

**Albemarle County Planning Commission
Final Minutes May 14, 2024**

The Albemarle County Planning Commission held a public hearing on Tuesday, May 14, 2024, at 6:00 p.m.

Members attending were: Fred Missel; Luis Carrazana; Corey Clayborne; Julian Bivins; Karen Firehock; Nathan Moore; Lonnie Murray

Other officials present were: Jeff Richardson, Michael Barnes, Director of Planning; Andy Herrick, County Attorney's Office; Kevin McCollum, Senior Planner II; Trevor Henry; JT Newberry; Bill Fritz, Development Process Manager; Jodie Filardo; Bart Svoboda; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Ms. Shaffer called the roll.

Mr. Missel established a quorum.

Public Hearings

ZMA202400002 & SP202400014 Rivanna Futures

Mr. Missel said that he would like to make a statement regarding the State and Local Government Conflict of Interest Act. He said that he was a member of the following group, the members of which were affected by the transaction. He said that the group consists of three or more persons whose employer owns property along the Route 29 North Corridor. He said that with that being said, he was able to participate in this transaction fairly, objectively, and in the public interest.

Bill Fritz, Development Process Manager, said that he would be giving staff's presentation for the rezoning and special use permit proposals. He said that the application had two parts. He said that the rezoning requested to change 172 of the 462 acres owned by the County from Rural Areas (RA) and Planned Residential Development (PRD) to Light Industry (LI). He said that for simplicity, he would refer to them as RA, PRD, and LI. He said that the special use permit would allow offices in newly constructed buildings.

Mr. Fritz said that the image displayed on the slide was of the surrounding area's characteristics, highlighting the County-owned land with an orange line. He said that the area to be rezoned was highlighted in blue. He said that east was at the top of the image. He said that the rural areas to the north and east were typical of the County's rural areas, featuring a mix of open and wooded areas with scattered residential developments. He said that the development along Boulders Road was Rivanna Station, consisting of office buildings.

Mr. Fritz said that to the west, across Route 29, lay the Briarwood development. He said that another image showed the County-owned land boundaries in orange again. He said that the proposed rezoning area included lands currently designated PRD, shown in green, and RA, which was shown in white. He said that he had overlaid the proposed rezoning area on the map. He said that access to the site was via Boulders Road, which intersected Route 29 at a signalized intersection. He said that as seen by examining the map, the rezoning consumed all of the PRD's development potential.

Mr. Fritz said that a proffer was proposed to limit traffic generated to 5,000 vehicle trips. He said that this traffic volume was consistent with what would be anticipated from the PRD and the area recommended for residential, office, industrial, and limited commercial development in the comprehensive plan. He said that VDOT had not recommended any transportation improvements. He said that one thing to note quickly was that rezonings may be initiated in two ways. He said that the County could initiate a rezoning, or a request could be made by the property owner. He said that only during a property owner-initiated rezoning could

proffers be accepted. He said that by submitting as a property owner, the County was allowing the possibility to have this proffer to limit the traffic volumes.

Mr. Fritz said that some of the area currently zoned RA was recommended for residential, office, industrial, and limited commercial development. He said that there were a lot of comprehensive plan designations. He said that the boundaries of the comprehensive plan were general in nature, except where they followed physical boundaries such as roads or watercourses. He said that staff had reviewed the comprehensive plan and the Board's past actions to extend water and sewer service and was of the opinion that the area proposed for rezoning was consistent with the boundaries of the plan.

Mr. Fritz said that there were two small areas outside the development area boundaries. He said that these areas followed the edges of two lakes. He said that however, the property lines passed through those lakes. He said that he had highlighted both those areas on the map. He said that he had to exaggerate the size with these circles so that everyone could see them, as they were quite small. He said that no development may occur in these areas due to existing regulations, resulting in no conflict with the comprehensive plan.

Mr. Fritz said that these applications, the rezoning and the special use permit, were reviewed for consistency with the criteria for rezoning considerations and the special use permit criteria. He said that the staff report contained comments for all the review criteria, and he would be glad to address any questions anyone might have regarding the staff findings. He said that although he would not go over all the findings, he wanted to highlight the portion of the review focusing on the comprehensive plan. He said that as demonstrated in the previous slide, most of the area proposed for rezoning was not designated for office, industrial, or commercial development in the land use recommendations within the comprehensive plan.

Mr. Fritz said that instead, the area was designated for residential use. He said that however, the economic development section of the plan discussed supporting target industries. He said that the County's acquisition of this property promoted economic development for defense and security industries, which were target industries. He said that furthermore, the comprehensive plan specifically mentioned Rivanna Station and emphasized its significance and the necessity of supporting this facility. He said that the comprehensive plan was organized into chapters, and the plan explicitly stated that the order of the chapters was deliberate.

Mr. Fritz said that consequently, based on the sequence of the chapters, it was the staff's belief that this rezoning supported Rivanna Station and target industries, allowing for a determination that the proposed rezoning and special use permit aligned with the comprehensive plan. He said that staff recommended approving the rezoning application and acceptance of the proposed proffer. He said that staff recommended approval of the special use permit. He said that no conditions were identified as necessary for the special use permit due to the proposed proffer.

Ms. Firehock asked for clarification regarding the proposed rezoning of the land within the orange boundary. She asked whether the remaining area would be utilized and if it was designated as a buffer zone because of its current undeveloped state.

