item on consent and asked if there was any need to amend this item, or if they could take action (knowing it could be amended later).

Ms. Mallek **moved** to approve Item 8.9 as presented.

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.

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Agenda Item No. 9. **Work Session:** Comprehensive Plan Update - Draft Scope of Work.

The Executive Summary forwarded to the Board states that at a March 4, 2020 Board of Supervisors Work Session, staff presented the 2020-2023 Community Development (CDD) Work Program, which proposed a Comprehensive Plan (Comp Plan) update and subsequent Zoning Ordinance update, with work beginning on the Comp Plan update in the fourth quarter of 2020. The Board shared their support for prioritizing the Comp Plan and Zoning Ordinance updates as part of the overall CDD work program.

At a February 3, 2021 Board Work Session, staff presented a draft conceptual scope of work and budget estimate for the Comp Plan update. The scope estimated a three-year planning process broken into five phases of work. The scope also included a high-level engagement approach, which included setting up a Project Advisory Group that will act as the lead community member advisory body on aspects of the project scope and content. The budget estimate included funding to provide stipends to the Project Advisory Group members.

During the Board Work Session on February 3, 2021, the Board provided feedback on the draft conceptual scope and budget estimate. Three themes emerged from the Board's discussion: requests for more information about the Project Advisory Group funding, questions related to how the Board will be engaged throughout the project, and a desire to speed up the project timeline. Staff has prepared additional information to address each of these themes.

At the February meeting, staff shared a proposal to provide funding to support the Project Advisory Group for their work throughout the 3-year project timeline. Board members expressed concerns with this approach, especially considering the number of other volunteer committees that currently exist across the County. Staff proposes that rather than offering flat stipends to each Advisory Group member, that this funding be set aside to reduce barriers to participation. Group members will be asked to communicate if there are barriers to their participation and what those are (language access, childcare, transportation, etc.). These funds would then be available to support their participation as needed. Similar approaches have been used in communities across the country and demonstrate that this is instrumental aspect of conducting equitable engagement processes.

Board members also asked staff to clarify how the Board will be engaged and shared a desire to be involved throughout the process rather solely at the project's conclusion (Phase 5). The revised project scope (Attachment A - page 3) shows a more detailed outline of proposed Board engagement. Staff proposes conducting Board work sessions at the beginning and end of each project phase to provide feedback on draft content and to inform the project scope for the subsequent phase of work. The project team would supplement the work sessions with consent agenda informational updates.

Lastly, the Board stressed the urgency of this work and shared a desire to shorten the project timeline. Given the level of engagement, breadth of topics covered in the County's Comp Plan, and planning best practices as shown in localities across the United States, staff believes that three years is a realistic timeline. We recommend two tactics to help keep this project on schedule: 1) Develop a clear project engagement plan that specifically outlines how stakeholders will be engaged and identifies a decision-making process, and 2) Clearly articulate the appropriate level of detail for the Comp Plan document at the beginning of the process. This will allow the project team to develop a document that is usable and appropriately-sized in both content and length. Finally, this approach will enable staff to intentionally focus community engagement materials on relevant and timely content throughout the process.

Staff plans to engage the Board on the project engagement plan and the content framework at a work session later this year, prior to beginning the Phase 2 "Big Questions and Community Goals."

The total estimated budget for the Comp Plan update project is \$470,550. A breakdown of budget estimate by phase is provided on page 1 of Attachment A.

Staff recommends the Board provide direction and feedback on the attached scope of work. If the Board supports the proposed scope of work and associated budget estimate, staff recommends the Board direct staff to continue with work on Phase 1 "Pre-Planning" and preparing for Phase 2 "Big Questions and Community Goals."

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Ms. Rachel Falkenstein, Planning Manager, said she would present the Comprehensive Plan Draft Scope of Work. She said the agenda would be to share an updated draft scope of work, which was in response to Board questions and requests for more information from the February work session, specifically related to the project timeline, Board of Supervisors engagement, and the Project Advisory Group.

Ms. Falkenstein said the intent was to receive the Board's direction and input on whether staff should continue their work on Phase 1 (Pre-Planning) and Phase 2 (Big Questions) as they've scoped the project.

Ms. Falkenstein presented a refresher slide explaining why the County is updating the Comprehensive Plan now. She said staff has identified four main goals. She said the first is to better align the Comprehensive Plan with the County's values and the Board's strategic initiatives. She said since the 2015 update, there has been significant work in climate action planning, economic development, equity and inclusion, and infrastructure investments, and so the County wants to better align the plan with those initiatives.

Ms. Falkenstein said the second goal is to recognize the County's growing needs. She said there is increasing demand for urban services, affordable housing, transit, and parks, and the County wants to make sure the Comprehensive Plan is keeping up with those needs.

Ms. Falkenstein said the third goal is focus and prioritization to improve implementation of the plan, mostly to improve clarity and establish clear priorities so that the plan can be used more readily.

Ms. Falkenstein said the fourth and final goal is to set the stage for future implementation. She said staff has identified the need for a Zoning Ordinance update, and doing the Comprehensive Plan update now to incorporate these initiatives will help set that stage.

Ms. Falkenstein said she would take the Board into the draft scope of work. She said the image on the screen should look familiar to the Board, as it was shared at the last meeting in February. She said staff has outlined a scope of work that anticipates an update of the Comprehensive Plan, from visioning to adoption, that will allow for a complete review and update of the plan. She said they have developed the scope based on research precedence and other processes from localities, specifically those focused on equity and inclusion processes.

Ms. Falkenstein said the scope estimates a three-year planning process, broken into five phases. She said the first of those phases is "Pre-Planning," which is where they currently fall. She said this is work that involves scoping the project, compiling data and information to prepare for broad engagement, and setting up the logistics and budget allocations needed to do the work.

Ms. Falkenstein said the second phase is "Big Questions and Community Goals," which is where staff will begin broad engagement on the community's vision and goal setting. She said they will share information about the history of planning in the County. She said staff sees the time investment in this phase as being critical to ensuring that equity and inclusion are central to the project, both in terms of the engagement and the identified community goals.

Ms. Falkenstein said Phase 3 is "Policy and Land Use Framework," where expectations will be set for the Development Areas, Rural Areas, and Growth Management Policy. She said staff will do some additional technical planning work on the Multimodal Systems Plan and incorporate other plans such as the Climate Action Plan and Housing Plan. She said they will develop a land use framework to support the County's vision and goals.

Ms. Falkenstein said that during Phase 4, "Policy Development and Recommendations," specific

recommendations and strategies will be developed to support the goals from Phase 2 and the land use framework from Phase 3. She said this phase will also include prioritization and implementation work.

Ms. Falkenstein said Phase 5 is about pulling it all together to bring a final document for review, revisions, and adoption.

Ms. Falkenstein said at their last discussion, the Board shared a desire to shorten the project timeline. She said while staff agrees with the urgency of this work, they feel that given the level of engagement and the breadth of topics that are covered in the Comprehensive Plan, three years is a realistic timeline for this work. She said they have studied other comprehensive planning processes across the region and state, and this is a typical timeline, even with well-funded plans.

Ms. Falkenstein said the Board had asked about resources that might quicken up the process, but she thinks the length of time comes back to the level of community engagement necessary and the wide array of topics that will be covered in this Comprehensive Plan project.

Ms. Falkenstein said staff has identified two approaches they believe will help them keep a tight timeline. She said the first is a project engagement plan, where they will identify a clear plan that outlines how stakeholders and community members can participate in the process, but where they will also identify a decision-making process that clearly lays out how decisions will be made.

Ms. Falkenstein said secondly, they will clearly articulate the appropriate level of detail for the Comprehensive Plan document, and they will do this at the beginning. She said this is being called the "content framework."

Ms. Falkenstein said staff plans to come back to the Board later in 2021, before they begin Phase 2, with a detailed engagement plan and a content framework for their feedback and discussion before beginning the public Phase 2 kickoff work. She said this will ensure they keep the schedule tight, and if they see opportunities to speed up the process along the way, they will do so.

Ms. Falkenstein said the next topic she would cover that came up at the February work session was about how the Board will be engaged. She said the Board asked staff to clarify and ensure that the Supervisors will have a role throughout the process and not just at the end for adoption. She said since that time, there have also been questions about Planning Commission engagement, and so she would share how staff envisions both bodies being involved.

Ms. Falkenstein said for the Planning Commission, staff anticipates regularly scheduled work session and check-ins associated with project deliverables. She said the Planning Commission's role would focus on the technical planning content, with staff bringing to them various topics for their feedback and recommendation. She said the Commission would make a recommendation for the Board. She said staff sees their role being heavy throughout but particularly in Phases 3 and 4, where they will get into the policy and land use work.

Ms. Falkenstein said for the Board of Supervisors, staff anticipates check-ins at the transition of each project phase so that the Board can provide feedback on the deliverables of each phase and advise on an approach for the subsequent phase. She said staff would also like to be able to share the Planning Commission's work, staff reports, and summaries of the work throughout the process as information items on the Consent Agenda. She said in Phases 3 and 4, they anticipate holding a couple of additional work sessions as needed for specific topics to get the Board's feedback and recommendations.

Ms. Falkenstein said the timeline on the screen pulls everything together. She said it shows that the Board work sessions would be anticipated at each transition between each phase, with the Planning Commission sessions throughout. She said staff would continue to refine this timeline as they develop a more detailed schedule, but this gives an idea as to how both groups will be heavily involved throughout the process.

Ms. Falkenstein said the last topic she would touch on is the engagement process. She said staff wants to focus on incorporating the County's new organizational core value of community, and they expect diversity, equity, and inclusion to be integrated into the way they live their mission. She said staff has put together a project team that involves staff from Planning, the Office of Equity and Inclusion, and Communications and Public Engagement, who will be working to design the engagement plan for this effort.

Ms. Falkenstein said one aspect of the engagement approach that staff identified is the development of a Project Advisory Group. She said this would be a group that they would pull together to advise on all aspects of the project scope and content as they go through the three-year planning process. She said the numbers would be selected based on County demographics and identified criteria to try and ensure equitable representation on this group.

Ms. Falkenstein said that at the February meeting, staff shared a proposal to provide funding to this group in the form of stipends to support their work throughout the three-year process. She said some Board members had questions about the stipends and expressed some concerns with this approach, especially considering the number of other volunteer committees across the County.

Ms. Falkenstein said that as a revised approach, staff is proposing that rather than offering flat stipends to each Advisory Group member, the funding would instead be set aside to reduce barriers to



participation. She said group members would be asked to communicate if there are any barriers to participation and what those might be, such as language access and transportation. She said funds would be available to support their participation as needed. She said similar approaches have been done in other localities, and it seems to be an effective approach to create more equitable processes.

Ms. Falkenstein noted that staff plans to treat this as a pilot program, where they will develop additional parameters to guide the group and for the Board to weigh in as they get more detailed in the work. She acknowledged that this is something new that has not yet been done at the County, and staff will continue to keep the Board involved as they develop more details.

Ms. Falkenstein completed her presentation, adding that other staff were present, including Ms. Siri Russell and Ms. Kilroy, to answer questions, especially about the engagement topics.

Ms. Mallek said she wanted to make sure she correctly understood what Ms. Falkenstein meant by "scope." She asked if the draft scope means that the first thing they will do is look at the existing plan and figure out where the particular issues are that need to be adjusted due to things they have accomplished; things that are not consistent with state law; and the new issues that the County has not done enough with in the past such as climate, housing, and economic development. She asked if the scope is originally going to be refined to that process or if it would include other things as well.

Ms. Falkenstein replied that the topics Ms. Mallek mentioned would be more appropriate in the content framework she mentioned. She said before staff starts the public kickoff of the plan, they want to bring back to the Board a list of what they think should be included in the Comprehensive Plan. She said right now they have a detailed Comprehensive Plan might have overlap with other more detailed County policies such as economic development, climate action planning, and natural resources protection. She said staff thinks it will be helpful if they clarify what details should be in the Comprehensive Plan and what details should be in other policy documents. She said she thinks doing this upfront can help them keep a tight scope and timeline on the project.

Ms. Mallek asked Ms. Falkenstein if she was saying that the draft scope is what she just described as somehow making a decision that what they have is too much detail. She said she looks forward to more homework to study to get that. She said she did not have a reaction to what Ms. Falkenstein just said because she could not quite understand it.

Ms. Mallek said the benefit of the current Comprehensive Plan and the reason why she thinks it won awards and was well-accepted is its readability and the fact that it is not just the last 12 months of something. She said it is a very long-term history document about how they got there. She said new residents in particular have spoken to her and said how important it was for them to read this, even before they moved there. She said they tell her they moved to Crozet because of the Crozet Master Plan and the Comprehensive Plan and how they could understand the importance that the County, as a whole, puts on certain issues. She said it does not just fly by night to the latest thing, then jump to the next thing. She said rather, it has ongoing policies.

Ms. Mallek said her baggage (which she would try not to let it get in the way) is that she has been involved in these plans since 1985. She said she has seen it evolve and be more attentive, but as she has said many times before, getting people to participate is about going to them and not always expecting them to come to staff. She said this is something she would reiterate staff to think about when they are making their connections in their engagement work. She said lots of meetings in schools and community activities will be a way to get people who are just walking by and get them interested.

Ms. Mallek said she was not sure she had an answer yet, but she would work on getting there.

Ms. Price said she first wanted to recognize the complexity of what staff is dealing with, and particularly when they have so many important documents. She said the complication of having a single, centralized document versus a number of de-centralized documents and keeping them all consistent is truly a difficult task.

Ms. Price said they were starting that day talking about the Comprehensive Plan, and later that day, the Board would be talking about the Housing Policy. She said the interaction between those two, as well as the Zoning Ordinance, is difficult. She thanked staff for the work they are doing.

Ms. Price said she would make just one comment. She said she appreciated staff listening to what the Board raised as concerns about the stipend question at the previous meeting. She said she, for one, is much more supportive of the way Ms. Falkenstein just described the approach – that instead of funding in terms of stipends, it would be funding to support the Advisory Group, to help people participate rather than direct payments to them.

Ms. Price said in that respect, perhaps the County should look at this as a pilot program because they have a number of other situations where community members are volunteering to participate but experience barriers to participation, much as there would be with this particular group. She said she recognizes there is a cost to that, but she would like to see (if this proposal goes through with funding to support rather than funding to the individuals) the costs, benefits, and how this might improve community participation in all of the many different ways the community members participate so that the County can help encourage that.

Ms. Price said they have been running at 25% vacancy on committees and commissions, and

she suspects that a good part of that vacancy is tied in with the inability of people to be able to work in that volunteer time because of these barriers.

Ms. Price said she appreciates the work staff is doing. She said she will follow the timeline staff has laid out for the Board, and she sees this as an opportunity where the County might be able to encourage broader community participation across the board.

Ms. LaPisto-Kirtley said she is concerned about the timeline and the amount of time and effort it will take to redo this. She said she knows the County currently has a good Comprehensive Plan that needs updates, but she would also like to hear what the other Supervisors have to say first, then go from there.

Ms. Palmer said she appreciated all the additional information Ms. Falkenstein gave, which provided her more clarity. She said there was a massive update of the Comprehensive Plan in 2015 that some of the current Board members were involved in. She said they met once a month for at least six to eight months to go over the plan, chapter by chapter. She said when she thought about the update this time, she was expecting that they would look at the new priorities, which Ms. Falkenstein outlined and said they would, and that they would look at changes in state law since 2015 that the County has to incorporate.

Ms. Palmer said she knows the County Attorney has talked with the Board many times about the need to update the County Code. She said she would like Mr. Kamptner to comment on the ability to possibly do a parallel track to do that so that they do not have to wait years before they get their code updated. She said this was not a dramatically different approach, but slightly different, to try to do these things together and asked Mr. Kamptner for his thoughts.

Mr. Kamptner said doing it this way would certainly accelerate the process, but if the two were on the same track at the same time, his concern would be that the zoning text amendments and, possibly, zoning map amendments might be dealing with a moving target. He said as parts of the plan are nailed down, this is possible. He said much of this depends on the extent of this upcoming Comprehensive Plan review. He said if it is dealing with discrete topics, parts of the Zoning Ordinance could certainly be worked on.

Mr. Kamptner said the ideal situation would be to have a Comprehensive Plan, then immediately follow with a comprehensive rewrite and update of the Zoning Ordinance, which is 40 years old.

Ms. Palmer said when she had talked with Mr. Kamptner before, he talked about a parallel course. She said they were now talking about not doing that for another three years in terms of an update of the zoning code. She asked Mr. Kamptner if he was now saying he would prefer to wait those three years to get this completed before they update a 40-year-old code.

Mr. Kamptner replied that he said "ideally," and frankly, he did not recall having an extensive discussion about these two things going on a parallel track. He said there was a question that came up during the budget meeting on Monday that was asked of Ms. Jodie Filardo, and she said that ideally, the zoning process begins after the Comprehensive Plan is in place. He said this is the ideal scenario.

Mr. Charles Rapp, Planning Director, said that this will come forward as staff presents the Community Development Department's work plan in the coming weeks or months. He said the current approach is similar to what Mr. Kamptner described. He said it does need to start afterwards, but it was not necessarily a matter of finishing one and then starting the next one. He said as Ms. Falkenstein pointed out, once they get to the framework for the Comprehensive Plan so they know what it will contain, then they can start making progress on the Zoning Ordinance update, as they will at least have some level of confidence as to what will change and the direction to go in so that they are not redoing work.

Mr. Rapp said they cannot start at the exact same time, but they also do not have to happen one after the other. He said he thinks they can parallel to an extent, but they do need to make some progress on the Comprehensive Plan first.

Ms. Palmer said her other issue is that she would like to see the Planning Commission weigh in on this plan that staff brought to the Board since, typically, a Comprehensive Plan review would begin with the Planning Commission. She said her understanding, from talking with her Planning Commissioner, is that this has not been discussed on the Planning Commission level as to what they think is required at this time.

Ms. Palmer said she is concerned about the idea of a three-year plan being a complete rewrite of the Comprehensive Plan, and this is what she was really struggling with. She said she thought Ms. Falkenstein did a good job that day explaining that they were not there with the scope yet, and they have not figured out what it is. She said she would love to see the Planning Commission involved, though, in figuring out the scope of this plan.

Ms. Palmer said they spent a huge amount of time on the Comprehensive Plan before, which she thinks is a good, progressive plan to begin with. She said they have been told by the County Attorney many times, however, that there is this very antiquated code that does not match the Comprehensive Plan. She asked Mr. Kamptner to correct her if she was mischaracterizing what he said.

Mr. Kamptner said the code is not keeping up with the Comprehensive Plan and because it has

been amended so many times over the last 40 years, it is not as integrated internally as it should be. He said it also needs to reflect the values, policies, goals, and objectives of the Comprehensive Plan. He said the problem is that the Comprehensive Plan is always a slightly moving target, and there is always a reason not to jump into updating the Zoning Ordinance. He said the Comprehensive Plan is a great plan but it is always being amended, and he thinks they need to give as much attention to a comprehensive Zoning Ordinance.

Ms. Palmer thanked Mr. Kamptner for saying it that way. She said she was not trying to belabor this but was trying to understand. She said they take a look at the Comprehensive Plan every five years and apparently, they have been changing the code for 40 years, but not doing so holistically. She said perhaps after further discussion, Mr. Kamptner could come back to the Board or perhaps talk with the Planning Commission about where they could integrate those so they could understand better.

Ms. Palmer said she hated to wait for another three years. She said while she will not be there, others as well as the community will be, and if they need to integrate these things together, it seems like it should be done sooner rather than later, or in some kind of joint project. She asked Mr. Kamptner if he wanted to say anything else or if she was repeating herself at that point.

Mr. Kamptner said he would never say Ms. Palmer was repeating herself and that he did not have more to say.

Ms. Palmer said she also would like to hear from the Planning Commission as to what needs to be done and get their feedback.

Ms. McKeel said to go back to what Ms. Price was saying, she appreciated staff listening to the Board and making changes to address some of the concerns. specifically the stipend. She said while she knows the County has not provided childcare for public participation, she did seem to remember at least a couple of public hearings where the County provided childcare and perhaps some pizza so people could come. She said she thought it worked beautifully and is in favor of that. She said she thinks it is a great expenditure of money to help people to be able to participate.

Ms. McKeel said she has people participating now in her CAC that would not be able to participate, except for Zoom. She said she did not want to leave that piece out because while they can provide childcare and pizzas, perhaps, a hybrid option with Zoom should be kept in mind as it expands the public's participation ability.

Ms. McKeel said she is very concerned about a three-year process that gets them back into the same loop they have been in. She said it is a two-year or three-year process to amend the Comprehensive Plan and then, they have old, stale ordinances. She said it seems like they are chasing their tail, for lack of a better expression.

Ms. McKeel said she thinks the zoning code is critical to getting the Comprehensive Plan updated. She said frankly, it is her priority, along with specific areas in the Comprehensive Plan including economic development, climate action, and others. She said she would like to figure out a way to allow the code to be updated quickly and immediately while at the same time, perhaps looking at specific areas in the Comprehensive Plan that need to be addressed.

Ms. McKeel said she understands Ms. Palmer's concern about the Planning Commission, and they do not want to leave them out, as they definitely need to be involved. She said she believes, however, that it is up to the Board to determine the scope. She said in her opinion, the Board needs to figure out the depth and breadth they are going with this, and then she absolutely wants it to go back to the Planning Commission many times. She said she thinks the process is the Board's decision.

Ms. McKeel said she was not in favor of a three-year, full-blown Comprehensive Plan review at this time. She said she was trying to cut to the chase and get the code up to date while at the same time, if they could, have a process that looks at specific chapters or at any omissions or gaps.

