Albemarle County Planning Commission
Draft Work Session and Regular Meeting Minutes December 17, 2024

The Albemarle County Planning Commission held a public hearing on Tuesday, December 17, 2024, at 4:00 p.m.

Members attending were Fred Missel, Chair; Luis Carrazana, Vice-Chair; Corey Clayborne; Julian Bivins (remote participation); Lonnie Murray; and Nathan Moore.

Members absent: Karen Firehock

Other officials present were Michael Barnes, Director of Planning; Scott Clark, Conservation Program Manager; Tonya Swartzendruber, Planning Manager; James Van Vranken, Planner; Kevin McDermott, Deputy Director of Planning; Jodie Filardo, Community Development Director; Frank Pohl, County Engineer; Francis MacCall, Deputy Zoning Administrator; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Ms. Shaffer called the roll.

Mr. Missel established a quorum.

Mr. Bivins requested to participate remotely from his home in Albemarle County due to medical reasons. He said that he was located in the Jack Jouett District.

Mr. Clayborne moved that the Planning Commission allow Mr. Bivins' remote participation in today's meeting. Mr. Carrazana seconded the motion, which passed unanimously (5-0). (Ms. Firehock was absent.)

Work Session

CPA202100002 AC44 DA Land Use Actions

Tonya Swartzendruber, Planning Manager, said that she was present to discuss the Environmental Stewardship Chapter of the comprehensive plan, and she was joined by several colleagues who would help answer questions. She said that Scott Clark would present specific information on the chapter. She said that to get started, the agenda outlined the following topics: summarizing feedback from their last session, reviewing community input themes, discussion topics for action on stormwater management, biodiversity, water and groundwater supply, and reviewing the upcoming schedule and public participation opportunities.

Ms. Swartzendruber said that there were four direction topics for their consideration tonight. She said that the first focused on low-impact development (LID). She said that the second addressed biodiversity protection and demonstration projects. She said that the third addressed public water supply and groundwater supply. She said that the fourth was a general review to determine if there was anything that had been missed or if additional context was needed. She said that regarding the rural area land use, there was a summary of the feedback they had received from their last session. She said that it should be included in their packet as well.

Ms. Swartzendruber said that the key points included that land conservation did not necessarily mean resource conservation, and quantified or percentage targets may not be the best measure. She said that for agriculture and forestry, industrial uses may not be the best classification, and they should consider more by-right farm worker housing. She said that in terms of non-residential commercial uses, there was no decision made on special events for historic or heritage properties. She said that they should consider a resource extraction overlay and treat areas within the rural area (RA) as individual communities. She said that additionally, the proposed use of an existing building did not necessarily need to be a historic use.

Ms. Swartzendruber said that the community input themes they had presented a little less than a year ago centered around protecting waterways and improving water quality, protecting biodiversity and ecosystems, and improving habitat connectivity. She said that their goal for the Environmental Stewardship Chapter was to provide healthy, thriving, resilient ecosystems, prioritize connected habitats and natural carbon sinks, and value their natural environment. She said that there were five objectives established in that chapter, which were overarching goals that guided the actions beneath each one.

Ms. Swartzendruber said that to summarize the changes from the 2015 plan, they had updated the goal and objectives to reflect the community's input, including addressing waterways, drinking water protection, and natural hazard mitigation. She said that they had also incorporated the County's plans and policies, including the stream health initiative and biodiversity action plan, which Mr. Clark would elaborate on shortly.

Ms. Swartzendruber said that the Commission’s previous input on this topic included recommendations for improved data and education on biodiversity, incentives for green infrastructure, financial assistance for failing septic systems, stronger protections for riparian stream buffers, and greater coordination. She said that they had also suggested implementing more effective lighting requirements to protect their dark skies while prioritizing safety. She said that next, Mr. Clark would discuss the various efforts focused on environmental stewardship.

Scott Clark, Conservation Program Manager, said that this chapter, Environmental Stewardship, was titled as one would expect, but it also included some topics that might not be immediately apparent. He said that this chapter was primarily focused on water matters, including water supply protection, water quality, surface and groundwater, and biodiversity and natural systems. He said that the sections on these topics had been updated to reflect the recommendations of the Stream Health Initiative and the biodiversity action plan, which he would discuss in more detail shortly.

Mr. Clark said that they may wonder about the other environmental topics that were not included in this chapter. He said that many of these topics were covered in other chapters for the sake of organization. He said that for example, emissions reductions for climate change were addressed in several chapters throughout the plan, while climate resiliency was discussed in the Resilient Community chapter. He said that land conservation, often included in the scope of environmental stewardship, was actually covered in the Rural Area Land Use chapter. He said that this was not a deliberate omission, but rather a result of the plan's organizational structure.

Mr. Clark said that to provide context for the Stream Health Initiative and its impact on this plan, the initiative originated from a long history of water resource protection policy in the County, dating back to the 1970s. He said that in 2017, the Board directed staff to work with community stakeholders and the public to develop recommended measures for improving stream health and water quality throughout the County. He said that the program was handled by Community

Development, in collaboration with previous Natural Resource Managers, and consisted of two phases: one focused on urban and development-related issues, and the other on rural areas.

Mr. Clark said that an extensive public input and stakeholder process was conducted, resulting in 14 recommendations presented to the Board. He said that they had made a concerted effort to incorporate these recommendations into the draft actions in the plan. He said that he would not list all 14 recommendations, but they could see here that, except for a couple that were already underway, such as the buffer ordinance, they had tried to incorporate the Stream Health Initiative's recommendations from the Environmental Stewardship Actions, as the numbers indicated. He said that it took another slide to review the remaining seven.

Mr. Clark said that he wanted to draw attention to one in particular because it was part of the discussion questions for this work session. He said that low-impact development encompasses a wide range of measures that mimic natural processes to improve downstream stream health from development projects and other land uses. He said that this approach aims to reduce downstream impacts in a more natural fashion, both in development areas and rural areas. He said that this topic deserved an entire work session, but he would provide a brief summary to give an idea of the kind of measures they were discussing.

Mr. Clark said that another major section of this chapter was the Biodiversity and Natural Systems section. He said that much of this came from the biodiversity action plan. He said that the comprehensive plan had included policies regarding biodiversity protection since 1996. He said that he had included 1998 here, but that was an amendment. He said that from then on, the comprehensive plan called for the development of a County biodiversity action plan and a Biodiversity Protection Program.

Mr. Clark said that in the mid-2000s, they established the Biodiversity Work Group and the beginnings of the National Heritage Committee, an advisory body that helped the Commission and Board understand the impacts of their land use policies and recommended measures to address them. He said that in 2018, the Natural Heritage Committee and staff completed the long-awaited action plan, and the major recommendations were adopted into the natural resources chapter of the previous comprehensive plan in 2019.

Mr. Clark said that this plan contained a wealth of recommendations, but he did not have time to review them all today. He said that however, if they reviewed the executive summary of the action plan, they would see that the Natural Heritage Committee had prioritized nine actions for higher priority, focusing on three specific conservation focus areas, five key ecosystem types, and addressing habitat fragmentation, connectivity, buffers, and management for biodiversity on County-owned lands. He said that the plan also included education-related measures, such as promoting locally native plants, and developing indicators of biodiversity status in the County, which would be reflected in the actions outlined in this draft chapter. He said that these indicators would feed back into any future updates of the biodiversity action plan.

Mr. Clark said that for context, he provided the three focus areas were identified in the action plan as areas of most importance to act on within a five-year timeframe. He said that specifically, these areas included the northwestern part of the County, centered on the head of the Rivanna watershed, the southwestern part of the County surrounding Heards Mountain and Green Mountain, and the Rivanna River and its north and south forks and the main stream.

Ms. Swartzendruber said that their next meeting with the Commission will be on January 28, 2025, where they will be discussing the Parks and Recreation chapter. She said that they will also be presenting the Parks and Recreation chapter to the Board on February 19, 2025. She said that in between, they will be presenting the entire Rural Area Land Use chapter, as well as the Environmental Stewardship chapter, to the Board on January 22, 2025.

Ms. Swartzendruber said that on February 12, 2024, the revised Rural Area Land Use Chapter and Development Area Land Use Chapter will be presented to the Board. She said that the Commission would receive those same revised chapters. She said that as a reminder, for those interested in staying informed and participating, please visit engage.abemarle.org/AC44, where they can find the draft chapters and engage with the planning process. She said that the next event will be at the end of January, and all upcoming events will be listed on the Phase 3 page. She said that the direction topics are displayed on the screen.

Mr. Clayborne asked if the intention of this chapter was to primarily focus on streams, rather than the Rivanna River, which he did not see it mentioned much in the chapter. He said that he was not sure if it was part of the Parks and Recreation chapter. He asked if staff could share their intention behind this.

Mr. Clark said that he believed there was no intention to focus solely on streams and not the larger rivers, so they could clarify that language as they reviewed it further. He said that intermittent and headwater streams were indeed very important in the field of water quality protection, but he did not intend to limit their discussion to only these areas.

Michael Barnes, Director of Planning, said that regarding parks, blue way trails and boat launches and other ways of using the river as a recreational resource would be covered. in the Parks and Recreation chapter.

Mr. Clayborne said that he was considering protection and activation, but he could share more about that as they conversed. He said that he just wanted to ensure that he was not missing something.

Mr. Missel said that on slide 14, he would like clarification on the riparian buffer protection standard environmental stewardship action that was already underway. He said that he wondered if that work would continue under this current document, and if so, how it was identified. He said that for example, he wondered how number one would be included if the initiative was already underway, and similarly, he wondered how number five would be identified.

Mr. Clark said that they had not specifically included them because they were already underway. He said that if they preferred that they include them, he thought there were existing actions that they could mention. He said that for example, the Phase 1 Stream Health Initiative and the Buffer Ordinance could be included to be clear that those should continue.

Mr. Missel said that he thought it would be helpful to include that ongoing initiatives need to be continued.

Mr. Moore said that he had a general framework question. He said that it was very broad, but there was a lot in here on the biodiversity aspects, particularly those related to protecting, preserving, and restoring. He said that given the ongoing climate catastrophe affecting the world,

he was wondering if they were considering the macro-level impacts on their biological spaces, regardless of whether they chose to preserve and protect them or not.

Mr. Murray said that this topic had been extensively discussed by the National Heritage Committee, focusing on climate resiliency. He said that certain species would be lost if temperatures exceeded a certain threshold. He said that when examining the most vulnerable species to climate change, he had found that even for those at the highest risk, there were simple steps they could take to provide resiliency. He said that for example, a controlled burn could help protect species like Cornus canadensis, a small, dwarf dogwood. He said that even with the overarching threat of climate change, they could still take action to provide resiliency for these species.

Mr. Murray said that however, they must prioritize those with the best chance of survival. He said that maintaining habitat connectivity through cores and corridors was crucial, as it allowed for migration patterns similar to those seen after the last ice age, when species migrated to higher elevations to stay in the colder temperatures. He said that by preserving these corridors, they enabled the migration of plants and animals to other habitats, ensuring their survival.

Mr. Missel said that he thought it was a great question, and he was trying to get his head around the bigger picture. He said that he had been thinking about the various aspects of planning, such as prevention, adaptability, resilience, reactivity, and proactivity. He said that with holistic thinking, it was essential to think about how this plan and the resilience strategy aligned with the climate action plan, and how they could adapt to changing circumstances over time. He said that rather than just focusing on the objectives and actions for this moment, they should also consider how they could adapt as time went forward. He said that he believed it would be beneficial to have that adaptability in mind as they moved forward with planning, even if they would revisit and revise this plan in the future every five years or every 20 years.

Mr. Murray said that there were larger conversations taking place, some of which were contentious, such as assisted migration. He said that for instance, people were discussing the idea of transplanting plants from slightly south of their region, rather than focusing on native plants. He said that there was a significant amount of discussion about this topic, and some of the conversations were controversial, but they were still occurring.

Mr. Clark said that the founding principles behind the biodiversity action plan's recommendations were not centered on a reactive model of conservation, which focuses on identifying isolated hotspots and fencing them off. He said that instead, the entire approach was designed to adopt a landscape perspective, similar to the state's efforts through the Department of Conservation and Recreation (DCR), which emphasizes core habitats and connectivity at a state scale.

Mr. Clark said that their plans aimed to replicate this process at a smaller scale, focusing on crucial habitat areas and the connections between them. He said that this approach was not only a standard model for landscape-scale conservation but also particularly crucial when addressing climate change, as it enables gradual shifts in species communities over time. He said that by focusing on this landscape approach and adhering to the principles of conservation science, they were building a more resilient conservation strategy.

Mr. Missel said that he had a related question, and it was, if they were considering this big picture and the landscape, as well as the objectives they were discussing, getting to number one, which asked if the Commission supported prioritizing the implementation of incentives for low-impact

development. He said that Action 2.2 talked about developing incentives for low-impact development in green infrastructure, with the objective of reducing the amount of unmanaged stormwater and other sources.

Mr. Missel asked how they measured their progress in this area. He said that regarding low-impact development, he wondered how they would assess if they were progressing in terms of developing incentives three years from now, such as if they would see an increase in new rain gardens, green roofs, and pervious pavements. He asked how they would know if they were adapting to that landscape and the changing environment or not.

Mr. Clark said that he wished that they had some of their engineers to provide a more detailed answer to this question than he could. He said that he was aware that other organizations in the community were measuring stream health at multiple points, both in low-impacted and high-impacted streams, across the City and County. He said that some of these streams were downstream from development projects where Low-Impact Development (LID) measures may or may not have been implemented. He said that given this, he believed that working with community partners was an effort to leverage this existing information. He said that he did not have an immediate solution to offer. He said that however, they could try to follow up on this and see if they could find someone who could provide a more comprehensive answer.

Mr. Murray said that the Stormwater Conservation District tracks the practices they implement and reports them to DCR. He said that as a result, they issue an annual report every year, which includes information on the amount of stormwater treated and the number of practices implemented. He said that he would be happy to pull up the most recent report and distribute it to the Commission, so they could review it. He said that he believed they would find it helpful. He said that at the same time, he thought there was a significant opportunity here. He said that they were missing some basic Geographic Information Systems (GIS) data that he believed would be valuable in understanding the amount of impervious surface in Albemarle County and the number of streams lacking a buffer. He said that obtaining this data would be highly beneficial.

Frank Pohl, County Engineer, said that his office also reported all constructed Best Management Practices (BMPs) to the Department of Environmental Quality. He said that their new system would allow them to track this information even more effectively. He said that this meant that they would be able to report on every single BMP built on site, which should make it easier for them to complete Action 2.2 in the future.

Mr. Missel said that he thought it would be helpful to have the action number, the action, as well as a third column to include a measured outcome. He said that this would allow them to track progress and use the data as a metric to adjust their approach as needed. He said that for example, they could use this data to determine how to increase or decrease certain aspects of the action, or to balance competing priorities.

Mr. Clayborne said that he thought that was a good point. He said that as he reviewed the action items, he would like to draw their attention to 4.11, for instance. He said that this action was to consider the establishment of grant programs or other incentives. He said that the action was to consider, so just by thinking about it meant that he was done. He said that they should clarify what specific metrics or outcomes they were aiming to measure and accomplish.

Mr. Missel said that he would like to revisit the first question, which asked if they supported prioritizing the implementation of incentives for low-impact development. He asked if there was any discussion from the Commission on this topic.

Mr. Murray said that they could say something stronger there, not just incentives. He said that he did support incentives, and there were existing incentives available at the residential scale. He said that however, they currently lacked incentives at the commercial scale. He said that when a developer came forward, there were very few incentives available. He said that they did have some incentives for green roofs, but he had not seen developers take advantage of that for new construction, likely because not a lot of money. He said that he believed they should move beyond just offering incentives to also require it.

Mr. Murray said that specifically, considering the map that highlighted impaired streams and waterways, he thought there was an opportunity to implement a tool available at the state level, called resource management areas and lands under the Chesapeake Bay Act. He said that the County could designate areas where low-impact development was required in those resource management areas. He said that additionally, other parts of Virginia had implemented low-impact development checklists, which he may have previously sent to the Commission.

Mr. Murray said that he believed requiring low-impact development in areas adjacent to impaired streams and waterways made a lot of sense. He said that it was worth noting that some localities that had implemented resource management areas had expanded them to their entire county, realizing that low-impact development could be beneficial everywhere, not just in sensitive areas.

Mr. Carrazana said that regarding developing incentives, he agreed that they should identify areas that were particularly challenged and consider requiring certain measures. He said that he believed that providing information and resources was also crucial. He said that many people wanted to do the right thing, but they lacked understanding of the resources available to them. He said that there were numerous resources, including grants, that could be utilized. He asked if the County had ways to make these resources accessible to the public, particularly in regards to low-impact development.

Greg Harper, Chief of Environmental Services, said that Mr. Murray earlier mentioned the Virginia Conservation Assistance Program (VCAP). He said that they also have a County version called ACAP. He said that this program is promoted by the Soil and Water Conservation District to property owners, not developers. He said that if one owns a property, such as a house, they can participate in low-impact development and have some of the work paid for by the program. He said that this is the incentive. He said that the program is well-published and has been successful. He said that he believes Albemarle County residents are more likely to engage in this type of development than residents in surrounding counties.

Mr. Harper said that however, the challenge was that when developers come in, they may not want to implement low-impact development, as it is not required. He said that instead, they may opt for purchasing nutrient credits, which can lead to a lack of on-site stormwater quality treatment. He said that this results in a situation where they are essentially taking a step backwards. He said that there was also the tension between developing urban areas densely to save rural areas from sprawl, and the need to balance this with environmental concerns. He said that low-impact development could be applied to both new development and existing development that wants to improve its environmental impact.

Mr. Carrazana said that he had asked the question because there had been numerous instances where Mr. Murray had provided a wealth of information about environmental resources, including grant opportunities for low-impact development, wetland preservation, and improved buffers. He said that he had found that many applicants were not aware of these resources. He said that he was wondering if there was a way to provide more information and resources to applicants, particularly as they developed incentive programs, to raise awareness about the benefits of doing the right thing from the start. He said that this would help encourage more people to take the initiative to do so.

Mr. Missel said that from an applicant's perspective, he thought it would be helpful if, at a pre-application conference or early in the process, staff could assess applicants for environmental or low-impact development opportunities as a fundamental starting point. He said that this would encourage applicants to think about these factors before investing significant time and resources into their proposals. He said that by doing so, applicants would not have to spend a lot of money on Pro Formas, density calculations, and site plans without first considering the environmental implications. He said that he believed this would be beneficial. He asked if the County could also use its own properties as examples of low-impact development. He said that Azalea Park was an example, as they had a successful project of the stabilization of the stream that runs through the park. He said that this would demonstrate that the County was not just asking applicants to adopt low-impact development practices but was also actively implementing them itself.

Mr. Barnes said that there was more to discuss regarding stream stabilization programs and restoration programs. He said that Mr. Harper could elaborate on this topic further. He said that he believed that they would cover this in the Capital Facilities chapter, which would include a discussion on stormwater management.

Mr. Bivins said that one thing he would like to revisit is a point Mr. Murray made earlier. HE said that throughout this process, he had been thinking, why not adopt the Chesapeake Bay Act? He said that he wanted to adopt this because one of the reasons was that, from his understanding, all the various strategies and issues came down to finding a place to put something in place that already had a sophisticated model in place, endorsed by the three jurisdictions of Pennsylvania, the District of Columbia, and Maryland, as well as some ports in Virginia.

Mr. Bivins said that it would seem that joining their neighbors and jurisdictional partners in this effort would bring a lot more momentum to the process. He said that he was concerned that if the upcoming administration decided not to prioritize water quality or the purity of water, given their previous conversations about drilling, they may see a reduction in funding for initiatives like this. He said that he was also thinking about how they could secure funding avenues to ensure a vibrant environment stewardship, which was why he had been considering these points as he listened to the discussion and read the comprehensive plan's 32 actions.

Mr. Pohl said that there was some history on this topic, which they had previously discussed during the stream health initiative. He said that at the time, it was decided not to pursue that option. He said that they could always revisit it in the future. He said that one of the main concerns was staffing issues and implications, which not only affected them but also the Soil District. He said that therefore, any further consideration of this option would need to be discussed with the Soil District.

Mr. Murray asked if the controversial part was regarding the agricultural portion of the Chesapeake Bay Act.

Mr. Pohl said that there were also other aspects to consider, such as the pump-outs and how to manage those.

Mr. Murray said that that was true. He said that some of those concepts had been incorporated into their comprehensive plan.

Mr. Pohl said that that was indeed a significant point.

Mr. Murray said that one of the things he had mentioned earlier was that there were other provisions in the Bay Act that they could consider. He said that it was not an all-or-nothing situation. He said that the enabling legislation allowed them to adopt all or part of the Bay Act. He said that for example, provisions related to resource management areas would be worth considering. He said that Bay Act counties had both; they only had one. He said that he believed that adopting resource management areas could be a viable option. He said that he had developed slides on this topic in the past, if they would be willing to redistribute them.

Mr. Missel said that number two asked if they should include more measures for biodiversity protection or related demonstration projects on County-owned lands. He said that he should have read that first. He said that he believed that yes, they should.

Mr. Murray said that he would obviously say yes, but one thing he would like to mention is that he had concerns about Chesterfield County's recent solar project approval. He said that they had a massive solar project that was going to threaten a list of state-critically imperiled species. He said that the project was approved by their Planning Commission, despite initial concerns. He said that before he was too critical of Chesterfield County, he must say that if the same project were to come before Albemarle County, he was not sure they had anything in the comprehensive plan that would have prevented it from being approved.

Mr. Murray said that therefore, he thought they should carefully consider the implications of their decisions, particularly when it came to resources and habitats listed as state protected. He said that he believed they should take these classifications into account when reviewing special use permits and other applications, so that they could make informed decisions and say no when necessary.

Ms. Swartzendruber said that that was one of the proposed revisions to the updated chapter.