Mr. Fritz said that this area was identified for the rezoning. He said that he would let the applicant speak on that further. He said that one of the purposes of the boundaries was to alleviate the need for addressing buffers, for example, in a proffer. He said that this was achieved by ensuring that the boundaries did not extend all the way to the property line, thus leaving room for RA land to function as a buffer between the area proposed for LI and adjoining rural lands.

Ms. Firehock said that it appeared there was existing farmland, or at least cleared land. She said that if the land was not being used, there would be trees growing.

Mr. Fritz said that it had been farmed, but it had recently been replanted with groundcover that had taken off very well.

Ms. Firehock asked if there was not necessarily active use of everything within the orange boundary.

Mr. Fritz said that was correct. He said that the applicant could speak more to it, but it was vacant land. He said that there were buildings currently there, such as a house that had been boarded up and was no longer in use. He said that there was a small portion that was used as a parking lot for Rivanna Station.

Ms. Firehock said that she understood it was the County's application that the Planning Commission would review before it was sent to the Board. She said that she heard a comment yesterday from someone who thought there would be more proffers coming with this, and they were surprised there were not. She said that she was unsure if that should be addressed now.

Mr. Fritz said that proffers were meant to address deficits in an application. He said that the only deficit identified in this application was the need to keep the traffic volumes to a point that did not affect the road.

Ms. Firehock said that this was the main impact to traffic.

Mr. Fritz said that items such as building heights, setbacks, lighting, and the path system for the area, which could be required through the site plan regulation, were already ordinance regulations. He said that staff did not identify anything needed.

Mr. Murray said that he understood the point about proffers, but because the County owned this property, he wondered if the County could establish conditions as a measure of showing it would go above and beyond the minimums. He said that it would be great if the County could show that it was setting the bar higher. He asked if putting those intentions in proffers could show they were setting that bar higher.

Mr. Fritz said that as a reviewer of the application, he would defer to others who have expertise in the subject, which in this case would be the applicant.

Mr. Bivins asked if the proffer in this case was that the applicant agrees to limit the amount of buildings on the site within the pink area so that they did not breach the traffic threshold.

Mr. Fritz said that they had utilized traffic count rather than square footage, as this was what actually triggered improvements. He said that consequently, it was possible to possess a substantial structure producing minimal traffic. He said that as a result, there was no discussion regarding the quantity of structures or their dimensions; it was exclusively concerned with traffic count.

Mr. Bivins asked if they expected Boulders Drive to handle whatever was built, so another traffic study was unnecessary.

Mr. Fritz said that was correct.

Mr. Bivins said that currently, it was a difficult part of the County to drive through in the afternoons. He asked if there would be any changes to the road connecting to Watts Passage.

Mr. Fritz said during the site plan review process, they must consider the access. He said that part of the site plan process involved determining the number, location, and design of entrances, which can be decided by the County during the review process. He said that evidently, permitting this amount of traffic to exit through Watts Passage would not be suitable. He said that therefore, they would not endorse an entrance in that position. He said that they may approve an emergency access.

Mr. Bivins said that he hoped it was not impossible to provide an emergency access if necessary.

Mr. Fritz said that it was unclear. He said that part of the site review process would be working with Fire Rescue and other departments to determine that.

Mr. Missel said that considering the process they just went through with their last application, while each application stands on its own, he was thinking about the County, the development community, and how many applications they saw. He asked if staff could explain why a lot of the specifics of the application were being pushed to the site plan review process and not included in an application plan that may provide more detail on pathways, setbacks, stream protection, and other items that they may typically see in a normal zoning application.

Mr. Barnes said that they were working to prepare the site, and the applicant had discussed this a lot with him. He said that they had focused on moving up the tiers within the state's economic development strategy. He said that a significant aspect of this involved obtaining the correct property zoning, gathering funds, and then proceeding with the master planning of the site. He said that this progression led from level two to level three and ultimately to level four within the statewide system. He said that he believed that staff were adhering to the process, although the procedure had been expedited due to extensive deliberation by the Board regarding the property acquisition, public hearings related to the purchase, and anticipating further public hearings and decisions concerning the property's development.

Mr. Missel asked the question because many of the queries from the other Commissioners focused on details typically found in a zoning application or similar plans. He said that however, those specifics were absent. He said that they observed some related information in certain Rivanna Futures economic development documents, but believed it was best left for the applicant to address.

Mr. Bivins said that assuming the County would be a public partner in a public-private partnership, where the County would bring the land to the deal and someone else would construct the building, he would like to know if the entity responsible for construction of the buildings would come before the Planning Commission or if it would continue forward to the site review.

Mr. Barnes said that Mr. Henry could likely address that question.

Mr. Bivins said that he recalled when the University of Virginia Foundation had approached them concerning the construction of over 300 homes on that adjacent plot of land. He said that the Foundation had been quite particular about their contributions to the development, given the large number of residences planned. He said that this location was merely half a mile distant. He said that while considering their proffer, he did not wish for the County to encounter a quandary where it possessed a valuable opportunity, yet because of the inflexible nature of their proffer, they could not fully realize its potential.

Mr. Bivins said that he would propose incorporating some flexibility into their terms, much like how the Foundation had approached their contribution. He said that by doing so, they could stipulate that if certain conditions were met, such as a specific number of inhabitants or traffic volume, then further contributions could be made. He said that he was not recommending that the County contribute, but rather, to offer more latitude in managing that property, instead of imposing stringent restrictions, such as declaring that there would never be more traffic than a previously determined quantity.

Ms. Firehock said that her understanding was that upon receiving the rezoning, the development would become by right and the Commission would not see this item again unless they wanted to call something up. She said that they had the right to do that, but they would not change the outcome and would only be looking at it. She said that once it was by right, so as long as they followed the rules, they followed the rules.