Mr. Gallaway said he did not disagree with what was being discussed relative to the code. He said he thinks this should be ongoing. He said he was not a member of the Board when the last Comprehensive Plan review went through in the update, but he remembers listening in as an interested person. He recalled how exhausting it was just listening to the work that went through all the chapters. He said if this is the level that is going to happen every five years, he does not know that it is the best use of time in terms of scope.

Mr. Gallaway said he thinks there are things that if they are incongruent with actions that have been taken or they see popping up that are problematic, these are highlights that they need to focus on. He said in many ways, he was restating some of the things that had already been said.

Mr. Gallaway said he was basing this on the last time he listened, and that three years seemed speedy compared to what he listened to the last time, but it was because of how exhaustively the Board worked through the meetings and details. He said it was good work, and he was not suggesting they should not have done it that way, but having watched them go through it, he thought three years was great. He said he is won over, however, to the idea of looking at what needs to be done, home in, and focus on that. He said then, the timeline and everything else should be driven based on that decision.

Ms. Mallek said she loves the idea of keeping Zoom going, as Ms. McKeel mentioned. She said

there were 92 people listening into the CCAC (Crozet Community Advisory Committee) last Wednesday, which they had never had in the room before, which had been 50 or 60, at most. She said she knows they will get many more people this way. She said they have also had great success with pizza and childcare for the Downtown Crozet District, DCI, and plaza planning, which brought out hundreds of people pre-COVID.

Ms. Mallek said the reason why the County's plan is big and took so long is that it was the transition document from 15 different notebooks. She said she heard earlier from someone that there are some topics that should be addressed instead of looking at the Comprehensive Plan, and the plan should be smaller. She explained that the reason it was put together was so people would know where to go. She said if one did not know there were 15 different notebooks and chapters, they would not know where to go to find the information desired, which was very frustrating.

Ms. Mallek said there was also tremendous effort to bring some of the plans or chapters that were 15 years old and provide them all in one space with consistent terminology and vision throughout to create a coherent picture of where the community values were at the time.

Ms. Mallek said she was very supportive of the comments she heard from others about how they have to focus on the critical problems they have with the code and the things they have not fixed that they know are problems and cause new problems with applications every single day. She said at the same time, she understands completely that they are looking at things now that they did not look at five years ago. She said people can go work on those discrete chapters and easily pull them in because they are not there now, which is a neglect that needs to be fixed.

Ms. Mallek said what she is very concerned about is a historic pattern. She said she would argue with the previous Community Development Director, who she is very fond of, but that Mr. Mark Graham's approach was to do the big picture and solve all the problems in all the chapters, all at once, which meant they never did anything. She said it was such a big project that they just never did it, and it was frustrating.

Ms. Mallek said she is very much in favor of solving the critical need when it arises so that others do not have to go through the same insanity of whatever the issue is. She said special events is a perfect example of this. She said it has been sitting idle for years and now, it has suddenly raised its head as being the new problem. She said to say that they do not have enough staff time to do that because it is going to require deleting some references throughout the document, she hopes they will find a new way to prioritize those kinds of issues.

Mr. Doug Walker, Deputy County Executive, said he wanted to make sure that before they leave this conversation, there is alignment between the interest of the Board and what's next from staff. He said he greatly appreciated the Board's kind comments about staff listening to them because they did work hard to listen and reflect this back.

Mr. Walker said he was still not yet hearing, however, that staff and the Board were in the same place with respect to the length of time that is anticipated and perhaps the depth and breadth of the work that the Board may think is required. He said this was not intended to be a rewrite, which was actually done the last time, but it is an update. He acknowledged that to some extent, though, updating and rewriting can seem the same if they are not very careful about how they distinguish one from the other.

Mr. Walker said he wanted to make sure they receive clear indication from the Board of what staff can do next so that they are best reflecting the Board's interest going forward. He asked Mr. Rapp and Ms. Falkenstein could reflect back what they were hearing.

Ms. Falkenstein said a good next step for staff would be to do the project scope, where staff would come back to the Board to talk about what should be included in the update. She said from there, they can look at the timeline. She echoed what Mr. Walker said that even if they pick three big topics (e.g., climate action, equity, and housing), that can still be a long process because they will probably have to go through each chapter, identify where there might be inconsistencies or language they need to change, and do that work. She said they certainly want to engage the community as well.

Ms. Falkenstein said staff could keep an eye on the timeline and come back to the Board on the content, then revisit the timeline from there as a next step, while allowing the Board to weigh in as well.

Mr. Rapp said similar to what Ms. Falkenstein spoke about, one thing staff has done in the Pre-Planning phase is to create a list of many of the different things they have heard from the Board and from members of the community that seem to be priorities to address. He said this list has grown and continues to grow, and once they begin to add many interests and desires, this is what is driving the idea that perhaps they need to take some time to do some scoping to determine what that is. He said if everyone adds an item in over time, it grows, and he thinks this is what has happened in the past and what the concern is.

Mr. Rapp said as Ms. Falkenstein pointed out, coming back to the Board with some options for that scope might be a good approach so that they can see a couple of different opportunities as to how they can accomplish what the Board desires.

Mr. Jeff Richardson, County Executive, said he believed Mr. Walker reframed this right on the bullseye and that Ms. Falkenstein and Mr. Rapp were expressing to the Board exactly where they needed

to be. He said they will tease out a project scope at the staff level, then come back to the Board later in the year, as Ms. Falkenstein stated. He said he would like to be approximate with that – not to the exact date but rather, to a projected time to get back to the Board. He said Ms. Falkenstein noted several things off the top of her head and did a good job of giving the example of three items, where they would trying to take a thread through all the chapters and trying to scope how long it would take.

Mr. Richardson said Mr. Rapp was exactly right in that one of the Board's favorite sayings is, "Add to the list." He said staff is trying to manage the Board's expectations and while three years sounds like a long time, everywhere he has ever been, Comprehensive Plan updates take quite some time because of the domino effect of touching all of the various aspects of the entire plan document. He said staff is trying to manage the Board's expectations.

Mr. Richardson said he appreciated the opportunity to step in to speak because they are trying to manage all six Board member's expectations, adding that different Board members have different experiences with this. He said some look backwards, some look forward, and it is all important. He said it was critical for them to get all six Board members in one spot that day so that people were not hearing different things. He said this is hard for staff as well as for the Board.

Mr. Gallaway said there was a proposition to do the scope and bring it back to the Board. He said to him, this seemed legitimate in that it helps inform the timeline.

Ms. Mallek agreed. She said when it was her turn to talk on this, the first thing she said was that she did not have enough understanding of what was being proposed to be able to react well. She said she does not think she is looking backwards, but she thinks she is remembering where they have been while being very intent on making things go better. She said in terms of her list, the things she added were on the zoning code changes as opposed to planning document changes. She said she would love to see the list, even a rough one, to see what others are putting together, adding that perhaps the list needs to be prioritized. She said she looked forward to the next round of information.

Ms. LaPisto-Kirtley agreed with Ms. Mallek. She said in order to be able to cull down the list, they do need to prioritize it. She said if each Board member comes up with 10 different things, they do, as a Board, need to prioritize and agree upon it. She said they cannot keep throwing in things.

Ms. LaPisto-Kirtley indicated she had a question for Mr. Rapp and Ms. Falkenstein. She said there seemed to be a thread that they want the Zoning Ordinance and any state laws updated within the Comprehensive Plan as soon as they can. She said this seems to be clear, but if she was wrong, the other Supervisors should feel free to jump in. She said it seemed to her that the Board wants this updated.

Ms. LaPisto-Kirtley said Mr. Rapp and Ms. Falkenstein mentioned three things, however: climate action, equity, and affordable housing. She said the three things she mentioned, which are either in state law, ordinances the County has passed, or zoning they have passed, she would ask if they are talking about things they have passed or things they want to pass regarding zoning and ordinances. She said if it is something they have passed, she wondered if staff is looking at it through the lens of climate action, affordable housing, and equity before putting it in the Comprehensive Plan.

Mr. Rapp replied that as Mr. Kamptner pointed out, he believes it is a combination of 40 years of things that have been passed where there are some inconsistencies with references to future land use categories, the development process, and how they regulate different things. He said the County's Comprehensive Plan is very comprehensive and addresses many issues, and the Zoning Ordinance needs to reflect that. He said that as tweaks have been made over time to the Comprehensive Plan, there have not necessarily been adjustments made to the Zoning Ordinance over time to always keep up with that.

Mr. Rapp said this is a little bit of everything including recent adjustments, but more recent ordinances are more up to date with current state code and the like. He said some of the older legacy zoning items, however, need to be adjusted, and the County has recently dealt with some of those challenges in the Rural Areas. He said those challenges should also be addressed in the Comprehensive Plan so that it has a guiding document to it.

Ms. LaPisto-Kirtley asked if when Mr. Rapp used the term "legacy ordinances," he meant getting rid of them.

Mr. Rapp replied that they would need to discuss how they want to handle that. He said there are some older legacy zonings in the Rural Areas that have been recently dealt with, such as on commercial properties, that conflict with the goals of the Comprehensive Plan that restrict that, while the zoning says something else. He said some of that needs to be corrected.

Ms. LaPisto-Kirtley said as they go into the Development Areas with land developments, this seems to be an area that keeps coming up in terms of the zoning saying one thing while the Comprehensive Plan says something else. She said this causes many problems not only for the developers, but for the community and for the Supervisors to have to vote on it. She said this is something she would like to see cleaned up.

Ms. Palmer said she thought Ms. Falkenstein's proposal to come back with a more defined scope makes great sense, and she appreciated it. She said having a plan that throws in everything but the

kitchen sink is not a great way to do it, either. She said Ms. Falkenstein mentioned the three things that they all seem to have on their minds these days. She said clearly, they have not passed the housing plan yet, and she did not know where that was going later that day. She said she appreciated this proposal, and she thinks if there is a very long list that is complicating life, the Board should prioritize that. She said she would be happy to help with that if she could in any way.

Ms. McKeel said she did not disagree. She said for her, her priority is to get the code updated. She said they have talked about this for eight years and have made no progress on it. She acknowledged that when new items come forward, they do, but they have not been able to go back due to staff and time constraints. She said she thinks they are in a churn, and it seems to her that the code could be the priority, with selected areas. She said she believed this was what everyone was trying to say, and she looked forward to Ms. Falkenstein looking at this and coming back to the Board.

Ms. McKeel said the last time the Comprehensive Plan was updated, they barely had an Office of Economic Development. She said they have some time where they can wait because the affordable housing policy has not even been passed yet. She said while she thinks this is critical as well, she thinks they need to figure out their priorities and certainly, the Board could come up with a list of priorities that they all agree on. She said she appreciated staff struggling to find the balance for all this hard work.

Mr. Gallaway asked staff if they had what they needed from the Board.

Mr. Walker said he was trying to reflect on the conversation, which was outstanding and appreciated. He said staff could take this and do some work to better reflect the Board's interest.

Mr. Walker acknowledged that there is some level of regulatory work that does not get suspended while they figure out how they are going to address the Comprehensive Plan work. He said he tends to oversimplify it this way, being an old planner by education, that the Zoning Ordinance is necessary to implement the plan. He said the Board understands this, too, which is why one follows the other. He said there is other regulatory work that will continue, though, and the Board will see some of this reflected on the work program when it comes to them in a month or so.

Mr. Walker said as an example (for which they will still be resource-constrained) is the Wireless Policy, for which staff knows there is keen interest on the part of the Board, that was suspended last year as a consequence of the change in the budget. He said the Board will see this reflected in the work program coming forward. He said this is regulatory policy work that is not proposed to wait until after the Comprehensive Plan is finished. He said he was offering this as just one example of where some of this can happen in parallel, which he hoped was helpful.

Mr. Walker said staff will do the work, come back, and reflect the scope while talking more about making sure they are reflecting the Board's interests.

Mr. Gallaway said he appreciated the comments. He said the Board does have to keep in mind there is a very robust work plan and that the work is ongoing as this plan work gets kicked off. He said if Mr. Walker and staff felt confident they had what they needed from the Board, he would suggest adding to the list a conversation about the Board's proclivity for adding things to the list.

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Agenda Item No. 10. **Presentation:** CARES Coronavirus Relief Funding (CRF) Report.

Ms. Kristy Shifflett, Director of the Project Management Office, said she would be presenting to the Board the Albemarle County CARES (Coronavirus Aid, Relief, and Economic Security) CRF (Coronavirus Relief Funding) report. She said she would provide information about how the County manages the compliance requirements, how staff needed to pivot and organize to ensure that they were compliant, and to make sure they are able to continue to provide services in the community while creating new programming to serve the needs.

Ms. Shifflett reminded the Board of the nature of the fund and the restrictions the County needed to follow and continuously track, which was that expenditures must be incurred due to the public health emergency. She said the expenditures could not be spent on anything unrelated to that. She said they also must not have previously been accounted for in the budget, and they had to occur between the March and December timeline.

Ms. Shifflett said frankly that in managing that, staff spent a lot of time learning about what was allowed. She said she wanted to show the Board that the compliance regulations changed multiple times. She said as soon as staff felt like they had a handle on what they could do, the information would change or shift. She said the slide was showing the Board that the guidance moved several times from April to December.

Ms. Shifflett said the slide called out the December 23 date because that was when staff were told they could officially extend the CARES Act funding past December 30. She said they had been working to make sure that everything was spent and allocated by that date, which informed much of their programming and ability to get the funding to the required needs. She said the visual on the slide showed how many times, staff had to wait for information to come from the United States Treasury down to the state guidance, then to Albemarle County.

Ms. Shifflett said what staff then did was they started to understand the extent and the work effort

that this would take for them to be able to expend this funding in that amount of time. She said the slide showed a visual to express all that went into this on the administration side. She said they created a compliance team to track all the updates and frequently ask questions so that they could make sure that legally, they were complying to everything, and that the programming they were recommending followed that guidance to protect the organization.

Ms. Shifflett said the Board was involved in appropriating those funds and creating those areas of work the County wanted to identify and supports. She said there was representation from all over the organization and departments where they led their functional areas to try to understand the needs of the community and the ways they could help and support. She said the slide called out the Incident Management Team (IMT) because they were closely connected with emergency response and had their finger on the pulse of what the community needed and how they needed to respond. She said the IMT also informed the funding on areas they needed to support.

Ms. Shifflett said lastly, she would call out her friends in Finance and Budget. She said she was there that day because as the Project Management Director, she was working in Finance and Budget at the time supporting them, and this took a project management focus to pull everyone together, as it did involve the Controller Office, Accounting, and Budget.

Ms. Shifflett said to get into the story of how they were able to expend these funds, the Board was familiar with the areas of focus shown on the slide. She said these were the total amounts they have come to, to date, where they have been able to put the funding. She said these areas include Economic Development and Human Services, General Government (also a focus area), and a Pandemic Reserve, as noted on the slide, which would be discussed later. She said the amount of funding is where they were able to connect the reserve. She said the final focus area was Technology.

Ms. Shifflett said she is not an expert on Economic Development and that Mr. Roger Johnson would be able to speak to that area much better than she. She said she did want to show the Board some Economic Development areas and while she would not talk about everything that was accomplished, she would highlight the large areas and where the funding was placed. She said what was on the slide was mostly everything the Board would see that day.

Ms. Shifflett said the Business Lift Grants was a relief initiative that provided grant funds to local businesses to assist with the impacts due to COVID-19. She said they had 133 businesses that received grant funding, ranging anywhere from \$2,000 to \$50,000. She said they did this several times as they continued to serve and find the needs of the community.

Ms. Shifflett said Community Lift Grants were focused on the non-profit community. She said the Board would see this twice, in two areas, and this was focusing on non-profit businesses that needed support due to financial hardship or other areas.

Ms. Shifflett said lastly was Safe Spaces & Places. She said she knew the Board was very familiar with how the County was able to assist businesses in staying open and provide them with resources for doing things such as outdoor seating or changing the way they serve their customers. She said this program included about \$620,000 the County was able to provide.

Ms. Shifflett said in terms of the Human Services response, she talked before about the Community Lift Grants for non-profits, and this was focusing on the non-profits in the human services arena. She said these are organizations that help with food security and all kinds of challenges, including childcare, arts, and education. She said this work in managing non-profit support was done by Ms. Phyllis Savides and Ms. Siri Russell.

Ms. Shifflett said in terms of emergency financial assistance, she would call out the County's partnership with the City of Charlottesville and the United Way in order to fund this area to help residents. She said there was a lot of community mask distribution as they continued to try to drive using and following protocols they were hearing.

Ms. Shifflett said lastly, she would call out a housing search program that was created so that others could reach the housing locations and be able to support that.

Ms. Shifflett said she would call out a couple of things for the area of General Government response. She said there was the reimbursement of Public Safety pay, and permission from the state to do this only came out in November. She said the County was able to transition and isolate the payroll for specific individuals in Public Safety, which include those people on the street serving the community. She said they were able to reimburse that.

Ms. Shifflett said the Ambassador Program was created and started in the County's parks to help the Parks and Recreation in the summertime to help follow protocols. She said staff quickly learned from the success of that, so they expanded the program to other facilities as well as to the businesses which support them.

Ms. Shifflett said the County did support the Town of Scottsville with two separate payments to support them on their COVID expenses.

Ms. Shifflett said because they had so many programs and ways of shifting the work around, she also wanted to call out on the slide some areas of General Government. She said these were other areas

where they were either able to support the employees or transition buildings to keep businesses and local government offices running.

Ms. Shifflett said in the area of technology, they were able to make progress on broadband expansion and create the Greenwood Wi-Fi hotspot. She said they transitioned many staff who had desktops to laptops so that they could continue working, from home. She said this is one example of hardware and software the County was able to pivot to when they went to a work-from-home environment. She said IT staff also supported the County in determining how to make some of their processes digital.

Ms. Shifflett said the slide on the screen was a way to show the Board the impact this funding was able to make and the programming the County was able to provide to the community. She said she would share it with the Board. She said 50,000 masks were distributed, 133 businesses received financial assistance, and 94 children participated in the YMCA learning program. She said the County was able to help the Boys & Girls Club and the YMCA to create virtual learning experiences.

Ms. Shifflett said she would close with the Pandemic Response, Recovery, and Reconstitution Reserve. She said the current plan with that funding includes several things, with some areas highlighted such as broadband accessibility. She said another area is ongoing Human Services support, recognizing that some of the programs in Human Services and General Government have not gone away just because they are in the pandemic and they are able to continue those. She said lastly was the COVID testing and vaccinations that have been deployed.

Ms. Mallek said she is impressed the way the staff and entire organization of Local Government and Schools have all pulled each other along throughout the process. She said she knows there is still a tremendous amount of suffering still out there and SNAFUs they hear about all the time. She said there are so many things they cannot control, and everyone has worked so hard to address the things they can control to reach the individuals who need it on a very personal level and to have multiple ways for differently sized businesses, organizations, and groups of people to request help.

Ms. Mallek said it is a baffling array and that every day, there is something new being requested. She said she frankly did not know what to do with all of it except to share it with Mr. Walker and have him figure it out because it is so complicated. She said it made it difficult to present the citizens with usable amounts of information because it is changing every day. She said by the time she would get a newsletter out, whatever was it in would be wrong. She said it has been very challenging and having up-to-date information coming from staff has been very helpful. She thanked staff for what they are doing, adding that they will find their way to the end of this with everyone working together.

Ms. Price expressed her appreciation for the work, noting that the expansive and comprehensive nature of the work that County staff has done during this pandemic is truly amazing and awe-inspiring.

Ms. Palmer agreed.

Ms. McKeel agreed as well. She asked Ms. Shifflett if she could send the presentation to the Board.

Ms. Shifflett replied yes.

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Agenda Item No. 16. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Gallaway said the first item the Board parked here was "VDOT Traffic Calming Process for St. George Avenue" and Ms. Mallek, as this was her request, would introduce the item.

Ms. Mallek thanked Mr. McDermott for his update to her the day prior, which was also shared with the Board that morning by Mr. Walker. She said she would ask Mr. McDermott to go through whatever is an appropriate amount of information to share on their considerable work in developing a pilot project, which will help the County have a more predictable way going forward on how to deal with these neighborhood issues with traffic, safety, and speeding where many agencies and offices are involved.

Mr. Kevin McDermott, Planning Manager, said he would be addressing this specific issue in the broad context of how to take on these speed issues. He said he could come back with a longer presentation if the Board desired, but since staff has more work to do as well on this process, it would probably be easier if he walked the Board through the quick matter related to St. George Avenue and the work staff is doing. He said he would share a single slide.

Mr. McDermott said he was presenting to the Board an outline of a general process staff has been working on internally, related to these speeding complaints. He said he was sure it was not surprising to Board members that these issues come up frequently, and there is not a standard process to move through to address them. He said oftentimes, this causes confusion with community members and Board members and ends up causing some of these problems to never be fully addressed.

Mr. McDermott said staff is trying to develop a process they can walk through that takes them from the initial complaint all the way to how they can deal with it. He said they are detailing this out, but related to Ms. Mallek's request with St. George Avenue, staff thought this could act as an initial pilot for



how this works.

Mr. McDermott said the complaints can vary in their details, and when staff receives the ones that are specific to the idea that there is consistent speeding on a road where people are going significantly over the posted speed limit, staff will walk through this process to address that problem.

Mr. McDermott said first, speeding is an issue that the Albemarle County Police Department should be taking the lead on with their enforcement capabilities. He said if County staff or VDOT receive these calls, they will be initially directed to the Albemarle County Police Department and have them do whatever the police feel is necessary to try to address that in the beginning. He said it can include enforcement or education and would likely result in the radar speed display signs that go out on the roads for periods of time. He said staff will let the police work through their process initially, for some time, to try to correct that problem.

Mr. McDermott said County staff has regular meetings with VDOT and the police where they discuss these issues. He said from there, staff will receive feedback from the police as to what is going on.