Mr. Moore asked whether the question was if the actions should include more measures for biodiversity protection beyond the 12 already listed here or in general, more than what they had in the past.

Mr. Clark said that the question was more focused on a few specific actions, such as Action 4.12, regarding demonstration projects with an element of landowner assistance, as well as educational projects.

Mr. Moore said that he believed there was a significant amount of biodiversity preservation and stewardship work already being done in that area, and demonstration projects could be a welcome addition, but he was not certain if they were essential in the same way.

Mr. Murray said that it was important to provide clarity on what had already occurred, particularly in the context of public schools. He said that for instance, some areas had been designated, and signs had been posted indicating low-mowing practices. He said that these areas often presented challenges for mowing, which could be hazardous and resource intensive.

Mr. Murray said that allowing these areas to grow could provide habitat benefits. He said that there were opportunities for demonstration education projects that could be beneficial, even saving money. He said that for example, simple measures like posting signs could make a significant impact on park spaces that were already visited by the public.

Mr. Missel said that one thing that may be obvious is that while there was certainly value in conducting demonstration projects, it was also essential to publicize them effectively and expand on that approach. He said that this could be achieved through various channels, such as Community Advisory Committees or the media.

Mr. Moore said that they came back to that topic often in terms of promoting things like affordable housing lists. He said that Ms. Gruia could promote demonstration projects effectively with about three more staffers.

Mr. Murray said that there had not been many, but he appreciated the VCAP program, which allowed individual homeowners to apply. He said that he had noticed a couple of instances where Homeowners Associations had applied for the VCAP program to implement unique features, such as a wildflower meadow, within their neighborhoods. He said that he would like to see the County take a more active role in promoting this type of program and collaborating with HOAs and neighborhood associations to suggest opportunities like this, perhaps by offering resources or incentives to help them incorporate environmental features into their neighborhoods.

Mr. Missel said that in terms of solar, generally speaking, he believed that there was language in the solar ordinance that addressed conservation and preservation. He said that this language was somehow linked to this document, so having a cross-reference would be helpful.

Mr. Barnes said that he would be receiving a copy of the solar ordinance in the next couple of days. He said that a public hearing was scheduled for January 14, 2025. He said that the ordinance included performance standards aimed at addressing some of the issues they had discussed. He said that they would have to wait and see how effective their efforts had been in writing this ordinance.

Mr. Missel said asked if there were any of these objectives or actions that could be referenced or used to strengthen the ordinance. He said that although the document was largely complete, he wondered if there was a way to incorporate these objectives to further enhance its impact.

Mr. Barnes said that to be honest, there were numerous details floating around, and he was having trouble keeping track of them. He said that in the section discussing wildlife corridors and prime soils, he believed there was mention of biodiversity. He said that he thought that was in the document, but he was not certain about the specifics of the performance standard in the draft. He said that Mr. Fritz had been leading that effort, and he was not recalling the details at this moment.

Mr. Murray said that he believed there were also opportunities. He said that one particular project that came to mind was the one on Route 29, which they may recall. He said that volunteers had

been monitoring the migration of spotted salamanders from their forest habitat to the vernal pools across the road, even picking them up and carrying them across the road when necessary. He said that when a development was proposed on Polo Grounds Road, the Natural Heritage Committee approached the developer and pointed out the need to protect this species and its habitat.

Mr. Murray said that the developer responded by offering tunnels for the salamanders to travel underneath the road, allowing them to reach the vernal pools. He said that the developer even attended the meeting, wearing "Save the Salamanders" buttons, and demonstrated their commitment to responsible development. He said that although it may have been a bit shameless on their part, it ultimately helped their project gain support and succeed, while also contributing to a biodiversity goal. He said that he thought this example highlighted the potential for positive outcomes when developers worked with the community to protect and enhance biodiversity.

Mr. Missel said that he believed that was a comment made by Ms. Firehock in her remarks, specifically regarding the potential barriers to wildlife movement and identifying and mapping those barriers. He said that she also mentioned soliciting funds to build wildlife crossings and partnering with the Virginia Wildlife Corridors Collaborative to build additional crossings in Albemarle County.

Mr. Murray said that if they were traveling on Interstate 64, they would see the area where fencing had been installed across the road. He said that before the fencing was put in place, there were a significant number of deer collisions every year, which posed a serious risk to motorists but also had a negative impact on the deer themselves. He said that once the fencing was installed, the number of deer collisions decreased dramatically, from a large number to almost zero.

Mr. Murray said that this was a great example of a solution that the public should appreciate and build upon. He said that personally, he could attest to the dangers of deer collisions, having hit one himself. He said that therefore, he believed it was worth exploring solutions like this to mitigate the risks associated with deer collisions.

Mr. Carrazana said that he had a procedural question regarding Ms. Firehock’s notes sent prior to the meeting. He said that the notes were concise and to the point. He said that he believed the staff had distributed them to everyone, including the dais and the staff. He said that to ensure the information was accurately recorded, he wondered if they could include the notes as an attachment in the formal meeting minutes.

Andy Herrick, Interim County Attorney, said that if Ms. Firehock wished to include these comments in the record, they could certainly submit them to the Clerk, and the Clerk could incorporate them into the record.

Mr. Carrazana asked if the Commission did not need to take any action.

Mr. Herrick said that no, the Commission did not.

Mr. Missel said that moving on to number three, the question asked if the actions for objectives one and three sufficiently address protecting public water supplies and groundwater supplies. He asked if the Commission had any thoughts on this topic.

Mr. Clayborne said that he wanted to share a thought on this topic, which goes back to the river. He said that he believed a significant portion of this chapter focused on the rural area, but he wanted to ensure they did not overlook the development area. He said that he proposed they start thinking through river protection, particularly as they aimed to activate the river or develop along its banks.

Mr. Clayborne said that this also presented inherent conflicts with their current discussion. He said that he wanted to make sure they dedicated time to discussing how river protection might be addressed in this chapter, or if it was not a priority, they should be aware of it. He said that as they began planning, he believed it was essential to balance development along the river with protecting the river itself.

Mr. Murray said that the Natural Heritage Committee had pointed out that one of the reasons Rivanna was designated as an area of conservation was that it was home to several County- and state-rare species, including those found along the Rivanna River, particularly near Charlottesville. He said that the bluffs along the Rivanna River were particularly important for biodiversity conservation.

Mr. Carrazana said that he wanted to follow up on the previous comment regarding development areas. He said that rivers, and streams in particular, when considering ways to incentivize daylighting streams, he noticed that most of the time, they simply installed a culvert. He said that in contrast, he did not see many examples of how to incentivize protection, let alone restoration, of streams that may have been covered up or culverted. He said that restoration of these streams could potentially create an amenity. He said that they had several examples around town, including at the University of Virginia, where a number of streams had been daylighted.

Mr. Clark said that if he understood correctly, what Mr. Carrazana was getting at was that, particularly in development areas, daylighting or restoration of above-ground streams was being considered for both its water quality benefits and its role in providing access to nature in open spaces.

Mr. Clayborne said that it was a little bit different from what he was saying. He said that as they considered activating the river for recreational purposes, he understood that Parks and Recreation would have some plans for how to use it. He said that as they thought about how to utilize the land over the next 20 years along the river, there may be inherent conflicts between preservation, stewardship, and the desired land use. He said that this exercise required careful consideration to ensure that these competing interests were addressed. He said that it was a complex issue, and sometimes these interests would conflict with each other. He said that therefore, he believed it was essential to start planning ways to mitigate or reconcile these conflicts.

Ms. Swartzendruber said that there was a Rivanna River master plan that they were aware of, which they recognized needed to be incorporated into their chapters. She said that although they were coming into this late, they acknowledged that it was necessary. She said that this plan addressed the issues that Mr. Clayborne had mentioned, and she appreciated him bringing it to their attention.

Mr. Barnes said that one thing that came to mind as he heard Mr. Clayborne discuss this was the potential for development area conflicts with the Rivanna.

Mr. Clayborne said that as they considered how to utilize the river, they were thinking about the long-term plan, because AC44 would be in place for the next 20 years. He said that they were starting to think about how the land would be used, whether it was open or not, and how they could balance that use with environmental stewardship. He said that this was an opportunity to exercise responsible land use while also protecting the environment.

Mr. Barnes said that he appreciated the discussion on the complexity of this issue. He said that it was clear that master planning efforts should prioritize environmental resources along the river and biodiversity hotspots within the development area. He said that although it would be floodplain protected, it did not address the bluffs referenced by Mr. Murray.

Mr. Barnes said that he believed it was essential to ensure that they did not lose sight of that objective during the master planning process. He said that as Mr. Harper had mentioned earlier, there was a natural trade-off between achieving density in development areas and protecting these resources. He said that he thought they should further explore the importance of biodiversity in this context and incorporate it into the comprehensive plan to ensure that they paid close attention to it during their master planning process.

Mr. Clayborne said that that sounded good.

Mr. Murray said that it would be helpful to have a requirement for low-impact development along the Rivanna, which already had a Total Maximum Daily Load (TMDL) in process. He said that to him, this seemed like an obvious consideration, so that when development did occur, it could be done in a sensitive and environmentally responsible manner.

Mr. Missel asked if staff could explain how watersheds, reservoirs, and buffers were being treated in this context. He said that he was particularly interested in whether there were any special considerations for buffers around reservoirs, limitations on recreational use, or enhancements to recreational use related to reservoirs. He said that this was tied to what they had talked about.

Mr. Clark said that they could clarify the language to more directly address that issue. He said that the buffer ordinance that he had seen at a work session a few weeks ago had specific standards for lands directly adjacent to the water supply impoundments. He said that according to the ordinance, the buffers would be 200 feet beyond the flood plain, which was quite extensive and even more extensive for those lands directly adjacent to the impoundments themselves, compared to other areas in the watershed. He said that the question regarding recreational use was unclear. He said that he was not sure if it may be addressed in the Parks and Recreation Chapter, but they could look for it.

Mr. Barnes asked if the question was regarding what types of recreation would actually be allowed with the reservoir.

Mr. Missel said that yes, when considering drinking water supplies and water quality, it was essential to address how they were protecting their reservoirs as part of an environmental master plan.

Mr. Barnes said that on a larger scale, they spent a significant amount of time addressing the rural area land use aspect.

Mr. Clark said that the Rivanna Water and Sewer Authority primarily handled this aspect, as they managed the reservoirs themselves. He said that they were responsible for access and regulated the types of boating and fishing recreation permitted. He said that they also played a role in permitting individual docks that provided access to the reservoir.

Mr. Missel said that the County did not have an ordinance governing access to reservoirs, which was more closely related to the RWSA. He said that this was simply something to consider.

Mr. Clark said that he believed they did, but he could not recall the details.

Mr. Barnes said that they would follow up on this, but essentially, it involved things on the water, the land near the shoreline, and then a watershed scale.

Mr. Missel said that he was also considering Mr. Clayborne's comments regarding the river. He said that the river's water fed the reservoir, which ultimately became their drinking water supply. He said that he was thinking about how this entire process worked together.

Mr. Bivins said that this was an old conversation. He said that he was thinking about the recent issue at Chris Green Lake, near the airport, where the water quality had been affected by runoff from farms and agricultural areas upstream. He said that given that they were discussing water, there was a connection between Chris Green Lake and the drinking water system.

Mr. Bivins said that he was conflicted on whether they had sufficiently addressed them in items one and three, because he was concerned that he did not have a clear understanding of the network of waterways involved, including how water flowed from farms to the reservoir, then to Chris Green Lake, and eventually to the Rivanna River, which was treated by the water purification system.

Mr. Bivins said that he did not know enough to confirm whether the action items in one and three would either improve or sustain the current water quality, or would they have unintended consequences. He said that he would appreciate more information on how the water flow and tributary system of the County would be impacted by the action items and objectives for one and three. He said that he could not confirm that they would have better or the best water.

Mr. Moore said that he would like to add to that. He said that as someone who previously served on the Albemarle County Service Authority Board, he was familiar with the discussion of per- and polyfluoroalkyl substances (PFAS) and the water quality from the source. He said that one thing he did not see addressed in the current regulations was the degree to which they had the authority to set rules about the types of fertilizers used. He said that he often read about the use of wastewater sludge as fertilizer, which could contain PFAS, and how this issue was becoming increasingly widespread. He said that if they had farms upstream, it was likely that PFAS were already present in the soil. He said that he wondered how much they could address that.

Mr. Murray said that they had received several letters from the public, particularly regarding biosolids. He said that he believed it would be beneficial to include an item as an action item in the comprehensive plan to specifically investigate a program for monitoring biosolids. He said that implementing such a program would be a step forward in requiring monitoring of biosolids. He said that several other localities in Virginia already had such programs in place, and they had reportedly not required significant staff time after implementation. He said that he thought it would be a valuable addition to their comprehensive plan to examine this further.

Mr. Clark said that Mr. Herrick shared an email from last week in response to questions about biosolids applications and the state's limitations on local prohibitions, as well as the enabling authority for monitoring and testing programs. He said that if the Commission would like, staff could potentially add this to the chapter as a recommendation.

Mr. Clark said that however, there were significant staffing requirements to pursue this, as it was one thing to have a program or requirement, but another to have dedicated personnel to follow up with applications and track their impacts. He said that this was not a trivial commitment, but it was worth considering. He said that he recalled a recent public comment mentioning communities that enacted testing requirements but failed to fully staff the monitoring position, thereby lacking the ability to track impacts. He said that nevertheless, they could explore this further.

Mr. Clark said that additionally, he believed that Mr. Missel had asked about an ordinance regulating recreational use of the reservoirs. He said that they did have Chapter 11 of the County code regulating recreational use, which varied depending on whether the water was a drinking water reservoir or not. He said that generally, fishing, non-gas-powered boating, and other activities were permitted, but there were specific restrictions for park waters and drinking water reservoir waters, as outlined in the Ragged Mountain Natural Area section.

Mr. Murray said that it was not just Ragged Mountain that needed consideration; they needed to look beyond that area. He said that as someone who lived in the Sugar Hollow area, it was an important area to him. He said that however, the Sugar Hollow area was frequently impacted by issues such as excessive traffic, littering, and other environmental concerns. He said that while a significant portion of that land was owned by the City of Charlottesville and managed by RWSA, he thought it was essential for all their reservoirs to collaborate with their partners to find ways to mitigate these issues.

Mr. Missel said that Mr. Clark brought up a valid point, which was that many of these objectives and actions came with specific requirements. He said that as they examined these different objectives and actions, he noticed that some of them seemed to necessitate additional staffing or funding. He said that he was not implying that the County was not concerned about these aspects, but he would like to pose a question: Had the County considered the necessary resources to implement these objectives and actions, and was this realistic?

Mr. Clark said that for the stream health initiative, each of the 14 proposals underwent a double evaluation. He said that the first factor assessed how well the proposal aligned with the comprehensive plan, climate action plan, and biodiversity action plan individually. He said that a second factor evaluated the resource commitment required for each proposal. He said that this had been identified for those 14, and many of the programs comprised the actions in this chapter. He said that although the Board had not yet evaluated and decided on each proposal, they had been identified.

Mr. Clark said that for example, Mr. Bivins had mentioned earlier that the County should consider adopting the Chesapeake Bay Preservation Act, which included measures similar to those in individual actions in this chapter. He said that for instance, septic testing and pump-out requirements, which had been recommended through the Stream Health Initiative, were rated as having a positive impact on reaching their goals.

Mr. Clark said that however, these measures also required a significant commitment of three or four new staff members, so it would be an entirely new program. He said that in contrast, some proposals, such as land conservation and improving funding for riparian buffers, were highly compliant with the plans but required less staffing due to the County's existing management responsibilities.

Mr. Missel said that that made sense. He said that he had been thinking about these objectives and actions, and they had all been enthusiastic about them. He said that however, he had been wondering if there was a heat map that highlighted the high-priority objectives with corresponding high expenses, alongside those that were high-priority but relatively low-cost.

Mr. Missel said that if they were to visualize these priorities and their associated costs, it could provide valuable insight. He said that considering the resource requirements and how they aligned with this tool could be a helpful conversation. He said that it was almost like risk management, where they were trying to identify and mitigate the high-risk, high-impact objectives.

Ms. Swartzendruber said that she believed that question also pertained to a broader perspective, one that encompassed the entire Board and was integral to their strategic planning process. She said that as part of this process, the Board had to identify their priorities and then delve into the budget cycle discussions, examining what could be funded and what needed to be delayed until the following year.

Mr. Missel said that was a great point, and it aligned with where his thinking was headed. He said that if he were a supervisor, he would want to know what that would look like in terms of budgeting. He said that the question was, how did they prioritize things? He said that the Board probably did consider input from the Commission and staff when making those decisions. He said that he thought that was an important aspect to consider in their own prioritization process.

Ms. Swartzendruber said that she believed they would need to discuss this with their executive team to determine how they would like to collect input on this matter. She said that they would follow up with her regarding this, as she anticipated that this issue would likely arise again in future chapters when they presented their findings to her.

Mr. Barnes said that this was something that had been discussed; they were wrestling with it themselves.

Mr. Clayborne said that some of this issue was tied to measurable outcomes, which could help prioritize efforts. He said that one comment that had helped him think about priorities was when he reviewed this list of action items. He said that he may be ignorant of the planning process, so he apologized if he was. He said that it appeared that some of these tasks could be part of a job description rather than a path to achieving a 20-year vision like AC44.

Mr. Clayborne said that Action 4.8, which was to use available data to document occurrences of rare habitat types and species in the County, seemed to him to be already part of a staff member’s job description. He said that if tasks like this were not part of the strategic plan, it may help them focus on what was truly essential to achieving their goals. He said that he wanted to emphasize that he may be speaking out of ignorance because he was unsure of the specific job duties of staff, but some actions stood out to him, particularly in this chapter, more than the others he reviewed.

Mr. Murray said that in the biodiversity action plan, they had established a coding system to categorize tasks based on volunteer effort, staff time, partner involvement, and education. He said that it was not included in this chapter regarding whose responsibility it was to do these things. He said that Mr. Clayborne had cited one that was a good example of a task mostly done by volunteers. He said that it was unclear in the draft comprehensive plan that this was done by volunteers.

Mr. Clark said that when the biodiversity action plan was first included in the comprehensive plan in 1996 and 1998, it was phrased as the County should develop an action plan through staff, working with volunteers. He said that those volunteers eventually became the Natural Heritage Committee, and they developed that biodiversity action plan. He said that he would expect that process to be similar now. He said that it might be beneficial to clarify that staff in the conservation program and the Natural Heritage Committee would work together to develop the plan. He said that he thought they were simply assuming that collaboration would occur, but they could make that more explicit.

Mr. Clark said that Section 4.1 of the plan addressed updating and improving the biodiversity action plan, and he believed item 4.8, which involved improving mapping of existing features, could be incorporated into that section as part of the update process. He said that currently, there was a significant amount of mapping data available, but it was not thorough or complete. He said that state and local data were available, and the community had a wealth of knowledge that had been attempted to be mapped and collected in the past. He said that however, the County was vast, and there was still much to be documented and better understood, which would be part of the update process for the biodiversity action plan.

Mr. Missel said that he was thinking that they identified an action, they allocated resources, they implemented, they assessed, and then they repeated. He said that if, during their assessment, they found that the action they had hoped for was not fully achieved, they could essentially rinse and repeat the process again. He said that it was a great point about volunteers doing some of these tasks, because it was part of the identification of resources. He said that it was a good point about the job description aspect as well. He said regarding question four, it asked if there were any topics within the narrative or actions that required additional context or explanation. He said that they had not touched on the narrative yet.

Mr. Clayborne said that as he reviewed his notes, he would like to offer a couple of observations. He said that one area that comes to mind is land restoration. He said that considering the long-term perspective, 20 years from now, he thought about how their decisions today might impact the future. He said that for instance, with the increasing focus on solar projects and decommissioning requirements, he wondered if they should be exploring ways to influence these requirements through their thought leadership.

Mr. Clayborne said that they should be thinking ahead to guide proposals that would come before them, so that when a project was decommissioned 40 years down the road, they had had a chance to shape the process. He said that it would be beneficial to consider drought resilience as they moved forward. He said that given the presentation on climate change impacts during a recent work session, he encouraged everyone to think about these issues as the plan continued to mature. He said that these two areas may be worth exploring further.

Mr. Murray said that he assumed this would be addressed in the climate resiliency section, but he would like to bring it up because it did impact this issue. He said that he thought at some point,

they also needed to consider a fire hazard overlay for the County, given the current flood hazard overlay. He said that he believed they should also have a fire hazard overlay. He said that he had personally seen several areas in the County burn multiple times, and homes were often located in these high-risk areas.

Mr. Murray said that one of his daughter's teachers lived in one of these areas and had a close call with a house fire. He said that he thought it would be very helpful to have some form of protection in place, whether it was in this section or in the climate resiliency section. He said that he also recalled a previous meeting where there was support for some minimal standards of protection for intermittent streams. He said that currently, they had a buffer of 100 feet in rural areas, but in urban areas, that buffer was often erased, leaving streams with zero protection.

Mr. Murray said that he remembered visiting Stonefield as a child and admiring the beautiful stream that ran across the property. He said that as a child, he would often play in streams, and he always thought it would be a great stream to enjoy. He said that when the stream was buried, it broke his heart. He said that later, he discovered that the area was also home to a County rare fern, making it an unnecessary loss. He said that UVA had demonstrated multiple times that it was possible to integrate streams, even if they were highly engineered, into development without sacrificing too much space.

Mr. Murray said that therefore, even if they needed to have a highly engineered stream, it was important to have something on the surface. He said that once the stream was placed in a pipe under the ground and only a grate was visible, people tended to disregard its presence and dispose of trash, motor oil, and other pollutants into it, as it was out of sight and out of mind. He said that he would like to see some minimal standards for urban stream protection implemented, which was not currently part of their stream health initiatives.

Ms. Swartzendruber said that she had reviewed her notes to confirm that they had a general consensus on these different questions. She said that it appears that they did have a consensus, as she did not hear any objections during the discussions. She said that they were in good shape.