Mr. Carrazana said that this would be the opportunity to take a look at that in detail, but they did not have such an opportunity.

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

Trevor Henry, Deputy County Executive, said that he was joined by JT Newberry, Deputy Director of Economic Development. He said that they had several slides prepared, and he appreciated the efforts of

the Community Development staff who helped bring this forward. He said that he aimed to address the questions raised and answer any new ones that might arise during the session. He said that before delving into the specific land use matter at hand, he would briefly review the context. He said that approximately a year ago, on May 24, 2023, the Board accepted a contract to purchase 462 acres surrounding Rivanna Station.

Mr. Henry said that he had previously presented before the Commission on October 24, discussing the details, reasons, and methods behind the project. He said that he would not repeat those details today but would merely acknowledge that this presentation is an extension of that prior work. He said that since 1997, Albemarle County had housed Rivanna Station. He said that the U.S. Army acquired the property along what was now known as Boulders Road.

Mr. Henry said that Rivanna Station served as a microcosm of the intelligence community. He said that originally, the National Ground Intelligence Center (NGIC) was its primary mission. He said that subsequently, the National Geospatial Intelligence Agency (NGA) and the Defense Intelligence Agency (DIA) operated there. He said that in total, the federal government has invested approximately \$315 million into the site. He said that as of now, construction continues on the premises. He said that Rivanna Station occupies 75 acres of secured land and employs about 3,000 people. He said that their work was crucial to national defense.

Mr. Henry said that despite its low profile in the northern part of the County, it played a significant role in national defense and contributed to nearly \$1.3 billion in annual defense-related revenue. He said that 50% of that was attributed directly to Rivanna Station. He said that this was important for them to pay attention to, and it was something their Board had paid attention to for a long time. He said that he would provide a bird's eye view of the situation. He said that the red area, which represented the 75 acres of the existing Rivanna Station, was a sub-installation of Fort Belvoir, located in northern Virginia.

Mr. Henry said that the owner of the site is Fort Belvoir, and it was a fenced and secured location. He said that the rectangular area was known as Boulders 1, which was a commercial building that had been leased for a couple of decades for supporting the functions at Rivanna Station. He said that the work had continued within its premises. He said that their property was all the property highlighted in the white boundary, with the yellow area being the development area. He said that the total acquisition was 462 acres, half of which was development area and the yellow portion.

Mr. Henry said that they were looking to rezone only 172 acres of that area. He said that one of the intentions behind this was to secure the area, which had been flagged for a couple of decades as the only base or installation in the state that had available property around it. He said that this was both a positive and a concern. He said that the positive aspect was that there were opportunities for expansion. He said that the concern was the encroachment happening nationwide, where bad actors buy land near military bases, affecting their operations. He said that this had been a known and communicated concern for a couple of decades.

Mr. Henry said that the County stepped in last year to address this issue and help retain the functions present there while also believing that there was significant growth potential. He said that he also would provide a timeline of the entire process, which had been quite public. He said that they announced it on May 24 during a Board meeting, followed by several others, including Planning Commission meetings and EDA meetings. He said that they had held public hearings, which brought them to the current rezoning work. He said that it had been an intense effort involving both the public and staff members. He said that the County officially acquired the land on December 15, 2023.

Mr. Henry said that as property owners and landlords, they received contracts to maintain the existing parking and received some revenue from it. He said that the June public hearing was significant because the Board expressed its intentions by approving a resolution to permit business and industrial development. He said that this set the stage for the necessity of rezoning work. He said that if they had remained solely for public use, there would have been no need for rezoning. He said that they carried out extensive

research, with the primary focus of ensuring the property met their expectations for the public funds invested.

Mr. Henry said that in December, they recommended moving forward. He said that since then, their efforts concentrated on site readiness and engagement. He said that although he would not elaborate on the specifics of engagement, it involved state and federal levels, fostering partnerships to envision the future development. He said that in parallel, they collaborated internally with staff to prepare the site for rezoning. He said that rezoning allowed them to proceed with further design work, such as the traffic impact analysis (TIA).

Mr. Henry said that a critical aspect mentioned by Fort Belvoir to the County Executive and himself was the significance of the road connection, which would be a \$40 million+ project to connect Boulders to 29, improving resilience and security for the base. He said that the design work allowed them to access potential funding sources at the state and federal level. He said that site control was crucial to provide assurance concerning existing operations and facilitating collaboration with partners to move forward with the necessary work for future growth.

JT Newberry, Deputy Director of Economic Development, said that he would like to discuss site readiness using the state's five-tier system. He said that at Tier 1, properties have minimal infrastructure and unclear developability. He said that a Tier 5 represented a shovel-ready project with approved site plans, permits, and a high level of confidence for the end user. He said that in the context of Rivanna Futures, the County's holdings likely fell around Tier 2. He said that they were in the comprehensive plan for growth, had undergone initial due diligence, and possessed site control.

Mr. Newberry said that if the Board of Supervisors approved rezoning, it would elevate them to Tier 3, making them eligible for state and federal grant funding. He said that the purpose of this rezoning was to enhance competitiveness for funding and complete additional due diligence. He said that the best practice was to achieve a Tier 4 level of site readiness, which would be their goal. He said that this level ensured flexibility for the end user while providing enough due diligence to minimize risks associated with its usage. He said that they continued two lines of effort concurrently.