Mr. McDermott said then, if the police have come to the conclusion that there is a speeding problem and that they do not think they can fully address it through enforcement and education alone, this is when they move to the next step, which is determining if this segment of the road is eligible for the traffic calming process. He said this is where they are with St. George, as they have had complaints in the past about speeding on that road, and staff has talked with the police and VDOT about it. He said recently, unfortunately, there was a child that was hit by a vehicle out there and because of those issues together, staff thought it was appropriate to go ahead and move to this next step of the process.

Mr. McDermott said to get to that next step, they move into what is already defined by VDOT in their traffic calming guide. He said the first step in their guide is that once eligibility is determined for the traffic calming process, they would get a petition from residents on a segment of road. He said VDOT requires that 10% of the residents sign the petition that describes that, and they would provide it to Planning staff at Albemarle County.

Mr. McDermott said if staff gets the petition, they would go to the Board and request a resolution to request that VDOT begin this traffic calming process. He said what Ms. Mallek was hoping for when she sent her email the week prior about this was that they could go ahead and move into getting the petition and the resolution approved by the Board. He said he did not have a resolution ready for the Board at present, but staff could come back after that petition is ready at any point.

Mr. McDermott said after this step, VDOT would perform its engineering study review, which is defined in the traffic calming process. He said it is a fairly simple step where VDOT goes out and takes speed data, collects crash data, looks at the geometry of the road, and looks at the signage. He said they do a general assessment of those issues to see what problems are out there and what might be able to be done to rectify that. He said this is something that could probably be done in a few months with VDOT staff, without outside consultants and without much County staff involvement. He said staff is comfortable about moving into that step without having to adjust the CDD work plan.

Mr. McDermott said the results of the engineering study would determine if they wanted to move to actually producing a traffic calming plan, which is a much deeper, bigger effort and requires staff time, public outreach to the entire community to get feedback, and design alternatives for what might be able to be done. He said they would not move to that step unless the engineering review showed that it met certain factors that VDOT defines in their guide to move on to that traffic calming plan.

Mr. McDermott said the traffic calming plan would then often result in recommendations for larger improvements that could be structural or educational that would likely require funding through the CIP. He said at that point, they would have to consider prioritizing it. He said each step has an opportunity to go back and check to see if they need to move onto the next level, and staff would keep the Board informed on all of this.

Mr. McDermott said he could come back with much more information and detail on this process, which staff is still working on, but he wanted to give the Board the outline of it as it relates to St. George. He said he would pass this back to Ms. Mallek to take that on.

Ms. Mallek said Mr. McDermott's plan was thorough and wonderful and in order to save him and Mr. Butch staff time, she would suggest they consider adding a CC-only to Step 1 that says, "Notify the Board Member," only because this will save staff from having the Board come back and ask them when they are doing this because often, people contact the Board member at the same time they contact staff. She said if staff can put the Board into the loop, they will know it is being addressed.

Ms. Mallek asked Mr. McDermott if, somewhere in the process, he has included consideration of higher speeding fees. She said she knows there is a residential program where a minimum of \$200 can be charged, which has been successful in some places. She said this is something that perhaps procedurally could be done that might be easier than some of the other steps.

Ms. Mallek asked if it is time now for the petition to be handed in for this pilot so that they can then move onto the resolution.

Mr. McDermott replied that the increased fees are part of what is looked at in the traffic calming plan steps, in Step 9. He said this is one of the options they look at, along with structural improvements, speed bumps, and medians. He said the fees would be part of this piece, and staff will keep the Board members involved and informed throughout the process, and the entire Board where appropriate.

Mr. McDermott said he would go back to the neighbors, who he believed had already looked at doing this petition and may be moving on that, and have them provide that petition to staff. He said once he has this in hand, he would like to come to the Board for that resolution he would have finalized. He said this could be on the consent agenda if the Board desired, or they could talk about it further at that time.

Ms. Price said she appreciated this and thinks the outline is excellent, as it helps the Board better understand the process. She said her only comment, which was not a negative one and not directed at anything Mr. McDermott said, was that as people, they tend to wait until a crisis before they recognize the need for action. She said as the parent of a child who was nearly killed when struck by a car walking to school in a different jurisdiction, that jurisdiction's response was that they didn't take any preventive action (the flashing yellow lights, in this instance, in front of the school) because not enough people had been seriously hurt or killed. She said she knows that Albemarle County will not take that approach.

Ms. Price said if the County identifies a potentially dangerous situation, her hope and prayer is that they recognize that before the calamity and not wait until disaster happens before they take action on it. She said she thinks the process is an excellent one.

Ms. LaPisto-Kirtley said she also thinks it is an excellent process, and the only thing she would suggest and put out to the other Supervisors is that one the rural roads that are two-lane roads with a straight area and nowhere to pull off to the side of the road if a police car stops, the police therefore have a tendency not to pull over that car because there is no place to stop without backing up traffic for miles.

Ms. LaPisto-Kirtley said she thinks that as a Board, one of the things she thinks they should do legislatively is ask the state whether or not for their rural roads, they could have some kind of speed cameras. She said there are businesses out there that will not even charge where they get some of the money from fees and the County gets some, and the business takes care of everything. She said to set up speed cameras in certain areas where it is not safe for police cars to pull over speeders or truckers that shouldn't be in that area, she thinks this is something that should be on the legislative agenda, and she hopes they can do that.

Ms. Palmer said she has no problem with the process. She said she is familiar with this neighborhood road and how it is a cut-through, so she thinks it is a great idea.

Mr. Gallaway said he had no objection.

Ms. McKeel said she thinks this is a process that will work in many neighborhoods and areas, certainly in Crozet. She asked Mr. McDermott if he had run the process by Ms. Siri Russell in looking at this through an equity lens to see if this process will work in other neighborhoods. She said in some of the neighborhoods she represents, for instance, she is not sure this process would be very viable, and she certainly receives complaints from some of the neighbors about cut-through traffic.

Ms. McKeel said she would like Ms. Russell to look at this process through an equity lens of reaching people. She said they are talking about a petition for residents and contacting people in some of the neighborhoods, and people being willing to sign. She said she has some concerns, and they have some of the same problems that the neighborhoods in Crozet have. She said she is just not sure that the same process would work.

Mr. McDermott said he understood, and he will definitely make sure he discusses this with Ms. Russell before taking it anywhere else. He said Ms. McKeel made good points that this may not be a one-size-fits-all matter, so they need to make sure they address it.

Ms. McKeel added that some of those neighborhoods have as big, if not bigger, problems because they are in the Urban Ring, where there is a lot of traffic, and people are cutting through constantly. She said there are also not sidewalks in those neighborhoods. She said it may be that they end up tweaking the process somehow, but she was not comfortable that it will actually work in all the neighborhoods.

Ms. Mallek said there were many good suggestions made by others, and she is excited to try again for speed cameras. She said she was terribly sad to report that for many neighborhoods throughout the County where the citizens have requested help for decades, the day after someone dies is when the stop signs go up, such as at Woodlands and Reas Ford. She said it took a death, after 15 years of constant complaint, to get that happen. She said literally 24 hours later, the signs were put up, and there has not been an accident there in the 15 years since. She said she is sorry to say that this is the reality they deal with here, and it is incredibly frustrating to people.

Ms. Mallek said she also understands completely that the petition is tricky, but with having a street meeting and talking people door-to-door, there are ways to solve this and make adaptations. She said this is an evolving process, and she appreciates the fact that staff has already been trying to make this more manageable rather than trying to keep up with the constant speeding problems in many different directions. She said hopefully, this will be a step in the right direction, and they can modify the

process as they go along. She said she has been a street corner petition gatherer many times and is glad to do it again.

Ms. McKeel said she was not saying she was not in favor of this for some neighborhoods, but that it needs to be looked at because for some of the areas where there are speeding problems, perhaps they need to tweak the process.

Ms. Mallek agreed.

Mr. Gallaway asked Mr. McDermott if he needed anything else from the Board about this.

Mr. McDermott replied no. He said he will be back in touch with more details about the process, and staff will also be back in touch about specifically about getting a resolution from the Board for St. George Avenue.

Ms. LaPisto-Kirtley said that to Ms. McKeel's point, use of the speed cameras in some of those areas would also mean this would be in lieu of police enforcement, which would also be more inequitable not only in the Rural Areas, but in the Urban Areas.

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Mr. Gallaway said the second item that the Board had parked was "County Code § 18-5.1.43 - Special Events in the Rural Areas," at Ms. Palmer's request.

Ms. Palmer said she had brought this up to the Board once before for discussion to see if they can get an idea back from Community Development as to how much time it would actually take. She said Mr. Kamptner has suggested she bring it up again and ask Community Development to comment on a timeframe when they come back with their work plan.

Ms. Palmer said she read the code, and it was very short. She said just because she thinks it is easy to remove does not mean anything. She said this was an ordinance passed prior to the state law changes for wineries, breweries, and cideries, and before where the County went through the process of getting some structure to the process of people having special events on their property if they have an agricultural use (like a vineyard), this allows them to come forward without any agricultural use. She said if it is not too terribly time consuming to simply delete this, it would be nice to do so.

Ms. Palmer said this happened in her district with Wavertree Hall, where some people bought a large piece of property and decided to have special events without any agricultural use at all. She said they just wanted to have weddings there at their barn.

Ms. Palmer said she was not suggesting the Board tell Community Development now that they want this to happen, but they just need to see whether it is a simple or complicated matter and look at it in the scope of the Community Development work plan. She asked the Board if they supported Community Development come back with their work plan and tell the Board how complicated it will be.

Mr. Kamptner added that Community Development's response may influence the timing of the Board considering a resolution of intent that would formally start the process.

Ms. Palmer asked Mr. Kamptner if he was saying the Board needed a resolution of intent, or if the Board needed to wait for staff to come back to give them an idea of how much time it would take.

Mr. Kamptner said speaking for the department, the Board could do it either way, but if the Board were to adopt the resolution of intent, it would end up on the work plan, and there would be a discussion (when Community Development returns with the work plan) where the Board wants that project to be prioritized.

Ms. Mallek said this was a good way to do it.

Ms. Palmer asked if the Board needed a resolution of intent and come back to them at a later time if they are okay with that.

Mr. Doug Walker, Deputy County Executive, said his concern with that approach is that without the Board seeing the fullness of the work program as it comes forward with all of the items that might be on it and might interest them, first adopting a resolution of intent might frustrate an effort to try to get that done sooner. He said he believed the original suggestion from Ms. Palmer was for Community Development to take a look at it, then indicate through the work program structure what the process would be and what the time would be so the Board could then evaluate that, along with everything else.

Mr. Walker asked anyone to let him know if this was not the desired approach and then, obviously, staff would do what the Board would like.

Ms. Palmer said she was trying to go with the simplest approach to try to get an idea of how much time it would take so that the Board could decide whether they want to go forward or not. She said she read the code, the code is short, and it seems simple, but she recognizes there are more complications behind things than she often thinks there are.

Mr. Walker said he was reluctant to offer an alternative opinion than the County Attorney but

hearing what Ms. Palmer was asking and with the Board's support, he thinks staff can answer the question and let the Board know what it would take. He said this may then put the Board in a better position, if they want to proceed with a resolution of intent, to understand it in the fuller context.

Ms. Palmer said although this has not popped up much in the past, with the tremendous interest of property owners to have these special events, she thinks that if they get rid of this code, it might reduce staff time so that they will not have to spend the time they did on Wavertree, which turned out to be quite the hullabaloo and difficult for the whole area.

Mr. Walker said on behalf of staff, he greatly appreciated Ms. Palmer's interest in that regard.

Ms. Mallek asked that when there is a time evaluation, staff also takes that time expended into consideration. She said the Roslyn people tried this first, as well as the Ballards Mill people, and there were hundreds of staff hours involved in both of those things. She said that with Wavertree, 300 people wanted to participate in the community meeting because the County's ordinance (as short as it is) does not rule out properties that are completely surrounded by neighborhoods, which is what creates a huge issue. She said she looks forward to this, but would urge looking at both sides of the equation to make sure they are not just saying a little more work, but if they do not do this, it will be much worse.

Ms. Mallek said back in the 1990s was when the Panorama Farm was approved, and this was an old barn in the middle of 900 acres and did not bother anyone. She said this is a completely different approach than what it is turning into now and the big issue it has become.

Ms. Price thanked Mr. Kamptner and Mr. Walker for their input. She said this is clearly a subject that is of increasing interest in the Rural Area because of the impact on quiet enjoyment of property. She said as they add items to the list, she thinks the way Mr. Walker described it would be the appropriate approach on it.

Ms. LaPisto-Kirtley concurred with Ms. Price.

Ms. McKeel agreed with the issue and problem, and she was happy to go along with what Mr. Walker recommended. She noted that this is yet another example of the Board adding to the workload and having to prioritize. She said perhaps they should ask staff what it would take or where they could find some money. She said it was not that money solves every problem, but she would ask if it is possible to put some money toward consultants or someone to help move some of these issues forward so that they are not constantly chasing their tail. She said this is just another example of adding to the workload, and they are there in that place all the time.

Mr. Gallaway expressed his agreement.

Ms. McKeel said she is sure staff finds it frustrating, and it is frustrating for the Board. She said they are just not moving any of these issues forward. She said they are spending more time trying to figure out how they can carve out staff time to do it. She said she did not know if it was even possible to hire consultants to do this work, but she would rather hire, set the parameters, and spend some money to get it done rather than constantly readjusting the workload and adding more to it, getting into a constant swirl.

Ms. McKeel added she thinks it is a very valid issue, but everyone has their very valid issue. She said this is in the Rural Area, which she represents and understands, but there are issues that are just as valid in the other areas.

Ms. Palmer agreed with Ms. McKeel in that if they were looking a look at the code more expansively, they could simply remove this as they are looking at it. She said she would love to hear Mr. Kamptner's thoughts on hiring a consultant group to work on that in conjunction with perhaps the Comprehensive Plan. She asked if this would be a way to deal with an older ordinance like this that is not necessarily great for the community, since many other changes have taken place since then.

Mr. Kamptner replied that he thinks the County is now at a point where they do have the project management skills with staff where it might be good to bring in outsiders and consultants to assist in an ordinance rewrite.

Ms. McKeel said they can set the parameters and at the end of the day, it is going to come back to the Board.

Mr. Kamptner agreed.

Ms. McKeel said they are not going to be able to move these things forward with the staff they have, and they have just been in a vicious cycle.

Mr. Kamptner agreed. He said he thinks consultants may be warranted in this case.

Ms. Palmer said she thinks it would be perfectly reasonable if they had a consultant looking at some of the old code to add this specific issue to that list. She said staff would think through this and say if it is not a good idea, but she wanted to agree with Ms. McKeel.

Ms. McKeel said they have spent eight years talking about some of these things, and they have

not moved them along, adding that Ms. Mallek would probably say it has been 12 years. She encouraged the issues to be addressed, adding that it is not fair to staff.

Mr. Gallaway asked Mr. Walker if he had what he needed.

Mr. Walker said he believed he understood the question, and he would work with staff to provide an answer to the Board.

Mr. Gallaway asked the Board members if they had any other items.

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Ms. Palmer informed the Board that the SWAAC Committee in April will be having a presentation from a group in Pennsylvania who has done a study on litter, trash problems, and the lack of convenience centers for people to dump trash. She said she had no idea of what they would be hearing, but she was told it is apparently a rather comprehensive study. She said it will be on the website afterwards, and she would send out more information. She said she knows some of the Supervisors have talked at length about litter and illegal dumping, so she wanted to mention that.

Ms. McKeel added that the County is currently awash in litter, and it is horrible and appalling.

Mr. Gallaway said for his item, he did not need an immediate response, but help in understanding. He said he had a concern come from a constituent in Belvedere, where there are some main streets and boulevard pieces where the traffic is separated, and the cars park in the direction of the traffic. He said beyond the alleyway, there are a lot of side streets cutting around some greenspace where cars are parking the opposite way. He said if traffic is two-way on the street, they are not parking in the direction of the traffic one would expect.

Mr. Gallaway said the concern is that with as much pedestrian (and especially children pedestrian) activity in this neighborhood, which he has noticed himself, there are some very short sections of street. He asked whether or not this parking is allowed. He said if there is nothing stating one cannot do this, it does look to him to be a safety issue. He said he was asking staff if they could bring back some more information so that he can understand it, and once he understands it, he may follow up with some questions or additional requests.

Mr. Walker said he could do that.

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Agenda Item No. 17. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Jeff Richardson, County Executive, presented his report. He thanked the Board for allowing him to report some of the things that are happening in the community and the work of staff, adding he is always very appreciative of staff's work and the opportunity for this time to share with the Board and the community.

Mr. Richardson said that nearly 2,000 individuals ages 65 and over received a vaccine over two days at Monticello High School Auditorium. He said this happened just over a week ago. He said the clinic site was managed by the Regional Emergency Operations Center. He said this was the first site in the region to administer the Johnson & Johnson vaccine. He said among the vaccinators that day were several Albemarle County Fire & Rescue EMTs to include Fire Administration staff, who were qualified to administer vaccines, and the fire chief, who was first to administer the first shot at the clinic.

Mr. Richardson said these operations went incredibly smoothly. He said people were getting from the front door to the stage for their shot in under 15 minutes. He applauded staff for the synchronization in getting people in through the process and out the door in a timely manner.

Mr. Richardson said in partnership with the Blue Ridge Health District (BRHD), nearly 300 people of color ages 65 and older were vaccinated at the Yancey School Community Center on February 21. He said this event specifically focused on increasing vaccine access in communities of color. He said it was a wonderful partnership with the Yancey Advisory Panel, the Fire Rescue Department, and the BRHD.

Mr. Richardson said Albemarle County's first historic marker through the local historic marker program was installed on February 26 at the site of the Albemarle Training School. He said the school operated as the Albemarle Training School from 1886 until 1950 and was the only school in the region that provided educational opportunities for African American youth beyond seventh grade. He said following integration, the school closed.

Mr. Richardson said this site is on Rio Road West and will be the first of several historic markers the County intends to install. He said a more formal unveiling will be planned when COVID-19 restrictions are relaxed, with participation by several school alumni, of which several were shown in the picture on the slide, along with Ms. McKeel and Mr. Dan Foley, who helped to oversee the installation, and Ms. Dede Smith, a local historian.

Mr. Richardson said the Heritage and History Project in the Yancey lobby is a curated space to recognize the legacy of Mr. B.F. Yancey and his efforts to foster education for African Americans in Esmont segregated schools in the early 1900s. He said this exhibit features stories gathered on an oral history day from students who attended B.F. Yancey, as well as the history of the Esmont community and

African American education in Albemarle. He said this exhibit will open to the public when they are able to relax COVID-19 restrictions, and they look forward to sharing this with the community.

Mr. Richardson said the Stream Health Initiative has launched a Community Learning Series on Fridays at noon through April 9, partnering with local experts in a range of areas related to water quality in the Rural Areas. He said the first two events were very successful, each drawing over 50 participants, and can be watched on the County's YouTube and Facebook channels.

Mr. Richardson said the Rio Corridor Plan is now officially underway. He said the goal of the project is to develop a community vision and plan that will guide future design and improvements of the Rio Corridor. He said a kickoff event to share information about the project and how to get involved will be held next week. He said there are two options: Thursday evening and Friday at noon. He said both sessions cover the same information, with over 70 residents logging in to learn and ask questions. He said one can learn more about the project and how to access these meetings at [albemarle.org](http://albemarle.org).

Mr. Richardson said as the Board was aware, there were several snow events in February. He said even though the County's buildings were closed to walk-in customers at times, the buildings provide office home base for first responders, and the County Office Building at McIntire serves as a fueling station for Albemarle County Public Safety and JAUNT. He said their Facilities and Parks and Recreation teams work weekend days, nights, and very early mornings (starting as early as 3:00 a.m.) to keep the County's buildings and fueling pumps accessible. He thanked the team for doing an outstanding job in keeping the facilities safe and open for all the necessary traffic to keep all public safety functions moving during inclement weather.

Mr. Richardson introduced a section of the report called "2020 By the Numbers." He said this report was on the Consent Agenda at the Board's February 17 meeting, but he wanted to highlight the building permit activity in Albemarle County in 2020. He noted the chart on the screen included a great deal of data. He said 2020 had the greatest volume of building permits in over nine years. He said 9.7% of building permits were issued in the Rural Area, and over 90% of the building permits were issued in the Development Area. He said the types of units vary, with about a quarter of the units being single-family detached and the remainder being a mix of multifamily, townhouses, and other types.

Mr. Richardson said building permits are the start of the project. He said the certificate of occupancy comes near the end of the project, when one begins to see new units coming online for rent or for sale.

Mr. Richardson concluded his report. He thanked staff for the work they do, including the work others may not be aware of that they do for the betterment of the community.

Ms. Mallek asked others to think about the great success that was described in the report, that 90% of the building permits were in the Development Area because of all the work over 30 years to have the Development Areas be places where people want to live. She said it is important that the County is being careful not to mess this up, whether it is not addressing the shortcomings they have for infrastructure or making it so crowded that people do not want to be there. She said there is a wide range of demands and stresses they need to think about.

Ms. Mallek said when it was 50/50 in the split from rural to urban just 15-20 years ago, this is a spectacular movement of growth. She speculated that some of this may be that people do not want to live out in rural places anymore, which she understands. She said this is a spectacular statistic, in her view.

Ms. Price said this was an amazing report, given they are coming through the pandemic, and it demonstrates the strengths of certain parts of the economy (though they know other parts of the economy are struggling), but it also demonstrates the work of County staff.

Ms. LaPisto-Kirtley thanked staff for all the hard work they have done. She said this shows they are not only moving but looking toward the future.

Ms. Palmer agreed.

Ms. McKeel said it was a great report and thanked staff for their hard work. She said at some point, it may be nice to hold a celebration with staff for all of this. She reminded everyone that there are challenges, however, in the Development Area, and they have to remain focused on getting the infrastructure built to handle all of these folks. She said she does think they are rolling out some Smart Scale projects through VDOT that will make some differences, but she would encourage them to remember that the Development Area also includes older areas (not just new), and the infrastructure must be maintained in the older areas as well as the new.