Recess from Work Session

The Commission recessed at 5:20 p.m. and reconvened at 6:00 p.m.

Reconvene for Public Hearing

Ms. Shaffer called the roll.

Mr. Missel established a quorum.

Public Comment on Matters Pending Before the Commission but Not Listed for a Public Hearing on this Agenda

Stuart Overbey said that she is one of the individuals who has been sending them emails regarding biosolids. She said that she had prepared comments, but first, she would like to address something Mr. Clayborne mentioned about thought leadership. She said that in 20 years, there may be a fund to rescue farmland and farmers who have used biosolids, as they will no longer be able to farm or use their land. She said that if they think she is being overly dramatic, they can look at the current situation in Maine and Michigan, which is a warning sign. She said that they

need to address this issue now. She said that she would like to recommend that they include the term "biosolids" in this document and explore ways to mitigate the problem.

Ms. Overbey said that it may make all the difference 20 years from now in how they ultimately resolve this issue. She said that she had attached a proposal, which includes information and background on a potential Albemarle County Biosolids Ordinance. She said that the key point is that there is an existing model in Rappahannock County that has successfully reduced biosolids applications to zero. She said that the ordinance is based on a testing and monitoring program, which relies on state funding that has left to localities. She said that this approach allows landowners to bear the cost, rather than the County. She said that she encouraged everyone to review this proposal and look into it further. She said that she will continue to send them updates and look forward to discussing this further as it progresses.

Sophie Massie said that she was a resident of Southern Albemarle, said that she had provided maps of where biosolids had been applied in the County as well as a map overlay of the biosolids and the drinking water supply and the floodplain. She said that she had some ideas that could save the County significant amounts of money in contaminated soil remediation and well water improvement costs. She said that it was simple: they needed to adopt better agricultural practices. She said that as someone who lived next to the County's only industrial-scale poultry operation, she urged that AC44 include a plan on how to better protect surface and groundwater from the outsized impacts industrial agriculture had on the surrounding environment.

Ms. Massie said that confinement animal feeding operations (CAFOs) were expanding nationwide, and if they thought Albemarle was an unlikely destination for more CAFOs due to perceived high property values, she cautioned that private equity firms were already operating in this space. She said that they had a vested interest in owning CAFOs, and it was essential that they ensure CAFOs did not outsource the true costs of their operations onto Albemarle County residents and the environment.

Ms. Massie said that did they want to be like Nebraska, where industrial agriculture had contaminated the groundwater with nitrates, leading to a $4,000 rebate for homeowners to install reverse osmosis water treatment systems to avoid blue baby syndrome. She said that she did not think they wanted that; it was very expensive. She said that she would like to see language in the AC44 that distinguished between regenerative, resilient, independent farms and industrial agriculture. She said that one type of farming would help them get through the next pandemic, while the other may cause the next pandemic.

Ms. Massie said that the AC44 should also explicitly address the crisis of PFAS-contaminated land applied biosolids. She said that compared to the County at large, biosolids were disproportionately spread on farmland in southern Albemarle, particularly in the Totier Creek drinking water supply, an area that scored the lowest in the County for composite American Human Development Index, and had the County's lowest median income per household, with 29% of the population falling below the self-sufficiency standard. She said that this was an equity issue, as rural residents deserved access to clean water, and biosolids posed a significant threat to water quality.

Ms. Massie said that as an aside, rural residents are not just farmers, but also hunters, and PFAS-contaminated meat from game that drink surface water on their land can be a real problem. She said that this was another rural food source and way of life under threat. She said that the AC44

plan was an aspirational document that allowed them to envision a future beyond current agricultural policies, which had been heavily influenced by large industrial agricultural companies.

Ms. Massie said that in its 2025 legislative positions and policy statements, Albemarle County had already expressed its support for environmental protections from biosolids application and better erosion and sediment control standards for agriculture and forestry. She said that these policy positions should be included in the comprehensive plan. She said that it was not assumed that intensive agriculture would always be permitted by right; instead, they needed to evaluate intensive agriculture for consistency with the comprehensive plan, just as intensive development was today. She said that this was an opportunity to write the narrative of a future they wanted to live in – one where agriculture was part of a solution, not a major contributor to pollution.

Consent Agenda

There were no items for the consent agenda.

Public Hearing

ZMA202300002 Oak Bluff Development

Kevin McDermott, Deputy Director of Planning, said that he would be giving staff's presentation on the ZMA202300002 Oak Bluff public hearing. He said that the location of the properties applying for rezoning is in central Crozet, situated along Lickinghole Creek, which is marked on the blue line on the provided map. He said that located along Lickinghole Creek and the extension of Eastern Avenue, this site is situated south of the Westlake Hills single-family development and north of the Liberty Hall development. He said that they could see Route 250 running across the southern end of this map, and in this area, they would see the Clover Lawn mixed-use development and the Blue Ridge Shopping Center, where Harris Teeter is located.

Mr. McDermott said that the existing site conditions are approximately 33 acres and are zoned R1 residential, with one dwelling unit per acre, marked in green on the map. He said that the surrounding properties are zoned as R1, R2, R4, and Liberty Hall, a neighborhood model development further south. He said that near the Clover Lawn development, land was zoned Planned District Mixed Use Shopping and Highway Commercial near the Harris Teeter. He said that they can also see on the map that the blue line represents the Lickinghole Creek floodplain, and within that area is a Water Protection Ordinance (WPO) buffer that follows the creek. He said that the green splotches throughout the map represent preserved slopes.

Mr. McDermott said that the 2021 Crozet Master Plan recommends most of this area as a neighborhood density residential, allowing approximately three to six units per acre, which is marked in yellow on the screen. He said that the dark green represents public land, trails, and open space, and the light green represents recommended green systems, including environmental features such as floodplains and stream buffers. He said that the 2021 Master Plan also recommends extending Eastern Avenue from its current stub at Westhall Drive south to connect to Cory Farms Drive and then to US 250. He said that additionally, the Lickinghole Creek Trail is recommended to pass through this property, approximately located at the green line on the map.

Mr. McDermott said that the subject proposal involves rezoning this property from R1 to planned residential development (PRD). He said that the maximum number of single-family attached and

detached units they are requesting is 134, which translates to six dwelling units per acre, in line with the recommended maximum for the comprehensive plan's land use. He said that the property is divided into two blocks: Block 1 in the north and Block 2 south of Lickinghole Creek. He said that the proposed development will feature single-family detached and attached units, with the units adjacent to Westhall Drive and existing single-family homes being all detached units with a 30-foot buffer.

Mr. McDermott said that the maximum building height throughout the entire development is three stories or 35 feet. He said that the applicant had agreed to provide 15% of the homes at 80% Area Median Income (AMI), for a total of 21 affordable units at maximum buildout. He said that the special exception request was to reduce the minimum rear setback from 20 feet to 10 feet. He said that as he previously stated, the application plan includes a 30-foot buffer between the development and Westhall Drive and the homes on Jonna Street, and staff supports this reduction in those specific cases, but not across the entire development.

Mr. McDermott said that there were some internal areas the applicant had requested the reduction for, and in the staff report there was a blanket statement about accepting that special use permit, but upon further reading of the request, he recognized it was across the entire area and not exclusively for the areas with the 30-foot buffer. He said that staff would support the reduction for the areas with the 30-foot buffer but not for the entire development. He said that the Planning Commission does not need to vote on this, but he would be happy to take comments when they bring it to the Board.

Mr. McDermott said that regarding transportation, the entire system is served by public streets. He said that the project would also construct 500 feet of Eastern Avenue south from the current stub out to their first entrance, located near this area. He said that in addition to the agreed-upon right-of-way dedication, they have also committed to dedicating the necessary space throughout the rest of their development, which spans this section. He said that they are not agreeing to construct the Eastern Avenue portion, but rather only the first 500 feet. He said that a traffic impact analysis (TIA) was performed for this proposal, estimating 270 daily trips from Block 1 as well as 248 daily trips from Block 2.

Mr. McDermott said that this analysis only considered the operations at Park Ridge and Route 240. He said that this area is one of the primary routes that Block 1 would use to access the development. He said that if they head north on Eastern Avenue, they will encounter Park Ridge, and then it connects to Route 240. He said that this is one of the primary areas. He said that the operations analysis showed that this would operate at either level A, B, or C for the left turn coming from Park Ridge onto Block 2. He said that the traffic impact analysis showed no significant impacts at that intersection.

Mr. McDermott said that staff did identify there were other intersections they would like to analyze the operations at. He said that he would point out that based on the traffic generated from this development and the existing Crozet transportation study, completed approximately three to four years ago, did not identify existing problems at the intersections of Tabor and Crozet Avenue or any others in the area. He said that therefore, staff did not assume there would be any significant impacts of this development at other intersections. He said that however, it was identified as a concern.

Mr. McDermott said that staff also noted connectivity issues with the incomplete Eastern Avenue and the limited access points to each block of development. He said that there was a single point

of access to each of the blocks of development. He said that one was on Eastern Avenue, along with an emergency access point, and on the southern end there was one point of access onto Radford and an additional emergency access located there, which met the fire and rescue requirements. He said that however, it did not meet the neighborhood principle for interconnected zones due to these issues.

Mr. McDermott said that in relation to schools, the students generated by this development would attend Crozet Elementary and Brownsville Elementary, Henley Middle School, and Western Albemarle High School. He said that Western Albemarle High School was currently over capacity, with the construction of High School Center 2 expected to address some of the overcrowding issues, although it may not completely resolve them. He said that there were trailers at Western Albemarle served as a temporary solution but were not included in capacity calculations.

Mr. McDermott said that regarding environmental resources, a public greenway dedication of approximately 4.2 acres was proposed, encompassing most of the flood plain and WPO buffer. He said that this area would be dedicated to the County and would include the trail running along Lickinghole Creek. He said that the remaining water protection ordinance buffers and flood plain areas were located on proposed green space, primarily in this area and adjacent to the flood plain. He said that approximately 0.2 acres of preserved slopes for residential lot development were impacted, visible on Block 1 and along the edges of the development on Blocks 1 and 2.

Mr. McDermott said that four acres of preserved slopes were not impacted and were preserved in the green space, meeting the amenity and open space requirements and providing public trails connecting to the greenway. He said that the public trail would also be dedicated to the public, providing access to the existing greenway. He said that based on the report, it could be seen that staff had identified several positive aspects of the request, which were consistent with the uses and density recommended by the Crozet Master Plan, and mostly consistent with the applicable neighborhood model principles.

Mr. McDermott said that this project did meet the requirements for providing 15% affordable units, as it had been submitted prior to the change in policy. He said that the request provided the construction of a portion of Eastern Avenue and the right of way for future construction across the parcels. He said that however, staff had identified concern regarding the disturbance of the preserved slopes. He said that overall, for these reasons outlined in the staff report, they were recommending approval of ZMA202300002 Oak Bluff. He said that he would be happy to take any questions.

Mr. Murray asked if, when the traffic analysis was conducted, there was any consideration given to pedestrians using those roads in those areas, or if it was strictly about cars.

Mr. McDermott said that the traffic impact analysis only assessed the effects on vehicular traffic. He said that staff reviewed the pedestrian connections internal to the site, and they found that they met the pedestrian connectivity requirements. He said that sidewalks were proposed along all public streets, and a primitive trail was planned to connect Block 1 to Block 2. He said that the analysis did not evaluate pedestrian impacts outside of this development.

Mr. Murray said that he hoped that in the future, as they moved into the next comprehensive plan, they could start to consider including pedestrians in their project evaluations. He said that as traffic totals increased, it became clear that this had an impact on the community, particularly on children and other pedestrians walking to the park. He said that he had personally experienced this

concern while running with his daughter on that road, and it was pretty scary. He said that therefore, he would consider this a factor to be taken into account in the future.

Mr. Clayborne said that according to their materials, the construction of Eastern Avenue was a high priority, and funding had been identified. He asked if Mr. McDermott could share how far into the future staff anticipated this project would be completed.

Mr. McDermott said that there was a lot of history with Eastern Avenue. He said that it had been a priority of the County for many years; around 2015 or 2016, the priority had increased, and they had actively pursued opportunities to get that constructed. He said that they had made multiple applications for state funding for that project. He said that in the past, they had hired an engineering firm to conduct a study on the potential alignment and 30% design for Eastern Avenue. He said that this study was completed around 2018, and at that time, they had submitted an application for revenue sharing to the state.

Mr. McDermott said that they had estimated the cost of the project to be between $20 and $24 million. He said that they had received funding from the state for that project. He said that however, when COVID-19 hit, they had experienced a significant spike in construction costs. He said that the Department of Transportation had reassessed the project's feasibility and had raised the estimated cost to $39 million. He said that they had since worked with an independent engineering firm to determine the actual cost. He said that recently, it had been determined that the County was considering a Public-Private Transportation Act (PPTA) project for the Eastern Avenue connection.

Mr. McDermott said that over the past six months, they had been working with state and private contractors to develop a request for proposals. He said that their estimate for releasing the request for proposals was in early 2025. He said that that proposal would explain that the County had a significant amount of Capital Improvement Plan (CIP) funding, and they would offer to pay this amount to a contractor willing to build the project for them. He said that this was the basic process of a public-private transportation act project.

Mr. McDermott said that they anticipated that the release would occur in early 2025, possibly as late as mid-February 2025. He said that the proposal would be available on the streets for several months, and they would receive feedback on any proposals beyond that. He said that they should know by early summer whether or not the PPTA would be a viable option for this project. He said that if that was not the case, they would revisit their plans and explore alternative opportunities to secure funding.

Mr. Carrazana said that he had some questions regarding the comprehensive traffic analysis that was conducted three years ago. He asked if there had been any discussion about updating this analysis. He said that there had been significant developments in Crozet over the past three years, and he would like to know if this analysis had been revisited to reflect those changes.

Mr. McDermott said that at this point, they had not had discussions about that. He said that the traffic analysis initially examined existing conditions, conducted traffic counts, and evaluated the accuracy of those counts, which were conducted during the COVID-19 period and may have been influenced by factors at that time. He said that as a result, they conducted a thorough transportation study at that time. He said that although some development had occurred in Crozet, he did not believe that it would have significantly impacted the traffic analysis in the past few years.

Mr. McDermott said that the transportation study also considered the master plan land use, assuming the amount of development that would occur between now and 25, based on standard growth factors. He said that the 2045 estimate was essentially a full build-out of Crozet, taking into account the projected traffic conditions with that level of development. He said that the study also considered the proposed projects at the time. He said that however, he did not want to say that they could rely 100% on this analysis, because it assumed that Eastern Avenue would be built by that time. He said that they did not have that right now, but hopefully by 2045.

Mr. Carrazana said that his other follow-up was that there were also infrastructure improvements assumed in the study. He said that he still wanted to revisit that point. He said that the point made in part one was that it was completed during the COVID-19 pandemic three years ago. He said that he believed it would be beneficial to update it with real-time information, as the situation had changed significantly since then. He said that although three years may not seem like a long time, he thought the circumstances at the time were unique and warranted another review.

Mr. Carrazana said that he also wanted to refer back to the memorandum dated March 1, 2024, in response to the applicant. He said that a segment stated that the transportation staff had viewed the infrastructure improvement to Lickinghole Bridge as a critical factor for the development to be realized and could not recommend approval without it due to traffic and safety concerns. He said that it was no longer viewed as such in the current report, which was less than a year from the previous memorandum. He said that he was wondering what had changed in the transportation staff's perspective that had led to this shift in their assessment.

Mr. McDermott said that Eastern Avenue was still considered critical for the overall development of Crozet. He said that what Mr. Carrazana was referring to was a comment made to the applicant on a previous version of this application. He said it would be difficult for him to say for certain, but he knew that the unit count and development style had changed significantly over subsequent submittals. He said that one of their major concerns was that they did not have a transportation engineer's analysis or estimates of the project's impacts and generated trips. He said that since then, the applicant had provided that information, although it did not meet all of staff’s requested details. He said that based on that and their analysis of the existing transportation study, staff felt that this project could move forward without Eastern Avenue.

Mr. Carrazana asked if the difference was that the number of units had decreased.

Mr. McDermott said that he believed the number of units had decreased since the initial submission, although he was unsure of the exact figure.

Mr. Carrazana said that he would ask the applicant to clarify.

Mr. Barnes said that the TIA's return served as a demonstration that the turning movements, particularly at the critical intersection of Park Ridge and Route 240, did not substantially impact the level of service there. He said that this, in turn, likely influenced their decision.

Mr. Moore said that he understood most of the process for the public-private partnership, but he wanted to delve a bit deeper into the current phase. He said specifically he was wondering about the current funding situation. He said that they mentioned that the County had set aside a certain amount of money from past CIPs.

Mr. McDermott said that that was correct.

Mr. Moore asked if they would then put the project out for bid, hoping that an independent engineer or constructor could complete it within the allocated funds, or that additional funds became available.

Mr. McDermott said that they were hoping that the current amount they had available would help complete the road, or at least contribute to its completion. He said that they were having it analyzed by a road engineering firm, and they were proposing that they could do it for this amount. He said that this was what they were asking them to do it for.

Mr. Moore asked if they had a likelihood estimate was for whether it was feasible to achieve this with the available funding. He asked if they had an over/under percentage.

Mr. McDermott said that he did not feel that he could provide an over-underestimate for that project. He said that he believed that they were seeing cost estimates decrease for projects of this nature. He said that there may be ways to make this work. He noted that, as previously mentioned, the estimate they had assumed would allow for 500 feet of construction, as well as a significant right-of-way cost. He said that these factors may help bring the cost down from their initial estimate. He said that, however, he was not involved enough in the engineering discussions, so he was not in a position to say whether or not he believed this project would be successful or provide a guess regarding the outcome.

Mr. Murray said that in a public-private partnership, if they were to enter into a contract with a partner and the partner was unable to complete the contract due to cost overruns or other issues, he would like to know how the process would unfold and what would happen next.

Mr. McDermott said that according to the contract, it would be defined what expenses would be allowable if there were any costs outside of that scope. He said that if they did not identify those expenses in the contract, they would not fall back on the County. He said that essentially, what they were doing was acknowledging that there were risks associated with this public-private transportation contract. He said that if the contractor were willing to take those risks, the County was willing to provide the funding. He said that it may be defined that there may be certain expenses they would cover, depending on the contract's structure. He said that the general idea was that the risk fell on the company proposing to build it.

Mr. Missel said that their contracts would likely include bonding the project. He said that he would assume that payment of performance bonds would be part of the contract, if that was what they were asking. He said that if the parties failed to perform, the fallback would be bonding.

Mr. Barnes said that while the design-build projects VDOT was undertaking may not be identical to the one in question, they did allow VDOT to mitigate some of the risks associated with traditional bidding processes by working with the private sector on engineering and construction to find and achieve cost efficiencies.

Mr. Missel said that he had a few questions to clarify, some of which may be more relevant to the applicant, but he would ask them anyway, and some had already been addressed. He said that to clarify, he would like to confirm that the TIA document was the source of information they used to determine the findings and assess whether the intersections were operating at a suitable level

of service during peak hours. He asked if staff had validated the findings within this document against another source to ensure the accuracy of the impacts on other intersections.

Mr. McDermott said that yes, VDOT reviewed the TIA and agreed with the findings. He said that the only analysis conducted was a trip generation model, which provided valuable information on the expected number of trips generated from each block during peak hours and throughout the day. He said that these numbers had been validated. He said that the only comprehensive analysis performed was a modeled analysis of the Park Ridge and Route 240 intersection. He said that they had validated those numbers and cross-checked them with their own transportation study.

Mr. McDermott said that the results matched, indicating a C-level of service in the afternoon, with peak hour left turns from Park Ridge and all other movements were at an A or B level. He said that additionally, they cross-checked the trip generation from this area with their Crozet transportation studies to evaluate other intersections. He said that for example, Tabor Street was currently operating at an A or B level. He said that by adding peak hour trips to that analysis, they could assess the potential impact. He said that they were able to cross-check the results against their own study.

Mr. Missel said that he also mentioned projecting traffic out to 2045. He asked if the 2045 projection was based on the full build-out as per the master plan.

Mr. McDermott said that that was correct.

Mr. Missel said that he wondered if any of the intersections they had discussed earlier were expected to be failing by that point.

Mr. McDermott said that yes, the same movement at Park Ridge and 240, located at the left turn, was initially projected to fail by 2045.

Mr. Missel asked if there was any study conducted between now and 2045 to determine whether the facility would fail in 2044 or 2045.

Mr. McDermott said that there was not; there was no way to tell. He said that they continued to monitor the intersections. He said that based on the current conditions listed in the transportation study, it appeared that the situation was still likely to be classified as A, B, or C. He said that the additional traffic from this development would not be expected to alter the classification.

Mr. Barnes said that this was a standard approach for traffic impact analysis, which involved examining existing conditions and then selecting a future time period to assess the potential impacts.

Mr. Missel said that this was a question he did not intend to be loaded, but he was just seeking information on the track record of roundabouts and their associated costs, particularly in relation to original budgets. He said that from what he knew, he was not aware of any roundabouts that had been completed on budget. He said that timing was a factor, as budgets were set years ago, and now they were 30% higher. He said that he was not confident that the Eastern connector would come in on budget and be built in a timely manner. He said that he hoped it was, but if not, they could assume it was not there. He said that what he was hearing was that the northern part

of the development was likely to impact the stressed intersections there, whereas the southern half was less affected.

Mr. McDermott said that that was probable. He said that there were likely fewer trips generated. He said that according to their TIA and estimates, there were fewer trips anticipated. He said that the southern area had less development, which would reduce congestion at intersections.

Mr. Missel asked if the 2045 study assumed the existence of the connector.

Mr. McDermott said that yes, it did.

Mr. Missel said that this meant by taking it out, they did not have data to determine whether those intersections would fail or not.