Mr. Newberry said that one focused on conceptual engineering, providing technical details regarding the extension of Boulders Road, stormwater infrastructure, and utilities like water and sewer. He said that these findings would inform the future campus planning effort engaging various stakeholders. He said that this placed them in a favorable position for funding. He said that they believed that light industry uses, and the special use permit would enable them to pursue compatible development adjacent to Rivanna Station without conflicting with existing facilities at Rivanna Station.

Mr. Bivins said that regarding the proffer, he wanted to ensure they had sufficient flexibility that was not tied to a traffic volume that would hinder their future advancements for intelligence work on the site.

Mr. Murray said that there have been other situations in Virginia, such as the case in Chesterfield where the Economic Development Authority played a role in a solar acquisition affecting a site of state significance and housing several endangered species. He said that they did not wish to become that County. He said that in some parts of Virginia, military activities have resulted in toxic waste legacies, such as the Radford Arsenal. He said that he believed that this would not be an issue in their case since they primarily discussed office-type uses. He said that nonetheless, it was crucial to keep this possibility in mind and ensure that the County does not face similar problems.

Mr. Murray said that even though they did not possess a site plan, or the typical documentation required for rezoning approval, they should find methods to demonstrate to the public and establish guidelines that surpass expectations, thereby setting an example for others to follow. He said that this way, when private developers appear before the Planning Commission, they could see how they can go beyond the minimum requirements for stormwater management and environmental protection, much like the University of Virginia has done in various aspects of quality stormwater management and environmental protection.

Mr. Missel said that he had a question related to Mr. Murray's comments. He asked if the applicant could provide some narrative to help them understand anticipated building layouts, road networks, stormwater issues, natural resource preservation, buildout projections, and timelines. He said that this would give the Commission some details that they did not have as part of the application plan.

Mr. Henry said that they could address some of those concerns. He said that the final slide was a rendering that represented the completely designed plan, which he would refer to as the "art of the possible." He said that this was public engagement work conducted in 2014 with key stakeholders at Rivanna Station, Fort Belvoir, North Fork Foundation, and the Board of Supervisors. He said that the County expanded upon that idea by illustrating what it might look like. He said that that was as far as the work has progressed in terms of specificity.

Mr. Henry said that he believed the only thing that was certain was the Boulders Road connection. He said that they understood how crucial that was to resiliency of the station. He said that it would also benefit the community. He said their development would primarily focus on the initial 50 to 75 acres. He said that the building layout and parking was still to come and would be determined by the requirements they were currently developing with their partners. He said that there was a possibility of incorporating extra gate security and separate access for the present facility. He said that that work was forthcoming, but it would proceed concurrently.

Mr. Henry said they were seeking state-supported financing to assist them in furthering the technical design, particularly concerning the road and the impacts, as well as gaining a clearer understanding of the demands of their Department of Defense (DOD) counterparts and their academic partners. He said that they had spoken with the Foundation, UVA, and Virginia Tech. He said that the campus concept united the secure side of DOD with academia and the private sector, much like in other cities across the nation, such as St. Louis, which served as a model they could follow. He said that however, he acknowledged that was a visionary achievement. He said that they had work to complete before reaching that point.

Mr. Missel said that while he fully supported this initiative, he wanted to ensure that this body that was responsible for overseeing land use held the County to the same level they expected of other applicants.

Mr. Clayborne said that it seemed like a great opportunity. He asked if they could comment on how the economic development vision for this site related to that at North Fork.

Mr. Henry said that his meetings with economic development from UVA had led him to believe in the phrase "a rising tide raises all boats." He said that they believed that there was growth needed within their intelligence community, particularly from a defense budget. He said that this was crucial since the largest threats originated from this sector. He said that at a federal level, funding was driving this work.

Mr. Henry said that they envisioned a location between Rivanna Station as the anchor, the property they have acquired surrounding it that was moving through rezoning, the Foundation's work that was already built and what was in their rezoning, which would collectively create an opportunity to continuously attract similar work and jobs. He said that their Board supported this type of growth. He said that it aligned with the desired growth in technology sectors they wished to foster. He said that their focus on engagement had been with the federal DOD side, and they were spending a lot of energy with that and would continue to do so.

Mr. Clayborne said that rarely was the County the landowner that comes before the Commission, so as they were looking to bring to fruition the different projects or buildings, they should set the standard for climate and equity. He said that it would be a missed opportunity if they did not do that, so with this chance to control their own destiny, they should seize it.

Mr. Henry said that there was great news because there was a lot of federal funding available in the resiliency field, specifically for military bases and installations. He said that he attended a conference in

March where he learned about funding opportunities for solar panels to provide alternative power backups for these facilities. He said that he believed it was worth mentioning that such funding options exist, even though he did not necessarily suggest they should pursue them.

Mr. Murray asked if there was opportunity for providing resources on-site, such as access to medical clinics and other services for military personnel.

Mr. Henry said that during the previous SWOT analysis, an issue was raised about the lack of childcare access and medical facilities at sub-installations. He said that people working there had pointed out that these amenities were absent compared to larger cities like Norfolk or Fort Belvoir. He said that they this as an opportunity to partner with Fort Belvoir and others to resolve these problems. He said that he wanted to emphasize the potential of the eastern area of the site.

Mr. Henry said that they viewed this area as mostly a barrier against encroachment. He said that the landscape was beautiful and could inspire innovative park designs tailored for military personnel, veterans with PTSD, and the general public looking for serenity. He said that funding existed for such initiatives. He said that a natural area like this would harmoniously fit alongside the existing Rivanna Station.

Mr. Murray said that there had been work done regarding therapeutic forests, which he believed could be useful. He said that it would also provide a landscape to provide protection and security for the location.