Mr. Gallaway said this was well said. He said he spoke to a news reporter the week prior about the year of the pandemic and getting staff together. He said while they made a seamless transition to virtual meetings and were cautious by reducing the agenda, they have been successful in getting a lot of work done. He said it is amazing, just with the joint meeting with the School Board recently with the focus on social-emotional learning for students, they have to remember that even for adults, there is something to be said about social camaraderie, being able to see people in the halls, and chat. He said this has been missing for a year now, and there is a value there he cannot wait to get back to so that they can have that interaction again.

Agenda Item No. 11. Closed Meeting.

At 4:00 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 (3), to discuss or consider the acquisition of property for a County facility in the White Hall Magisterial District, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board.

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.

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Agenda Item No. 12. Certify Closed Meeting.

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

Ms. 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.

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Agenda Item No. 13. 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. Tom Eckman (Rivanna District) said he is a member of IMPACT, which applauds the Board for creating a Housing Policy which includes a housing trust fund.

Mr. Eckman said this has been a long time coming. He said his organization started conversations with the County Supervisors about the Affordable Housing Trust Fund back in 2009. He said many have been forced out to live outside the County since then, became homeless, or even passed away since then. He said today is a new day, and IMPACT is excited to see the County getting serious on this critical issue.

Mr. Eckman said now, the hard work begins. He said the budget needs to use the trust fund to create units that are affordable at 60% AMI and below. He said this means bus drivers, bank tellers, retail and restaurant staff and so on will have a place to live in the County. He said local experts estimate that it takes \$30,000 to build one affordable unit. He said \$5 million per year would build 167 units, or 1,660 units in 10 years. He said each dollar can be leveraged eight times in the private market.

Mr. Eckman said in order to do this, they need bold steps in their thinking, like changing the zoning to allow more of these units to be built and identifying and designating reliable income sources so that it never goes unfunded, which includes finding new options for revenue and also using proffer monies. He said a diverse committee should be created to decide the best uses and recommend who gets funding. He said the funding's uses should be defined, such as buying land, leveraging for building units, or even repairing homes to make them more affordable. He said the people being served should be defined, as well as duration of affordability. He said oversight and reporting should also be included.

Mr. Eckman said IMPACT stands at the ready to discuss their research and ideas on these items, especially the funding on an annual basis. He said they applaud this first step, and another step would be to attend the Nehemiah action on March 25. He said he knows Mr. Gallaway and Ms. Mallek were attending, and IMPACT appreciates this.

Mr. Eckman said they need to move quickly with the goal of getting the trust fund operational by January of 2022. He said he understands the County is receiving \$20 million from the American Rescue Plan. He encouraged the Board to be bold and get the fund rolling and funded with \$5 million at that time. He said this would be a great start for creating more affordable units. He thanked the Board for their time and said he looked forward to working with them in the future to create more affordable homes for people where they need it.

Mr. Gallaway closed Matters From the Public.

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Agenda Item No. 14. **Public Hearing: CPA202000001 – Housing Policy**. To consider proposed amendments to the Housing Policy section of the Albemarle County Comprehensive Plan. The Housing Policy updates would revise recommendations and strategies related to housing programs in the county.

The Policy would revise information related to housing programs by: introducing new housing policy objectives and strategies; identifying a set of priority actions; and establishing a policy implementation timeline.

The Executive Summary forwarded to the Board states that on July 23, 2019, the Albemarle County Planning Commission adopted a Resolution of Intent to amend the Comprehensive Plan with an updated Housing Policy. Since that date, staff has been engaged in work to update the current housing policy, in collaboration with community stakeholders. Staff introduced the draft Housing Policy during work sessions with Planning Commission (August 11, 2020) and the Board of Supervisors (October 7, 2020), as well as a joint Board and Planning Commission work session in December 8, 2020. The draft Policy was introduced to the public in February 2021 and feedback was solicited via the Housing Albemarle page on the County website. The proposed Policy now presented incorporates the feedback received.

Albemarle County is committed to creating sustainable communities and safe, decent housing opportunities for County residents. Since 2004, the Comprehensive Plan and Affordable Housing Policy have provided guidance on how the County meets 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. To ensure the County continues to provide sufficient and appropriate housing opportunities for current and future residents, the County embarked on an effort to update the housing policy in October 2019.

The proposed Housing Policy presented here (Attachment A) is the culmination of this work. The new policy recommendations provide the tools necessary to meet the diverse housing needs of all county residents regardless of income, race, age, or special needs. The policy includes initiatives to support the construction of affordable and workforce housing units; to preserve existing housing and communities; to expand housing options and support for the County's most vulnerable community members; and to inform and empower the Albemarle community to engage with affordable housing issues.

Staff received feedback from the community on the draft policy throughout the engagement process facilitated via an online platform <https://publicinput.com/Project/AccessCode?id=CR%2fWnGZlcwBLgmiBHb9QQ%3d%3d>. Staff incorporated many community suggestions, and the feedback received from the Board and Planning Commission, into this draft of the Policy. Major changes include:

- addition of an 'At a Glance' section at the beginning of the policy;
- addition of definitions for minimum affordability periods; and
- identified potential use of County-owned land for affordable housing as a priority strategy.

These and additional changes are presented in Attachment B. A public feedback review is available in Attachment C.

If this Housing Policy is adopted, the Housing Planner would work with staff to incorporate the policy objectives and strategies into a future Comprehensive Plan update and to incorporate changes to the zoning ordinance driven by the new housing policy. In addition, staff would begin developing the recommended housing programs presented in the Policy, which will be presented to the Board for consideration at future dates.

Incorporation of the updated housing policies into each of the comprehensive plan and zoning ordinance update processes are anticipated in the staffing levels for those projects. As specific housing programs are scoped and brought forward for Board consideration, any budget impacts will be included in those program discussions. Future implementation of some of the individual policy objectives may require County investment. These budget requests will be addressed as policy objectives move forward.

Staff recommends that the Board adopt the attached Resolution approving CPA 2020-00001 (Attachment D) and the proposed updated Housing Policy (Attachment A) after the public hearing.

By consensus, the Board deferred CPA202000001 – Housing Policy back to the Planning Commission.

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Mr. Gallaway noted that in order to meet Virginia Code provisions, this item will come back to the Board as a Comprehensive Plan amendment after the Planning Commission acts on it in the public hearing. He said the action they were leading to at present was to send this back to the Planning Commission for a public hearing, where it would then work its way back to the Board.

Ms. Stacey Pethia, Principal Planner for Housing, noted that staff would be taking public comments related to this as well. She said the proposed policy has been introduced to the public, and staff has received public comments on it, which she would share with the Board.

Ms. Pethia said her presentation would cover an overview of the process that was followed during the drafting of the proposed policy, and then the proposed policy itself. She said she would cover a summary of the feedback received during the February public comment period. She said they will cover key changes to the policy document since the December joint work session with the Planning Commission and the Board of Supervisors, then cover proposed next steps to the Board should the Board choose to adopt the proposed policy in the future.



Ms. Pethia said she would begin with an overview of the process, and she presented a timeline, noting the Board had seen this several times so far. She said the timeline shows how the Housing Policy has progressed since 2004. She said the current process started in July of 2019, when the Planning Commission passed a resolution of intent, giving staff the go-ahead to move forward with updating a new policy.

Ms. Pethia said there was a public engagement process held from October to December of 2019, and staff worked with a stakeholder committee through February of 2020. She said there were three work sessions held in 2020 with the Planning Commission and the Board of Supervisors, and a public comment period introducing the draft policy to the community in the first weeks of February.

Ms. Pethia said there are four rationales behind updating the policy, which came out of the 2019 Regional Housing Needs Assessment that was released by the Thomas Jefferson Planning District Commission (TJPDC). She said this report highlighted a number of issues related to housing in Albemarle County, four of which are the driving factors behind staff's recommendation to work on updating the current housing policy. She said those include estimated continued population growth over the next 40 years and the need to ensure a variety of housing types affordable to a full range of incomes, moving forward.

Ms. Pethia said the report identified more than 10,000 renters and homeowners who are paying more than the recommended 30% of their income towards housing costs, so there is a need to adjust housing cost burdens in the County.

Ms. Pethia said the projected increase of 26% in the number of seniors in Albemarle County between now and 2040 indicates the County will need more senior-friendly housing options or programs to help seniors age in place in their current homes.

Ms. Pethia said finally, there is a continued need to provide housing to the County's most vulnerable residents, which includes those persons experiencing chronic homelessness as well as differently abled households.

Ms. Pethia said staff worked with the community in several different ways to gain feedback and better understand the housing issues residents are experiencing. She said the Housing Policy objectives and strategies that are proposed in the document the Board has received are based on the information staff collected through that process. She said over 400 community members were engaged, and staff worked with a seven-member stakeholder committee to review all of the information they collected through the community meetings. She said this information was used to draft the proposed Housing Policy.

Ms. Pethia said the Housing Policy itself continues to support the County's vision for communities that are abundant, natural, and rural, and to provide healthy ecosystems that are active and vibrant. She said it also continues to support the County's overall housing goal of ensuring that housing is decent, safe, and sanitary in the County and is available to all persons regardless of age and income levels, located in the Development Areas.

Ms. Pethia said the proposed policy includes 12 policy objectives and 39 corresponding strategies and action steps. She said she would not be going over those that evening, but she would talk about how these fit within seven broad policy categories, which include increasing the overall housing supply; increasing the supply of affordable workforce housing, both rental and for-sale; preserving existing communities and housing stock; increasing community engagement and housing issues within the County; making sure they are addressing fair housing and community equity issues; providing support for homeless and special populations such as seniors and those who are experiencing disabilities; and the creation of sustainable communities.

Ms. Pethia said she would not be discussing all the objectives and strategies contained in the proposed document, but staff did want to highlight a few of the key strategies, which are very different from what the current Housing Policy includes. She said these key strategies include increasing the amount of affordable housing required under rezonings and special use permits from 15% to 20% of total units.

Ms. Pethia said these strategies also include changing the definition of units that qualify as affordable housing where under the new proposed definition, affordable renting housing would serve households at incomes at or below 60% of Area Median Income (AMI), and where for-sale units will remain available to households with incomes no greater than 80% of AMI.

Ms. Pethia said the Housing Policy also proposes introducing a new category known as workforce housing. She said this would serve to fill the gap between the 60% and 80% AMI but below market rate housing.

Ms. Pethia said the policy also proposes that staff examine the need for and the feasibility of implementing a rental inspection district to ensure rental housing is safe, healthy, and decent.

Ms. Pethia said the proposed policy includes a recommendation that the County consider designating one or more areas within the County as housing rehabilitation zones. She said such a designation, which is authorized under Section 36-54.64 of the Code of Virginia, could offer a number of

benefits to developers to support the construction of affordable housing, such as reduced developer fees or special permitting processes. She said these benefits would apply to that area for a total of 10 years.

Ms. Pethia said other key strategies include implementing, via an ordinance, an affordable dwelling unit program, and also tracking a number of neighborhood affordable housing and community equity entities.

Ms. Pethia said the proposed policy has identified six strategies for priority action. She said these strategies include exploring options with County-owned land to develop a permanent affordable housing community, creating a package of developer incentives to support the protection of affordable housing units, and implementing an affordable dwelling unit program. She said it also recommends creating a sustainable housing trust fund, establishing a standing Housing Advisory Committee, and working with local partners to increase the number of permanent supportive units for persons experiencing chronic homelessness.

Ms. Pethia said that while staff would begin working on each of these strategies shortly after the new Housing Policy is adopted, the six-year timeframe incorporates time for staff research, work sessions with the Board for feedback on any new programs that are proposed, and the time needed for construction of new housing needs.

Ms. Pethia said finally, the proposed housing policy identifies a number of metrics designed to track progress towards achieving the policy objectives. She said the metrics shown on the slide were selected to track overall progress, and more detailed metrics to evaluate effectiveness of new programs will be developed as new housing programs are proposed.

Ms. Pethia said that between February 1 and February 15 of 2021, staff introduced the proposed policy to the public through an online forum. She said this website provided a link to the policy document and asked participants to complete a short survey about the proposed objectives and strategies. She said the survey also provided participants the opportunities for participants to submit comments, and staff received comments from the community members they had emailed as well.

Ms. Pethia said a total of 72 community members visited the website and completed the survey, submitting 172 comments. She said 90% of participants in the survey indicated the proposed policy either very accurately or somewhat accurately reflects the vision for housing in Albemarle County.

Ms. Pethia said overall, the Housing Policy objectives and strategies were well-supported, as between 59% and 81% of respondents responded that each of the categories addressed the needs listed on the slide.

Ms. Pethia said, based on the feedback received from both the Planning Commission and the Board of Supervisors during the 2020 work sessions, and based on the comments received from community members during the public comment period last month, staff did make some changes to the proposed policy being presented.

Ms. Pethia said there was a full list of changes included in the Board's agenda packet, but staff wished to highlight a few of the changes. She said these include adding an "At a Glance" section to the beginning of the document to serve as a quick reference guide for the proposed policy objectives and strategies, adding definitions for minimal terms of affordability to the "Definition of Terms" section, updating the number of approved units in the residential pipeline to provide a clearer picture of the remaining gap in anticipated total housing stock and total housing needs out to the year 2040, and adding a new proposed strategy (4C) directing County staff to explore options for supporting homeowners' efforts to connect to the public water and sewer systems.

Ms. Pethia said once the new Housing Policy is adopted, staff will begin working on four items immediately, which are in addition to those priority items identified earlier. She said one item will be working with Community Development staff and other County departments to formalize the implementation plan and timeline to ensure Housing Policy work coordinates with the work plans of other departments.

Ms. Pethia said staff will also finalize a proposal for awarding money through the County's current Housing Fund. She said staff will work with the Office of Equity and Inclusion and community members to establish the structure and charge of a Housing Advisory Committee. She said finally, staff will provide the Board with an implementation progress report six months from the date the policy is adopted.

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

Ms. Mallek asked if this was not the time for detailed questions but for those based on the overview, then wait until after the public hearing.

Mr. Gallaway said the Board members would have another chance to ask questions after the public hearing that evening.

Ms. Mallek said she would wait for that time. She said she had many questions and did not want to take too much time at that moment.

Ms. Price said she would also hold her questions until after the public hearing. She thanked Ms. Pethia and her staff for the work they have done.

Ms. LaPisto-Kirtley asked how many people were involved in the survey.

Ms. Pethia replied there was a total of 72 community members who participated in the survey online.

Ms. LaPisto-Kirtley asked if it was a range from all over the County.

Ms. Pethia replied that she did not know where they were located, as that information was not collected. She said there were some demographics collected, but she would have to pull those up and did not have them on hand.

Ms. Palmer said she had a variety of questions, but she would not ask them all at that moment. She said one that she believed was more of a clarifying question was that under "Action Steps" and Strategy 8B, it says, "In all residential zoning districts, allow accessory dwelling units (ADUs)." She asked Ms. Pethia to explain this to her, as perhaps she was reading more into it than she should. She asked if this meant that in any place in the entire County, someone can put up an accessory dwelling unit.

Ms. Pethia replied yes. She said this was indeed the intent behind that.

Ms. Palmer asked if she lived in an older neighborhood in a Development Area on a relatively small lot, she could just decide to put in an accessory dwelling unit. She said she assumed there would be setbacks, parking, and other components.

Ms. Pethia said the County would be able to create an accessory apartment program and craft an ordinance to go behind that. She said the ordinance would include all the information Ms. Palmer brought up. She said they can also restrict smaller lots to internal accessory units instead of an additional structure onsite. She said Housing staff would work with Zoning and Planning to craft that ordinance and bring it to the Board for work sessions to get their feedback and make sure that they are meeting the Board's expectations.

Ms. Palmer said so she was clear on what the zoning currently is, if she is in the Rural Areas and building a new house on a 4-acre piece of property, she can go ahead and put in an accessory dwelling unit by right at that point. She asked if this was correct.

Ms. Pethia said she was not entirely clear and would have to go back and read that.

Mr. Kamptner said if it is a dwelling unit, there has to be a development right, and it has to meet the minimum zoning density. He said if it is a large parcel, it is possible under the current rules.

Ms. Palmer asked if she only has one development right and she wants to put in a detached garage with an apartment over top of it, she cannot do that because it would be two development rights. She said she supposed it would have to be an attached garage with an apartment over top of it.

Ms. Palmer said she was asking this question for a couple of reasons. She said she is very concerned about being able to put in accessory dwelling units anywhere. She said this seems like a blanket statement that could create an awful lot of havoc and quality of life issues for the people who are already there.

Ms. Palmer said another thing is that she knows there are many people in the area who have finished basements they rent out, and this used to always be to students. She said this is a standard thing the County sees, and this is legal as the homeowners pay their taxes. She asked if those basement apartments have been counted in the list of affordable rental units. She asked if they have already gone through and figured out all those who have those extra units that Ms. Pethia talks about in the policy.

Ms. Pethia replied that this could be done through a survey of rental properties and landlords. She said she did not currently have a list of those small accessory units that are included on individual properties.

Ms. Palmer said she thinks this would be important because they are affordable houses, and as UVA builds more and more student housing, she has to wonder if those units would open up for residents for more affordable housing.

Ms. Palmer repeated her concern about the broad statement of having accessory structures in any area in the County.

Ms. McKeel said this was something she was going to mention as well, which Ms. Pethia has heard her say before. She said her experience is that in the Urban Ring neighborhoods where there are no HOAs or covenants, the mother-in-law apartments end up being rented to students. She said she has lived with that now for 40 years in this neighborhood and others, and she is very skeptical about adding them again. She said UVA has committed to providing 1,000 affordable housing units over some time period.

Ms. Pethia said she believed the time period was 10 years, but she was not certain.

Ms. McKeel said it is not currently known where those will go.

Ms. Pethia said this was correct.

Ms. McKeel said this could perhaps help the issue. She asked Ms. Pethia if the County has been in any discussions with UVA. She said for example, depending on where the UVA's property and the Foundation's property is located, she wanted to know if consideration has been made to growth area boundary adjustments for UVA to put in these units. She said she was just brainstorming because to go back into older neighborhoods and retrofit homes for something they were not built for, while these accessory units work perfectly in Belvedere because the neighborhood was built for them, she is very concerned.

Ms. McKeel said she is also concerned about jumping the gun too much. She said if they do have 1,000 units coming from UVA, they may be able to get students into those, though she did not believe those were not intended for students. She said her understanding was that those were intended for the UVA workforce.

Ms. Pethia said she believed that Ms. McKeel was correct that those units will be for workforce and not necessarily specifically for UVA, but in general. She said her understanding is that it will not be student housing.

Ms. McKeel said she is very concerned about the accessory dwellings and to give blanket permissions for them in these neighborhoods. She said some of the points she liked included those about the maintenance issues, and she is very happy to see the policy talking about sewer hookups. She said there are 254 parcels in the Development Area that are not hooked up to public sewer, which is a concern she is dealing with. She said she has had three come to her attention just recently. She said they are \$19,500 a piece to hook up, which is a lot of money. She said it was great this document was talking about it.

Ms. McKeel said to Ms. Pethia that this document indicates a lot of hard work, and she is certainly not against the policy completely. She said she just had some concerns, but she appreciated Ms. Pethia and her team's work.

Mr. Gallaway said he would ask his questions about the public hearing. He opened the public hearing.

Ms. Price read the public comment rules in English and the Board's translator, Mr. Camilo Osorio, read the rules in Spanish.

Mr. Gallaway asked Spanish speakers to pause after each sentence or couple of sentences to give the translator a moment to translate for the Board.

Mr. Osorio communicated those instructions in Spanish.

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Ms. Vicki Bravo said she is with IMPACT, an interfaith group of 25 congregations representing 15,000 people. She said there were also 14 other IMPACT members present that evening. She said IMPACT congratulates the Board on their excellent proposed Housing Policy, and they look forward to celebrating its approval. She said IMPACT is pleased that the policy includes the creation of an affordable housing trust fund – the best practice around the country for creating affordable housing.

Ms. Bravo said they also know that the Board is in the budget process, and there are many important priorities including education, broadband, public health and safety, economic recovery from COVID-19, and many others. She said all of these priorities rely on affordable housing – for children to be able to learn; for teachers to have a place to live; for businesses to hire; for people to get jobs near enough to where they work; for seniors relying on Social Security to live well and safely; for the people they recognize as essential workers who never stopped working during the pandemic but cannot afford to live there; for the people who immunize others and sanitize hospitals, schools, and businesses; and for the more than 4,000 households in the County who struggle to pay for housing.

Ms. Bravo said approving the new policy and the affordable housing trust fund will be a big step forward. She said IMPACT would urge the Board and staff to start working on implementing the trust fund while the Comprehensive Plan is being updated so that families can get the housing they deserve and need as soon as possible. She said they also look forward to seeing it funded robustly.

Ms. Bravo said she wanted to reiterate what Mr. Tom Eckman mentioned earlier in the meeting that the Nehemiah action is March 25. She said some of the Board members said they were unable to come, but the invitation was always still open, and IMPACT would love to see them there.

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Ms. Selena Espinola (Scottsville District) said she hoped everyone was well during these unprecedented times and thanked the Board for the opportunity to speak. She said she was representing her organization, Habitat for Humanity of Greater Charlottesville, as well as Southwood, the neighborhood she grew up in. She said 14 years ago, Habitat purchased the Southwood Mobile Park. She said for years, the residents of Southwood were promised better, safe housing and for years, they asked

themselves when it would finally happen.

Ms. Espinola said that as time passed, many of the residents worried what would happen if this never came. She said it was a scary time where the future was unknown. She said growing up, she would hear her parents, family, and friends talk about the new houses Habitat would build. She said they dreamed of the day when they would actually see trees start to come down.