Mr. McDermott said that that was correct. He said that to clarify, the applicant's study and TIA did not assume the construction of Eastern Avenue. He said that the applicant was ensuring that they clarified that the 2045 analysis was the one that assumed it, so he just wanted to confirm that they had that clarified.

Mr. Missel said that that was helpful. He said that to provide more context, he was wondering how many other six-unit-per-acre developments were in and around this area. He said that looking at the surrounding area, it looked less dense than the proposed development.

Mr. McDermott said that he was not familiar with all the details of these developments, but he could confirm that he was correct about Westlake Hills. He said that the development he previously mentioned to the north was indeed R1, with one unit per acre throughout the entire development. He said that Cory Farms, located on the south side and a bit west, was also likely R1. He said that in contrast, Liberty Hall, the neighborhood model, was significantly higher in density, with six units per acre or more. He said that the Westhall development, located north of this area and on the west side of Eastern Avenue, was also likely R6, with a density of six units per acre or more. He said that other developments north of this area, such as Glenbrook, had areas that were densely developed with six units per acre or more.

Mr. Missel said that next, he would like to discuss setbacks and buffers. He said that staff had mentioned earlier that they were agreeing to reduce buffers in certain sections, but not in others. He said that he recalled that this was different from what was in the staff report initially.

Mr. McDermott said that that was the setback special exception request. He said that the applicant had requested to reduce their minimum rear setback from 20 feet to 10 feet. He said that during staff's evaluation, they had considered the areas where the applicant proposed a 30-foot buffer between Westhall and the existing development. He said that the applicant was seeking this special exception to maintain the 30-foot buffer outside of private lots, thereby allowing them to reduce their rear setback to 10 feet, which would enable them to add the additional 10 feet to the buffer.

Mr. Barnes said that to simplify, if it were a typical situation, the house could be 20 feet from the rear property line. He said that in this case, the buffer is 30 feet plus an additional 10 feet, making it 40 feet. He said that they were essentially doubling the distance from the rear property lines.

Mr. Missel asked if they were reducing the number from 20 to 10 but were increasing the area outside the lot line from zero to 30.

Mr. McDermott said that there would be no additional requirement for the buffer zone they were providing. He said that in the report, he stated that staff supported the special exception. He said that staff supported the special exception in areas where a 30-foot buffer was shown and where it was being used to protect preserved slopes. He said that staff would not support the special exception in internal streets or areas with a 20-foot buffer, as seen along Eastern Avenue.

Mr. Missel said that he would like to clarify a point from one of the staff comments or a comment letter related to the affordable housing initiative. He said that the fact that the County's policy had shifted from 80% to 60% Affordable Median Income (AMI) over 30 years, rather than 10 years, was mentioned. He said that staff recommended revising the application to accommodate 20% of the units as affordable housing units. He said that based on this information, he assumed the applicant had chosen not to implement this recommendation.

Mr. McDermott said that the applicant was not proposing additional affordable housing beyond the 15% requirement.

Mr. Clayborne asked if he could refer back to the slide showing school enrollment to ensure that he understood the data correctly. He said that according to the information, the cumulative enrollment was 42, which included both the existing development and the new development.

Mr. McDermott said that the proposed development would generate approximately 42 students. He said that under R1 zoning, they would be able to build 32 units, but he was unsure of the exact calculation of students that would result in. He said that they were replacing the 32 by-right homes with the 134 units of this development, so this was the total generated from this proposal.

Mr. Clayborne said that he wanted to know how they could effectively evaluate the impact, whether positive or negative, of this proposal compared to by-right development. He said that to determine this, they needed to consider the delta, which was the difference between the current situation and the proposed development. He said that for instance, if the current delta was 32, and this proposal added 10, he wondered how that change would affect the overall impact.

Mr. McDermott said that it would not be exact, but one could assume that with approximately 30 units, which would be roughly 20% of the recommendation, 20% of 42 would be approximately 8 students.

Mr. Bivins said that in the project, it was stated that there would be a stepping stone creek crossing over Lickinghole Creek. He said that assuming the stepping stone creek crossing would be part of the property that the County would need to take over, it would imply an additional cost for them, because there was no use in having a stepping stone crossing if it was not maintained. He asked if that was accurate.

Mr. McDermott said that that was correct; the proposed stepping stone crossing would be located within the portion of the parcel dedicated to the County. He said that as a result, in the future, the County would be responsible for maintaining that portion of the trail and the crossing.

Mr. Bivins said that in Block 1, he mentioned the 500-foot road that led to what he perceived as the second entrance, although he had clarified that it was actually the first. He said that he was

puzzled as to why they were not utilizing the first entrance as a primary road or pathway. He said that instead, it was being used solely for emergency purposes. He said that he was curious to know why they were not considering converting it into a regular road.

Mr. McDermott said that he would provide his answer, but it would also be prudent to verify with the applicant's engineer. He said that, however, based on his review, he believed it was unlikely to meet VDOT spacing requirements from Westhall or the other entrance.

Mr. Bivins said that that made sense. He said that as they moved on to Block 2, it became clear that the high volume of traffic from 52 units through Liberty Hall was a significant concern. He said that combining these units with the existing Liberty Hall development revealed a traffic pattern that mirrored the issues in Block 1, which had a new road connecting to Eastern Avenue. He said that the key difference was that Block 1 had the 500-foot road, whereas Liberty Hall lacked a similar infrastructure.

Mr. Bivins said that by introducing this traffic into a densely populated neighborhood, similar to Avon Avenue, he was concerned about the potential impact. He said that in comparison, the Avon Avenue development was less dense. He said that he would like to know the staff's thoughts on this matter and how they had considered the implications of this development.

Mr. McDermott said that the staff was aware, and they would like to see an analysis of the situation at Radford and 250. He said that the traffic impact analysis did include the peak hour trips generated by each development, and it showed that the peak hour trips would be 27 in the morning, which was fewer than one trip every two minutes on average. He said that this was a typical outcome of traffic impact analyses, which often averaged over an hour. He said that although the intersection may back up at different times, their assumption was that the impact would be unlikely to be significantly substantial.

Mr. Bivins asked if Mr. McDermott could clarify regarding the critical period during the morning hours that he had mentioned earlier.

Mr. McDermott said that the morning peak hour was typically between 7:00 a.m. and 9:00 a.m., although he did not have the exact time. He said that it was generally assumed to be between 7:45 a.m. and 8:45 a.m.

Mr. Bivins said that that was helpful to know. He said that he would like to know if he could have a breakdown of the staff report's statement on page 9. He said that it stated that the value of this proposal was a significant contribution to the necessary transportation infrastructure in Crozet. He said that it also noted that the Oak Bluff development further strained the transportation network in the area. He said that he was seeking clarification on what was meant by the significant contribution in relation to the proposed project. He asked if they were referring to the 500 feet of road and the 1,200 linear foot grant way, or what exactly was being considered as the significant contribution.

Mr. McDermott said that that was correct. He said that the contribution recognized by staff was the 500 feet of construction and the right-of-way. He said that they had pointed out this contribution because of the potential reduction in future costs for the County in constructing Eastern Avenue.

Mr. Bivins said that it was particularly the right-of-way, as it was often where costs escalated quickly. He said that he had a question perhaps for the applicant about the stormwater

management plan for Block 2. He said that he had noticed a strong water management piece on Block 1, but he could not find a stormwater management plan for Block 2. He said that he observed an existing pond on both blocks, but he could not find a stormwater management plan for Block 2. He said that he would like to confirm that there a stormwater management plan in place for Block 2.

Mr. McDermott said that they had identified that stormwater management was not included in the application plan for Block 2. He said that they had contacted the applicant and received several proposals for addressing stormwater issues. He said that the applicant had identified amenity space that could be used for this purpose. He said that they could also consider underground detention, which they had also brought to the developer's attention.

Mr. Missel opened the public hearing.

Ashley Davies, representing Riverbend Development, said that tonight, she is joined by Alan Taylor, also of Riverbend, and Chris Schooley from Greenwood Homes. She said that they also had Scott Collins from Collins Engineering and Carl Hultgren, their traffic engineer. She said that they were excited to discuss the Oak Bluff neighborhood with the Planning Commission. She said that building a community was a collaborative effort, and they were honored as applicants to be part of their team in implementing the long-term vision and goals for Crozet, which she and the citizens of the County had established in 2021.

Ms. Davies said that Riverbend and Greenwood had a strong track record of community creation in Crozet, and she hoped she had had the opportunity to visit their nearby neighborhood, Glenbrook, to experience the high-quality homes and trailside living that they had designed. She said that in fact, many of the people they would hear from tonight may live in houses or neighborhoods that they had designed. She said that the Crozet Master Plan highlighted key areas of conservation, transportation, and land use, and the Oak Bluff development aligned with these goals while adhering to the principles of the neighborhood model.

Ms. Davies said that Oak Bluff would be one of the last new neighborhoods in Crozet, an area where families truly loved to live. She said that given that only 5% of the County was in development areas, it was essential that they develop those areas wisely and effectively in relation to the comprehensive planning goals. She said that Crozet was magical, and the extensive trail network and natural systems were a major part of its charm. She said that Lickinghole Creek was at the heart of the Oak Bluff neighborhood, and it was essential that they protect and enjoy this amenity.

Ms. Davies said that families of Oak Bluff would connect with nature and recreate along this corridor. She said that the existing trailway running through the property was well-used by the community but lacked a formal easement. She said that their plan proposed over 10 acres in open space and 4.2 acres dedicated for a public greenway, inclusive of this trail and a creek crossing. She said that natural areas were protected, but the closest house in Block 1 was approximately 500 feet from the stream, as illustrated in this picture, which showed how that compared to the houses in the neighboring community.

Ms. Davies said that over the past year and a half, with an engaged citizenry, the Oak Bluff plan had undergone significant evolution and improvement to address community input. She said that as they could see on the screen, the comparison from April 2023 to this fall illustrated the progress made. She said that they had maximized buffer areas between neighborhoods, as Mr. McDermott

had explained earlier. She said that they had removed the road connection and driveways on Westhall Drive as previously planned. She said that they had reduced building heights from 65 feet, the original planned residential development standard, to 35 feet, a more reasonable three stories next to adjacent neighborhoods.

Ms. Davies said that they had committed to single-family units only on the edges of their neighborhood, creating a harmonious transition to the Westhall neighborhood. She said that they had also minimized the impacts to preserved slopes and moved homes further from the creek. She said that as mentioned earlier, Carl Hultgren from their team was available to address any questions they may have about transportation. She said that although Oak Bluff did not generate enough trips to require a formal traffic study, they had conducted a targeted study with the County to address their specific questions.

Ms. Davies said that the results showed that, with so few cars leaving the development, even during peak hours, it did not significantly impact surrounding neighborhood streets. She said that no improvements were required. She said that however, the proposed rezoning did contribute to the County's goal of completing the Eastern Avenue connector road and eased the burden as they moved forward with the Eastern Avenue RFP in February 2025. She said that specifically, the applicant was constructing 500 feet of the remaining section of road, as per the proposed design, while also dedicating 1,400 feet of future roadway area or 1.5 acres of the project site. She said that this would save the County several million dollars and provide the necessary land early in the process for an efficient road construction timeline.

Ms. Davies said that Riverbend Development and Greenwood Homes were at the forefront of creating new housing that was available to families at a variety of price points, ensuring that Crozet could remain diverse and inclusive for all. She said that they understood that housing was needed now more than ever, and Oak Bluff was a perfect place for infill housing. She said that their team was proud to say that they would deliver 108 total affordable units to this area by 2025, including the 20 to 21 projected units in this development.

Ms. Davies said that they were uniquely poised to build for sale affordable units that they could match with the extensive list of families who would love to live in Crozet, including the existing list of interested County employees. She said that they joined the County in solving this very important community issue, creating more affordable housing than any other private developer in the region. She said that she would like to highlight some key project statistics. She said that notably, open space accounted for over a third of the site, and what they were dedicating to public use was over approximately one fifth of the site.

Ms. Davies said that over the past year and a half, their team had worked extensively with the community and Albemarle County staff members to ensure the plan before the Commission tonight fulfilled the key goals of the Crozet Master Plan, while also being responsive to neighborhood input. She said that she asked for their approval of this new neighborhood that clearly benefited the public and the pressing needs of the community.

Mr. Carrazana said that he had a question regarding the original proposal. He said that the applicant had mentioned that they had reduced the height of some of the housing units. He said that he asked them to please clarify the number of units that were included in the March 2024 proposal.

Ms. Davies said that she believed that they had consistently had a similar number of units within the development, but what changed was the shift in unit types, which ultimately led to a reduction in the number of trips coming in and out of the development. She said that this was because different unit types had varying trip generation rates.

Ms. Carrazana asked if the number of units that had remained the same.

Ms. Davies said that that had been relatively consistent, and she believed it was also important to consider in the school conversation. She said that smaller unit types and attached unit types tended to generate fewer children than a large single-family home might in the same area.

Mr. Carrazana said that he would like to refer to his illustrative plan and look at Block 2. He asked if the intention was that with the proposed Eastern Avenue connection, the entrance to Block 2 would be located off of Eastern Avenue.

Ms. Davies said that yes, there would be an entrance from Eastern Avenue.

Mr. Carrazana said that the section of Eastern Avenue that was currently being considered for future development was not included in Block 2 of the plan.

Ms. Davies said that that was correct. She said that they had planned for both their main entrance and emergency entrance, as it currently stood, with the intention of a future connection. She said that Liberty Hall was designed with this development in mind, so the roadways were designed to accommodate this traffic.

Mr. Murray asked to elaborate on how stormwater management of Block 2 would be addressed.

Ms. Davies said that they were currently envisioning underground detention in the southern amenity area.

Scott Collins, Collins Engineering, said that Block 2 could handle stormwater management in a couple of different ways. He said that they also had an existing pond on the site, which drained a portion of the site and handled some of the stormwater management for Block 2. He said that they were exploring the possibility of doing underground stormwater management underneath the amenity area. He said that they had a large area and another pond on the far-right side of the development, which also handled some of the drainage. He said that they were considering implementing forest and open space buffers, providing a number of different options. He said that any overflow could be managed through underground detention, and they had other potential areas to consider as well.

Mr. Murray said that Liberty Hall currently featured underground detention.

Mr. Collins said that that was correct.

Mr. Murray said that he recalled hearing from some of the neighbors that during recent storm events, they had experienced significant and costly issues with their underground detention systems. He said that although the County allowed these systems, he was aware that they could be prone to expensive problems, which ultimately fell to the neighborhood association to address. He said that as a result, he was curious to explore alternative methods for managing stormwater.

Mr. Collins said that there were two other options available, which included allocating at least half of the site for potential underground detention, thereby limiting the area that would need to handle stormwater management to a smaller portion of the site, about half of Block 2. He said that there was the possibility of utilizing the existing stormwater management pond on Block 1, which was sized to handle this area, as well as portions of Eastern Avenue. He said that if Eastern Avenue was included, it could potentially be routed through that area as well. He said that there were multiple options to consider, and these had evolved as the project had been developed. He said that during the design process, they carefully evaluated all available options.

Mr. Murray said that he also had a question about the timing of the project. He said that given the discussions about moving the Eastern Avenue connector forward, he wondered why this project was being brought forward now, rather than waiting until after the Eastern Avenue Connector had a solid plan in place.

Ms. Davies said that there were several reasons for it. She said that firstly, they needed housing now, if not yesterday. She said that secondly, they had analyzed the traffic generated from the development as it currently stood, and it was not stressing the intersections, which were performing at the same level as they were now. She said that therefore, there was no reason they had to have a connection to build these homes. She said that the third reason was that if they could go slightly ahead of the road development process, which was currently proceeding, they could get the construction of sections of the roadway in place and have the land dedicated in advance of the additional roadway construction. She said that this actually worked quite nicely, exactly as it was moving forward.

Mr. Murray said that they also mentioned walkability earlier, and one of the points they made was that the location was great, with proximity to commercial trails, parks, and downtown Crozet. He asked if the applicant could characterize the sidewalks in this project in comparison to those found at Crozet Park or downtown Crozet.

Ms. Davies said that Eastern Avenue did have sidewalks and excellent trail systems. She said that she did not want to focus on every single road in the area. She said that it was proximate to these locations, with numerous trail connections that made it relatively easy to access the commercial area just south of there.

Mr. Clayborne said that he had a clarifying question regarding the affordable housing units. She said that she had mentioned 15% affordable housing. He said that he would like to know whether these units were only for sale or if they were a combination of rental and for sale units.

Ms. Davies said that she believed their company was actively working to shift its focus towards developing for-sale units rather than for-rent units. She said that this was because, in many of their other projects, they had found that for-rent units were the most popular choice among developers, as it was generally easier to meet rental prices than finding home buyers. She said that Greenwood Homes had a strong marketing department, and a robust pipeline of families interested in purchasing units in these locations.

Ms. Davies said that they were partnering with the County, having recently met with Dr. Pethia to coordinate with her growing list of County employees who were seeking to purchase affordable units. She said that this partnership set their project apart and was a notable fact. She said that at present, the rezoning still allowed for a for-rent allowance, but as a company, they were more interested in developing for-sale units.

Mr. Clayborne said that he thanked her for sharing that information. He said that as he was reviewing the materials before them, according to the documents, the units would be available for a period of 10 years. He said that he assumed that was a rental agreement. He asked if Ms. Davies could please clarify how long the for-sale units were available at that affordable rate.

Ms. Davies said that currently, the County's policy was that it was affordable for the first home buyer. She said that she believed they had this conversation recently regarding another application, and she thought they were also exploring community land trust models and other options to make these developments more affordable for long-term and future turnovers. She said that at this time, it was a significant issue, as they did not have anything close to affordable in the Albemarle County market.

Mr. Clayborne asked how long they were required to remain affordable.

Ms. Davies said that it was just that the first sale was governed by County policy, so the for-sale unit would be sold at an affordable price, and it was not a long-term deed restriction.

Mr. Clayborne asked staff if they were successfully converting a significant number of these units to be sold to interested buyers who were seeking affordable housing, or if they were being returned to existing stock.

Mr. Barnes said that staff did not have an answer to that.

Mr. Clayborne said that he was attempting to gauge the merits of this proposal in that regard.

Mr. Carrazana said that their policy primarily addressed rentals, but not sales, so that was likely part of the issue.

Mr. Clayborne said that he had seen the applicant boast about how many affordable units they were bringing to market, which was a positive thing for the County. He said that however, he would appreciate it if the applicant could elaborate on the direction, they were aiming to achieve with the affordable unit goal of 20%. He said that although the applicant had submitted this proposal before the new policy took effect, he was still curious about the reasoning behind this target. He asked if they could help him understand why they could not stretch further to meet the County's new goals.

Ms. Davies said that she believed they had submitted a number of rezoning applications a long time ago, and they had been through several years of review. She said that each time they submitted an application, they received different feedback on what they should be doing or not doing. She said that in general, as a company, they were interested in helping the County fulfill its policy. She said that on their part, it had been challenging to get consistent feedback on what they were supposed to be doing. She said that they were trying to follow the old policy for certain applications, while adapting to new policies for others. She said that this could be confusing for them as applicants, as they tried to navigate the process.

Mr. Carrazana said that he wanted to follow up on that point because he was interested in knowing if there were any conversations with staff regarding the incentives available to help reach the 20% goal. He said that specifically, he was wondering if there were discussions about how the tax

incentives could be utilized to support the evaluation process and potentially help them achieve the 20% mark.

Ms. Davies said that that information had not been presented to them. They were advised that due to the timing of their application, they should follow the old policy rather than the new policy, which applied to applications submitted after March 2024.

Mr. Missel said that on March 6, the applicant had received comments about exploring the possibility of a 20% change.

Ms. Davies said that yes, then they heard from staff that the Board had actually addressed this issue and that they should adhere to the old policy.

Mr. Carrazana said that he was wondering if the incentives were beneficial to their applicants. He said that if it was indeed an incentive, then he believed it would be in the best interest of everyone involved to reach the 20% threshold. He said that however, if people were not adhering to the pro forma, there was question as to whether it would actually work as an incentive. He said that they needed that feedback, which would be helpful for staff and the County to understand if these incentives were truly effective.

Ms. Davies said that to better understand the situation, she would review the applications being received under the new policy to see how they were progressing.

Mr. Clayborne said that there had not been many. He asked how sustainability and climate responsiveness were integrated into the proposal.

Chris Schooley, Greenwood Homes, said that he was not prepared to answer that question, but he would do his best. He said that Greenwood Homes was established in 2020 and 2021. He said that as they set their specifications for every home they built, they adopted EarthCraft standards, which were now widely recognized. He said that many of these standards had been incorporated into their production homes, and they would notice a lot of two by six framing. He said that they had also made significant upgrades to their HVAC units, which were now a standard feature in all their homes, regardless of price point.

Mr. Schooley said that this was not unique to their high-end homes, but also applied to their townhouses and affordable housing. He said that the market had come to expect these standards, and he believed it was a significant advantage for them, especially in Albemarle County. He said that the market's expectations had made a substantial difference in the quality of homes built in this community over the past 10 to 15 years.

Mr. Schooley said that he was involved in the first Leadership in Energy and Environmental Design (LEED) for Neighborhoods project in Albemarle County in 2005, a pilot program that required extensive research in D.C. He said that they had learned a great deal about the process and incorporated many of those standards into their own practices. He said that as a result, they were fortunate to see these standards become the norm in the industry.

Mr. Murray said that one of his frustrations while walking around Crozet was still seeing new buildings going up or new neighborhoods that featured landscaping such as Nandina or Burning Bush.

Mr. Schooley said that as a landscape architect by training, he completely agreed. He said that he would prefer to exclude Nandina, Burning Bush, and Bradford pear from their plant selection; they could proffer that. He said that he did not think they had a native plant list per se, as they were primarily planting for individuals who were not horticulturists. He said that what they needed was a plant that would last a significant amount of time and establish itself and allowed them to augment their own landscape. He said that he had identified three of his least favorite plants, and he fully supported cutting those out.