Mr. Carrazana asked to see the illustrative 3D rendering. He said that he understood that similar information was previously presented during Mr. Henry's appearance before the Commission in 2023. He said that his question concerned the numerous questions raised there and the data available then. He said that he knew that a concept map could have been constructed using the available details.

Mr. Carrazana said that he acknowledged that these maps evolved over time, especially after property sales following rezoning. He asked why specific elements were left out, particularly the lack of overlays such as stream buffers, critical slopes, and others. He said that he sought clarification on why they were not considered essential. He said that it was unclear why they were excluded from this presentation, considering their usual requirements for other applicants.

Mr. Henry said that it was not a question of it not being needed; rather, they were not at the stage of design or development to offer that. He said that they had taken a 2D concept and created a 3D image to represent the "art of the possible." He said that the state had run a listening session, which was performed every four or five years and developed the opportunities and concepts. He said that the image on the left was driven out of the "art of the possible" concept and was used to develop the 3D plan. He said that they used that as a vision, but they required engagement at the partner level to ensure that was what was wanted.

Mr. Henry said that they could not provide that level of detail at this time. He said that when they presented this to the Board in its many iterations, they stated that the first thing they needed to do was rezone it to get it consistent in order to get grant access. He said that the Board directed staff in December to move at the best speed to get the site ready for this work and for partner engagement. He said that they were in the process of validating the model created.

Mr. Newberry said that part of the materials provided by the consulting engineer for the staff report were built upon an older vision. He said that the consultant had created a three-dimensional image showing an expansion of approximately 600,000 square feet of development. He said that the engineer had calculated that this area would generate around 5,000 vehicle trips per day, based on the Institute of Transportation Engineers' (ITE) assumptions for square footage for offices and warehouses. He said that this diagram served as the foundation for the proposed 5,000 daily vehicle trips. He said that essentially, if they considered this vision as Phase 1, then their submitted proposal would cater to this vision depicted in the document in terms of traffic impact.

Mr. Carrazana said that he believed they would have asked other applicants to provide much more information than they were getting with this proposal. He said that there was an inconsistency in the application process. He said that he personally supported the initiative and understood the importance from an economic development perspective, but the method of presenting it was unsatisfactory. He said that he kept hearing suggestions to bring it above and beyond, but it was not even equal to what they typically saw. He said that he struggled with the process of how it was brought forward, but not with the subject of the proposal.

Ms. Firehock said that she agreed with Mr. Carrazana's and Mr. Murray's comments. She said that she would like to add briefly that their goal should be to exceed expectations and serve as a model for the County in this project. She said that they mentioned the availability of significant funds in the field of resilience, focusing on energy efficiency and initiatives such as solar panels, among others. She said that as someone who worked in the resilience sector, she was familiar with the Department of Defense's emphasis on sustainable practices.

Ms. Firehock said that green infrastructure was not limited to energy conservation; it encompassed various aspects. She said that for example, green roofs can absorb as much water as a forest, and they can also capture and store water. She said that their County office building features an impressive green roof that reportedly reduced energy consumption by up to 30%.

Ms. Firehock said that she would suggest that when presenting this proposal to potential partners, the County should establish resilience standards and pursue available resilience funding opportunities. She said that the Department of Defense had issued several memos outlining its commitment to energy and environmental resilience efforts. She said that they have awarded tens of millions of dollars across the country, and they talk about being stewards of species as well. She said that she would like to see more emphasis on that aspect. She said that they should develop green standards for this site when courting partners. She said that the process might take more time than currently available.

Ms. Firehock said that the Department of Defense currently had a dedicated green infrastructure staff person and had already developed all of the tools, programs, and funding. She said that they may be able to leverage some of that since they focus not only on bases but also the surrounding military facilities. She said that they should articulate this further to make it more appealing. She said that with the County as a developer, they should showcase innovative approaches rather than traditional development methods. She said that she believed that establishing connections with the right people in the Department of Defense could lead to leveraging funding, expertise, and support.

Mr. Bivins asked if there would be any barracks there, and if so, they should make it a more general proposal in order to accommodate housing.

Mr. Henry said that they had discussed housing for the military personnel at Rivanna Station, but at this time there was no plan for barracks or housing on the property. He said that it was a concern for the E-5 and E-6 personnel members working at Rivanna Station.

Mr. Bivins said that they should give themselves as much flexibility as possible in case of potential housing. He said that he would like them to have as many Tier 4 properties so they could secure businesses and be competitive with surrounding counties. He said that if there were going to be barracks, that should be included in the application so they can leverage resources. He asked if the County purchased the building on Route 29 that housed a palm reader.

Mr. Henry said yes.

Mr. Bivins asked if the road coming up through the north of the property was coming through the Route 29 psychic reading building.

Mr. Henry said yes, the County purchased that property around 2016. He said that it was done so with the idea of gaining some level of control of the entire area.

Mr. Bivins said that if they were going to use that as an exit, they should take it to the next level because a different amount of public scrutiny would be involved. He said that if they needed it, they should declare it, so the public was aware.

Mr. Murray said that there was formerly agricultural land around the property. He asked if they had considered nutrient banking or carbon credits as a method of reducing revenue off the property while providing that benefit. He said that it could be used as a way of offsetting the County's purchase of the property.

Mr. Henry said that he had not been involved in those conversations, but it was a great concept that staff would take note of. He said that they knew the area would not be developed and would be a passive use, so it would be beneficial to take advantage of it with carbon credits.