Ms. Espinola said fast-forwarding to present day, they finally see all the decades of hard work pay off. She said her father no longer lives in the United States, but remains in contact. She said when she shared the news about her start with Habitat and the progress they have been making, her father was so happy and emotional because a new, safe home was a dream he envisioned for his family. She said this is the same dream and excitement that many other families share.

Ms. Espinola said momentarily, the Board would be hearing from two Southwood residents about their experience of redevelopment and their hopes for the future. She said Southwood redevelopment is advancing tremendously. She said land clearing has begun, and residents are being rehoused for the safety within the park as construction advances. She said Habitat is currently accepting applications for the first few homes that will be built and will be ready as soon as spring of the upcoming year. She said community members are beginning the design process of the second village of Phase 1.

Ms. Espinola said all of these achievements could not have been possible without the support of the Board, whom she would thank on behalf of Habitat for allowing them to follow through on their promises. She thanked the Board on behalf of Southwood and the hundreds of families who will soon have safe and affordable homes. She said even though her time with Habitat has been very short, it has not taken much time for her to realize that the partnership between the County and Habitat was crucial for this initial phase of redevelopment of Southwood. She said this same partnership will drive the future redevelopment phases of Southwood. She said now more than ever, Habitat and Southwood residents need continued support from the County.

Ms. Espinola said for those members of the Board who had not had the opportunity to visit Southwood or who have not been in quite some time, she invites them to come and see for themselves the magic that is happening.

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Mr. Alfredo Martinez said he has been living for over 15 years in the Southwood community. He said he is grateful for Habitat's project in the community. He said he and his children were so happy to find out that there is a new program in the community. He said his youngest child always goes to the construction site around it, and they are so excited to see that the project will be finished soon. He said as a resident of Southwood, he also knows Charlottesville and the spectacular people who live there. He said he knows Charlottesville also has a lot of drive to help others and the Southwood community, and he is happy for that. He said he knows the project will come to an end soon. He said he and his family thanks Habitat and the Board members.

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Mr. Nicholas Osario said he has been living in the Southwood community since 2005. He said he lives there with his wife and children, and they are so happy and thankful that the project is going on. He said they are happy that Habitat is helping them to build a good community. He said they are happy about the project that is going to start, and he thanked the Board members for their help. He said they are thankful they live in Charlottesville, and they see it as a helpful city.

Mr. Osario said he and his family have lived there for over 22 years, and they are grateful that Charlottesville opened its doors to them. He thanked the County for all the projects and for making Charlottesville a better place. He said he is thankful and wishes blessings to Charlottesville, Habitat, and everyone working together to accomplish these projects.

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Mr. Chris Hawk, Piedmont Environmental Council (PEC), said PEC supports the Housing Policy's initiative to provide 20% affordable housing based on the County's total housing stock and future population growth, with an emphasis on locating these units in the growth areas near transit and jobs, and with the connectivity needed to ensure other factors related to affordability are addressed.

Mr. Hawk said affordable housing should be generational, providing housing access for people throughout the housing spectrum. He said they know there is a difference between affordable housing and workforce housing, and they are excited to hear that this is being delineated within the policy. He said the recently approved Premier Circle rezoning is a successful example of the type of affordable housing the County should have produced as a result of this policy.

Mr. Hawk said while the policy is robust, PEC is concerned that it does not adequately address the limited affordable housing in Albemarle. He said they need a plan for future affordable housing, as there will be a drastic decrease in the current affordable housing stock.

Mr. Hawk said when considering the future outcome of the 2,077 affordable housing units called for with the new development and the policy, in addition to the current 980 affordable housing units that expire by 2053, Albemarle could have a mere 544 affordable units by 2053. He said unfortunately, 544 affordable units is only about 6% of the policy's theoretical goal of approximately 9,000 units. He said PEC believes the policy would benefit from the inclusion of metrics and action steps with which to engage

their success in creating sustainable, affordable housing.

Mr. Hawk said in order to supplement the affordable housing stock within the growth area, the policy should include 1) a scoring system when reviewing affordable housing in order to promote (a) long-term affordability, and (b) differentiation between affordable housing and workforce housing; 2) 30 years of affordability should be the standard, with 99 years being preferred; 3) require some percentage of affordable housing units to be sold and deeded as such; 4) encourage and assist in the formation of community land trusts; 5) increase the County's funding of affordable housing initiatives; 6) be flexible on lot and house size and their configuration for affordable housing; 7) create provisions to allow duplexes and other forms of soft density in existing single-family neighborhoods; 8) provide low- and no-interest loan programs for home repair or improvements; 9) invest in infrastructure such as water and sewer, sidewalks, and parks for older neighborhoods; and 10) facilitate the thoughtful construction of accessory dwelling units, with limitations to ensure they are actually contributing to affordable housing.

Mr. Hawk said more data about the existing, expiring forecasted and targeted affordable housing units can be found in the PEC's written public comments.

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Mr. Neil Williamson said he serves at the President of the Free Enterprise Forum, a local public policy organization focused on Central Virginia's local governments. He said he wished to compliment staff, specifically Ms. Pethia, for her outreach and engagement with residents, housing advocates, and the development community (those who build affordable housing).

Mr. Williamson said that while there are many good ideas in Housing Albemarle, there are also needs for improvement. He said he would focus on four specific policy issues that still need work.

Mr. Williamson said the first area was inclusionary zoning. He said Albemarle's current policy since 2005 requires new residential developers to construct 15% of all new units as affordable. He said for a variety of policy failures, this misguided policy has produced less than 50 units. He said rather than fix the flaws, the new proposal increases the requirement to 20%. He said this is bad policy. He said a paper released that week that he shared with the Board and staff demonstrates that inclusionary zoning negatively impacts housing affordability.

Mr. Williamson said the second area was rental inspection. He said Free Enterprise Forum's read of this proposal will create a new compliance department within Albemarle County. He said based on the current discussions of the new Community Development Department fees, they could see a new annual inspection fee to be created to fund this unnecessary bureaucracy. He paraphrased his friend Mr. Timothy Holbert by saying, "You don't make housing more affordable by making it more expensive."

Mr. Williamson said the third area was educational programs. He said many of the options discussed in the proposal are already being conducted by VHDA. He asked why they need duplication of government services provided.

Mr. Williamson said finally, it is important to recognize that the greatest enemy to affordable housing is NIMBYism. He said that while the Free Enterprise Forum does not take positions on projects, this Board has directed multiple decreases in density and generated several project deferrals in the face of neighborhood opposition to affordable, dense development that was in alignment with their Comprehensive Plan. He said NIMBYism and this Board has extinguished or delayed literally hundreds of potential Albemarle affordable units in the past 12 months.

Mr. Williamson said the Free Enterprise Forum believes in more housing everywhere for everyone. He asked if the Board of Supervisors does.

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Mr. Justin Shimp said he has brought many housing-related projects before the Board. He said he wanted to speak briefly about the policy, which he was very supportive of overall. He said he is somewhat in the affordable housing business, as he owns a 14-unit apartment complex in Nelson, very near his house, and is building four more affordable units in Nelson. He said it is a challenge to get them built.

Mr. Shimp said it is interesting to operate the units because he finds all the time that people call him desperate for housing. He said these people are often in terrible situations, and he just ran across a neighbor of his who lived in a shed about a quarter mile from his house for five months. He said no one would have known this person was there without running water or electricity. He said the need is real, and he thinks the efforts to address those for all the people who need housing are very important.

Mr. Shimp said he wanted to go over how this policy will perhaps affect developments as they come forward. He said he certainly agreed with some of Mr. Williamson's statements in that NIMBYism has caused a shortage of housing. He said they need to recognize this as they look forward to new projects.

Mr. Shimp said that aside, he would ask what happens if they go to the new 65% standard proposed in the Housing Policy. He said for neighborhoods that are like Riverside Village, and for a couple of small neighborhoods in development on Avon Extended, there will be a mix of triplexes, quadplexes, and townhomes, and a smaller 65% affordable unit number can be worked into this. He said there are triplexes, a stacked townhome with a small unit (like Riverside Village, where there is a 400- to

500-square-foot one-bedroom unit that has been successful), and they can make this work.

Mr. Shimp said he is very concerned, however, about the impacts of this new policy on the more urban Development Areas, and particularly in the Rio29 area. He said he has been following this, along with the Housing Policy, and found that at the Planning Commission, the numbers were 80% AMI for the affordable target in the Rio29 area. He said this has been historical number, and this is workable from a construction standpoint. He said when they get into five-story buildings with parking structures and the cost of all the land in those urban developments, however, he is very fearful that in the well-intentioned effort to create more affordable housing, it will have exactly the opposite effect.

Mr. Shimp said he has two projects that are underutilized parking lots where people have approached him and he has said that the new ordinance will be terrific to get new housing onto the property to use these extra parking.

Ms. Borgersen informed Mr. Shimp that his speaking time expired.

Mr. Shimp said while he could only encourage the Board to consider the impacts of the 60% on those areas that will be highly costly to build, he thinks this will be detrimental to actually doing density.

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Ms. Elaine Poon said she is a member of the Charlottesville Low-Income Housing Coalition. She said they work on affordable housing issues because they believe that housing issues are also racial equity and social justice issues. She said they are therefore so glad to see the tremendous work that has been put into this housing strategy. She thanked Ms. Pethia for her long hours of work on this, as well as her presentation. She also thanked for the Board for moving quickly to meet this dire need.

Ms. Poon said she works for the Legal Aid Justice Center, and they serve a number of tenants in the Albemarle community. She said as the County has shown through their wonderful interpretation services, Albemarle is the home of a great number of rich cultural communities, but some of these communities become under attack when their housing becomes unaffordable, as supply is increasingly squeezed in this region. She said the County's statistics show that the need is great, but the need is also exceptionally great in the low- and extremely-low-income households.

Ms. Poon said she asks that the Board and Planning Commission consider targeting these households. She said where there are dire circumstances, it requires bold, courageous solutions. She encouraged them to consider defining "affordable" as 50% AMI and below. She said she would lift up IMPACT's emphasis on the housing trust fund, and this needs to be sufficiently funded. She said the coalition is asking for a \$10 million per year investment.

Ms. Poon said they also encourage the Board to look at land use and zoning through a racial justice lens. She encouraged the Board to consider mandatory inclusionary zoning. She said she applauds the fact they are looking at the Zoning Ordinance carefully and thinking about strengthening it.

Ms. Poon said she hoped the County would consider the barriers to building affordable housing. She said some of the Commissioners and Supervisors already addressed some of the barriers that exist such as setbacks and other issues that may create a serious barrier to building someone's home.

Ms. Poon said she also would encourage the Board to consider increasing density in those areas that may have a history of segregation in that neighborhood. She said when it comes to protecting the rich cultural communities that already live in Albemarle County, she hopes the Board will support home ownership and tenant protections, as well as those who are living in mobile and manufactured homes.

Ms. Poon said finally, she wanted to emphasize not just in this process, but as well as moving forward with housing work in general to commit to community engagement that is authentic. She said there was a question about who took the survey for a certain process, and she would love to see what the demographic breakdowns were for the people who were able to access the engagement. She said she would like to see the economic, racial, and geographic information to make sure that all of those rich cultural communities are reached when they want to actually pass the Housing Policy.

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Mr. Garrett Trent said he is a member of the Charlottesville Albemarle Affordable Housing Coalition, whose mission is to advance affordable housing solutions, strengthen the housing continuum, and increase access to safe, secure, and high-quality housing in Charlottesville and Albemarle.

Mr. Trent said the Board received a letter from the coalition the day prior sharing their perspectives on the policy. He said they had a few things to highlight, adding that the organizations that are a part of the coalition are AHIP, Habitat Charlottesville, CRHA, Piedmont Housing Alliance, and TJACH. He said there are three areas they wanted to draw the Board's attention to in making sure they saw and read the letter.

Mr. Trent said the first area has to do with the proffer policy that, in many meetings and also in The Daily Progress, has clearly shown that it has not been working. He said the coalition would applaud the affordable dwelling unit ordinance that is called for in Objective 5, and they wanted to make sure the Board knows that there is a lot of work that needs to happen to really define exactly what that ordinance will do and what effect it will have.

Mr. Trent said they feel this is a good first step, but there are many things to pay attention to in the coming months. He said one is getting rid of the loopholes. He said the coalition wants to make sure that this ordinance ensures that rentals and home ownership units are being rented or sold to income-qualifying renters or purchasers. He said in incentivizing greater affordability, the data is showing that households earning 60% of AMI and below is where the greatest need is, so they need to make sure they have an ordinance that follows that.

Mr. Trent said looking comprehensively at home ownership, there is a full breadth of ways to support home ownership. He said home equity is social equity, and the coalition wants to make sure there is an opportunity to help build wealth for those homeowners.

Mr. Trent said the coalition wishes to be partners. He said they recognize that nonprofit partners can assist in the safeguarding process that the affordable dwelling unit ordinance is designed to do.

Mr. Trent said regarding County land, there was a provision in Strategy 1A saying that County land would be used to develop a permanent affordable housing community. He said while the coalition applauds this use, they feel that it is too narrow in that there are many other ways of getting affordable housing other than specifically permanent affordability. He said he wanted to draw attention to that for thinking about what the best use for County land is.

Mr. Trent said Southwood is not mentioned specifically in the policy, and the coalition understands why that is.

Ms. Borgersen informed Mr. Trent that his speaking time expired.

Mr. Trent said as moving into the strategic planning process, the coalition wants to make sure that Southwood is a top priority.

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Ms. Valerie Long with Williams Mullen said she often works with developers, home builders, and other landowners on rezoning applications and other projects that come before the Board that require rezonings or other discretionary approvals to be able to develop projects with residential units that are consistent with the density limits recommended in the master plans and Comprehensive Plan. She said she works on these issues all the time.

Ms. Long said she wanted to first state how much the development community wants to be a partner with the County, nonprofit groups and other groups in town, and communities of need to help further the goals of this policy. She said it is a thoughtful policy, and there is a strong desire to make it effective for everyone.

Ms. Long said in her experience, the regulatory barriers are the largest challenge to carrying out the goals of the current plan, and those barriers would be even more challenging under the increased goals of the proposed plan. She said she was very encouraged in particular by the recommendations in Objective 8 about reducing the regulatory barriers to look at things like the master plan language, Zoning Ordinance, and Subdivision Ordinance, among other things. She said the potential changes to those ordinances could be very effective and even critical in helping the development community effectively partner in furthering the goals of this plan.

Ms. Long said her guess is that most, if not all, of those changes could take several years before they would become implemented and effective. She said her concern that she would ask the Board to consider is the timing for when those changes could come into effect that would reduce those regulatory barriers, and the implementation of the new goals of this plan. She said her concern is that with the three significant ways that this plan would increase the burden on the development community, those requirements would be put in place long before the associated benefits of the regulatory changes would become effective.

Ms. Long said those three changes she was referring to are increasing the affordable requirement from 15% to 20%, enhancing the affordability requirements from 80% AMI to 60% AMI, and increasing the affordability period from 10 to 30 years. She said these are all laudable goals, and she understands them and supports them, so long as the regulatory barriers can be reduced at the same time so that there is balance and so it is possible for the development community to successfully do their part to contribute.

Ms. Long said that from a more global perspective, she would ask that when the Board considers plans going forward, regardless (and echoing some of the comments already made), they consider focusing as much on the benefits of the proposed units that could be provided, at least to an equivalent degree as they always consider the potential adverse effects.

Ms. Borgersen informed Ms. Long that her speaking time expired.

Mr. Gallaway closed the public comment portion of the public hearing and brought the matter back before the Board for questions, comments, and discussion.

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Ms. Mallek said many of the things she would ask do not require answers immediately, but they are things to think about as the Board gets ready to send this back to the Planning Commission for their consideration. She said there are many aspects of this plan that she does support, and she thinks the



improvements that are needed will have a chance to come forward, especially on aspects where the Housing Plan almost seems to be dictating changes to zoning codes, in which the entire community really needs to participate.

Ms. Mallek said the first objective is a great idea, but it is something which is impossible. She said she is enough of a teacher of small children to realize that when one looks at things literally, they get perhaps a different understanding than what may have been intended. She said the first objective states, "Increasing the supply to meet the needs of all current and future residents of Albemarle." She said this is not possible.

Ms. Mallek said they need to take out the word "all" and understand that they are going to do their very best to increase the supply to meet the needs of residents. She said she does not want this to be used as an excuse to throw everything under the bus because it is a completely unattainable objective. She said this was her only word correction to make at the time.

Ms. Mallek said others have raised the issue of accessory units everywhere and are focusing on issues of crowding and facilities available to handle that. She said the reasons are several, and she agrees with those concerns.

Ms. Mallek said in recent discussions in the news, there has been a ridicule of the local government's objectives for open space and greenspace and how this is interfering with the ability to put hundreds of more units on properties. She said to her, this seems to be missing the point. She said first, low- and moderate-income residents absolutely have the same need and right to outdoor space than their more well-to-do neighbors. She said she thinks it is very unfair that people would think that it is okay if it's affordable housing to do away with those amenities rules and pack tons of units there.

Ms. Mallek said adding units on every lot does not ensure the affordability, nor that the housing will be occupied by people who need it. She said these are solutions that must be found in order for these old ideas to work.

Ms. Mallek said they also need to recognize that all streets and neighborhoods are not developed the same. She said in her district (and in all the others, as she suspects), there are many older neighborhoods constructed in the 1930s, 40s, and 50s where the streets are 10 feet wide and the right-of-way goes to the edge of the pavement. She said there is no place for sidewalks, bike lanes, or the extra traffic that comes with possibly doubling the numbers of units on that street. She said there are solutions that need to be found for this to be able to work without creating havoc for the 110,000 people who already live there, to whom the Board is their servants.

Ms. Mallek said this is a problem that affects not only affordable housing, but many other aspects, and has come up frequently in the Crozet Master Plan discussion because of the older neighborhoods that feel totally left behind and were not constructed with the same standards as the more modern neighborhoods that have space to do many things. She said she wanted to make sure everyone understood that point of view, adding that it was not a criticism of the people who want to move in. She said it is a matter of how to do this.

Ms. Mallek said preserving the NOAHs (Naturally Occurring Affordable Housing) is incredibly important because there are thousands of residents of the White Hall District who are in their 80s and have lived in their houses or their fathers' houses from the 1930s. She said they have nowhere to go, and their resources are limited to be able to pay costs. She said while she understands they need to consider the benefits of new units for new residents, which is absolutely true, making sure that they are not driving out a large segment of the older population because they cannot afford the taxes required to pay for these things is a real problem.

Ms. Mallek asked how the County will control the land of a trust fund operation to ensure that the funds the County puts in will be properly managed. She said this was with regard to an article that day that was circulated from the Richmond Times Dispatch. She said the permanent affordable housing community on County-owned land is a question that sounds lovely, but it is a complete change in policy from what Albemarle County has done so far. She said they have no complexes that they manage for affordable housing, and they would have to stand up a housing department to manage this.

Ms. Mallek said she prefers that they phase their activities and really focus on what is achievable right now, which is eager developers who would like very much to work with the affordable housing agencies (and are doing so now) to have turnover ownership control of those affordable units that would be constructed and therefore keep them as permanent units.

Ms. Mallek said she has felt completely undone over the past 15 years by the failure of the County's policy and the loss of the ability of these units that have been put in to be occupied by the people for whom they were designated. She said it is a failure of management, training, communication, and all sorts of things where the Board over her 13 years should have done a better job as well to change this sooner.

Ms. Mallek said she thinks they need to answer all these questions all at the same time as they move forward, and they have time to do that with the Planning Commission taking their time.

Ms. Price said she first wanted to thank everyone who spoke up that evening, both those from their personal perspective and especially those who were able to utilize the resources of the translator, for

which she appreciated the County making that available. She said she also would thank those who spoke from their professional background, be it through a nonprofit group or as part of the development industry. She said she thinks their comments have helped the Board to see the complexity of the situation and the policy and philosophy sometimes running headstrong into practicalities and realities. She addressed Ms. Pethia, noting those are the things that need to be worked on.

Ms. Price said she first had a very practical question. She said the Supervisors have been receiving a lot of emails lately about the Housing Policy. She asked if they are addressed to the Board as a whole, they are automatically coming to Ms. Pethia and if the Board members receive emails individually, they should be forwarded to Ms. Pethia so that she and her staff will have that information.

Ms. Pethia replied yes. She said the ones addressed to the Board as a whole do not come to her, either. She said any comments about the policy the Board receives should be forwarded her way.

Ms. Price said she would go into more substantive comments. She said 50 years ago, the population of Albemarle County and the City of Charlottesville were virtually identical. She said that in the last 50 years, Charlottesville (which is land-locked) has seen their population increase by about 15%, whereas Albemarle County's has increased by about 175%. She asked if the Board wants to maintain its policy of 5% Development Areas and 95% Rural Areas, that means they have to fill in substantial density into the 5% they have.

Ms. Price said in order to do that, she believes they must recognize that the historic, suburban neighborhood model of detached single-family homes is insufficient to meet the current and future needs where they have multigenerational extended families, and that greater variability of types and modes of housing in the developments is essential. She said auxiliary dwelling units are one of those.

Ms. Price said she experienced this firsthand when she needed temporary housing for about a year and lived in an auxiliary dwelling unit in a place called East Beach in Norfolk, where they were able to blend in the single-families, multi-families, and auxiliary dwelling units. She said she is actually a proponent of increasing the opportunities for those types of developments, and she thinks it can be done in a fashion that will not destroy the neighborhoods as they are known. She said this ties in with zoning as well, and this is complex as they look at housing, zoning, Comprehensive Plans, and master plans.