Mr. Missel said that he had some questions for the traffic engineer. He said that to begin, he would like to clarify the special exception and the buffers. He said that there was a note indicating a reduction in rear yard setback for single-family detached homes only.

Ms. Davies said that that was correct. She said that Mr. Collins may want to discuss this further, but she believed that that was their primary intention. She said that as staff alluded, there was no buffer requirement between two residentially zoned districts. She said that they had heard loud and clear from those neighbors that they wanted to preserve as much of the landscape in between the two developments as possible. She said that one notable example was the mature trees along Westhall Drive, which had been incorporated into the design midway through the process. She said that this change had resulted in a slight reduction of rear yards, but she believed it was a much better outcome of the process.

Mr. Missel said that Ms. Davies had mentioned the neighbors. He said that there may be a question as to whether they expected a 30-foot additional buffer, including the 20-foot setback. He said that according to what the applicant was saying, they would provide the 30-foot additional buffer, but they would like to reduce the setback to 10 feet.

Ms. Davies said that that was right. She said that the first plan displayed a 10-foot landscape buffer between the two facilities. She said that they subsequently increased this buffer by an additional 20 feet. She said that there was also a 10-foot buffer, granted due to a special exception request, and an additional 10 feet of space.

Mr. Missel said that on the left, they would have had 30 feet, and on the right side, they would have had 40, so they had added 10.

Ms. Davies said that that was correct.

Mr. Missel said that according to the special exceptions, the reduction in rear yard setback also allowed for the construction of decks on the rear of the units adjacent to any private alleys or open space areas. He asked if they could please point out where the private alleys were located.

Ms. Davies said that they did not have private alleys anymore, so she did not know if they needed that.

Mr. Collins said that with the changes they had made to the design as it had evolved over the last year and a half, those alleys moved away. He said that that was a standard exception that had been applied to alleyways when driveways served units from the alleyway, and sometimes decks extended over the 20-foot setback. He said that this had been a typical special exception that they had requested and had been using since the beginning. He said that as they could see, it had evolved into a much better layout, which was a positive outcome of this process. He said that as a result, they would no longer need that requirement.

Mr. Missel said that according to the information, these decks overhung the driveways, and the reduction of the rear setback enabled the decks to be installed along the rear of the units. He asked if that meant that without that reduction of 10 feet, the decks would have to be on the side over the driveways.

Ms. Davies said that they would remove that portion of the special exception request, as the private alleyways were no longer part of the plan.

Mr. Missel asked if they still wished to pursue the reduction, which was one of the reasons they had cited to justify the special exception.

Ms. Davies said that that was correct. She said that they would still request the buffer along those areas, but they would update the language to remove the sections that staff was not supportive of and that were no longer needed.

Mr. Missel said that he would like to clarify something regarding Eastern Avenue. He said that specifically, he was wondering about the section that was being proposed to build at 500 feet, which was located in a right-of-way.

Ms. Davies said that was for the proposed future Eastern Avenue.

Mr. Missel asked if the applicant controlled the right-of-way.

Ms. Davies said that she believed they did not own that land. She said that it had been proffered for the Eastern Avenue project.

Mr. Missel asked about who controlled that section of right-of-way, and whether the applicant had the authority to build a road on that right-of-way.

Ms. Davies said that she believed that was probably a question for the County, but they would treat it similarly to how they had handled other sections of the Eastern Avenue connector. She said that they would view this as an extension of that roadway. She said that initially, the connector road was planned to go straight down to Lickinghole Creek. She said that, however, through the design process, it was determined that this location would be more expensive due to the creek's unique bend in that area. She said that as a result, the roadway was now coming onto their property, which was a more cost-effective alignment compared to going directly south as shown.

Mr. Missel said that that was helpful to know. He said that his mind was divided on this issue. He said that on one side, he was wondering what would happen if the Eastern Avenue connector was not there and if this was a reasonable development in that scenario. He said that on the other hand, he questioned how reasonable it was that the Eastern connector would be built, and if so, how that would impact their proposal.

Mr. Missel said that if they were saying they were coming to the table with this 500 feet of road, which was a portion of Eastern Avenue, that was great. He said that it was getting them closer, even though the costs may be increasing on the other side. He said that his question was regarding the land it would be built on. He asked if it was controlled by the applicant because they were saying they would build it as part of this proposal.

Ms. Davies said that she believed the County would have to comment, but her understanding was that the land was specifically proffered for the construction of Eastern Avenue. She said that therefore, the County should have the authority to build Eastern Avenue on that land.

Mr. McDermott said that staff reviewed that issue and found it was not a proffer; it was dedicated as part of a subdivision that was granted upon demand by the County. He said that as a result, it is not currently under their jurisdiction, but the County can request control of it through the terms of that subdivision.

Mr. Missel asked if it was known if the request for control depended on the entire funding package for Eastern Avenue being in place.

Mr. McDermott said that there was nothing in the subdivision that alluded to that.

Mr. Missel asked if they could ask for control of that portion specifically to service this project.

Mr. McDermott said that yes, that was his understanding.

Ms. Davies said that she believed he would see in the design of the illustrative plan that it was quite extensive. She said that the roadway section they were building would be distinct from what it would be if it were serving as a driveway. She said that it was actually worth approximately $2 million in improvements that they were investing in this area.

Mr. Missel said that the applicant was dedicating the remainder of the right-of-way on their property. He said that he was unsure if they had a slide for this, but he would like to clarify that in the southern section, Block 2, there was a section of the road that continued off of this applicant's property. He asked if this was also dedicated right-of-way.

Mr. McDermott said that yes, this piece may have been part of the Cory Farms development, but that section was a proffer.

Mr. Barnes said that to clarify, it was the Cory Farms Homeowners Association, but they had the right to request the right-of-way.

Mr. Missel said that they could also control the right-of-way necessary to build this road.

Mr. Barnes said that from a technical standpoint, as it currently stood, it was all of the right-of-way, except for the roads shown on the applicant's property, and that was part of the value of the application. He said that initially, the concept was centered around the road in the Cory Farms open space and this strip, the alignment studies conducted by Kimley-Horn revealed three different alignment options. He said that the second alignment, which was the current alignment of the road, proved to be the most cost-effective. He said that therefore, the roads were relocated onto the applicant's property.

Mr. Missel said that he understood all of that. He said that his question was whether, if they were given $40 million today to build this road, they would be able to acquire the necessary right-of-way and land to complete it. He said that it appeared that they had acquired the necessary right-of-way and land in place.

Mr. McDermott said that according to their 30% designs, it appeared that there were still some permanent easements that were not within the existing right-of-way, which may require further consideration. He said that this was a relatively minor issue compared to the overall right-of-way necessary for the project. He said that they generally had the necessary right-of-way, but there would likely still be a right-of-way phase that they needed to navigate.

Mr. Missel said that in other words, no, they did not have all the necessary land to control it.

Mr. McDermott said that no, they did not have all the land.

Mr. Missel said that regarding the TIA, he would like to clarify his understanding of how Block 1 and 2 were addressed in terms of phasing and their impact on levels of service at the intersections. He said that he knew that staff had discussed this previously, and he may be redundant, but he would appreciate an explanation of the thinking with and without the Eastern connector, as it was mentioned that the scenario had been modeled without the Eastern connector as well.

Ms. Davies said that she wanted to provide some background information that took them back to when they first submitted their application. She said that at the time, they were working under the assumption that the County's recent traffic study would cover their proposed development. She said that they felt confident that it would meet their needs.

Ms. Davies said that as they progressed, staff suggested conducting a more in-depth study, specifically focusing on the northern neighborhoods. She said that this is when they brought Mr. Hultgren on board to assess the worst-case scenario if all traffic flowed north and onto Route 240. She said that since then, Mr. Hultgren has been examining other components as well. She said that initially, they did not require a traffic study, but they both felt it was a good idea to thoroughly review the situation.

Carl Hultgren, Gorove Slade Associates said that Gorove Slade is a traffic engineering firm based in Fairfax, and he manages their Richmond office. He had worked with Riverbend for over a decade on various projects in and around the County. He said that he appreciated the thoughtful questions that had been asked about the traffic study, and he agreed with the answers provided by Mr. Barnes and Mr. McDermott.

Mr. Hultgren said that regarding the question about Block 1 and Block 2 trips, the traffic study conducted by Gorove Slade Associates focused on the impact of Block 1 trips on two intersections: Route 240 and Park Ridge. He said that a traffic count had been conducted at the original intersection in August of this year, and it was assumed that 100% of Block 1 trips would travel through that intersection. He that their analysis showed that the intersection would still function acceptably, with minimal impact.

Mr. Hultgren said that the intersection of Crozet Avenue and Tabor, northwest of the site, had also been examined, and traffic counts had been conducted. He said that based on the roadway network, it was estimated that roughly half of the trips from Block 1 would take Park Ridge to Route 240, and the other half would travel through the Tabor-Crozet intersection. He said that the findings indicated that the trip impact of Block 1, considering trips to and from the block, would increase traffic volume at those two intersections by 2% to 3% during peak hours. He said that this was a relatively small impact that would not affect the level of service at either intersection.

Mr. Missel said that that was helpful. He said that he was a little confused by the time frame. He asked if they used background traffic from a previous study, and if they had run new background traffic analysis.

Mr. Hultgren said that they conducted their own study, whereas the long-range 2045 plan was prepared by another firm.

Mr. Missel said that that was referring to current traffic patterns, not traffic patterns from the previous year.

Mr. Hultgren said that that was correct. He said that they had not used that study. He said that instead, they had conducted their own study, focusing on what was visible on the screen, specifically Block 1 and Block 2. He said that they had performed fresh traffic counts at the 240 Park Ridge intersection, which were conducted in August of this year, just a few months ago. He said that they had conducted more recent counts at the Crozet and Tabor intersections, which were completed last week.

Mr. Hultgren said that these counts had been added to the report but had not yet been submitted to staff. He said that Mr. Barnes and Mr. McDermott had not yet reviewed the report. He said that they were providing a preview of what they had found at that intersection. He said that when considering the Eastern Avenue extension, he would like to point out that, despite the project's estimated 2% to 3% impact on the roadway system in terms of volume, building the first 500 feet of the extension and dedicating right of way for an additional 1400 feet would significantly advance the project, much more than their 3% impact.

Mr. Murray said that examining the numbers for school students attending Western Albemarle and Henley schools, he was sure that the applicant was aware that they had previously experienced a school bus shortage for kids, where the school system had encouraged parents to drive their children to school due to the lack of buses. He said that this was a recent issue, and some of his own children had had to transfer buses twice to get to school.

Mr. Murray said that looking at the route from this development, from Block 1, they would travel down Park Road, then down Tabor to Crozet Avenue. He said that he was thinking about the additional number of trips during peak hours, particularly for school students and people traveling to school down those roads. He said that given the sketchy intersections, especially Tabor, he was concerned about the safety and feasibility of this route.

Mr. Hultgren said that those roads were indeed narrow. He said that they did not specifically examine the school traffic scenario Mr. Murray had described. He said that their approach to estimating trips was based on the Institute of Transportation Engineers' (ITE) trip manual, which they used for all projects. He said that this manual was grounded in traffic counts from across the country over 20 to 30 years. He said that the data was analyzed, and trip rates per unit were provided during peak times of the day, such as the 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. peak hours.

Mr. Hultgren said that they used this information to estimate the trip potential in and out of the neighborhood. He said that they also analyzed the roadway network and origins and destinations to estimate the percentage of trips that would go in specific directions. He said that they then combined these estimates with traffic counts and ran models based on that data. He said that this level of detail about potential school trips was already factored into their overall numbers.

Mr. Bivins said that they mentioned that the traffic at Route 240 was acceptable. He said that typically, when they discussed traffic, they used a rating system such as A, B, C, or F. He said that he would like to clarify what they meant by "acceptable" at that particular intersection.

Mr. Hultgren said that generally, a left turn at a stop sign was considered acceptable for Level Service A through E. He said that when a movement reached Level Service F, it was typically considered to be failing. He said that in this case, the movement was currently at Level Service C, and it would remain at that level with these trips. He said that they had recently been informed of the Montclair approval, which involved approximately 88 townhomes near the intersection.

Mr. Hultgren said that although a traffic study was not conducted for this project, they had added the expected trips to their model. He said that in August, they had conducted a traffic count and estimated a 1% increase in volumes over the next three years, ending in 2027. He said that they had also added half of the block one trips to their model, and despite this, the left turn movement remained at Level Service C for both peak hours.

Mr. Bivins asked if Mr. Hultgren could clarify what he had considered in Block 2.

Mr. Hultgren said that the traffic study did not specifically address the impact of Block 2. He said that they did have a trip table and trip calculation for Block 2, but they did not conduct an analysis of those trips. He said that those trips were expected to go out to Route 250. He said that their study was more focused on the north side of the creek and the impact of Block 1 on Route 240 and Crozet Avenue.

Mr. Bivins said that the two-lane roads in question were still relatively narrow. He said that near the Liberty Hill area, they already had a high concentration of stores and other attractions that could slow traffic. He said that if he were offering a suggestion, he would recommend taking a closer look at the entrance, which appeared to have more congestive agents than the other side of the road.

Mr. Hultgren said that he understood.

Mr. Missel asked if any members of the public wished to speak on this item.

Bill O'Malley said that he is a resident of Westlake Hills in White Hall and the HOA president of their Association. He said that tonight, he would like to discuss an age-old problem. He said that as a child, he thought he was clever, trying to negotiate or sneak his vegetables off the plate, but his mother always stayed one step ahead. She said that she knew the secret to parenting vegetables first, dessert second. He said that now, it seems the County staff is skipping straight to dessert, ignoring the vegetables – the infrastructure promised to the community. He said that tonight, they are here to discuss the Oak Bluff ZMA.

Mr. O'Malley said that this is the largest remaining parcel of land in eastern Crozet, and it is a challenging piece. He said that the land is divided into two separate blocks, protected by a stream, slopes, and a flood plain. He said that there is no practical way to connect the north and south portions without a bridge and a connector road, unless one considers a stepping stone. He said that they are approaching two years since the developer first submitted this application, with two deferrals, and the same fundamental problem remains. He said that the transportation principle is not met. He said that the new strategy is to bury inconvenient facts, deepen reports, gloss over issues, and then hype the positives, hoping no one notices.

Mr. O'Malley said that nothing has changed except that the lead planner, Kevin McCollum, has left, and Kevin McDermott is now in charge. He said that he would list a few facts. He said that as a landlocked parcel without a bridge or proper access, this land cannot responsibly support development. He said that yet, staff is ignoring the concerns of four abutting HOAs, whose green spaces and proffers were not set aside for a 500-foot road extension to access a private development. He said that the Magitaran plan, originally a secret attempt to cobble together a faux funding mechanism, fell apart.

Mr. O'Malley said that schools in the area are struggling to accommodate the growing population. He said that he suggested referring to outdated reports that downplay the issue. He said that for community concerns, they had to call him. He said that the timing of this public hearing, right before the holidays, feels like an attempt to avoid scrutiny and transparency. He said that now was not the right time to burden the Crozet community again.

Mr. O'Malley said that 30 years of bridge talk with no definitive action has reached a tipping point for Crozet. He said that he appreciates the Commission's engagement tonight. He said that he wanted the community's needs to be prioritized, just as one would make children finish their vegetables before enjoying cake. He said that the timing was not suitable for this development, and it appeared that the parties involved did not have access to all the necessary parcels. He said that that was a great question.

Steve Walsworth said that he was a resident of Cory Farm. He said that he had lived there for 22 years, and he would like to clarify a point about Eastern Avenue. He said that they did have a proffer, and he appreciated the question they brought up about that Eastern Avenue proffer. He said that the proffer was specifically for the Route 240-250 connector road and was intended to be dedicated when that road was in the mill. He said that however, since the bridge was not yet available, the Route 240-250 connector road was not feasible at this time.

Mr. Walsworth said that until the bridge was funded and ready, they would not be able to dedicate that Eastern Avenue strip that crossed their HOA property. He said that they were already consulting with attorneys about this issue. He said that as a result, they may face difficulties accessing that property. He said that the only alternative was to use the existing roads in Block 2, which were narrow and not designed to handle the increased traffic. He said that these roads were part of a village-like community and were not equipped to handle the added traffic.

Mr. Walsworth said that furthermore, there was case law that supported this position. He said that in fact, their own Board of Supervisors had lost a case a few years ago against Roadway 29 LLC, which had been promised a bus stop as part of the proffer agreement. He said that despite the County's attempts to bill the property owner $500,000, the court had ultimately ruled in favor of the property owner, upholding the decision not to award the County their money due to the lack of a bus stop. He said that there was precedent for this, so he encouraged them to proceed with caution.

Aaron Howell said that he resided at 5821 Westhall Drive in the White Hall District. He said that as the president of the Westhall Community Association, he was initially hesitant to get involved in the Oak Bluff rezoning discussion. He said that as a resident of Westhall since 2009, he believed that they had become somewhat desensitized to the construction and lack of infrastructure in their area. He said that Park Road, which ran through Westhall, had been a through-way for most of the construction at Westlake and Glenbrook.

Mr. Howell said that when he first learned that the developer planned to build 100-plus homes in Oak Bluff, and that the County had no plan in place to complete the 240-250 stretch to Cory Farm, his initial reaction was that it seemed implausible. He said that as a resident of Westhall, approximately 30% of their HOA meetings pertained to traffic issues on their narrow streets, including low-hanging trees, branches, and speeding work trucks. He said that without another outlet on their Park Road peninsula, the problem would only continue to worsen.

Mr. Howell said that in early March, Albemarle County's transportation planner noted this concern. He said that this issue brought them to the use of 56HB, a Westhall HOA-owned parcel that was proffered in 2005 for the construction of a connector. He said that notably, no one in the County or the developer had contacted the Westhall HOA to discuss the use of this parcel. He said that he believed that this concern extended not only to them in Westhall but also to a significant portion of Crozet residents who were worried about the lack of infrastructure.

Mr. Howell said that anyone had been on Crozet recently, particularly around 4:30 p.m. or during business hours, they were aware of the traffic issues. He said that as Westhall intended to hold the County to the agreement made in 2005, which was for the use of this parcel, not for the private use of a developer for their 500-foot driveway that benefited no one in Crozet but the developer. He said that he believed that the rezoning plan was premature and rushed. He said that they had all heard that they did not have a plan for a bridge. He said that the future residents of Oak Bluff, Crozet, and the residents of Westhall deserved a concrete plan, not just hope. He said that the completion of the road had been promised for nearly 30 years.

Nadia Anderson said that she is a resident of Liberty Hall. She said that as a parent of three young children, a coach for the Western Albemarle High School crew team, and president of the Liberty Hall HOA, she was deeply concerned about the existing roads in their community. She said that they were aware that proposals to widen them or install traffic lights at Radford and 250 were not moving forward. She said that furthermore, without the connector, Oak Bluff was attempting to create a secondary access road on Liberty Hall's property to rezone the area.

Ms. Anderson said that none of the County or Riverbend staff members had contacted her or their board to discuss their proposed plan. She said that upon reviewing their deed, deed restrictions, and rezoning documents, she found a provision stating that it was intended to provide an opportunity. She said that however, given the strain that Crozet was already facing, they did not believe granting access was necessary. She said that Riverbend could build their development by right or wait for the Eastern Avenue connector to be completed, like the rest of them.

Ms. Anderson said that although she was not a water resource specialist, she could speak to the issues she had observed in Liberty Hall. She said that the area frequently flooded, with standing water and erosion forcing them to remove a gazebo recently. She said that she had spent months troubleshooting water problems with a neighboring property, where a sump pump was causing water to dump onto another property, despite water testing showing no chlorine. She said that while the neighboring residents were cordial and did not redirect water, a French drain was eventually installed because the water had nowhere to go.

Ms. Anderson said that given these conditions, with only 20 feet of setback, the development should not be approved with an exception for 10. She said that to add to the concerns, a sinkhole had formed on their buried stormwater system, which their zoning application claimed did not require treatment. She said that their system consisted of a buried collection of post-industrial

polypropylene, 100% free from PFAs and PFOAs. She said that it was difficult to maintain and required specialized crews to access and clean. She said that given the nature of their site, she had been informed that they must perform twice-yearly maintenance, which was a major concern for her.

Ms. Anderson said that furthermore, she did not see a stormwater management plan for Block 2, and she was concerned about where the water would drain. She said that specifically, it appeared that the water would drain into Liberty Hall's backyard. She said that she had observed that more water ran off when lands were stripped of trees, and there were more properties in the area. She said that considering these conditions and her experience with water management, she strongly believed that the development should not be approved without an above-ground stormwater management plan. She said that the staff report acknowledged the strain on transportation, but it expressed hope for future infrastructure improvements.

Ms. Anderson said that however, they needed concrete plans, not just hope, to address these critical issues. She said that she also welcomed any Commissioner to join her at the corner of Bradford and 250 to attempt a left-hand turn while playing a game of chicken with exiting cars from Harris Teeter. She said that she thought it was essential to be honest with Crozet residents, who would continue to bear the burden of middle-density development, while 95% of the County remained rural.

Luke Fairborn said that he lived in Westlake Hills in Crozet. He said that tonight, he would focus on Riverbend specifically, highlighting their history of being an unreliable partner to the Crozet community. He said that their claim that the Oak Bluff plan was responsive and harmonious with the community was entirely false. He said that in developing Crozet, Riverbend had left behind an ugly legacy of broken promises to residents and disrespect for property rights. He said that for instance, in Glenbrook, some single-family home purchasers were misled by drawings of future site plans, which promised premium mountain views.

Mr. Fairborn said that however, Riverbend's construction of a solid wall of attached villas 20 feet from the property line, not part of the original plan, severely impaired those views. He said that in Westlake Hills, amenities promised by Riverbend, including a pool and community center, were never built. He said that also in Westlake Hills, some homeowners had filed a lawsuit, in part, because Riverbend intended to use a parcel of land in Oak Bluff that was controlled by the Westlake Hills HOA. He said that this litigation was ongoing. He said that finally, the traffic study for Oak Bluff was also flawed, and the project narrative was misleading, as others had pointed out, and as they had documented in letters to the County.