Mr. Murray said that it would be a great way to mitigate environmental impacts locally and could be a great asset to the County.

Mr. Missel said that he wanted to voice his respect for the work done so far by the County staff, as he knew it was a huge undertaking. He said that he agreed that it would be great for this area to see this project thrive. He said that he also was searching for a differentiator, which perhaps was the millions of dollars of public funding being invested in this property, or potentially the defense-related mission of national security. He said that however, the Commission was tasked with answering to the development community that may now request a rezoning with only the "art of the possible" presented and not have a plan until after the rezoning for their parcel was approved. He asked how the County would reconcile with developers if they allowed the County itself to approve rezonings in this manner.

Mr. Henry said that it was a great question, and he appreciated how it had been framed. He said that there were several potential answers to the question. He said that the acquisition of Rivanna Station was essential due to its nature and function, which aimed to provide security and eliminate the threat of encroachment. He said that this decision had received significant recognition and support from the locality. He said that secondly, the development would require careful collaboration with relevant parties to develop master plans and future designs. He said that although this did not directly answer the question, it highlighted the unique circumstances surrounding their project. He said that creating design concepts and ideas throughout the process could take time.

Mr. Henry said that a key differentiator between the County and previous developers was their transparency and accountability. He said that rezoning process had been ongoing for nearly a year, and every step required Board approval and action through an appropriation. He said that even after obtaining site plan approval, they would still need Board approval for each subsequent stage, including schematic design for major capital projects.

Mr. Henry said that in comparison, a private developer could move quickly once they had site plan approval. He said that for instance, Mr. Newberry could present to the Board multiple times over the next 20 years. He said that regarding the development pipeline, it had a 20-year horizon. He said that the primary distinguishing factor, he believed, was the ongoing public oversight they would maintain during future work.

Mr. Missel asked if there were any speakers from the public who wished to comment on this item.

Rob McGinnis said that he was representing the Piedmont Environmental Council. He said that he would begin by stating that their organization was not opposed to the growth of the defense and security sectors in Albemarle County. He said that however, they had concerns about the process for advancing Rivanna Futures through the real estate transaction and entitlement processes. He said that the entitlement process

had been significantly truncated, and the County's application and review could be, but this did not necessarily mean it would be problematic.

Mr. McGinnis said that what was concerning to them was the proposed initial two phases. He said that the development of Rivanna Futures could be part of the much broader growth of the defense and security sectors. He said that he would review a quote from the final minutes of the October 24, 2023, Planning Commission meeting. He said that the quote came from the record of the presentation on Rivanna Futures as part of AC44 Economic Development Goals and Objectives.

Mr. McGinnis read, "Mr. Henry said that they saw potential for development from North Fork all the way up to Greene County, approximately eight miles, with a possibility of realizing a level of potential similar to Silicon Valley at its onset. He said that they believed the Rivanna Station Futures projects would help anchor that work. He said that there was an ecosystem in the community to support it." He said that there was also a sentence in the ZMA packet in that proposal stating, "It is likely that the County will make additional applications, including rezoning applications in the future to further support Rivanna Station and target industries."

Mr. McGinnis said that the meeting minutes and staff report implied a larger initiative with a potential scope of development virtually unknown to community members. He said that as a result, he had received numerous conversations and phone calls expressing confusion, in which people said they did not understand what Rivanna Station Futures was other than this initial project. He said that there needed to be a better communication of what the intensity and level beyond this project entailed. He said that if this was a catalyst, they needed to better understand how far this project's reach would extend.

Tom Olivier said that he was a resident of the Samuel Miller District. He said that he had recently sent an email discussing his concerns about the Rivanna Futures project, which he presented to the Board of Supervisors before its April project update. He said that in his statement, he questioned the benefit of Rivanna Futures for current residents and highlighted the lack of comprehensive impact analyses available to the public. He said that he had urged the Board to either release existing impact analyses or postpone their commitment to Rivanna Futures until such analyses were prepared.

Mr. Olivier said that following the Supervisors' discussion, the Chair acknowledged the necessity for impact analyses concerning Rivanna Futures and instructed staff to prepare them. He said that if these studies already existed, he had not seen them. He said that as far as he knew, with Albemarle County's intentions to proceed with the endorsement of Rivanna Futures, there remained insufficient data regarding its fiscal, academic, ecological, and other implications.

Mr. Olivier said that furthermore, there were other problems about how Albemarle County processed Rivanna Futures. He said that the \$58 million purchase of land for the project occurred and was approved in a closed meeting. He said that he was aware that Virginia law allows such actions. He said that the Free Enterprise Forum had noted the County's own review of its development proposal was moving unusually quickly and with less than usual required information.

Mr. Olivier said that if this was acceptable for the County, he asked why it was not the norm for private enterprises. He said that the County claimed it purchased land due to the potential relocation of federal agencies to Rivanna Station if the County did not offer additional land for expansion. He said that they should consider the precedent. He asked if the County would hastily make large-scale decisions every time the federal government suggests relocating its Albemarle installations.

Mr. Olivier said that also, County staff mentioned that a rapid review was needed to qualify for VEDP site development funds. He asked if the County had become so seduced with economic development that they were willing to compromise their review procedures for VEDP funds. He requested the Commission to inform the boss that the present Rivanna Futures review procedure was substandard and should not become standard practice. He asked at what stage in their rise as a national intelligence hub did, they anticipate becoming a target of nuclear weapons.

