



Albemarle County

Legislation Text

File #: 24-263, **Version:** 1

AGENDA DATE: 5/15/2024

TITLE:

Ragged Mountain Recreational Uses

SUBJECT/PROPOSAL/REQUEST: Presentation on Ragged Mountain Reservoir, including completed litigation, the recent agreement between the County and the City of Charlottesville and options available to the Board of Supervisors.

ITEM TYPE: Regular Information Item

STAFF CONTACT(S): Richardson, Wall, Rosenberg, DeLoria

PRESENTER (S): Steven Rosenberg, Richard DeLoria

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: At its April 3, 2024 meeting, the Board directed staff to provide a presentation regarding several matters related to Ragged Mountain Reservoir, including:

- (i) the results of litigation in the case *Albemarle County v. City of Charlottesville*, recently concluded pursuant to the City's motion to withdraw its appeal of the trial court's final order (Attachment A) granted by the Virginia Court of Appeals by order dated April 1, 2024 (Attachment B);
- (ii) the terms of the agreement between the County and the City bringing the litigation to its conclusion (Attachment C);
- (iii) implications of the terms of the agreement between the County and the City for purposes of the County's authority concerning regulation of recreational activities on the reservoir property; and
- (iv) possible ways forward if additional recreational activities are to be considered.

The presentation will include an overview of County Code § 11-303 (Attachment D), as currently in effect, which regulates uses at Ragged Mountain Reservoir.

STRATEGIC PLAN: Quality of Life - Encourage a vibrant community with economic and recreational opportunities that serve all community members.

DISCUSSION: The City acquired the lands constituting the Ragged Mountain Reservoir in the late 1800s. The reservoir property is located entirely within Albemarle County. By the 1970s, there was public interest in use of the reservoir property for recreational purposes. As of 1974, the City administratively regulated the reservoir property, allowing permit fishing and hiking only. It prohibited swimming, boating, canoeing, and hunting. The

County, at the request of and in cooperation with the City and Rivanna Water and Sewer Authority, enacted its first ordinance in 1981, permitting fishing, canoeing, boating, hiking, and birdwatching on the reservoir property. In 1997, the County and City agreed to have the Ivy Creek Foundation manage the reservoir property as a natural area to be used for hiking, nature observation and study, and fishing, with the intent that it be preserved in a natural state. Access was designated for foot travel only, with limited exceptions. This arrangement continued until 2014, when the Ivy Creek Foundation withdrew from management of the reservoir property, and the City resumed managerial responsibility.

In 2016, over the County's opposition, the City adopted an ordinance permitting, amongst other things, bicycling on the reservoir property. The County filed suit in 2017, to have the City's ordinance declared invalid under Virginia Code § 15.2-1725. The Charlottesville Circuit Court found in favor of the County in 2022. The City noted an appeal to the Virginia Court of Appeals, which the City withdrew pursuant to an agreement with the County. Currently, County Code § 11-303 controls uses of the reservoir property and only permits fishing, hiking, birdwatching, picnicking, canoeing, and boating.

BUDGET IMPACT: No budget impact.

RECOMMENDATION:

Staff recommends the Board receive the presentation.

ATTACHMENTS:

- A - Charlottesville Circuit Court Final Order
- B - Virginia Court of Appeals Order
- C - Agreement between the County & the City
- D - County Code § 11-303