Mr. Fairborn said that he did not begrudge Riverbend for these transgressions. He said that it was simply a natural consequence of their business model. He said that as their representatives, the community looked to the Planning Commission to ensure that growth was carried out in a responsible manner, harmonious with the environment and neighboring communities, and commensurate with the existing infrastructure. He said that he urged the Commission to listen to their constituents and protect the Crozet community by not recommending the rezoning. He said that he would ask that they compel Riverbend to put forth a plan that was truly harmonious with the community and protecting their rights. He said that the Crozet community should not require resort to legal action to enforce their rights.

Carol Fairborn said that she lives in Crozet. She said that tonight, she would like to highlight the errors and omissions in the County staff report on the Oak Bluff proposal. She said that at first

glance, it may seem that there are no major issues with this proposal, but a closer look reveals glaring omissions and misleading statements. She said that the last page of the staff report claims there is only one concern with the Oak Bluff proposal, which relates to preserved slopes. She said that however, the attached Oak Bluff neighborhood model analysis states that the section on interconnected streets and transportation networks is a principle that is not met.

Ms. Fairborn said that it was questionable that this critical principle was deemed as not having been met, but it was not included in the staff report. She said that the omission of this very important unmet principle in the staff report is inexcusable. She said that furthermore, the staff report makes claims that Oak Bluff will not negatively impact the area schools, but the staff used an outdated Albemarle County Public Schools (ACPS) report from 2021 to make these claims. She said that in contrast, the ACPS Long-Range Planning Advisory Committee published an updated report in October 2024, which shows serious concerns about school overcrowding for the next 10 years, despite plans to build another high school.

Ms. Fairborn said that using outdated data from 2021 falsely indicates that Oak Bluff will only have a mild effect on schools. She said that failing to use the updated school report is inexcusable. She said that additionally, the staff report excluded all community input received on Oak Bluff, which they deemed significant. She said that instead, staff suggested that anyone interested in reading public comments could get in touch with the lead planner. She said that it was unclear why the staff report included eight attachments totaling 25 pages yet excluded the significant community input.

Ms. Fairborn asked if staff had a limit on the number of attachments they can include at the end of a report. She said that the omission of community input from the staff report raises questions about whether it was purposeful to hide the public's concerns about Oak Bluff or if staff genuinely believes community input is irrelevant, or that staff was unwilling to make the necessary effort to include additional attachments are unacceptable.

Ms. Fairborn said that the connector is unlikely to be completed anytime soon, and its high cost makes it improbable that it will ever be finished. She said that adding another large development to this already hazardous and overcrowded section of Crozet, without first understanding the feasibility of the proposed project, would be an undue burden on Crozet residents. She said that it was not a sensible time for Oak Bluff to move forward with this proposal.

Janie Holbrook said that she lives in Westlake Hills. She said that achieving balance is truly challenging. She said that tonight, the decision must balance the applicant's goal of maximizing profits with the community's goal of minimizing adverse impact and the County's goal, which is still to be determined. She said that the decision will reveal whether the County's goal is to prioritize efficiency, as measured by Kimley Horn, or to foster safe and vibrant communities where existing and new families can thrive.

Ms. Holbrook said that the applicant claims to have worked with the community, but actions taken by Oak Bluff, such as removing a parcel from the West Lake HOA and taking green space from families in Westhall and Liberty Hall for private gain, have led to a lawsuit and the removal of 30-foot buffers. She said that the request for reduced rear setbacks negates these buffers, and a preserved slope in Block 1 will be covered by impervious roadway and a house's front porch. She said that the plan lacks stormwater management for Block 2, and the parking arrangement is inadequate for the multifamily units, making on-street parking impractical.

Ms. Holbrook said that the management of Radford Lane traffic, particularly around the Liberty Hall playground and the 250 intersection at Harris Teeter, is a major concern. She said that the list of concerns is extensive. She said that while the applicant's plan is efficient, it allows for a high density of units, with six units per acre, the maximum for neighborhood residential. She said that the site-specific issues are complicated by the fact that the Commission does not control all the factors at play. She said that Albemarle County Public Schools must develop a solution to address Western Albemarle overcrowding, which will persist even if 200 students attend Center 2 in 2027.

Ms. Holbrook said that the Rivanna Water and Sewer Authority (RWSA) must develop a solution to address the inadequacy of Beaver Creek Reservoir in serving the 12,000 Crozet residents connected and future needs. She said that Rivanna Water has already objected to the eastern bridge abutment in their easement, and there are issues that the County controls but lacks the resources to resolve, particularly the Eastern to 250 connector, which was a champagne project with a beer budget. She said that recent magisterial redistricting revealed that White Hall has grown more than any other district due to development in Crozet.

Ms. Holbrook said that she would ask if Crozet had hit a tipping point. She asked what is more fundamental than ensuring access to drinking water, schools, and the road planned for 40 years to support development? She said that a maximum density development at Oak Bluff was not justified until these problems were resolved. She said that the approved and pipeline residential units already exceeded the 20-year forecast for total units required. She said that balance was essential.

Rashmi Guy said that she is a resident of the White Hall District. She said that she stood before them frustrated by a County process that appeared biased toward developers, where residents' concerns were dismissed as NIMBY-ism or indifference to affordable housing, neither of which was true. She said that they deserved to be heard and hoped they would get a fair hearing as taxpaying citizens deeply invested in their community. She said that she was a parent of a Henley Middle School student and currently served as the Henley Family Council co-rep.

Ms. Guy said that recently, the ACPS Family Council had voiced its frustration over the approval of housing developments without consideration for school capacity and critical improvements, leading to years of overcrowding classrooms and reliance on temporary trailers, which now seem permanent. She said that her daughter now attended classes in one of these trailers, and she was upset about that. She said that Western Albemarle High School, already slightly over capacity, also used trailers.

Ms. Guy said that it was exacerbated by outdated formulas estimating how many children new developments would add to schools, which consistently underestimate the actual impact. She said that bus transportation was another recurring issue for families County-wide. She said that parents anxiously awaited each year, unsure if their children would have reliable transportation. She said that another maximum-density development would only worsen this situation. She said that the proposed Oak Bluff parking plan was grossly inadequate; narrow streets would limit parking within the development, forcing overflow into adjacent neighborhoods.

Ms. Guy said that counting garage spaces in the total parking count, as done in pleasant green, had proven disastrous, creating ongoing parking shortages and cars parked where they should not be. She said that the existing infrastructure in Crozet was already overburdened. She said that Montclair and Old Dominion developments had not yet been built, and Glenbrook was still under construction. She said that the Beaver Hill Mobile Home Park expansion was under review.

She said that their roads could not handle the additional strain of yet another high-density neighborhood.

Ms. Guy said that the Eastern Avenue Connector was years away from completion, if it happened at all. She said that bottlenecks persisted on Tabor and Crozet Avenue, and there were no sidewalks along Park Road. She said that the proposed pedestrian stepping stone path across Lickinghole Creek was impractical for real-world use, such as grocery shopping or other daily tasks. She said that as an environmental scientist with over 20 years of experience, she had serious concerns about the proposed development's impact on stormwater management and water supply capacity.

Ms. Guy said that Lickinghole Creek, already impaired, had experienced significant overflow during Hurricane Helene and other storms. She said that she had observed standing water in her own backyard after just two days of rain, and the storm had affected nearby properties, including flooding in Westlake basements. She said that they should not strain the stream further with another development. She said that she urged the Planning Commission to vote no on Oak Bluff as proposed.

Kathleen Tussock said that she lives in the Liberty Hall subdivision. She said that Nadia Anderson explained the current situation, but she was very concerned about what was happening around them. She said that she strongly believed that bringing a road into their small neighborhood did not make sense. She said that they had a playground right on Bradford Street, and children were constantly playing there and throughout the neighborhood. She said that they were riding their bikes and running through the streets. She said that she worried about the impact this would have on them. She said that it seemed that nobody had considered this aspect before, as she did not hear much about it from previous comments from the Commission.

Ms. Tussock said that she also wanted to mention that she had heard concerns about the children added to the high school population, and she understood the situation well. She said that her own children, her oldest being 27 years old now, attended the school in trailers back in 2013. She said that it had been over 10 years since then, and nothing had been done to address this issue. She said that they were talking now about adding more neighborhoods and more people. She said that she agreed that if Cory Farms was going to pursue a lawyer for their protected lands, it was likely that any development in Liberty Hall would be nullified.

Ms. Tussock said that additionally, she was concerned about the destruction of nature. She said that the Lickinghole Basin area was home to over 200 birds, which was the highest number of birds in Albemarle County. She said that bald eagles were also present in the area, although they were no longer endangered. She said that however, they were still protected by federal law. She said that she had also noticed that bears used to inhabit their neighborhood, but she had not seen any in recent years, likely due to the increased development around them.

Bill Connolly said that he lived at 835 Carlisle Place in the Fox Chase neighborhood, which was just outside of Crozet proper. He said that he was relatively new to this controversy, having only recently learned about the Oak Bluff proposal in the last couple of days. He said that he had come here tonight to learn, and he must say, he had gained a lot of insight. He said that he would like to second the sentiments expressed by many of the angry public comments made prior to his speaking.

Mr. Connelly said that he also wanted to commend the line of questioning posed by two of the Commission members. He said that Mr. Bivins' and Mr. Carrazana's line of questions he thought were quite helpful. He said that two major issues stood out to him, the first of which was schools. He said that he believed the numbers provided by the developer were overly optimistic, given that Western Albemarle High School was a magnet, drawing people to the area. He said that he thought their low-balling numbers were unfair.

Mr. Connelly said that traffic congestion and safety were the biggest concerns. He said that he believed the traffic analysis or study conducted was outdated, at best. He said that it had become much heavier over the last couple of years, and he thought the earlier study, which was likely done during COVID-19, was a significant issue. He said that they needed to update the traffic analysis. He said that he was also curious about the new traffic counter at the entrance to his neighborhood, Fox Chase, which was recently installed. He said that he would recommend, at a minimum, lowering speed limits past Harris Teeter on 250, installing traffic lights, and other measures to improve safety.

Mr. Connelly second question he had was, why would any other private developer be interested in developing the extended eastern connector if Oak Bluff was not interested in doing so. He said that some of the earlier comments had questioned the staff's analysis on this point. He said that he strongly recommended updating the traffic studies, particularly conducting a more thorough traffic study on the block connecting to 250 and Radford Road. He said that it was notorious for its difficulty in turning out at any given time of day, as one of the public commentators had pointed out. He said that a more careful study on this aspect was needed. He said that based on his understanding of the proposal, he strongly opposed the Oak Bluff proposal.

Rebecca Connelly said that she lived at 835 Carlisle Place. She said that she was attempting to set up her timer. She said that she urged the Commission to please deny the request for the Oak Bluff development and the accompanying edit to the zoning in this particular area. She said that the basis for this particular request was to address the current need for housing. She said that however, what was needed now was affordable housing, and this particular project offered at most 20 units, which may be affordable for purchase.

Ms. Connelly said that it had not been demonstrated that 20 affordable units could not be achieved under the existing zoning; it was clear that they simply did not want to. She said that the reference to the master plan, which allowed for up to six units per acre, was based on certain conditions, one of which was Eastern Avenue, which was not developed and was unlikely to be developed in the near future. She said that given that one of the key conditions was not met and would not be met, suggesting that the master plan supported this type of development was irresponsible and inconsistent with the master plan.

Ms. Connelly said that she urged the Commission to not approve this request until an updated traffic study could be concluded. She said that this study should not be conducted during COVID-19 or lockdown conditions, or during summer months or the week of Thanksgiving, when school traffic may not be representative. She said that the study should also take into account the size of vehicles, including buses, equipment, trucks, and delivery trucks, and their impact on narrow roads with poor visibility. She said that the study should also consider the potential need for updates or changes to the speed limit and its impact on traffic and safety, particularly in the Block 2 area.

Matthew Helt said that as he mentioned earlier, he was unique in this room, being from Crozet, born and raised there, and still living there. He said that he was also unique in Crozet, as far as he knew. He said that he would continue the conversation about schools. He said that for perspective, he recalled that Crozet Elementary, Henley Middle, and Western Albemarle High School had trailers when he attended. He said that if the County had been able to fix the schools within 30 years, the conversation tonight might be different, and they would not still be dealing with trailers and frustrated parents.

Mr. Helt said that over his life in Crozet, he had lost hope in this County. He said that while he was not counting on it, he was hoping to win the lottery to have someone in Crozet build the sidewalks. He said that the County could not or would not do it in a reasonable timeframe or budget. He said that however, the County staff's claim of hoping to find someone to build a road was unbelievable and not a valid reason to approve a development. He said that they did not do something like this because they were hoping. He said that the County needed to do better. He said that they could not keep adding development until they addressed infrastructure and space.

Mr. Helt said that next, he would talk about infrastructure. He said that the County had not built Eastern Avenue, Western Park in Old Trail, had not built sidewalks and bike lanes on Crozet Avenue, and had not built the roundabouts on 250. He said that he could list dozens of unfulfilled promises and unrealistic timelines, especially when considering the Crozet Master Plan. He said that just a point of clarification, the map showed that the future Eastern Avenue connector was identified as public land, trails, and open space, marked in dark green.

Mr. Helt asked how a road could be open space and a road at the same time. He said that roads were not trails, and roads were not open space. He said that if anyone disagreed, he would encourage their children to play in the open space in Crozet. He said that the stub out for Eastern Avenue was the only basketball court in the area. He asked where the Planning Commission and the developer envisioned these children playing basketball. He asked why the loss of the only recreation space was not mentioned in the staff report.

Mr. Helt asked if they expected the children in the neighborhood to walk the non-existent sidewalk or bike the non-existent bike lane to Crozet Park, or if they would they be forced to walk on the shoulder of the too narrow and unlit Park Road. He said that he was inquiring about the location of the recreation facilities, such as a playground and basketball court. He said that he wanted to know about the system of trails and access points provided to the public and how it would be implemented. He said that a system of trails and access points was not a small, isolated segment of trail; it required a comprehensive design.

Mr. Helt said that he was seeking information on the intended use of the proposed trail, including its width, clearing height, and surface material. He said that he also wanted to know about the planned uses of the trail and who would be responsible for its maintenance. He said that he was looking for the standards for trail design and maintenance in the County. He said that a primitive trail was a specific type of trail that required careful consideration of design specifications and standards, which could be found in the County's trail design standards.

Mr. Helt said that he was interested in knowing the purpose of a rock hop crossing and how its design could be found in the County's design standards. He said that the hydrology and hydraulic implications of installing a rock hop crossing in that stream also needed to be considered. He said that he wondered if this would require a permit. He said that ultimately, he believed it would be

wise to build a development once the necessary infrastructure existed, rather than encouraging residents to drive everywhere in Crozet.

David Van Roijen said that he did not come to this meeting to discuss this topic, but he wanted to bring it up. He said that in the past, it had been standard practice for County staff to prepare a fiscal impact analysis for developments, including the potential negative financial effects on the budget. He said that he was wondering if there were any available numbers that the public might be aware of regarding this issue, particularly in comparison to by-right projects.

Jeff Erkhart said that he resides at 402 Frontier Lane in Liberty Hall. He said that his house was located beside the entrance to Ribbit Ranch, which is the name of the subject parcel. He said that it was a one-lane road, and it was extremely narrow. He said that upon reviewing the drawing, he did not see a feasible way to expand the access point. He said that in fact, it appears to be the only entry and exit point, as depicted. He said that as Ms. Anderson mentioned, it was akin to the game Frogger when trying to navigate across the road. He said that given these circumstances, he strongly opposed the project.

Leonore Crane said that she is a resident of Crozet. She said that she is here today to express her support for the upzoning proposal. She said that they were all aware of the severe shortage of middle- and lower-income housing in Crozet. She said that before attending this meeting, she checked Zillow to see how many listings there were for houses under $500,000, and she found only 19 houses for sale.

Ms. Crane said that in a town of over 10,000 residents, this is an insufficient supply to meet demand and provide affordable housing for essential workers, such as teachers, first responders, and service staff who are integral to their community. She said that the local shop workers and educators who provide vital services to their community deserve to live in a community where they can support each other, rather than commuting from elsewhere in Albemarle or Waynesboro, which can be a hazardous drive.

Ms. Crane said that the land is currently zoned for development, and the question is whether it will be upzoned from R1. She said that regardless of the outcome, the land will be cleared, the forests will be cleared, and the site will be developed. She said that the key issue is density, and the scientific consensus is that higher density is more environmentally sustainable for their community. She said that she recommended that the Commission also consider multimodal transit options, including buses that could provide alternative transportation methods for commuters into the Charlottesville area.

Michael Crenshaw said that he was a resident of Crozet in Parkside Village, located just north of Claudius Crozet Park. He said that he believed most of the issues had already been discussed. He said that he was in support of the upzoning and the proposed development. He said that he thought there were many positive aspects to consider. He said that as they had just heard, there were many service workers in Crozet, including those who ran the gym and coffee shop. He said that almost all of these workers did not live in Crozet, and when he spoke with these individuals, they often expressed frustration, usually with a laugh, about the high cost of living in Crozet.

Mr. Crenshaw said that he had reviewed rentals under $2,000 a month, and there were currently four listings available at this price point. He said that to afford such an apartment, one would need to earn approximately $80,000 per year. He said that unfortunately, many of these workers could not afford it with their current jobs. He said that he preferred to see high-density development. He

said that he understood the concerns about pedestrian access and access to downtown. He said that access to downtown was actually not terrible from this development.

Mr. Crenshaw said that obviously, Park Road lacked sidewalks and desperately needed them, but Eastern Avenue already had bike lanes and excellent sidewalks. He said that he frequently jogged along Eastern Avenue, taking a route around the Crozet trails into the park. He said that from there, he could reach Hilltop, which had a sidewalk, albeit one made of asphalt that was in disrepair. He said that however, it did provide a safe route to downtown. He said that if he were to live in this new development, he would likely take this path to visit local businesses, such as Bar Botanical.

Mr. Crenshaw said that he would like to know from the applicant how they planned to address pedestrian access and ensure that the new community could safely and easily access downtown. He said that he would like to express his hope that the new portion of Eastern Avenue was built to the same standard as existing infrastructure. He said that specifically, he would love to see sidewalks and bike lanes extended.

Mr. Crenshaw said that additionally, he would like to mention the walking path across Lickinghole Creek, which he believed would be a valuable addition. He said that having the ability to access the Crozet Seafood Supply, the couple of restaurants, the ABC store, and other local businesses without having to drive all the way around and onto Route 250 would be extremely helpful. He said that it would be very convenient.

Mr. Crenshaw said that he would like to address the intersection of Radford and Route 250. He said that while it was not primarily a problem caused by traffic on side streets, the speed at which drivers traveled through the area was a significant concern. He said that people often failed to slow down to 45 miles per hour, and while recent improvements had helped to mitigate the issue, introducing more cars to the area was unlikely to solve the problem. He said that in his opinion, the solution lay in slowing down traffic. He said that he was in strong support of the upzoning.

Eric Schmidt said that he was a White Hall resident. He said that he had previously sent an email to the Commission, so he assumed they had read that, and he would not repeat it here. He said that he was encouraged to hear that they were discussing the transportation study and the Crozet Master Plan in such depth. He said that he would like to encourage them to thoroughly review the plan and follow its recommendations. He said that the Eastern Avenue Connector was a foundational component of the plan, and he would like to highlight a few additional facts that had not been mentioned.

Mr. Schmidt said that the plan was a robust and thoughtful document, incorporated into the master plan and spanning approximately 150 pages. He said that it not only addressed the Eastern Avenue Connector but also considered the intersections around Crozet, not only those at Park Ridge. He said that it actually was not big enough because the Crozet growth area did not study the Route 240-250 intersection area. He said that he recommended expanding the plan to include all of those relevant intersections. He said that he wanted to say that the study concluded that even with the Eastern Avenue Connector in the master plan, intersections like the main intersection in downtown Crozet would still receive a level of service of an F, with no new investment.

Mr. Schmidt said that it was stated on page 149 that to address this issue and others, tens of millions of dollars would need to be invested in roundabouts at Western and other alternatives.

He said that they could review this information on page 149. He said that notably, the County had not even funded Eastern Avenue, let alone the additional investment required. He said that given that the fate of Eastern Avenue was uncertain, he urged them to wait before making any decisions until early summer, when they may have new information.

Mr. Schmidt said that finally, he wanted to point out that the County's initial estimate of the Eastern Avenue cost was $25 million. He said that this was in 2019, but COVID-19 had pushed the cost up to nearly $40 million. He asked the staff to provide their budget cap in the upcoming RFP, which was set to be released in February. He said that according to their own estimate of $25 million, he believed their cap was $17 million. He said that he was having difficulty reconciling the numbers, and he thought it would be interesting to see how the situation unfolded in the summer, rather than adding to the existing problems, which would not align with their adopted master plan.

Mr. Missel asked if there were any speakers signed up online to speak on this item.

Michael Monaco said that he resides in the Emerson Commons neighborhood, 810 Stargazer, within the White Hall District and development area. He said that he was the chair of the Crozet Community Advisory Committee. He said that he apologized for not being able to attend in person tonight and appreciated the opportunity to provide comments. He said that he was in favor of the plan. He said that he was grateful for the rezoning of the land on which he lived to planned residential development, which allowed him to purchase a proffer-designated affordable home from the developer.

Mr. Monaco said that he was thankful for this opportunity and hoped that others would have the same chance. He said that, in the long run, building this development would be beneficial for Crozet, creating more relatively affordable housing options, such as townhomes and duplexes. He said that, based on his review of publicly available data on the Albemarle GIS webpage, the median assessed value of a home in R1 residential in Crozet was approximately $860,000, while the median value of a home in planned residential zoning was around $490,000.