Michael Scott said that he was a resident of Earlysville. He said that he spoke at the June 21 Board of Supervisors meeting, which was held to discuss this purpose. He said that his comments at that time were that he had been a resident of Albemarle County for 30 years and was very familiar with the area and this opportunity. He said that he had previously stated it was the most forward-leaning move the County had made in three decades. He said that he commended the folks who moved forward with it.

Mr. Scott said that he believed the County's decision that evening to open this up was exactly what this rezoning enabled. He said that this was 11 months ago, so he would not call it hasty by any stretch of the imagination. He said that he had read through all the due diligence work done, and there had been a lot of work done in terms of slope analysis and other items. He said that he knew there was more to be done before they could build something, but they were dealing with the state and federal governments, so that level of readiness was necessary for interest in investment.

Mr. Scott said that as a County resident and part-owner of a \$58 million bill, he looked forward to bringing those federal and state dollars in as quickly as possible. He said that his real focus tonight, which he spoke about last year when he was mistaken about the discussion being about whether or not they should purchase the land, was that he asked that 25% of the property be set aside to create as a natural area rejuvenation facility for veterans, military, and first responders.

Mr. Scott said that it should be a quiet area for those who did not have ready access to large acreage and quiet space could clear and heal their minds, and work with others in the community who specialize in healing. He said that it would be a perfect place to do that, and the Board and staff had been extremely receptive to that idea. He said that he looked forward to developing that, although it was outside of the scope of what they were discussing tonight. He said that he would encourage the Commission to take the next step forward.

Mr. Missel asked if there were any speakers signed up online.

Ms. Shaffer said that there were none.

Mr. Missel asked if the applicant would like to respond to any comments from the public.

Mr. Newberry said that they could provide more details regarding the concept of an innovation corridor. He said that after signing the contract to acquire the land, many individuals within their community expressed interest in working alongside the County to maximize the potential of the opportunity. He said that several notable partners who showed enthusiasm for this idea came from Greene County, which has a defense production overlay zone and controls around 500 acres of land similarly designated for the same type of development observed in North Fork.

Mr. Newberry said that Greene County intended to establish a similar arrangement in the Ruckersville area. He said that the innovation corridor stretches eight miles, extending from Airport Road to Route 33 in Ruckersville. He said that within this distance, approximately 1,500 acres of land owned by the County, the University of Virginia Foundation, and Greene County could be meticulously planned for industries and applications aligned with this vision. He said that this was more of an aspirational and brainstorming discussion with regard to best practices of other corridors jointly marketed around the country.

Mr. Moore said that he would begin by discussing the broader context and expanding upon a topic that several people, including Mr. Missel, had previously brought up. He said that the question was why this scenario differed from a private developer requesting a rezoning. He said that he found it surprising that this was even a question, as the solution seemed quite apparent to him. He said that they did not run the government like a business. He said that if anyone running for political office claimed they would handle government as if it were a corporation, he would not support them. He said that their responsibility was to provide public goods and public benefits.

Mr. Moore said that in contemporary society, he believed that the idea of a public good had been mostly forgotten, and therefore, in his opinion, this was a County government deciding what served the best interests of the entire population. He said that the site preparation was something that County decision-makers had deemed a public asset. He said that this involved ensuring safety around the existing Rivanna Station facilities and preparing the site for stable, high-paying job opportunities. He said that the proposers themselves noted that this was a public priority addressed through a public process. He said that although they could keep debating whether this was the right industry to concentrate on or not, that was the decision made.

Mr. Moore said that for him, that was the main difference. He said that another advantage of taking a proactive stance was that it laid the groundwork for future efforts aimed at benefiting the public good. He said that there were many unfulfilled public requirements out there. He said that they should not always wait for a private developer seeking personal gain to approach them asking for a zoning change. He said that they could actively pursue initiatives that benefited the public. He said that maybe this was something they could think about more often in the future.

Mr. Missel said that Mr. Moore made a good point. He said that he believed a challenge that applicants with affordable housing initiative requests often saw was that as a public good, but their requests were not expedited and often took years to get approved. He said that the challenge was how they defined public good. He said that it was a bigger question that they could not address tonight. He said that he believed there were differentiators that they must clearly articulate to the public, because most applicants would say that what they were proposing was for the public good.

Mr. Bivins said that he believed everyone has heard his attempt to provide the applicant with some flexibility so that they can, in fact, do the things that might arise that are not known today. He said that he wanted to address what Mr. Moore was discussing and remind everyone, particularly the Supervisors, about what kind of County property might actually help to advance housing. He asked what types of County property could potentially aid in advancing housing options in regards to AC44. He said that through this discussion, he hoped they could re-evaluate their target industries for the future.

Mr. Bivins said that after all, what they were and what they are today would not necessarily dictate what they will be tomorrow. He said that he thought it would be beneficial to engage in a more thorough examination of what constitutes a target industry. He said that he believed everyone deserved access to housing. He said that he did have concerns regarding the situation perpetuated by the GI Bill and other factors affecting their community. He said that the County did possess a valuable resource, which was the potential for a diverse workforce. He said that they should consider how best to utilize this asset by attracting a diverse group of individuals to their area.

Mr. Bivins said that the University of Virginia Foundation was an example of individuals with a diverse workforce. He said that this diverse workforce requires transportation networks and adequate housing stock. He said that his perspective was that the housing stock could consist of land or even involve swapping land owned by the County. He said that his point was that the Rivanna Station and Rivanna property demonstrated the County's willingness to invest in infrastructure. He said that he hoped the County was also willing to invest in the people who will work within the County.