Ms. Price said the overly restrictive covenants in zoning has adversely impacted the diversity and economic opportunity in the community, and this has resulted largely in an economic segregation, which too often falls along ethnic or racial lines. She said if they can expand the diversity of the housing that is available, she thinks that they can start to impact against that trend.

Ms. Price said she fully supports the establishment of an affordable housing trust fund. She said she has mentioned many times that she thinks the most reliable and consistent form of funding that is through property transfer fees.

Ms. Price said she was thrilled to see the part in the policy about helping existing homeowners connect to the water and sewage systems. She said that as Ms. McKeel mentioned, this costs \$19,500. She said this is something that once those systems are in place, the County should help families connect to that in such a way that it does not bankrupt them. She said it is better for everyone this way. She said she sees this as a very major equity issue in the existing housing stock in the Development Area, which often affects people whose finances are somewhat of a struggle for them.

Ms. Price said things like ADUs are possibly a way to allow older residents to find a source of income that allows them to stay in their house longer because they now have a way of reducing some of their expenses with the income made from that.

Ms. Price said she was definitely interested in removing the regulatory barriers to affordable housing, and she wanted to thank those individuals who spoke who have business or other experience in housing. She said their comments are very valuable to help the County achieve their goals and not have a great policy or philosophy that actually ends up undercutting the achievement of more affordable housing in the County.

Ms. LaPisto-Kirtley said she agreed with what much, if not all, of what Ms. Price just said. She said she does believe that the auxiliary dwelling units have to be managed carefully. She said she does think they can help a lot of people, but it does have to be managed carefully so that they do not have a lot of them destroying the character of the neighborhood. She said if one has enough land and area, she thinks this is a good way to address the matter.

Ms. LaPisto-Kirtley said she also sees a dilemma. She said they know 80% AMI is not working because they have sold 44 units in the last 10 years. She said when this is reduced, they also have to increase density, which is another problem because they do want the amenities, greenspace, trails, and parks in a development. She said they also have to increase the density, and people do not want the density increased. She said they do not want the buildings to go higher.

Ms. LaPisto-Kirtley said the question, then, is if they eventually go out to the Rural Areas. She said it will be a tough decision to make, and she thinks the answer is not to go into the Rural Areas because as she has said before, she thinks they will lose Albemarle by doing this. She said she thinks it is important to develop in the Development Areas, but this will mean hard choices, and it will mean condos, townhomes, and multi-family dwelling units.

Ms. LaPisto-Kirtley said she did not have all the answers. She said the Board cannot just throw things out at staff and ask them to come up with a solution. She said she thinks the Supervisors also have to be a part of that solution to say what it is they will and will not accept. She said they are getting hammered on both sides of the issue, and they will have to make some tough decisions, which will be on the Board. She said she looked forward to seeing what the Planning Commission had to say and what can be done. She said there was not an easy solution here, and every decision the Board makes has a ramification.

Ms. Palmer said she believed the devil was in the details. She said she could not remember who said that when people read these things, they interpret it the way they want to interpret it. She said when she sees the affordable units in all residential zoning districts, she has the vision of carte blanche putting them everywhere. She said she thinks they have to be more specific when they put these words into the document, and she was concerned about that.

Ms. Palmer said she had to echo much of what Ms. Mallek said. She said that for the first strategy, "Meet the needs of all current and future Albemarle residents," she would take the "all" out because she does believe it is unrealistic to think that the County is going to make sure there is an affordable dwelling unit for anybody, anywhere who wants to move there. She said she was not trying to keep anyone out, but that it was unrealistic to have the stated strategy as a goal.

Ms. Palmer said she is concerned about the wholesale change in all the zoning ordinances because they do have people who value their quality of life that live in the Development Area. She said some of these things would truly badly impact some of the older neighborhoods. She said again, she needed to see the details.

Ms. Palmer said she thinks there are great things in the document. She said she is all for affordable housing, but they need to be careful to protect those who live in the County now.

Ms. Palmer said one thing that is more philosophical, while she was not trying to start a philosophical conversation, was that when they talk about all the rental units (e.g., triplexes, duplexes), this is great for some neighborhoods, but it is almost as if they are commercializing every single neighborhood because those are commercial properties, then, if there is a rental property.

Ms. Palmer said she did not know where to make the distinction between someone who rents out their basement versus someone who rents out all the units of a triplex (which she thinks of as more of a commercial operation). She said she is concerned about the loss of the idea of a strictly residential neighborhood versus a commercial one, and she does not know where the line is there.

Ms. Palmer said she is also concerned about, as Ms. Mallek mentioned, in the name of affordable housing getting rid of all the greenspace. She said people of all walks of life and income need to have greenspace and trees, and this is part of the Climate Action Plan. She said the Climate Action Plan includes putting in more trees and public transportation and concentrating people in more urban areas so that they are closer to public transportation.

Ms. Palmer said she will be very interested in hearing what the Planning Commission says because this is such a big, sweeping thing that, in her mind, lacks the detail to really define some of these issues of protection of some of the neighborhoods that have been there a long time.

Ms. Palmer said there are many homeowners in the County who are middle-income or lower-income and have trouble paying their taxes now, and if the County starts subsidizing these housing projects to the extent where it affects the tax rate, they are going to be severely impacting some of the people who are lower-income and lucky enough to own their own home. She said she had no idea what the solution was other than working out all the details bit by bit.

Ms. McKeel said she supposed that if this were an easy problem to solve, the all the communities across the United States would have already solved it. She said the County is not in this boat by themselves.

Ms. McKeel said she and Planning Commission Chair Julian Bivins looked very closely at their survey when it came out and back in September, and Mr. Bivins created a matrix for her that she saved. She said she had the matrix with her, and she would say that of the people who filled out the survey (as happens many times when the County sends out an electronic survey), 80% of respondents were white, 6.5% were Black, and 2.3% were Spanish, with the others unknown. She said 24% worked in Albemarle, and 17% worked in Charlottesville. She said 21% were from the northern urban areas, 12% southern urban, 10% southwest, and 11% northwestern.

Ms. McKeel said what she found interesting was that 64% had at least a college education or higher, and another 16% had some college. She said when looking at the income levels of the people who completed the survey, 30% made over \$100,000 per year, and 11% made up to \$50,000. She said she was trying to give everyone a sense of the survey.

Ms. McKeel said while the County tries to do a lot of outreach, she would not say that this survey was a broad swath of the community. She said she may stand corrected by someone from staff, but she was happy to email the document to them if they would like. She said perhaps Ms. Kilroy had something she could share later as well.

Ms. McKeel said going back to the document itself, it is a bit of a conundrum because they want it all and unfortunately, that is very difficult. She said she agrees about the greenspace, and for her people in the Urban Ring, it is not realistic to expect that people living there are going to be able to have the time and ability to get on a bus and ride it all the way out to Biscuit Run to get to greenspace. She said some way or another, they need to provide greenspace in the Urban Ring, in the community where they are going to live, and she thinks that it should be somewhat retrofitting greenspace for people who have been in the community for 40 years and do not have much of it.

Ms. McKeel said she does support the trust fund, which she thinks is a great idea.

Ms. McKeel said with all due respect to Ms. Price, she had to push back on the accessory dwellings. She said in a small town with a huge college, those units fill up with students. She asked Ms. Pethia what she would do to stop the students from taking over those accessory dwellings, as this is what she sees happening. She said some of them are married graduate students, but they are still students and are not teachers, nurses, and police officers.

Ms. Pethia said she would have to do some research on exactly what the County could do because they would need to make sure they do not violate any fair housing laws. She said she has been in discussions with Virginia Housing (formerly VHDA), and they are interested in working with the County to create a pilot project to work with lower-income homeowners to create an accessory unit within their home or on their property, where possible, to provide as affordable housing. She said working with Virginia Housing, the County could come up with a certain structure that would try to help avoid putting students in there. She said she did not have the details on that, however, because they had not gotten to that point yet.

Ms. McKeel said she knows this is what happens, and she can go around her Urban Ring and point out where the students are living. She said it is the result of having a huge university and not enough dormitories. She said even if they had enough dormitories, the students would not want to live in them anyway.

Ms. McKeel said she knew Ms. Long talked about reducing the regulatory barriers, and the Board hears this a lot. She asked Ms. Pethia if she had any thoughts around Ms. Long's comment on reducing those regulatory barriers as it relates to affordable housing.

Ms. Pethia said she thinks it is a good idea and again, some research needs to be done into which research would provide the most benefit. She said she would not want to get rid of everything across the board. She said she also thinks they can be provided as incentives so that if the affordable units are included within a development, there is a package of incentives, which could include reduced setbacks or reduced fees. She said she thinks it would be good to meet with the development community to better understand which of those regulations really create the most financial barrier to creating affordable units, and she did not want to just say to get rid of everything.

Ms. McKeel agreed that they could not do that, but they could find out which ones would make the biggest difference.

Ms. Pethia agreed. She said it would be best to work with the development community to identify those.

Ms. McKeel said it would be interesting, perhaps, to at least engage with the development community and see. She said she did not have any idea, but she knows the Board often talks about regulatory barriers in other discussions as well. She said she did not think they needed to do anything wholesale, but that it is worthy of at least a discussion.

Ms. McKeel said she appreciated looking at the matter of sewer hookups.

Mr. Gallaway said he did not necessarily need answers to his questions that evening, but he hoped this was something they could understand by the time it either gets to the Planning Commission or comes back to the Board. He said specific to the trust fund, he is very interested in the logistics of what happens if they pass this policy that puts a trust fund in place. He asked what would have to happen for it to go into effect, as well as the ramifications from legal, financial, and governmental perspectives. He said this was just him feeling as if they had the support for the trust fund (which he appreciates, as he does support that), but he wants to get into the weeds and understand how it is pulled off.

Mr. Gallaway said he wondered if the trust fund should remain separate from the Board's current Housing Fund. He said they have been parking and using money in the Housing Fund, and it has been at their disposal when things come up that they are able to react to. He said a trust fund seems more proactive in terms of saying they are going to go out and do things, but the question is if they can still be reactive and if the Housing Fund stays in place or moves to the trust fund. He asked what the relationship is between those two, if there is one.

Mr. Gallaway said he again supposed the creation of one to three years would fall under logistics. He said connected to this, the document states that the Housing Advisory Committee would have some guidance or oversight of the trust fund. He said he was not certain or clear that the Housing Advisory Committee is the same entity that would oversee the trust fund, which goes to his governance question. He said the trust fund governance should probably be a very tight piece because of the money that could

end up being in there. He asked if the Housing Advisory Committee would be that governance, or if there will be a separate housing trust fund board.

Mr. Gallaway said he did not expect all the answers that night, but by the time the policy comes back to the Board, he would appreciate having that information ahead of time to be able to think it through.

Mr. Gallaway said he thinks there is a real opportunity the way this has played out that this will go back to the Planning Commission. He said often, when something comes to the Board, it goes to the Planning Commission, who has their discussions and conversations. He said he always enjoys reading their minutes because they are very robust conversations at that level. He said they go through some changes leading up to the Board, and then the matter is in front of the Board.

Mr. Gallaway said that in the course of the evening, the Board was hearing things about the 15% versus 20%; the regulatory changes; whether or not it should go to 50%, 60%, or 80% AMI; and the new bureaucracy Mr. Williamson mentioned on the rental inspections. He said there are a lot of things that the Board typically has to quickly hear about, then make a vote in the same evening. He said they have an opportunity here to have some robust conversations about these specific things because it is going back to the Planning Commission.

Mr. Gallaway said he would encourage staff to think about how they are going to do this presentation at the Planning Commission since they and the Board have had a pass at this already. He encouraged them to use the opportunity of the second pass to go into further dialogue or discussion, if possible. He said if they are going to have conversations about what is right (e.g., 80% versus 60% AMI), they know the advocacy groups will push them one direction while developers will want to pull them back. He asked staff to use that to their advantage and have that conversation because likely, they will arrive somewhere in between those two pulls.

Mr. Gallaway said knowing the Planning Commission and the enthusiasm they had during their joint meeting with the Board about the Housing Policy, the Commission will rise to the occasion and have a robust conversation on these specific topics. He said he thinks this will be useful to the whole Board and help them make final decisions on these things when it comes back to them.

Mr. Gallaway said these were the things he would be interested in talking about, and hearing from Ms. Pethia as the Housing Director about the reason for 20% versus the current 15% affordable housing. He said the Board has heard concerns about that and about past performance, so he would ask why they were going in this direction. He said he would want to know why the Planning Commission would support that, and the Board members would have to state that when they vote at the next meeting. He said it would be the same setup for the other items such as the inclusionary zoning, regulatory items, accessory dwelling units, etc.

Mr. Gallaway said he wanted to jump in and have the conversations versus there just being an overview presentation, where they react and do a "Round Two" of what they have already done. He said this would be his hope as they move forward.

Mr. Gallaway said he heard quality of life for those people who live in the County now mentioned a few times. He said this was not a judgmental or critical statement as he knows they all recognize this, but there have also been many people who have attempted to live in the County who have not been able to, and the County does have to make some changes in that regard in order to allow them to do so. He said this means tough decisions about density, setbacks, and other things, and there is an opportunity to have good conversations. He asked Ms. Pethia when this would be going to the Planning Commission.

Ms. Pethia replied that she did not have the timeframe yet, but she would know this shortly.

Mr. Gallaway said he expected this would not be six months and presumed it would be sooner than that.

Ms. Pethia replied yes.

Mr. Gallaway said that while this is tough and there are things that they will probably have good conversations and debates on, he thinks they are all excited to do it because it is time to get a vote on this and get the Housing Policy put into place.

Mr. Gallaway asked the Board members if they had any additional comments.

Ms. Mallek said she believed that either the presentation or staff talked about how the Housing Advisory Committee would be spending money, and she thinks this is the job of the Board of Supervisors to spend taxpayers money. She said she would like to have this clarified before anything else happens. She said everything else she had written down was already on the record or had been answered.

Ms. LaPisto-Kirtley said she agreed with Ms. Mallek's concerns about the committee. She said she thinks the Supervisors should make any monetary decisions, and she thinks the committee should be more advisory because the Board is elected to make the tough decisions.

Ms. Palmer said one of the speakers asked about the overlap of the VHDA and some of the things they are doing that are suggested to happen in this Housing Policy. She asked Ms. Pethia to

comment on that at some point, perhaps in an email, as to what that overlap is.

Ms. Pethia said she believed the comment from Mr. Williamson was in regard to the recommendation to have housing-related education and programs. She said VHDA (Virginia Housing) does provide homebuyer and rental counseling, as well as the Piedmont Housing Alliance (PHA). She said the policy looks more at potentially working with Housing Choice Voucher program households and landlords they want to encourage to work in those programs. She said this is tailored to specific groups that are there locally.

Ms. McKeel said she agreed with Mr. Gallaway's comments about the trust fund, and she believed Ms. Pethia indicated to her at one point that she knew that once the Board started having these discussions, there was going to be a lot of work on what that trust fund would look like and how it would play out. She said she sent everyone an article that day that was in the Richmond Times about Richmond's woes with their affordable housing trust fund. She noted it was not to say she was not supporting it, but they should always learn from other people's mistakes and not remake them. She added that she was happy the document was going back to the Planning Commission.

Mr. Gallaway asked Mr. Kamptner if the Board needed to take an official action on the matter.

Mr. Kamptner replied that it has to go back to the Planning Commission by law. He said he assumed there was no objection to this from the Supervisors, so that would be the next step.

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Agenda Item No. 15. **Public Hearing: ZTA 201900006 Rio29 Form-Based Code and ZMA 202100002 Rio29 Form-Based Code Overlay District (Sign#29, 35, 36 and 45)**. To receive comments on a proposed ordinance to amend the Albemarle County Code to establish an optional form-based code overlay district in the Rio29 Small Area Plan Area, and a proposed amendment to the zoning map under Albemarle County Code § 18-1.7, Zoning Map, by adding one or more maps delineating the boundaries of the Rio29 Form-Based Code Overlay District and depicting the Core Character Area, the Flex Character Area, and the Edge Character Area therein. This overlay district is proposed for the area within a half-mile radius of the intersection of Rio Road and U.S. Route 29, except for (a) the Berkeley, Four Seasons, Woodbrook, Greenfields, Northfields, and Raintree subdivisions, (b) the Oakleigh NMD, and (c) Tax Parcels 04500000002600, 045000000026A1, 045000000026A2, 04500000002700, 045000000027A0, 045000000027B0, 045000000029A0, 045000000093A0, 045000000093D0, 04500000009500, 045000000095A0, 04500000010800, 06100000013400, 061Z0030000600, 061Z0030000700, and 061Z0030000800. Among other revisions, the proposed ordinance would: Add § 18-20C – Rio29 Form-Based Code to encourage development consistent with the Rio29 Small Area Plan vision, establishing compact development patterns of massing and density at an urban scale with a mixture of uses within close proximity to each other; permit property owners to opt into the Form-Based Code regulations or to retain their existing zoning; establish three Character Areas with different uses and forms; create street standards, building standards, parking standards, architectural design standards, and civic space standards to achieve the goals of the Rio29 Small Area Plan vision; establish affordable housing requirements for residential developments of 5 or more residential dwelling units developed under the Rio29 Form-Based Code; and permit increased building heights in exchange for additional affordable housing units. Amend § 18-30.6.4 to allow structures developed under the Rio29 Form-Based Code to qualify for a county-wide certificate of appropriateness.

The Executive Summary forwarded to the Board states that At its meeting on February 16, 2021, the Planning Commission voted 7:0 to recommend approval of both

(a) ZTA20200006 Rio29 Form Based Code and (b) ZMA202100002 Rio29 Form-Base Code Overlay District. The Commission's original staff report, action memo and draft minutes are attached (Attachments A, B, and C).

The Planning Commission did not recommend changes to the draft Form-Based Code or the proposed Zoning Map Amendment; however, there was significant discussion about the draft. Two public comments were made during the Planning Commission public hearing, and one comment was submitted privately during the meeting. A summary of the Commission's feedback and the public comments, along with staff's response, is provided in Attachment D.

Staff has made minor changes to the Form-Based Code draft to correct typographical errors, clarify language, and remove inconsistencies. Staff also updated the Affordable housing requirement section of the draft code (Sec. 20C.12) to ensure consistency with the County's Affordable Housing Policy draft. Other changes to the draft were based on Planning Commission feedback and are summarized in Attachment D. The updated draft Rio29 Form-Based Code is provided in Attachment E. An updated User Guide to reflect these latest revisions is provided at [www.albemarle.org/Rio29](http://www.albemarle.org/Rio29).

During the February public hearing, the Planning Commission highlighted the importance of additional public investment to incentivize property owners and developers to opt in to the Rio29 Form-Based Code and to ensure the success of the Rio29 planning effort overall. The Commission also provided feedback on future work to further improve and refine the Form-Based Code. A prioritized list of planning and design-oriented future work is provided in Attachment A6. The Board will be engaged on topics for future work during the annual review of the Community Development Department work program.

Staff recommends that the Board adopt: 1) the proposed Rio29 Form-Based Code Ordinance

(Attachment E); and 2) the proposed Ordinance to establish the Rio29 Form-Based Code District (Attachment F, which includes Attachment A3).

By consensus, the Board deferred ZTA 201900006 Rio29 Form-Based Code and ZMA 202100002 Rio29 Form-Based Code Overlay District indefinitely.

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Ms. Rachel Falkenstein, Planning Manager, said staff was excited to be presenting the final draft of the form-based code that evening. She said Ms. Accardi would kick off the presentation.

Ms. Michaela Accardi, Senior Planner, said she was joined by Ms. Falkenstein and Ms. Lea Brumfield. She said she would start by sharing an overview of the four years of staff work and community engagement that has led to this point, as well as the project overall. She said Ms. Brumfield would share recent feedback on the draft that has been shared with staff since November of 2020, and Ms. Falkenstein would provide an overview of prioritized implementation work related to this project. She said after the public hearing, there would be time for discussion, and staff had motions prepared for the Board.

Ms. Accardi said the Rio29 Small Area Plan was adopted by the Board of Supervisors in December of 2018, after two years of staff and consultant technical work and community engagement. She said the small area plan envisions the Rio29 area as a connected network of complete streets designed for all users – cyclists, pedestrians, transit, and vehicles – as well as a network of sustainable and usable public spaces and a diverse mixture of uses.

Ms. Accardi said the small area plan specifically identifies updating the Zoning Ordinance with the form-based code and the Character chapter as a recommendation. She said it highlights one of this project's main goals: to find the appropriate balance between regulation and flexibility. She said the goal is regulation to achieve the form and vision in the small area plan, as well as flexibility to accommodate market changes and a mixture of uses.

Ms. Accardi said following adoption of the small area plan, the Board directed staff to begin working on a form-based code for the Rio29 area. She said throughout 2019, staff led internal technical working groups, in-person and online community workshops, work sessions with the Planning Commission as well as the Board and facilitated project steering committee meetings. She said this work resulted in the creation of a draft framework for the ordinance. She said this outline of key concepts reflected the year of research as well as rigorous community engagement. She said the framework was supported by the Board in December of 2019.

Ms. Accardi said that over the past year, County staff have continued to collaborate across departments as well as with external agencies like VDOT, Fire Rescue, and local transit partners JAUNT and CAT. She said additionally, staff has hired the Form Based Code Institute (FBCI) and Dover, Kohl & Partners to facilitate a peer review of the draft ordinance, provide feedback, and develop hypothetical scenarios like the one shown on the slide. She said staff reconvened the Rio29 Steering Committee, held virtual sessions with property owners and community members, and held work sessions with the Planning Commission, Architectural Review Board, and Board of Supervisors.

Ms. Accardi said ultimately, these four years of work have culminated in the Rio29 Form-Based Code that was before the Board for consideration that evening.

Ms. Accardi said Attachment E of the staff report contains the entire text of the Rio29 Form-Based Code. She said she would provide a brief overview of the code itself. She said this is an optional overlay district that property owners may choose to opt into or develop using their existing zoning district. She said this code contains three character areas (Core, Flex, and Edge) that originated from the small area plan, and these character areas dictate applicable design standards throughout the ordinance.