Mr. Monaco said that he was concerned about the long-term impact of not developing the development areas. He said that the increasing sale prices in the rural area and the trend of development being pushed to surrounding counties suggested that they needed to act. He said that completing Eastern Avenue to existing standards, including bike lanes and sidewalks, was essential. He said that continued infrastructure investments and improvements were necessary to catch up with and anticipate Crozet's growth. He said that he firmly believed that denying this rezoning in the long term would have a far greater cost.

Christian Diaz-Ritz said that he resides in Liberty Hall in the White Hall District. He said that he would like to bring up the issue of traffic coming out of that area. He said that one of their previous speakers had mentioned that people did not slow down to 45. He said that he thought this highlighted the problem at that section, because it was supposed to slow down to 35 miles per hour for a short window, but people were still driving at 55 and 45 miles per hour, causing congestion as they tried to exit.

Mr. Diaz-Ritz said that he did not want to rehash what had already been said, but he found this point interesting that someone from the area did not fully understand how the traffic pattern was supposed to work. He said that he did not want to completely disregard affordable housing and building out; he agreed that there were better ways to address it. He said that as this project currently stands, he would not support it. He said that he would like to draw attention to the

outdated floodplain plans, which were based on 2005 Federal Emergency Management Agency (FEMA) data.

Mr. Diaz-Ritz said that a quick Google search revealed that there had been numerous articles since 2013 and including 2022, highlighting flaws in the current FEMA floodplain maps. He said that climate change was a significant concern, with organizations like the National Oceanic and Atmospheric Administration (NOAA) recognizing its impact. He said that they had recently released a new precipitation frequency atlas that took into account extreme precipitation, weather changes, and other factors.

Mr. Diaz-Ritz said that he believed the area's history, including the devastating effects of Hurricane Camille in 1969 and Hurricane Helene in 2024, should be taken into consideration. He said that the estimated damage from Helene was between $30 and $47 billion, and he urged them to consider this when making their decision. He said that he was pleased to hear the questions they had been posing. He said that while he acknowledged that it may be legally permissible to utilize these 2005 FEMA floodplains, he must ask if that was a wise and just decision.

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

Ms. Davies said that she would like to express her gratitude for the engagement tonight and the public comments. She said that she believed the speakers had eloquently addressed the issues and it was clear that people were deeply passionate about their community. She said that as someone who had been searching for a home in Albemarle County over the past few months, she could attest to the current housing shortage, and she strongly believed that moving forward with new housing developments was essential.

Ms. Davies said that at the heart of this issue was the Crozet Master Plan, which served as the vision for this area. She said that she thought it was crucial to acknowledge that the Oak Bluff Plan effectively enacted the Master Plan, particularly in the areas of conservation, transportation, and land use. She said that these three key areas were central to Crozet, and the preservation of the Lickinghole Creek greenway, the implementation of future trailways, and the land use strategy were all critical components.

Ms. Davies said that she believed this project was making significant contributions to the transportation network, likely more so than many other developments in Crozet. She said that the project was expected to add millions of dollars in value to the area. She said that she also thought it was a key step towards advancing the Eastern Avenue connector, which remained a high priority. She said that she had heard many neighbors' express skepticism about the project's feasibility, but from her perspective, they were closer than ever to making it a reality.

Ms. Davies said that she was pleased to see the County taking the necessary steps to pass the PPTA and move forward with the RFP process, demonstrating a serious commitment to the road and bridge. She said that she believed they could work together to find a solution that benefited the entire community. She said that infill housing was a vital component of Crozet's development, and she strongly supported this aspect of the project. She said that they did not want to expand the development areas into the rural area, and this was one of the last few significant projects in Crozet.

Ms. Davies said that it was essential that they did not miss this opportunity, as they risked ending up with a community dominated by single-family homes. She said that this would be a huge disappointment. She said that instead, she envisioned a Crozet that was inclusive, diverse, and capable of supporting a variety of people and families in the future. She said that they appreciated their consideration and hoped that they would approve this project. She said that they looked forward to working with the County to create great communities in Crozet.

Mr. Clayborne said that several community members mentioned school impacts, which was a common thread that ran through the discussion. He asked if the applicant would like to address this topic further.

Ms. Davies asked if there was a particular question that he would like her to address.

Mr. Clayborne asked why there was no mitigation of school impacts in the proposal. He said that it seemed that this issue had been discussed at length, but it was not addressed. He said that there was no mention of measures to offset the impacts of this development.

Ms. Davies said that they had analyzed and assessed school impacts for all their developments, but it was a larger issue. She said that for example, across the entirety of Albemarle County, they had dedicated an entire elementary school site and a 70-acre high school site to the County through previous rezonings. She said that these dedicated sites were a significant way for them to assist the County in minimizing the overall impact.

Ms. Davies said that if one reviewed the school's plan, they would see that they were starting to build new schools, both elementary and the high school center. She said that this was part of a larger framework, and she was proud to say that their company and as developers had contributed to this overarching solution, which benefited the entire County. She said that this was how they were addressing school impacts.

Mr. Missel closed the public hearing.

Recess

The Commission recessed at 8:40 p.m. and reconvened at 8:45 p.m.

Mr. Missel asked if the Commission had any further discussion on this item.

Mr. Murray said that if the Eastern Avenue Connector was already in place, he would have no problem supporting this project. He said that however, the Eastern Avenue Connector was not there. He said that he was familiar with this area, having walked and run through it, and he visited Crozet Park. He said that seeing these areas, he believed that there was no good way to navigate, regardless of the direction one took.

Mr. Murray said that whether they were taking their children to school or driving to work, one would encounter significant congestion and safety concerns. He said that he understood the frustration of the people in Crozet, but he agreed that this was not the developer's fault. He said that in many ways, this was a good project, as it provided the desired density in their development area. He said that however, the current infrastructure was inadequate, and the timing of this proposal was unfortunate, particularly since they may have a plan for the Eastern Avenue Connector in a couple of months.

Mr. Murray said that it was a shame that this proposal was not being considered at this time, when they actually had a plan to address the infrastructure needs. He said that he was aware of the issues with local schools, with his own children personally experiencing the overcrowding at Henley and Western, and he believed they needed to find a way to bridge these gaps. He said that during their comprehensive plan process, they had identified areas that should have missing middle development that were just single-family residential areas.

Mr. Murray said that Crozet was the only development area that had accepted this level of density, and it was unfair that they were doing more than their share but not receiving a commensurate increase in infrastructure to support that density. He said that this was his main objection to this proposal, which was that they were asking a significant amount from the town of Crozet without providing sufficient benefits or solutions to address the issues at hand.

Mr. Missel said that he had a couple of questions of staff that may help inform their deliberations. He said that they had received input from several individuals from the Liberty Hall neighborhood. He said that there was a road connecting Liberty Hall to that neighborhood. He said that he wondered if there was an easement in place that allowed for this connection. He asked how the physical connection between the two areas occurred.

Mr. McDermott said that it appeared that this was a stub-out that was intended to be connected for future development.

Mr. Missel said that he saw that. He said that since it was adjacent property, they had the right to connect directly to it. He asked if there was anything in the Liberty Hall subdivision HOA's information that related to this issue.

Mr. Barnes said that in the cursory review of the Liberty Hall Rezoning for 2007, which he had on the screen, indicated that Radford Lane was extended to that property. He said that it also referenced a road, which was intended by the applicant to serve as an emergency access route. He said that according to the Code, the second street was reserved for road dedication, including the potential for future road construction.

Mr. Barnes said that given that Liberty Hall was developed by Peter Chetta, who was also part of the property, it appeared that this was always the intended access route. He said that as far as the traffic counts and traffic study conducted for Radford Lane, Mr. McDermott could speak to that.

Mr. McDermott said that they did not have that data, and it was one of the items identified as an issue they had with the TIA. He said that he believed Liberty Hall was approximately 50 units, which would likely generate a similar amount of traffic as the southern half of the proposed development. He said that based on this, they could assume that during peak hours, a car leaving that area would depart approximately once every minute during the morning peak hour. He said that although they did not have an assessment of how this affected congestion or the level of service, it provided an idea of where this would sit in terms of traffic volume.

Mr. Missel asked if Mr. McDermott was referring to someone leaving Oak Bluff to go through Liberty Hall.

Mr. McDermott said that yes, the Oak Bluff TIA indicated that approximately 27 vehicles were leaving Oak Bluff in the morning. He said that assuming Liberty Hall was similar in terms of units, they could assume that the peak hour would be during that time.

Mr. Missel said that that was referring to the situation until the road would be connected to the future, as indicated by the stub out shown in this plan.

Mr. McDermott said that he was referring to 60 units with both, specifically in relation to the Oak Bluff project. He said that Oak Bluff and Liberty Hall were expected to be about 60 vehicles leaving that area per hour during the peak hours.

Mr. Missel said that in Oak Bluff's application, the proposed location of the inter-parcel vehicular driveway connection was at the corner of Cindy Alford's or John M. Jackson's property, as indicated. He said that if he was interpreting this correctly, it appeared that this connection would eventually lead to an increase in vehicle traffic.

Mr. McDermott that Mr. Missel was referring to north of Oak Bluff. He said that he agreed, that was correct. He said that if that property were to be developed, it would likely result in additional traffic in the area.

Mr. Missel said that he understood that they had discussed this briefly in a pre-meeting the previous day. He said that from what he could gather, the construction of the Eastern Avenue Connector in Crozet was primarily driven by the County's infrastructure planning and funding availability. He said that he was wondering if there was a specific timeline associated with that road, beyond the funding availability. He said that he was inquiring whether there was a particular traffic generation that triggered the need for that road to be built, or whether there was simply a lack of timing and requirements on that front.

Mr. McDermott said that there were no specific timing or requirements associated with this project. He said that it was a recommended project in the master plan, but it was not tied to any particular deadline or set of circumstances.

Mr. Missel said that the final question he had was regarding the interconnected streets and transportation networks. He said that he was curious as to why the application plan did not meet this principle, despite stating that it proposed public streets. He said that without the completion of Eastern Avenue, there was no connection between the two blocks beyond a primitive trail that did not meet accessibility standards. He said that this represented a significant gap in the network. He said that both Block 1 and 2 only provided one public road connection to external streets, which was not included as a factor unfavorable.

Mr. McDermott said that typically with the neighborhood model analysis, they assessed the overall analysis. He said that without delving into individual points, there were 12 principles, with the majority being met or partially met. He said that the neighborhood model analysis was met. He said that previously he had mentioned the single point of access, and the developer initially proposed a second point of access for the northern location but removed it at the request of the neighborhood to address some concerns. He said that he did not want to hold them accountable further, as they made that change to address a problem. He said that however, the lack of Eastern Avenue remained a concern related to the interconnected streets.

Mr. Murray said that typically, they did not get involved in stormwater design. He said that he was particularly concerned, given that the neighboring development had experienced severe issues with their underground stormwater system. He said that it was concerning that they were proposing a similar solution right next door, when they were already struggling with these problems. He said that when examining the transportation network, he noticed that there were several issues. He said that for example, Tabor Road was constricted on one side, and the lack of a roundabout on 250 constrained traffic on the other side. He said that Radford Lane presented difficulties with making a left turn, so these were real issues.

Mr. Carrazana said that Mr. Murray made several points that aligned with his views. He said that he would begin by highlighting that the issue extended beyond Eastern Avenue. He said that there were numerous problematic intersections, and they had yet to see the multimodal improvements that the master plan had envisioned. He said that several of them had been discussing this topic for years, and he believed they had consistently emphasized the need for adequate infrastructure to unlock additional development.

Mr. Carrazana said that this was particularly relevant for the AC44 planning, where they wanted to maximize development potential without leaving density on the table, as they had in the past. He said that he thought there was also a conversation to be had about the need for a critical mass of development to achieve a funding baseline for infrastructure. He said that this created a chicken-and-egg problem, but he believed Mr. Murray's point was that Crozet had reached that critical mass. He said that the concept of the missing middle, if anyone had successfully implemented it, was Crozet.

Mr. Carrazana said that they did not see the infrastructure, and that was a critical piece that was missing. He said that Eastern Avenue was the linchpin that was missing, but it was not the only one. He said that if the other intersections had been improved, perhaps they could make this work. He said that some of these streets were very narrow and lacked sidewalks, making them hazardous for cyclists. He said that, along with his wife and their kids, who had grown up playing baseball in Crozet Park, he had seen many changes.

Mr. Carrazana said that they knew the area well, and while it was walkable in some areas, the streets that led to and from there were a concern. He said that he wholeheartedly agreed with the March 2024 report from their transportation staff, which had identified Eastern Avenue as a critical connection for the Oak Bluff development, citing safety concerns. He said that he also had concerns about the floodplain, as this was an issue they had discussed before. He said that the development had some real benefits and was providing an appropriate amount of density.

Mr. Carrazana said that he wondered if they had updated their floodplain map, and if they felt comfortable with its current status. He said that if they were still using outdated maps, that was a data point that should be refreshed. He said that he also thought their traffic study needed to be updated as well. He said that there were several data points that should be reassessed. He said that he did not believe they had met the County’s commitment to Crozet, and for that reason, he was not in favor of this development.

Mr. Moore said that recently, he had come across comments about new development in Crozet. He said that the first one said, “no new homes until the developers build a connector road and provide infrastructure upgrades.” He said that the second comment was “the connector road on the master plan needed to be built before they add any additional homes in this area.” He said that the third one was just, “stop this insane population explosion.” He said that the fun thing about

those quotes was that they were not emails he got this week; they were comments from Jim Duncan's Real Crozet VA blog from 2012 about the Westhall and Westlake Hills neighborhoods.

Mr. Moore said that he had two reactions to that. He said that one was that many people in today's Crozet would not be living in their homes if the Crozet residents of 12 years ago had gotten their way. He said that the Board had approved the development, and those neighborhoods had been built. He said that as a result, current residents of Crozet got to live there. He said that if they extended that logic, future residents of future neighborhoods would not get to be here tonight. He said that they were in a growing County, and it was inevitable that more people would be moving into the community.

Mr. Moore said that many of them would likely be good neighbors and benefit from relatively affordable housing. He said that he wanted to address the concerns about new development. He said that he could empathize with the disappointment of being an early resident of a multi-phase development area. He said that to imagine moving into a quiet neighborhood with low traffic, and for years it stayed that way, with a wooded area behind the houses. He said that a lot of folks who moved into these areas did not realize what it meant to be in a development area, where more housing development was inevitable.

Mr. Moore said that he had heard similar stories in the urban ring, where residents had been waiting for roads and amenities to be built. He said that the delay in building the Eastern Avenue Connector was particularly disappointing, as Crozet had been waiting for a long time for this project to move forward. He said that he was disappointed by the uncertainty surrounding the viability of this project. He said that he wished they had more certainty on the matter. He said that he was also frustrated by the HOA's decision to mount a legal challenge to block progress on the Eastern Avenue Connector, as they had a proposal that could potentially move things forward.

Mr. Moore said that Crozet residents had been advocating for this project for years, and he believed it was a necessary step forward. He said that he had expressed this sentiment before, stating that many HOAs did more harm than good, often blocking necessary and inclusive development of communities. He said that some HOAs, in particular, could be anti-freedom and stifle progress in developing communities. He said that however, some could be beneficial in certain circumstances, such as working as a group to coordinate trash service.

Mr. Moore said that as for the proposal itself, he did have concerns about transportation, similar to some of his colleagues. He said that he acknowledged that some areas would be affected in the years ahead, particularly the intersection with 250 and possibly 240, which would require some work. He said that he thought it was essential to address this issue. He said that he wished the proposal was coming to them with more certainty about the Eastern Avenue Connector, but overall, he saw a proposal that had responded to neighbor concerns.

Mr. Moore said that the first ring of homes was single-family, providing a nice transition, and there was a wooded buffer, ensuring at least 40 feet between homes and the nearest property line. He said that he appreciated the efforts to initiate an Eastern Avenue Connector process, even if it was not a full solution. He said that he did not expect a developer to pay the full cost of a bridge, so he did not bring that up. He said that however, there was some movement on this issue, and he appreciated the proffers regarding the right-of-way.

Mr. Moore said that additionally, he thought there was another important consideration that, although not explicitly stated, was worth noting. He said that if a developer were to continue facing

obstacles with the zoning amendment, they might resort to building by right. He said that in that circumstance, there would never be an Eastern Avenue Connector. He said that overall, he believed this was a good project, and he was comfortable with it. He said that he hoped that the transportation pieces could come together successfully.

Mr. Clayborne said that he would like to start by thanking the applicant for their proposal. He said that considering the community testimony, it was a loss, with a score of 15 to 3. He said that he wanted to express his gratitude for the effort and acknowledge that he believed the applicant was genuinely trying to do good. He said that he appreciated the project and saw many positive aspects. He said that he had no problem with the density; however, he did have concerns that needed to be addressed.

Mr. Clayborne said that one of his main concerns was timing. He said that staff had shared that the RFP for the PPTA would go out in Q1, and the results would likely be available by Q2 or Q3. He said that he believed this timing was crucial in making his decision, as it validated some of his concerns about infrastructure. He said that specifically, both vehicular and pedestrian infrastructure had raised significant concerns for him, and he was not able to support the proposal due to this.

Mr. Clayborne said that he would also like to discuss school impacts, which he believed should be evaluated on a case-by-case, project-by-project basis. He said that while he appreciated the development team's past contributions, he did not believe that one past decision meant they did not have to mitigate anything for the next five to ten years.

Mr. Clayborne said that additionally, he thought they needed more data to make informed, data-driven decisions regarding housing. He said that specifically, he was concerned about the loss of affordable for-sale units, as it seemed to be a recurring issue in their affordable housing meetings. He said that there was a great deal of aspiration, but when examined closely, they were not making significant progress because they were not realizing their goals. He said that they needed more data around that.

Mr. Clayborne said that this proposal, with a maximum of 20 units, raised questions about the feasibility of similar projects. He said that he wondered what happened when the affordable units were scaled back, such as from 20 to 12 units, and then 10 units were lost. He asked if the investment in other aspects of the project worth the potential drawbacks they were discussing. He said that he wanted to plant this idea in the future, with the hope of gathering more data to inform their decisions. He said that currently, they were relying on these proposals to achieve affordable housing, and without concrete data, their understanding of their effectiveness was speculative and anecdotal.

Mr. Bivins said that he was confused and annoyed. He said that he was particularly annoyed that there was no traffic study conducted on the side of the project, specifically Block 2, which had the most issues associated with it. He said that he was not trying to downplay the challenges of driving through residential areas and the bridge that connected to Route 240. He said that he was not trying to minimize those concerns, but there were many units in that area, and it was possible that residents may have differing opinions on how to address the traffic issues.

Mr. Bivins said that he was concerned that the applicant or their advisors had failed to consider the complexities of the area and had recommended a TIA or a transportation study with regard to Route 250. He said that in his opinion, this lack of analysis was a significant negative. He said

that while they could discuss whether they liked or did not like it, the property owner had the right to litigate for their own property. He said that it gave him pause that the Westhall residents were deciding that they would not give up their piece of property that would connect to Eastern Avenue without litigating. He said that he wished they were not doing it, but once they pushed that button, it could mean that it would be many years before it was resolved.

Mr. Bivins said that then, there were the Cory Farm residents, whose position he wished staff had the opportunity to validate before it was presented to the supervisors. He said that the Cory Farm position was that their proffer was only contingent on the northern part was completed. He said that if that was accurate, and he was not taking offense to the person who stated it, because he had not seen the document, it could potentially add a significant delay to completing the Block 2 portion, which in turn could cause traffic congestion all the way through Liberty Hall for decades. He said that he was uncomfortable with supporting that.

Mr. Bivins said that he was more comfortable saying yes to Block 1, because it was more within the setting of everything going on there. He said that he was very uncomfortable with Block 2 due to the water issues and moving traffic through a one-and-a-half lane road. He said that while he felt very positive about this project initially; after reading the staff report and hearing the community feedback, he was not supportive of the project now that he understood there was little to no regard for the traffic study going through Block 2.

Mr. Bivins said that additionally, there were numerous ways to stall the northern part of the Eastern Avenue Connector, which would prevent access to Block 1 without requiring a reconfiguration of Westhall Drive to include a single driveway. He said that he would like more information on the reality of the litigation and proffer issues, which were not his concern, but rather for the Supervisors to determine. He said that he was hopeful that these issues could be resolved, and he also hoped that a non-holiday traffic study could be conducted for at least the Route 250 side.

Mr. Missel said that he would like to share a couple of comments, and then he received a note from the applicant to speak. He said that he would keep it brief to avoid repeating what others had already said. He said that one thing he would like to remind everyone was that the Commission's primary role was to serve as an advisory body to the Board, promoting the orderly development of the County and its environs, and accomplishing planning, zoning, and land subdivision and development objectives set forth in state law and the Albemarle County Code.

Mr. Missel said that several speakers had mentioned approval or denial, but he would like to clarify that the Commission either recommended approval, recommended denial, or approved deferral if requested. He said that they had all touched on the bigger issue of infrastructure. He said that from the County's perspective, they had master plans that identified and set aside funds to achieve those plans. He said that while they could not always do that, they had a master plan in place, done thoughtfully with input from residents.

Mr. Missel said that they had worked to address the need for housing with incentives, such as the new Housing Albemarle statement, which included tax incentives for developers. He said that they had also set aside $17 million in the CIP for the Eastern Avenue Connector. He said that however, the project might cost up to $40 million, and the use of the right-of-ways was still uncertain. He said that from the County's perspective, they strived to keep their decisions objective. He said that in trying to be objective, on the developer's side, the developer had conducted traffic studies, although as Mr. Bivins had pointed out, perhaps not completely.

Mr. Missel said that the applicant had also tested the most critical intersections. He said that from the developer's perspective, they were saying that the master plan, which included the Eastern Avenue Connector, was not necessary for them to achieve their goal of providing housing for the County. He said that they were essentially arguing that the plan could be successful without the connector. He said that however, the neighbors were expressing concerns that the actual impact on the roads may be more significant than what was being reported in the TIA. He said that this raised a subjective versus objective issue, as it was unclear which perspective was more accurate.