Mr. Bivins said that if employees must continue driving long distances to work, it will deter potential businesses from locating there. He said that businesses prefer to keep their employees closer to work. He said that Albemarle County offered a desirable location, but a comprehensive approach to land usage was essential for economic development. He said that their Supervisors should consider both land for working and living purposes when planning for growth. He said that in conclusion, he was supportive of this initiative.

Mr. Murray said that since there was no concept plan present, after discussing various opportunities related to the site, he desired a condition to be implemented. He said that the County should create a set of sustainability and equity objectives. He said that these objectives would be linked to the project, utilizing

the comprehensive plan as its basis. He said that there were numerous exceptional, specific elements within the comprehensive plan, such as a suggestion that County facilities should contain 80% native plants.

Mr. Murray said this idea could function as a goal. He said that he was uncertain about the difference between a goal and a requirement. He said that he did not wish to enforce limitations that might hinder the development of the project according to their preferences. He said that incorporating a series of sustainability and equity objectives would prove advantageous.

Mr. Clayborne said that he agreed with Mr. Murray that they should take this unique opportunity to set the standard. He said that they did not have this chance often.

Mr. Carrazana said that he agreed with many comments but disagreed with some aspects. He said that if their government had certain standards for others, they should certainly follow them. He said that using the term “differentiator” and what made them different, he believed something the applicant said was a differentiator for him, which was regarding all the public processes they would need to continue to go through. He said that it was true that it was not the case with a typical developer.

Mr. Carrazana said that as they looked to go above and beyond, they should hold themselves to at least the same standards as other applicants, so he held his original thought on this in that it was not quite to the standard it should have been. He said that nonetheless, he was in support of what this would do. He said that he agreed with his colleagues that there was a lot they had not seen yet, but hopefully they would have the opportunity to see that in the future, whether it was here or in other public processes.

Ms. Firehock said that when discussing industries related to the Department of Defense, it would be appropriate to mirror the Department of Defense's newly established sustainability objectives and resilience goals. She proposed that staff members attend a tour of NASA Langley's facility in Hampton, as they often provide guided visits and allow participants to spend a day away from the office. She said that she could facilitate this connection. She said that there are numerous federal defense and logistics facilities that have successfully integrated environmentally friendly infrastructure.

Ms. Firehock said that there are existing examples to follow. She said that when developing a set of guidelines, she advised against imposing strict requirements, such as mandating that every parking area must consist of permeable pavement. She said that instead, she recommended establishing design principles, similar to those found in a form-based code concept. She said that by doing so, she believed that more people would be inclined to support the initiative, as many individuals prefer being part of a green campus rather than yet another workplace building.

Mr. Missel said that in terms of differentiators, they had discussed a lot of ways to show how to be excellent as a County and how to represent that. He asked if a statement to the effect of “The applicant is encouraged to focus on excellence in areas of land planning, equity, resilience, resource management, and other land use-related considerations” was appropriate. He said that it was not a condition but an aspiration.

Mr. Herrick said that there were two petitions before the Commission tonight, one for rezoning to light industrial and one for a special use permit. He said that while the Commission had raised issues regarding the process, the question before the Commission was whether the petitions had met all of the requirements of the zoning ordinance and impacts foreseen. He said that staff had indicated that they had, so if the Commission felt that there were unaddressed impacts, that should be part of the Commission's motion. He said that to the extent that the Commission believed the petitions addressed the impacts to the Commission's satisfaction, then the motion should be focused on the petitions and their merits rather than the process.

Mr. Missel said that there had been questions raised as to whether they have the information necessary to make that determination.

Ms. Firehock said that they had talked about the process, but according to the County, the only impact was traffic, so the proffer was to limit the number of vehicles. She said that they could not evaluate the potential for other impacts because they had insufficient detail in the plan to know what additional conditions may be necessary for those unknown impacts.

Mr. Missel said that with the differentiators discussed, he was supportive of the two items before them this evening. He said that his question was if there was a method for inclusion of the encouragement of the Commission that would then go to the Supervisors, stating that they supported this, and that staff's presentation was acceptable but wanted to underscore the recommendation for excellence in land planning.

Mr. Murray said that if the applicant was willing to offer that themselves, then it could be included as a conditional offer from the applicant.

Ms. Firehock said that the Commission could include it as a formal statement after the vote was taken.

Mr. Herrick said that the applicant was entitled to a positive or negative recommendation on both its applications, but if the Commission wanted to make additional recommendations in the form of a motion, it could certainly do so.

Mr. Clayborne motioned that the Planning Commission recommend approval of ZMA202400002 Rivanna Futures for the reasons stated in the staff report, which was seconded by Mr. Bivins. The motion passed unanimously (7-0).

Mr. Clayborne motioned that the Planning Commission recommend approval of SP202400014 Rivanna Futures for the reasons stated in the staff report, which was seconded by Mr. Murray. The motion passed unanimously (7-0).

Mr. Clayborne motioned that the Planning Commission recommend the County take into consideration ways to actively set the standard by focusing on excellence in areas of land planning, equity, resilience, and sustainability features listed in the vision and mission of the County in its respective direction, including resource management, transportation, and other related considerations with the Rivanna Futures project. The motion was seconded by Mr. Murray and passed unanimously (7-0).

There were none.

Adjournment

At 9:30 p.m., the Commission adjourned to May 28, 2024, Albemarle County Planning Commission meeting, 6:00 p.m.



Michael Barnes, Director of Planning

(Recorded by Carolyn S. Shaffer, Clerk to Planning Commission & Planning Boards; transcribed by Golden Transcription Services)

Approved by Planning Commission
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