Ms. Accardi said the building and site design standards align with the recommendations and vision of the small area plan. She said this code is uniquely different from other zoning districts in the County in that it includes more robust building and site design standards, broad categorical uses, and an affordable housing requirement with an optional height bonus for additional affordable units provided.

Ms. Accardi reminded the Board that property owners within the Form-Based Code District are eligible to opt into this overlay district by filling out a site plan application. She said if a property owner chooses to opt in, the regulations would be applied to the entire parcel. She said the code text also includes provisions for a phased development in the Administration section.

Ms. Accardi said the application process was something staff wanted to provide the Board with for the Form-Based Code District. She said a pre-application meeting is required in an effort to promote an efficient process and providing the applicant with an overview of the requirements, identifying any potential challenges early on, and building a common understanding of the proposed project between staff and the applicant. She said that as she identified on the previous slide, an applicant may submit a conceptual plan if they wish to phase development or utilize existing structures onsite.

Ms. Accardi said the application process reflects the County's existing review process for projects with a countywide Certificate of Appropriateness. She said an applicant would be required to submit an initial and final site plan.

Ms. Accardi said Ms. Brumfield would walk through the recent revisions and feedback staff heard

since the last time they were with the Board.

Ms. Brumfield said that over the course of the past year, staff has worked through numerous drafts of the code. She said they have solicited feedback from stakeholders, the Board, the Planning Commission, local interest groups, property owners, business owners, and the development community. She said in late 2020, staff sent over 300 postcards to invite property owners and community members to virtual presentations, where staff went over the overall code, the concepts behind it, and solicited feedback from the public. She said staff also worked with JAUNT and CAT, as well as various County departments, such as Parks and Recreation and Housing. She said they worked on architectural design with the ARB (Architectural Review Board) and also had Planning Commission and Board work sessions.

Ms. Brumfield said that in January 2021, staff opened up an online comment form that they sent throughout the County through the County newsletter, which was also posted on the front page of the Community Development website and put into community news, and they received feedback from that.

Ms. Brumfield said following staff's work session with the Board, staff did adjust the zoning map to align character areas and boundaries of the overlay district, making it more usable and realistic for current uses and putting it more in line with the actual boundaries of the properties.

Ms. Brumfield said staff adjusted the use table for drive-thru windows, which was something that was brought up previously in the Board's work session. She said this is now done through special exception in Flex and Edge as opposed to a special use permit.

Ms. Brumfield said staff did have a lengthy conversation with the ARB about use of particular architectural design standards for materials and providing quality buildings for the actual design standards in the Form-Based Code Overlay District. She said through that process with the ARB, staff also finalized the process for reviewing parcels in the entrance corridor. She said they used the process that is currently used for other types of developments being reviewed. She said the countywide Certification of Appropriateness is a process that staff already used, and it allows parcels that are within the Form-Based Code Overlay District to use that process so that instead of a standard Certificate of Appropriateness, it is a countywide Certification of Appropriateness.

Ms. Brumfield said all the draft revisions from this particular time period could be found in Attachment 5. She said those and the following changes listed on the slide were the ones since November 2020.

Ms. Brumfield said the Planning Commission did not recommend any changes at their February 16 public hearing. She said staff did make minor edits to address typos and inconsistencies, and in keeping with the Board's priority focus on affordable housing, staff did update the affordable housing requirements to make it consistent with the draft Housing Policy that the Board discussed earlier that evening.

Ms. Brumfield said overall feedback from the Planning Commission and public comment from that time period were found in Attachment D of the Board's packet.

Ms. Brumfield said specifically, the change for affordable housing included differentiating between owner-occupied and rented affordable housing, including anti-displacement and tenant relocation. She said the height incentives were adjusted accordingly. She said the incentive minimum thresholds were raised to be above the required minimum thresholds because it is not an incentive if it is required.

Ms. Brumfield said Ms. Falkenstein would present a list of future work and next steps for moving forward.

Ms. Falkenstein said she first wanted to call attention to the fact that a vote for adoption that evening did not mean that the work was done on the project. She said as is typical with zoning ordinances, staff fully expects to come back for future revisions, especially as they start to use this ordinance and learn what is working and what is not working. She said there will be additional work on this project.

Ms. Falkenstein said she also wanted to acknowledge that the ordinance has room for additional detail and more work. She said as seen in the Planning Commission's feedback, even though the Commission was recommending approval with no changes at this time, they called attention to some more detail and work that could be done to improve the quality of development and help achieve continuity in design and infrastructure within Rio29.

Ms. Falkenstein said staff has provided recommendations for future code work, as found in Attachment A6 of the packet. She said this is prioritized based on staff's work and the engagement they have done as well as the Planning Commission's feedback.

Ms. Falkenstein said she also wanted to call attention to some of the discussion that happened with the Planning Commission throughout the process, which is the fact that the form-based code is really just one tool for implementation. She said the Commission had quite a bit of discussion on and some of the public comments revolved around the topic of incentivizing development within Rio29. She said in the research that was done and in speaking to staff from other localities who have form-based code, especially in suburban redevelopment scenarios like Rio29, they learned that form-based codes often need additional tools and investment to be successful, and so additional work could be done to support



public investment if the Board is interested.

Ms. Falkenstein said if the Board does want to pursue this avenue, staff recommends reviewing their transformative projects from the Rio29 Small Area Plan. She said the plan, adopted in 2018, identifies 25 transformative projects, which are public capital projects that could help catalyze development within Rio29. She said there are projects that can support the growth they call for in the plan such as intersection, road, and transit improvements. She said there are also quality of life projects that will help support this area and make it more livable and walkable, such as parks and trails.

Ms. Falkenstein said staff recommends that if the Board wants further work around what public investment could look like within Rio29, a possible next step could be a process to review these transformative projects for their likelihood to catalyze redevelopment, their anticipated return on the public investment, and their alignment with the community core value to integrate equity and inclusion into the process. She said this is something staff could look at with an additional process and further Board direction as a next step to help support the implementation of the Rio29 vision.

Ms. Falkenstein concluded the presentation, adding that there were motions for the Board's consideration. She offered to answer any questions.

Ms. Mallek said in terms of future revisions, as this evolves, her concern is if there is an expedited process for these revisions. She said if the Board adopts something, they also need to adopt the fact they know it will need to evolve, and they need to do those things quickly rather than have each one take two years. She asked if this has been thought about already and if not, if someone could consider it going forward.

Ms. Mallek said as long as they are generally focusing their attention on the existing properties being able to easily change to employment sites and have flexibility within their borders to move walls along and other general types of things they have moved away from for over 20 years with tight restrictions, then she is happy to move forward.

Ms. Falkenstein said in terms of the revisions, she would recommend that the Board takes this up when they talk about the Community Development Work Program, which she believed was scheduled in May.

Mr. Charles Rapp, Planning Director, said this was correct. He said this was an item to consider and although there are not currently resources to do so, it is one of the many projects on the list to discuss during that conversation.

Ms. Palmer asked staff if they could pull up the slide that included the affordable housing changes. She asked if these were all incentives.

Ms. Accardi replied that it is a requirement within the ordinance itself. She referred Ms. Palmer to page 41 of Attachment B. She said there are separate requirements listed on the slide for the owner-occupied and renter-occupied units, and the approach is to allow three different options for each type of housing unit. She said a developer may choose to develop 20% of their housing units at 80% AMI, or fewer units at a greater level of affordability. She said this is an approach to allow some options in flexibility.

Ms. Palmer thanked Ms. Accardi for the clarification, noting that the part she had been missing was the "or," and she had been frightened that all three were required.

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

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Ms. Valerie Long with Williams Mullen said staff acknowledged at the beginning of their presentation the delicate balance between flexibility and regulation with this plan, and she agrees this is clearly the most challenging element of this, but it is what she thinks is also the most important. She said if this effort is to be effective and help further the County's goals for how this area will redevelop, it is critical that appropriate incentives are in place to make using this option worthwhile. She commended the Board for providing the direction that this be an optional ordinance, which is very important.

Ms. Long said her firm represents one of the owners of the largest parcel in the area that is ripe for development, and they are very interested in redeveloping it. She said that based on her review and analysis of the current ordinance's the pros and cons compared to the pros and cons of the draft plan, it comes out about even, at best. She said her concern is that those incentives are not there yet.

Ms. Long said she participated in the Planning Commission work sessions and heard many of the Commissioners echo the comments about the importance of those incentives, and she knows that staff has indicated that they will come later, with opportunities for that. She said like her comments about the affordable housing plan, her concern is that despite everyone's best efforts and hard work, it could take several years (if not longer) for those incentive provisions to be discussed, implemented, and adopted. She said in the meantime, this is lost opportunity for properties like the one she was referring to and others that have an interest, but may not have the ability to wait 3-5 year for the incentives to come along.

Ms. Long noted that the future work list for incentives was listed as a low priority, and she heard Mr. Rapp just say that there was not any funding for that future work, so it obviously provides more

challenges.

Ms. Long said with regard to affordable housing, those regulations that are in the draft plan that were just up on the screen are very aggressive. She said that in order for those aggressive goals to be met, it is critical that the incentives be in place that are robust enough to make that worthwhile. She said she was not sure that an additional floor in a building (unless it is a building the size of a city block) would even out quite enough.

Ms. Long asked the Board to keep in mind that redevelopment of property is even more challenging than initial development or greenfield development, which she thinks reiterates the importance of having those incentives either be in this plan when it is adopted or there be a focused and funded schedule for when those would be developed, with guidance provided as well.

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Mr. Neil Williamson said he is President of the Free Enterprise Forum, a privately funded public policy organization focused on Central Virginia's local government. He said he wanted to open by thanking staff for their long four years of outreach and engagement with property owners, residents, and advocates. He said he has learned a great deal about the entire Rio29 Small Area. He said considering the economic import of this area, the significant opportunities available, and the optional nature of this code (which the Free Enterprise Forum advocated for), the forum sincerely wants to support the form-based code, but they still have concerns.

Mr. Williamson stated the idea of evolution over revolution. He said they appreciate the option, but there are large parcels in the area that might benefit from the ability to evolve, with the northern portion as form-based code and the southern portion as a more traditional, horizontal building. He said it seems that under the current proposal, such an evolution is not only discouraged, but seems outlawed.

Mr. Williamson said he heard a lot about enhanced incentives and investment, and he does believe that this is a big deal that needs to be examined. He encouraged the Board in its Community Development Work Plan to include an 18-month check-in to see if the incentives and investments are creating the type of development they wish to have and if they are not, how to tweak that.

Mr. Williamson said the Free Enterprise Forum has raised concerns about the requirement of a special use permit for light industrial uses in all but one of the areas. He said they believe industrial use should be allowed by right as long as the design guidelines are met.

Mr. Williamson said in addition, the form-based code as currently drafted only allows five special exceptions, and each of those has to be granted by the Board of Supervisors. He said the Free Enterprise Forum understands the intent of the code is to be rigid in design, and they know every site is unique and presents its own special exceptions. He said they ask that staff be given the authority to administratively approve special exceptions and that the only way they can do so is by having objective metrics required for the staff approval.

Mr. Williamson said finally, the Free Enterprise Forum is concerned about the language regarding the ARB involvement in applications. He said currently, it seems as though if staff thinks it is important, they can ask the ARB to weigh in. He said he thinks the language should be changed to require staff to review the plan with an applicant-driven appeal process to the ARB if they do not agree with staff's interpretation.

Mr. Williamson said the Free Enterprise Forum desperately wants to support the form-based code, and they are so close.

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Ms. Kelsey Schlein, a planner with Shimp Engineering, said she has had the opportunity to work on many projects in Albemarle County and present development projects to the Board in a professional capacity in the past. She commended staff's work on the form-based code and said that particularly Ms. Falkenstein, Ms. Accardi, and Ms. Brumfield have put a tremendous amount of time, effort, and expertise into this document. She said it is also incredibly exciting to have Albemarle County piloting an effort for form-based code and sparking a move away from Euclidean zoning in the Development Areas.

Ms. Schlein said she wanted to call attention to one major change that did occur between the Planning Commission and the present Board evening, which is the affordable housing requirements in Section 20C-12 of the form-based code, which changed the affordable housing requirements for projects with five or more dwelling units from 20% of units to be provided as affordable at 80% AMI for renter-occupied units to 20% of affordable at 60% AMI.

Ms. Schlein said she appreciates the consistency that staff is creating between the Housing Policy and the form-based code because ultimately, consistency between the two documents will set better expectations for everyone involved in the development process. She noted that the form-based code document that has been circulated for the past few months, however, had an 80% AMI threshold for rental units.

Ms. Schlein said that as a point for the Board to consider in the hopes of establishing consistency between the form-based code and the housing document, she wondered if it would be beneficial for the affordable housing requirements in the form-based code to reflect the thresholds outlined for affordable and workforce housing, respectively, in the Housing Policy update.

Mr. Gallaway closed the public comment portion and brought the matter back before the Board for questions, comments, and discussion.

Ms. Mallek said her suggestion for consideration in this evolution process is that they ask staff to budget time each quarter to address the revisions they think have come into them so that they have some time set aside and it does not get lost and buried for years. She said she is concerned about that.

Ms. Mallek said regarding the special permit for light industrial uses, this was something she raised at the work session. She said she is disappointed that this was not reconsidered because the way light industrial is nowadays is very different from long ago. She said she thinks they should be welcoming the research labs and R&D groups that qualify for Light Industrial/R&D/Flex in all the various places, and with as much flexibility for their interior spaces as possible so they can grow and shrink according to their needs. She said Comdial has worked well as an example.

Ms. Price thanked Ms. Falkenstein, Ms. Accardi, and Ms. Brumfield for their presentation, adding that she wanted to express appreciation for the public comments, which helped bring some of the wisdom and experience they have from the development side.

Ms. Price said clearly, it appeared they wanted to move forward with the form-based code, but it also looked like it may need some tweaking. She said she would like to hear from the other Supervisors, and perhaps even more from County staff, on the best way to proceed forth on that, especially the part about ensuring they have some consistency between this and their Housing Policy.

Ms. LaPisto-Kirtley said she agreed with Ms. Mallek regarding the inclusion of light industry, noting that light industry is different now than it used to be.

Ms. LaPisto-Kirtley said she wanted to look again at one of the slides, but that she could do this on her own or with Ms. Falkenstein at another time.

Ms. Palmer said her concern was that the Board had not passed the Housing Policy, and she wondered if any of that was tweaked, if it would affect the code. She said she believed this was possibly Ms. Price's concern in that she wanted to see how staff felt about how they would tweak it in the future.

Ms. Palmer said she thought this was an incredible amount of work and thanked staff. She said she was happy that both staff and the Board were finally getting this behind them. She said she did want to make sure they were not having to go back and change something here if they are to change the Housing Policy later.

Ms. McKeel expressed her agreement about light industrial and the fact that it is much different now than it was in the past. She said she thinks there is a real need for wet lab space.

Ms. McKeel noted that Mr. Roger Johnson was presented and asked him if he could speak to the Board about the incentives.

Mr. Roger Johnson, Economic Development Director, replied that the Board had heard Ms. Long mention that there needs to be an impetus for people to move from the standard processes into form-based code, and he was present to say that there is likely not a panacea or silver bullet for these types of things. He said oftentimes, incentives should be customized to the design outcome and the community. He said the incentives do not always have to be financial, but sometimes they do, and so the County could consider doing things like expedited permitting, additional bonuses, and so forth that do not necessarily result in a financial impact but incentivize the use of form-based code.

Mr. Johnson said congruent with that, the County could consider other types of incentives or creating certain types of districts, be it municipal service districts, business improvement districts, community development authorities, and perhaps even cultural districts. He said these types of things would lead toward incentivizing development and/or improving infrastructure, whether that is making certain transformative projects part of the County's Capital Improvement Plan.

Mr. Johnson said a little over a year ago, the Board codified an existing public-private partnership incentive for projects using the Project ENABLE Grant. He said they can do public-private partnerships under that existing codified plan to help with some of the transformative elements that Ms. Falkenstein spoke to earlier.

Mr. Johnson said this was all to say that these are very complex decisions and should not be taken lightly. He said Economic Development would be happy to partner with the Community Development Department and study each one of these to come up with what they believe the best recommendation for incentives would be for the Board, should the Board choose to offer incentives to encourage people to move to form-based code.

Ms. McKeel said that from her viewpoint, she thinks this would be a great partnership, and she would love to at least have the opportunity to have the discussion between Economic Development and staff. She said there is a wide range of incentives they can offer.

Mr. Gallaway asked if it was possible to put up the AMI and rental-versus-owner slide again. He

said a couple of things he was hearing from the other Supervisors was that the timing of the affordable housing policy compared to what is in the form-based code is important. He said the second bullet on the slide, bullet "C" (of Attachment E) that refers to how the residential rental at 20% of affordable housing and 60% AMI used to be at 80% AMI, and this switched happened as they worked through the Housing Policy. He asked Ms. Falkenstein if this had happened in January.

Ms. Falkenstein replied that it actually had happened after the Planning Commission public hearing, which was in February. She said staff made the change right after that hearing.

Mr. Gallaway said this was a matter where in hearing some comments earlier on the Housing Policy, he had a call from a developer who had this concern, the differences between redevelopment in an intense urban area versus other areas of the County, and how this pencils. He said this one particular item seems to stick out, and he believes it merits further scrutiny. He said the conversation has come up soon enough where on the one hand, he feels they could roll the dice and go with this as a requirement, or they can have some further conversation about this particular item.

Mr. Gallaway said he would hate to see there be an unforeseen consequence if they were to put this in place and it doesn't pencil out (as some suggested, where nothing happens in the redevelopment), where they just go by the original zoning that is in place versus what would be desired through the form-based code and the Small Area Plan.

Mr. Gallaway said he would love to have further conversation with others around this particular point about how this "pencils." He said he just did not want to get it wrong and put something in place out of expediency. He said he would love to get the form-based code voted on and moved forward, but if they had some time (especially as the Housing Policy is delayed) where they can specifically look at this relative to the conversations around the Housing Policy, he would certainly be open to that idea.

Mr. Gallaway said in terms of the funding for the incentive work, this popped up and is a concern that he, too, would share. He said they need to think about getting this in place and in line, as he believes it is a critical point.

Mr. Gallaway said light industrial was another item he heard repeated by a couple of different people. He said he would stop there and ask the team if they could move through each one of those topics to get their reactions and ideas on those three items.

Ms. Brumfield said light industrial is permitted across the board in the Flex area, which is the largest character area in the form-based code.

Ms. Brumfield said as far as R&D, which she thinks is a very important development opportunity for the County and an important industry they are looking at that is definitely very active in the area, staff is looking at this in two ways. She said if they are saying that light industry is not what they think of as "light industry" anymore, they pulled that section out with the artisan manufacturing/somewhat light industry category where something that would fall under artisan manufacturing is permitted in all character areas as well.

Ms. Brumfield said that as far as R&D wet labs, this would probably end up being a zoning determination. She said the Zoning team has discussed research labs and depending on their nature and how intensive their use would be, some of them could simply be permitted as "office." She said this, again, falls into the broader category they are moving toward with form-based code by not saying "medical office" versus a "dental office" versus an "attorney's office" but rather, "office" in general. She said they are trying to bring that larger category to the mindset of determining whether this has the impacts of a normal office, in which case it is fine in this area. She said this is how staff is looking at light industry in the form-based code overall.

Ms. Brumfield said going back to the ZTA process for affordable housing, she did want to reassure everyone that what they are looking at for future work and changes are really more of tweaks than they are massive edits. She said they do not need to rewrite the form-based code, and they do not anticipate this being something that is on the work program that comes up in the next few years. She said they do not need to start from scratch, and this is not going to be a two-year process. She said the tweaks would be something that go through a normal ZTA process and hopefully, they would be something they very easily build consensus on because these would be changes made in response to feedback from the public and the Board.

Ms. Brumfield said regarding affordable housing, staff has one suggestion on how to handle it, which was of course up to the Board. She said what staff believed might be a way forward would be to adopt what they have now and when they move forward with the Housing Policy (which will be advertised, have a Planning Commission public hearing again, and come back to the Board for a public hearing) and at the same time they are advertising the public hearings with the two bodies, they can make this another ZTA for the form-based code. She said they would change it to immediately fit the affordable housing policy on the same day that the Housing Policy is adopted if it ends up changing.

Ms. Falkenstein said she could speak to the other point that Mr. Gallaway brought up, which was the piece about the funding and infrastructure that Mr. Johnson spoke to. She said it seemed to her that this would be an additional process that staff would need to work into its work program as a team, but perhaps they could come back with a timeline for what that work would look like. She said she thought she heard a desire for a work session with the Board to talk through some of that.

Ms. Falkenstein said she believed a beneficial next step would be for staff to go through and evaluate some of these projects in tandem with the Economic Development team and think about which projects might score best in terms of incentivizing or encouraging development or supporting the development they want to see, then bring this back to the Board for some discussion at a later date.

Mr. Gallaway said he would ask a question about running in tandem with the Housing Policy to see if he was restating it correctly. He said the idea was that the Board would pass what they had that evening, and if a change happens in the Housing Policy, the ZTA to immediately change what they passed that evening would run in accordance with that. He asked if this would specifically speak to the rental 80% AMI versus 60% AMI.

Ms. Brumfield replied that she was not sure what would end up happening with the affordable housing policy and what, if anything, would end up changing between present time and adoption. She said perhaps Ms. Pethia would want to speak to that, but staff would be keeping form-based code along with the affordable housing policy so that they would match whatever they end up being.

Mr. Gallaway said if it stays, then what the Board passed that evening would stay. He said if something changes in the Housing Policy, the form-based code immediately changes to match the Housing Policy.

Ms. Brumfield said this was correct.

Mr. Gallaway said he understood. He said the way he was thinking about it from a timing standpoint, this seemed to be the most efficient way versus delaying a conversation or action there and waiting to do tweaks, which always make him nervous as far as timing. He said he believed he could probably agree with this because then, the conversation plays out as they stated it would with the Housing Policy, and they should have the two things in line with each other. He said this would give the chance to those who have the concern to not just have to address it in the form-based code, but also address it in the bigger conversation of the Housing Policy for the whole County. He said he believed this was a good approach.

Mr. Gallaway asked the Board members if they wanted to weigh in, go through another round of comments, or raise their hands. He said Ms. Mallek's hand was raised.

Ms. Mallek said she believed this was a good plan that was just described, which put her mind at ease. She said she did want a moment to circle back to something said earlier. She said she finally found a map of the three different character areas, and somewhere in the presentation, it was mentioned that a large property had had its boundary shifted to meet its real edges instead of being chopped in half. She said she saw one on the map that was still chopped in half, and she wanted to know if this was just an old map.

Ms. Mallek said she is very concerned about employment as a main feature of the whole Rio area, and she wanted to know which way this change was going. She asked if someone could help her figure out which one of these properties is now unified or if it is still halfway between two character areas.

Ms. Accardi said she would share her screen of the regulating plan to clarify. She presented the map and said staff did a clean-up around Fashion Square Mall to make sure that the change between the Core and the Flex areas was along parcel boundaries.

Ms. Mallek said this was what she was referring to, but she wanted to know which character area it was – Core, which allows not as much employment, or Flex.

Ms. Accardi replied that the portion in red on the map was the Core, and the white was the Flex.

Ms. Mallek asked which one it was now. She said Ms. Accardi stated that the property is now the same area, so she wondered if it was red or white.

Ms. Accardi replied that the clean-up was the red (Core).

Ms. Mallek said the whole property is now Core, then, which will not allow light industrial and employment that the Board had been talking about now for months.

Ms. Falkenstein clarified that Fashion Square Mall is made up of multiple parcels.

Ms. Mallek said she understood that.

Ms. Falkenstein said the clean-up was just to have the Core boundary (shown in red) to go along the parcel lines. She said the whole Fashion Square Mall property is still split between Core and Flex, but the boundary is along parcel lines.

Ms. McKeel said she was confused.

Ms. Mallek said she knew staff had received some feedback from others about this recently, and she would have to go back to her email to find out what has happened with this.

Ms. Falkenstein said staff received a request from the owner of the JCPenney property. She asked Ms. Accardi to scroll to this location on the map, noting it is close to the boundary of the Rio29 area and not close to where the Core is. She said the owner requested their property to be in the Core, but staff kept it as-is because this is the plan they received quite a bit of engagement on, and the request came in relatively late. She said it is not currently touching the Core, so staff thought this would have been a significant change, so they left it as-is. She said the map showed that JCPenney is a separate parcel, with the parcel lines shown as thin gray lines.

Ms. Mallek said she did understand that, and she expects that the whole property will do something at some point. She said she was concerned about getting in the way by having these arbitrary colors in there. She said in the Core character area, the highest building has lots of residential, so her gut reaction is that it has less employment and more retail, which is barely alive anymore. She said she is concerned about this.

Ms. Price said her basic question was if they were looking for a consensus to pass the form-based code at present time and then continue to move forward with the Housing Plan. She said if there is an adjustment, both plans would come together to be adjusted and maintain consistency. She asked what the other Supervisors' thoughts were on this.

Mr. Gallaway expressed that it was difficult to hear Ms. Price.

Ms. Price said she would restate her comments. She said she had a sense that the question that was being asked at present was if the Supervisors had a consensus to approve the form-based code as it was presented while work continues on the Housing Policy where, at that point, they would see how this would work. She said if changes needed to be made, they would then be looking to make the changes when the Housing Policy comes up to ensure consistency, at least as it relates to housing in the form-based code. She asked if this was what they were looking for.

Mr. Gallaway replied that he believed this was part of it. He said for him, part of the concern about the housing elements was whether he defers or takes some time before voting on this to make sure this is cleaned up. He said in his mind, staff was saying that the code would immediately align with the Housing Policy, which allows alignment in the process to happen and gives everyone a chance to not just have input on this particular item, but the whole County, versus deferring this as well and seeing how both conversations play out.

Ms. Price said if the consensus was there, she was more inclined to move forward with the code, then adjust it later if they need to.

Ms. LaPisto-Kirtley asked if staff could again pull up the slide about Fashion Square to quickly explain Core, Flex, and Edge and what each section entails.

Ms. Falkenstein replied that the red color on the map was Core, and this came out of the Rio29 Small Area Plan.

Ms. LaPisto-Kirtley asked what this means.

Ms. Falkenstein replied that the Core allows the tallest building height, and it also has a requirement for ground story form standards, meaning the ground story of buildings in the Core have to be built to allow a commercial use, which is a 15-foot ceiling height. She said the height there is two stories taller, at six, than the Flex area. She said the Flex is at four stories and is where light industrial is allowed without a special use permit. She said the Core requires a special use permit.

Ms. LaPisto-Kirtley asked if Flex was shown in blue.

Ms. Falkenstein replied that Flex was shown in white and was the most amount of area there. She said the blue was shown in Edge, which has a three-story height limit and does not allow light industrial by right, nor does it require a special use permit.

Ms. LaPisto-Kirtley said the white area where JCPenney is does, then, allow light industrial.

Ms. Falkenstein said this was correct.

Ms. LaPisto-Kirtley said the reason why the buildings are taller in Core is because there is housing on top.

Ms. Falkenstein said housing is allowed in all the districts, so it could be housing or office and is flexible in use.

Ms. Palmer said she was okay with going forward as suggested in terms of approving this and changing it depending on what they do with the Housing Policy.

Ms. McKeel said she was still confused as to what Ms. Mallek and Ms. LaPisto-Kirtley brought up as to Core versus Flex and what was requested.

Ms. Mallek said she may have confused everyone because perhaps she misheard, but she had heard in the presentation that the whole mall property had been requested to be put into Core. She said

this had put her over the edge because she did not think this is what the owners had wanted. She said when they just looked at the maps, it was described as Flex. She said if this was the case, she was going to stay away from it and leave it alone.

Ms. McKeel said this was where she was confused.

Ms. Mallek said this needed to be clarified, and she had reached out for help.

Ms. McKeel said she wanted to go back to the map again. She asked what the white area was.

Ms. Accardi replied that this is the Flex character area, and she believed where some of the confusion might be is that what they see of as the entire Fashion Square Mall property is actually made up of separate parcels. She said the only clean-up change staff was made was that they initially had the Core coming along and meeting the street, and since this is not a parcel boundary, they cleaned this up to align with the parcels to make sure that there was not any confusion when an application was submitted about which character area a property was in. She said this was reflecting the small area plan aligning with parcel boundaries.

Ms. Brumfield said she believed it may help to think about it in a very natural transect, where the buildings are coming together to be taller and denser in the center area, which is a very natural city design. She said they see this urban form everywhere, and it makes sense to see the height decrease as they get farther out. She said this is the form they are putting into place in these character areas.

Ms. McKeel said this did help some and she was understanding alright.

Ms. Mallek asked if ownership evolves on any of these properties, what the process would be to shift the designation one way or the other in one of these sections. She said there are different owners the mall now, and she does not know how this will turn out, but using this as example, she would like to know what would be involved if they needed to have more space in Core versus Flex and what would be required to adjust that line, which was put there at the moment fairly arbitrarily.

Ms. Falkenstein replied that this would require a zoning map amendment to change a character area of a property. She said if a Flex property wanted to become Core, for instance, it would be a zoning map amendment.

Ms. Mallek asked if the code were adopted that evening, a ZTA would be required immediately if this needed to work itself out over the next month or two. She asked if this was something where the Board could support it in concept that evening and not have it take effect until later on so that there is a chance to resolve things that may have gotten tangled up in advertising for the public hearing as opposed to the real needs of situations. She said she certainly did not have enough information to convey any complete concern, but she was just concerned with the little bit that she knew.

Ms. McKeel asked if the Board would still have the ability to talk about incentives with Mr. Johnson so that they were not shutting down the discussion with Economic Development.

Mr. Gallaway said if he heard correctly, this is something that would have to be formulated into a game plan to bring back to the Board.

Ms. McKeel said she wanted to make sure that if the Board were voting on the code that evening, they were not locking in things that they may not want to. She said she was just trying to follow up on Ms. Mallek's discussion as well.

Ms. LaPisto-Kirtley said she was confused as to why the northern part of Fashion Square would not be in a Core area because in essence, they could demolish the Sears building and this could go up several stories, as it is almost in the center of the property. She said with the way it is now, being in Flex, they would not be able to do that without going through a ZMA. She asked if this was correct.

Ms. Brumfield replied that the Sears building would have up to four stories by right. She said they could get additional stories through the affordable housing incentives as well.

Ms. LaPisto-Kirtley asked if they could do this without having to rezone to Core.

Ms. Mallek said she thought this was Core.

Ms. LaPisto-Kirtley said she thought this was Flex.

Ms. Falkenstein clarified that Sears is in the Core. She said she often confuses Sears and JCPenney, but Sears is the northern building, which is within the Core.

Ms. LaPisto-Kirtley said she thought all of Fashion Square was in the Core, but Ms. Falkenstein was saying it was not.

Ms. Falkenstein said just the Sears building was in the Core.

Ms. Mallek said if the request had already been made to change a designation that was not carried forward with so far, the owner would have to file a ZMA because their particular suggestion was

not accepted and carried forward to this public hearing. She said she was troubled by that.

Ms. McKeel said she was as well, especially if the reason is because it was submitted late.

Ms. Mallek said she was not sure that it was submitted late, but she believed it takes some time.

Ms. McKeel said it was the public hearing piece.

Ms. Mallek said it has been a one-way ticket here on information and now, they are getting some information back from the other direction that is helping to tell a fuller story. She said she hears ZMAs and ZTAs to be described as a very complex process from staff's point of view whenever they want something to happen and now, they are putting the same burden on applicants who have already made a request to have something described differently that just did not get acted on and now, they are putting the burden on them. She said she was concerned about it.

Ms. McKeel said perhaps Mr. Rapp would address this for clarity.

Mr. Rapp clarified that the intention was to emphasize the existing Rio Road roadway and corridor as well as the intersection at Route 29, which is the existing infrastructure, to create a little more height, emphasize the ground-floor retail there, the walkability, and that type of feel. He said there is really very little difference, aside from one floor or so, between the Flex and the Core. He said the intention of putting it along Rio Road was why it was designated that way. He said it is the frontage along Rio that they are trying to emphasize and the relationship to the corner of Rio and 29.

Mr. Gallaway said he would be confused about the request to be Core when it requires that bottom floor to be commercial and what it requires moving up where the use does not necessarily change, but the form does. He said he did not know enough about the request, but if this were a perfect circle, the Board would understand all of this better because of the way it would lay out from the tallest buildings to the small ones. He said the reason the blue (Edge) was only in those two corners is because these are where the residential sections are.

Mr. Gallaway said he did appreciate Edge being added into Commonwealth Drive, which had not been there when it was before the Board at a previous time. He said if he understood it, this was so that they do not have a towering building, but one at a lower height, directly next to residential. He said the Core, Flex, and Edge areas were really about the height smoothing out.

Mr. Gallaway said the use that can be done in red and white on the map were really the same, and it was just about how they pull it off. He said in red, one has to put commercial on the ground floor and then, by right, go up higher than they could if they were in the white. He said the white does not restrict the use, however, if he understood correctly. He said one could do the same thing in the red they could do in the white, and it just had to look or be structured differently based on where it is planned.

Mr. Gallaway said to him, he thought that in some ways, this was the genius of the Flex area – that it provides all the uses, but then a mixture of ways to do the form that made sense based on how they were trying to redevelop.

Ms. McKeel said this explanation helped her.

Mr. Gallaway said he would be curious about any arbitrary boundary lines being put down which, to him, does not help the reality of someone acquiring the property that is suddenly split to one in the Core and one in the Flex, where they wanted it all to be one designation. He said he would think there should be an avenue to make that happen, as it is unknown what will happen with that property. He said he one across the street is all one designation.

Mr. Gallaway asked staff if they could assure that there would be “flexibility” to be able to do those different designations if reality were to say it makes more sense for a property to be Core versus Flex. He asked what the reaction was in terms of ZMAs and ZTAs that add time other than this simply being the process. He asked if there was a way to think about this differently or put the flexibility in.

Ms. McKeel asked if there would be a way to smooth out the process to make it faster.

Ms. Falkenstein replied that staff would have to think about this more to see if that could be something that is built in. She said currently, however, she did not know of another way other than a ZMA to make a change like that, and perhaps there could be a process where they could prioritize a change to get it through the process faster. She said they cannot get around changing the zoning map, however, to make a change like this.

Mr. Gallaway said when they were developing this, there were people who, if they wanted to redevelop in this area before this were in place to hit the spirit of it, were told this would be expedited. He said once this is in place, however, that goes away. He said it could be that something like this type of change from Core to Flex could receive that same courtesy or expedited process as they try to figure this out. He said he did not know if that was feasible within Community Development, but he wondered if an expedited process was possible.

Ms. McKeel said it is complicated because of multiple owners.



Mr. Gallaway said in the meantime, it is optional, so the owners can all do what they want, which is why the incentive program is even-keel, as described. He said the Board wants it to be incentivized higher to the form-based code and small area plan. He said if this is made too much about going with what is there, this is how they get another steakhouse versus development.

Ms. McKeel agreed.

Mr. Gallaway asked staff if they had a reaction to this. He asked again if since they offered the expedited review process for applications that came forward once the code was in place, they could offer something similar if someone wanted to move from Core to Flex. He said he did not think the Edges would ever change and would be hard edges because of the way they match up against the residential areas. He said in the other areas, however, he could definitely see a need to move from one to another.

Ms. LaPisto-Kirtley asked about having a gray area.

Mr. Gallaway asked that staff reply first.

Mr. Rapp replied that as far as the expedited review process that is already established, he believes this is very specific criteria that a project has to meet. He said this involves Economic Development and other aspects as part of that. He said staff could certainly look into developing a similar process for this in order to accommodate a future development need. He said this is not developed at this time, and staff would have to regroup to think about it.

Ms. LaPisto-Kirtley said that based upon what Mr. Gallaway said, she wondered if it was possible to have a gray area not with the Edge, but between Core and Flex. She asked if there could be a section of it that is a gray area where one could go either way because, as the other Supervisors stated, they do not know what is going in there. She said someone could come in with a great plan, but if there are many rules in place, this would just cost more time and money. She said a gray area could encompass either Flex or Edge, depending on the project.

Mr. Gallaway said they definitely have to keep some congruence from the height as it goes down and out, however they do it. He said for example, to have something up on Rio Road be red, then have white, then have a red piece on the southern end, this does not make sense because then, they would be going down in height and have it pop back up. He said he thinks it would definitely have to stay connected to that Core area but organically, it would start to build out that way. He said if there was an opportunity especially in the mall area for that to build up, it could make sense.

Ms. McKeel said light industrial, however, is not allowed by right in the Core area.

Ms. Falkenstein replied that it is a special use permit in the Core area. She said there is still the artisan manufacturing use Ms. Brumfield mentioned that is by right in all of the character areas.

Ms. LaPisto-Kirtley said this is what she was thinking of, that the rest of Fashion Square Mall be a gray area. She said everything else is flat and asphalt around there.

Mr. Rapp suggested that it might be worth staff deferring this for a month or so in order to figure out an option for what to do with a requested zoning change. He said this would also allow staff to align the code with the Housing Policy. He said it might be worth taking a pause to regroup and develop a solution to what they were hearing from the Board.

Ms. McKeel asked Mr. Rapp if he could meet with Mr. Johnson to get his thoughts as well.

Mr. Rapp said he would.

Mr. Gallaway said Ms. Mallek had been waiting to comment.

Ms. Mallek said Ms. LaPisto-Kirtley's concept, even if it were pink stripes going across the whole property, where the Core abuts Rio, could offer more possibilities. She said her thought was that the Board could postpone voting on this until they get this actual landowner request and other information straightened out so that they know they are not slamming the door on someone that evening when they did not mean to.

Ms. Mallek said secondly, the bank building just to the south of this location is already five stories tall, so they are not going to be worried about too much height difference for quite a long way down the hill. She said she is very satisfied with having the whole mall be Core because she does not think that it will go to six stories on the JCPenney parking lot, and it will take a long time to evolve from where it currently is.

Ms. Mallek said she is very concerned about arbitrary divisions and restrictions, as well as the light industrial still requiring a special permit in the Core area. She said they might get a great business like MicroAire or NGIC, for example, who wants to expand and would then decide to go to Greene County instead of bothering with a special permit. She said this is the kind of thing Albemarle has trapped itself with for years.

Ms. Mallek said one of her many faults is thinking that things are simpler than they are. She said she has lived her whole farming life by being told she could not something but going ahead and doing it

anyway. She said she knows things are not easy, but she also does not want to ignore the possibility that they do not have to make it as complicated as they do sometimes.

Ms. Mallek said she was thrilled with the idea of putting this off for a month until they figure out what the reality is on all these things. She said she knew she only had part of the information, and this was troubling her a lot.

Mr. Gallaway said he was not opposed to this at all, but the only thing he would say was that in addition to the use, they really had to think of the form. He said the buildings are allowed to be right up on Rio Road, and tall. He said if they allow the entire mall area to be Core, they are allowing those buildings close up on Route 29 and tall on that topography. He said the corridor pedestrian components that were thought of and designed on Rio Road would then not necessarily be able to exist along Route 29. He said it somewhat worked at the intersection due to the way that the grade separated interchange provides a different piece that has already been designed.

Mr. Gallaway said he understood that more time allows them to think through use versus form and exactly where they are saying the form can be when it comes to height, as well as what is required on the bottom level.

Ms. Mallek said there is already a nice bank at the entrance to Fashion Square where if a sidewalk was there, people could easily walk up to the next level and then have all of the flat pedestrian access at the current location that could be developed in any thousands of different ways.

Ms. Mallek said she was very pleased to read in the draft (if she understood it correctly) that it was a suggestion, though not a requirement, that commercial be on the first floor. She said the taller ceilings need to be built in the new buildings, but it is not required to be commercial on the first floor. She said they did recently discuss the fact that those things cannot be financed in the mixed vertical buildings. She asked staff to explain to her if she was wrong about that understanding.

Ms. Brumfield replied that it is a percentage of nonresidential that is permitted on the ground floor at the initial building. She said what they are requiring is a total of 15 feet floor height and sprinklers so that it could be converted to commercial in the future.

Mr. Gallaway said he believed this played out in one of the expedited applications that the Board saw before they got into this conversation. He asked the Board if there were any objections to deferring the item.

Ms. Palmer said she had no problem with waiting to make sure that whatever Mr. Richard Hewitt has asked the Board, they identify what that is. She said she wanted to say that she thinks the plan is very good the way it is. She said she would hate to see the Core moving all over the place and agreed with what Mr. Gallaway said. She said staff put a tremendous amount of work into this, and she was okay with waiting, but she wanted to put in a plug for the work and the plan that they saw that evening.

Ms. Mallek said she appreciates the work and supports the plan in general, but they are talking about the largest property in the whole area, and they need to make sure they are being careful, which was the only reason she was raising this.

Ms. McKeel said she did not want to lock anything out. She said she wanted staff to reach out to Mr. Johnson about the incentives and some of the work around Economic Development.

Mr. Gallaway said that as someone who has advocated to get this moved along, voted on, and passed, he appreciates staff's patience with him being okay to hold off for a bit. He said it is such an important piece that they want to make sure they are all understanding it and are in agreement with what is moving forward. He said this is a big deal and that taking some extra time was merited. He said he had the same thoughts about the housing piece, and Ms. Brumfield got him in line with not needing the extra time on that one but as Mr. Rapp said, it does run in accordance with that now. He said they have two elements to take the extra time to focus in on.

Mr. Gallaway asked if there were any additional comments, and he asked Ms. Falkenstein, Mr. Walker, and Mr. Rapp if they felt they got what they needed from the Board.

Mr. Walker said he was going to go out on a limb to suggest that he believed they were closer than they thought, perhaps, and that with the guidance staff received from the Board that evening, with some additional time and work, they could come back relatively quickly and hopefully in concurrence with the Board's reconsideration of the Housing Policy, with some suggestions on how to make the changes the Board would find acceptable.

Mr. Gallaway asked Mr. Kamptner if the Board needed to take any specific action if they were deferring.

Mr. Kamptner replied that this was only necessary if the Board wanted to defer to a specific date, which he did not believe they knew at that time.

Mr. Walker suggested that they not do this.

Mr. Kamptner said hearing a consensus, no action was needed.

Mr. Gallaway addressed Ms. Falkenstein, Ms. Accardi, and Ms. Brumfield to say that they are always the face when the Board has form-based code in front of them, and he knows there are plenty of other staff that have worked on this, but the amount of energy, effort, and work staff has put into this have gotten them within a few details of getting this passed. He said the Board appreciates the effort and work and are looking forward to getting this behind them just as staff is, so they appreciate their patience in working with the Board on these final elements.

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Agenda Item No. 18. Adjourn to March 18, 2021, 3:00 p.m., electronic meeting pursuant to Ordinance No. 20-A(16).

At 9:15 p.m., the Board adjourned its meeting to March 18, 2021 at 3:00 p.m., which would be an electronic meeting held pursuant to Ordinance No. 20-A(16); An Ordinance to Ensure the Continuity of Government During the Covid-19 Disaster. Information on how to participate in the meeting will be posted on the Albemarle County website Board of Supervisors home page.

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Chair

Approved by Board
Date 03/01/2023
Initials CKB