Mr. Missel said that, according to the Commission's charge, and the state code included language which stated the chapter intended to encourage localities to improve public health, safety, convenience, and welfare, and to plan for future community development, to the end that transportation systems be carefully planned, that new community centers be developed with adequate highway, utility, health, and recreational facilities, and that the need for mineral resources, and need for agriculture, industry, and business be recognized in future growth. He said that, based on his review, he found it challenging for him as a Planning Commissioner to support this application in its current form. He said that, with that, the applicant had requested to address the Commission again.

Ms. Davies said that as the applicant, their primary goal was to support the implementation of the Crozet Master Plan. She said that she understood the challenges the Commission was facing tonight, and she believed it would be beneficial to defer the decision to allow them to further develop their TIA and ensure that their stormwater management plan for Block 2 was clear and comprehensive. She said that also, providing staff with extra time to research other components of the roadway would enable them to return with a completer and more informed picture, which would ultimately benefit the community.

Mr. Missel asked if the applicant was requesting a deferral to a date specific or an indefinite deferral.

Ms. Davies said that they would likely need an indefinite deferral to give them a chance to determine a timeline.

Mr. Herrick said that in order for the Commission to grant the deferral, it would need to be in the form of a motion from a Commissioner.

Mr. Murray moved that the Planning Commission defer ZMA202300002 Oak Bluff Development indefinitely, at the request of the applicant. Mr. Clayborne seconded the motion.

Mr. Carrazana said that the applicant had made a very honest attempt to solve a very difficult problem, which was a challenging site in itself. He said that it was a site that required a lot of consideration, and he thought it was an appropriate development for that site. He said that however, there were too many other issues that remained unresolved, so he felt it was necessary to acknowledge that. He said that he believed the applicant had put a lot of thought into their proposal, and he thought it was essential that they have further conversations about it.

Mr. Carrazana said that the County needed to have these conversations as well, and he hoped they could reach a conclusion that would provide Crozet with the infrastructure it needed to fulfill the master plan and meet the needs of the growth areas. He said that at this point, it was clear that infrastructure was a priority. He said that this issue had been ongoing for a long time, and

they had seen significant growth, including the approval of numerous developments and recommendations for further development. He said that at some point, it was necessary to say enough was enough.

Mr. Murray said that when considering master planning, they should examine how development occurs in Crozet. He said that he believed it was a mistake to focus solely on making Crozet a commuter town for people traveling to Charlottesville. He said that instead, he thought they needed to envision a more mature vision for Crozet, one that included a mix of places for people to work, rather than just places for people to live. He said that by allowing more people to work in Crozet who did not need to commute to Charlottesville would likely improve the traffic situation. He said that he hoped they could look at that in the future.

Mr. Bivins said that absolutely supported this proposal. He said that while they often prioritized infrastructure before the projects, it was not the typical approach when dealing with a County. He said that as a County, they had to navigate the complexities of working with VDOT and ensuring their projects fit within their priorities. He said that this was well-known, and it was a challenge that many had acknowledged. He said that he appreciated Mr. Moore bringing up comments from 2012 to recognize that all the people who lived in that area were there because of all the past Commissioners and Supervisors who had approved building housing in that area.

Mr. Bivins said that he believed they should continue to provide opportunities for growth and development, just as they had done for those who came before them. He said that he did not know how create this future in a community that was vocal about people paying more in taxes, but in reality, had very modest income tax revenue increases. He said that they may discuss this further in the future, but he thought it was a pressing issue that affected many of their planning decisions. He said that this project was not the solution, but it was a symptom of a larger problem they faced in their community – finding ways to fund their future in a way that was vibrant and full of possibility.

Mr. Missel said that he agreed with Mr. Carrazana that this was a good proposal. He said that he had taken note of several positive aspects of this plan. He said that when they created master plans in the County, they often overlooked the infrastructure requirements that were necessary to support those plans. He said that in this case, the lack of infrastructure planning had become a significant issue for the applicant.

Mr. Missel said that he had given this some thought, and he wondered how far they were willing to approve the Eastern Avenue Connector if it were located 200 yards to the east or west, outside of the applicant's property. He said that they had approved a previous plan without the Eastern Avenue Connector, but it happened to be on the applicant's property in this case. He said that this had become a major hurdle for the applicant. He said that as they moved forward, he thought it was essential to consider situations like this and decide whether the burden on the applicant was justified, or if they had found a way to make it work as is.

Mr. Carrazana said that he agreed and believed that it did become a burden to the applicant. He said that the fact that the connector was nearby highlighted the issue for everyone; however, he thought they had been struggling with proposals in Crozet because of all these issues over there. He said that one of his frustrations had been that many of these developments, despite being under a threshold, did have impacts. He asked if it was 600 or 700 trips that required a TIA.

Mr. McDermott said that they usually required a Traffic Impact Assessment for projects involving more than 1,000 trips.

Mr. Carrazana said that that made it even worse. He said that they could have five developments, each with 900 trips, and none of them would require a TIA. He said that they had to find a way to address that. He said that he agreed that it did become a problem for the applicant.

Mr. Missel said that the reality was that if another application came to them in two months and contributed to the traffic in and around this area, they could not simply say that one was acceptable and ignore the other. He said that they had to think critically about the impact of their decisions. He said that if they were putting a line in the sand here, the connector must be built before more development occurred in this area. He said that they had to consider the cumulative effect of their decisions, even though each application stood on its own.

Mr. Clayborne said that this was a difficult issue to address. He said that if the proposal had only included Section A with the extension, he would have voted in favor of it. He said that to reiterate some of his earlier comments, he did want to express his gratitude to the applicant because he genuinely believed the applicant was trying to help the community solve a problem. He said that he looked forward to seeing the application again when they had more information.

Mr. Missel called the vote on deferring the ZMA202300002 Oak Bluff Development for an indefinite period of time.

The motion passed unanimously (6-0). (Ms. Firehock was absent.)

AFD2024-01 Ivy Creek District Review

Mr. Missel said that there was a total of eight public hearings for the agricultural forestal district reviews, and they would hear one staff report and have one public hearing for all of them. He said that they would then make motions and hold discussions for each one independently. He said that the key here was that not all of the hearings were the same, and if someone wished to speak to a specific district, they should be aware that it would be addressed at the beginning of the only open public hearing. He said that although all the hearings were connected, he wanted to clarify that. He said that with that in mind, he would ask for the staff report on all the AFDs.

James Van Vranken, Conservation Program Planner, said that he was going to hand over to Mr. Clark, who would provide background and context on these agricultural forestal districts, as well as the policy that would be present in these reviews. He said that following that, they would review each of the eight district reviews, which should be brief.

Scott Clark, Conservation Program Manager, said that he would like to review the fundamentals of the Agricultural and Forestry District (AFD) program. He said that after going through several slides on the background and review process, he would like to pause and see if they had any questions. He said that at that point, he would hand it over to Mr. Van Vranken to discuss the individual districts. He said that the Agricultural Forestal Districts were a voluntary land conservation program enabled by the state code, used by many localities across Virginia.

Mr. Clark said that for general purposes, they related to agricultural and forestry production, open spaces, supporting a strong agricultural and forestry economy, and protecting and preserving important natural resources. He said that he would next explain how the districts worked. He said

that they were governed by Chapter 3 of the County Code, which was dedicated to the functioning of this program. He said that each district, one of approximately 28 in the County, ran for a fixed period of time. He said that landowners voluntarily joined through an application process.

Mr. Clark said that when each district reached its 10-year deadline, it came up for review, which they would discuss further. He said that he would next explain how the districts function once land was included in them. He said that generally speaking, the regulations for the districts prohibited development to a more intensive use, with some exceptions. He said that for most landowners, the restrictions that affected them were those related to subdivision. He said that there were also restrictions on how they processed special use permits in or adjacent to the districts.

Mr. Clark said that in the bigger picture, the presence of a district could make it more complicated for the state to take land for road projects on land dedicated to agriculture and conservation. He said that however, the primary impact that would be seen or experienced as a landowner was the limitation on subdivision. He said that as a refresher, they were discussing land in the Rural Area (RA) zoning district in the County, which was distinct from most residential districts with fixed lot sizes or densities.

Mr. Clark said that in the RA district, they had a two-tier pattern of lot sizes, with 21-acre base zoning and larger lots by right, which had been in place since 1980. He said that prior to that, the base lot size in the RA district was two acres, representing a significant downzoning. He said that at the same time, all existing lots in December 1980 were granted development rights for small lots, ranging from two to twenty-one acres. He said that these development rights were not generated when subdividing properties and were tracked on subdivision plats.

Mr. Clark said that any property that received five of these development rights was capped at five, and subsequent divisions did not receive additional rights. He said that the RA district pattern featured 21-acre lots and smaller lots, as small as two acres. He said that when transitioning to the Agricultural Forestal District, the divisions of 21-acre lots were still permitted, but the smaller lots were restricted, except in family divisions, which allowed for the transfer of land within the family for at least four years.

Mr. Clark said that another issue often discussed was the relationship between AFDs and taxation. He said that it was commonly believed that joining an AFD provided a tax break, but this was not the case. He said that AFDs were land conservation programs that restricted development and use, and there was no automatic tax relief or benefit from joining a district. He said that however, there was one exception: parcels in a district, typically 21 acres or larger, were eligible for open-space taxation. He said that landowners could qualify for the open space tax category, one of four use value categories available to landowners in rural areas.

Mr. Clark said that the other categories were for agriculture, forestry, horticulture, and open space. He said that the other three had production requirements, but open space was different. He said that one qualified for the open space rate by being in a conservation program. He said that the Agricultural Forestal District was one of them. He said that over the years, an issue had arisen regarding parcels joining the districts. He said that many of these parcels had no small lot development rights. He said that as a result, the districts only regulated parcels with potential for development.

Mr. Clark said that if a property did not have development potential, joining the district did not impose any particular harm, but it was not regulated by it. He said that when properties joined the

districts and used the district to qualify for the open space tax rate, they received a conservation-related tax benefit without giving up any development potential. He said that there were concerns about this, as it provided a private tax benefit without a significant public benefit in return.

Mr. Clark said that there was also an equity issue, as some landowners did not have the option to sign into a program and receive a reduced tax rate. He said that the Board of Supervisors and others expressed concerns about reduced public support for use value tax programs and rural area conservation programs due to this perceived loophole. He said that as a result, when the Agricultural Forestal District code was reviewed and rewritten in the mid-2010s, the code was generally rewritten, but it was also amended to identify the presence of development rights as a criterion for adding parcels.

Mr. Clark said that this change effectively closed the door to parcels without small lot development potential being added to the districts, thereby preventing an inappropriate tax benefit. He said that following up on that, in 2018, when districts began to come up for review, the Board directed staff to not only stop recommending approval of those parcels for the districts, but also to identify parcels that had been added to the districts in the past, which had no development rights and were utilizing the open space tax benefit.

Mr. Clark said that initially, the direction was to simply remove them. He said that however, the problem with that was that if people were removed immediately without warning, they would be hit with rollback taxation, a penalty for coming out of use value taxation, which served as a disincentive to come out of use value taxation. He said that to avoid a five-year tax hit all at once with no warning, staff began notifying landowners that a district was up for a five-year renewal, and that they would likely be removed at that time. He said that this gave them an opportunity to straighten out their tax qualifications before the rollback tax hit.

Mr. Clark said that in 2024, they had now identified several districts up for review, including some that had already undergone the process, where they had notified landowners about parcels with no development rights. He said that to clarify their policy on removing parcels, they were now recommending the removal of all parcels without development rights, not just those in open space taxation. He said that this change was made after the Assessor's Office pointed out that if they only removed parcels in open space taxation and left other parcels with no development rights, they could potentially move into open space taxation within a 10-year window after the district renewal, and under state code, they could not prevent this.

Mr. Clark said that by removing all parcels with no development rights, they could prevent them from sliding into open space taxation between reviews and avoid giving them lower rates of taxation when they were not actually giving anything up. He said that this was where they were now. He said that for tonight's review, their staff reports to the Agricultural Forestal District Advisory Committee and to the Commission, based on their staff recommendations, which were grounded in the policy he had previously described.

Mr. Clark said that they may have questions about this, and they would address them later in the presentation. He said that one additional point he would like to cover is the role of the Agricultural Forestal Districts Advisory Committee. He said that they consulted with this committee on all applications and matters related to the districts, including new additions, periodic reviews, and special use permits, legislative actions, and other matters that may arise within a district or adjacent to it.

Mr. Clark said that whenever these types of applications came up, they consulted with the committee first before presenting their recommendations to the Commission, and then to the Board for public hearings to seek their advice on administering this program. He said that in the case of the eight districts currently under review, some members of the committee did not support the removal policy directed by the Board, citing several reasons.

Mr. Clark said that as a result, staff's recommendations differed from the committee's recommendations for six of the districts. He said that they would present these differences and provide options for motions at the end of the presentation, after the public hearing, when the Commission was prepared to take action. He said that this provided a brief history and overview of the current policy issue they were addressing. He said that he would be happy to address any questions from the Commission before they discussed the specific districts.

Mr. Clayborne said that his first question was likely straightforward, but he wanted to ensure he understood it correctly, as this concept had been difficult for him to grasp. He said that if a property no longer had development rights, did that mean the 21-acre parcel had already been subdivided five times.

Mr. Clark said that not necessarily. He said that one of their respected attorneys once told him, "Scott, you live in a complicated world." He said that every parcel that existed in December 1980 was granted those five rights, which meant the parcel could have been 10 acres or 1,000 acres. He said that the way those parcels divide out, given the number of those five rights, was different for every property. He said that for example, parcels in the districts may be 21, 50, or 100 acres, but they may not have small lot development rights, or they may have them. He said that similarly, parcels that were 5, 7, 8, or 9 acres may have no further development potential because they had no more development rights, and they were too small to be developed as 21-acre lots. He said that as they examined the maps of individual districts, they would see a range of variations. He said that it was not that simple.

Mr. Clayborne said that he was curious about the composition of the advisory committees. He asked if those were individuals participating in the program. He said that he was trying to understand why the County policy was unsupported. He said that he wondered if there was a vested interest at play, or what was the thought process behind that decision.

Mr. Clark said that the committee composition was eight members, all of whom were County landowners. He said that one Board member was a voting member, not a liaison, and the County assessor was also a voting member, as was standard practice in Virginia, defined by state law. He said that while many of the citizen landowner members of the committee were from specific districts, not all of them were. He said that generally speaking, these members had an established interest in rural area land uses and conservation, and they had been appointed to the committee due to their expressed interest in these topics.

Mr. Moore said that he was wondering what benefits a property owner could expect if their lot was located in an Agricultural Forestal District, despite not having 21 acres of open space. He said that he was curious as to why a property owner would choose to participate in an AFD, even if they did not meet the acreage requirement.

Mr. Clark said that from the landowners he had spoken with over the past couple of decades, he had identified several different interests. He said that one aspect was that they generally supported rural area conservation and wanted to be part of the program. He said that there was

also a strong community element, as landowners reassured each other of their intentions to preserve rural areas.

Mr. Clark said that in the early 1990s, when the membership first grew, concerns arose about VDOT bypass routing in rural areas, leading some to disagree with the plan and recognize that being in a district would not stop the bypass, but rather draw additional review for any state land taking procedures affecting rural land.

Mr. Clark said that currently, landowners had diverse interests, including a strong interest in rural land conservation and agricultural production, as well as a general desire to avoid further development in rural areas. He said that some landowners were also motivated by the potential tax benefits, but this was just one of several reasons he had heard from people over the years.

Mr. Moore said that the tax benefits these days were still tied to the use valuation tax program. He said that he was unsure if this was specifically related to agricultural or forestal land, but it appeared that individuals could still participate in this program without being agricultural or forestal.

Mr. Clark said that usually not, and they may revisit a slide later that he intended to mention regarding the diverse taxation in the districts. He said that when mapping out the tax categories of parcels in the districts, they often found that nearly every possible tax category was represented. He said that there were individuals in the districts who were subject to full-rate taxation. He said that there were those who, due to their production activities, qualified for the agricultural or forestry tax categories. He said that some parcels were in the open space rate, which may or may not have development potential and was temporarily offset by being in the district. He said that the variety of tax categories was quite extensive.

Mr. Moore said that in each of the districts, there were various tax categories, as he had mentioned. He said that he observed a wide range of tax categories, including some that seemed to prioritize conservation and preservation of soils and biodiversity. He said that one particular example that caught his attention was a conservation district located adjacent to the Shenandoah National Park. He said that upon closer inspection, he found that one of the districts had undergone significant removals, leaving behind a single, wealthy estate.

Mr. Clark said that that was certainly true for the Ivy Creek District. He said that for example, there was one particular property that was under the same ownership and was also under a conservation easement, which would comprise the remainder of the district at that point. He said that many of these districts had been in existence for 30 years or more. He said that over time, they had undergone a process of change, with old parcels being removed and new ones being added, resulting in a potentially less contiguous area. He said that however, this process also allowed the districts to cover a larger overall area. He said that it had been a complex interplay of addition and removal, with individuals leaving and returning over the years.

Mr. Bivins said that he would like to know how notice would be provided to parcels that may be recommended for removal, particularly as the evening progresses. He said that he was particularly interested in the appeal process for those who disagree with the recommendation, and he asked if there was a process in place for property owners who may disagree with the recommendation and wanted to remain in the district. He said that he would appreciate an explanation of the process involved in this scenario.

Mr. Clark said that according to Chapter 3 of the County Code, the Board had the authority to review these districts and could choose to continue, modify, or terminate them. He said that they had a range of options available to them. He said that while there may not be a specific appeal process for removal by the Board, individuals who disagreed with the decision could attend public hearings, with the Board hearing being the most critical, as it was where the action was taken.

Mr. Clark said that at these hearings, they could express their disagreement. He said that the County had also been notifying landowners of the possibility of removal, in addition to the regular notification that the process was ongoing. He said that the County was updating its notification procedures to ensure that people were aware that removals were a possibility.

Mr. Murray said that, if they were removing properties that did not have any division rights, he assumed that meant a property under a conservation easement, for example, would also be removed from the district.

Mr. Clark said that no, the way they had stated it to the Board and others in the past was that there was no reason to remove the parcels under easement because their development potential had already limited their tax qualification, which was not related to the use value program. He said that they were considering the base number remaining under zoning, not the number remaining in a given deed of easement. He said that if they assumed that 99% of properties under conservation easement may only have one or two rights for dwellings, but the easement itself cancelled out those rights, the purpose of the easement was to preserve more than that. He said that therefore, they were not recommending removal of parcels under easement.

Mr. Murray said that he had a question that may also pertain to the County Attorney. He said that they had had previous discussions with the Natural Heritage Committee regarding the open space qualifications. He said that he had mentioned the possibility of adding more requirements to the existing criteria. He said that currently, there was a letter of intent that the Natural Heritage Committee had filed with the County to meet the requirements. He said that he was wondering if it would be possible to add additional requirements, such as a commitment to implement stream buffers or conservation practices on the property.

Mr. Murray said that he would have less concern about a property with no division rights being designated as an agricultural forestal district if it was conveying a public benefit. He said that the Virginia Code stated that natural resources, conservation, or historic preservation objectives, goals, or standards should be directly supported or generally consistent with the stated land uses in a land use plan. He said that it seemed to him that if they could establish tighter constraints on what open space meant and require conservation on those parcels, he would be more supportive of leaving some of these properties in.

Mr. Clark said that the process was significantly more complex, as he understood it. He said that they would need to request that the General Assembly modify the state code, as the qualification standards were currently set by that code.

Mr. Murray said that he was reviewing the matter, and it appeared that opinions and determining whether property met the general and specific standards for open space were locally assessed. He said that local office may request an opinion from the Director of the Department of Conservation and Recreation under the provisions of 4VACS2040. He asked if they had they ever sought an opinion from the Director of the Department of Conservation regarding whether they could impose those constraints, as he believed that would be the most suitable approach.

Mr. Herrick said that staff had not made that request. He said that the law was clear that there were three avenues for this type of land use taxation: open space use agreements, easements, or being in an Agricultural Forestal District. He said that he believed Mr. Murray's suggestion, if implemented, would essentially require restrictions on stream buffers and other similar measures, which would require the County to no longer accept open space use agreements, as these were automatically allowed open-space taxation. He said that the County would have to require anyone seeking open space taxation to enter into a conservation easement. He said that this was the only way to achieve the outcome that Mr. Murray was proposing.

Mr. Murray asked if they did not have control over the language used in the open space agreement.

Mr. Herrick said that that was correct. He said that the language for open space use agreements was specified in the Virginia Administrative Code.

Mr. Murray said that that was unfortunate. He said that it appeared that one of the other issues they had encountered with land use valuation was that properties with implemented conservation programs, such as the Conservation Reserve Program (CRP), a federal program that allowed for converting agricultural property into wildlife habitat, had not been utilized to the fullest extent. He said that in the past, individuals had been hesitant to apply for these programs due to concerns about losing land use valuation.

Mr. Murray said that since then, the General Assembly had added language to include real estate of agricultural use to include properties participating in state or federal soil and water conservation programs, which continued to meet the program's qualifications but were no longer receiving payments or compensation, and if they adopted that phrase, they could potentially qualify more properties under agriculture that were also under conservation programs. He said that this could help avoid removing some properties from open space that may actually qualify under a conservation program.

Mr. Missel said that he had a quick clarification question regarding the origins of the Agricultural Forestal District. He said that according to his understanding, the primary purpose of establishing the Agricultural Forestal District was to reduce development, control development, and preserve the rural landscape. He said that this was not directly linked to the existence or non-existence of development rights. He said that this was why they had some parcels with development rights and others without them.

Mr. Clark said that the state program had more general purposes, which included agricultural and forestal uses, economies, and open spaces. He said that all those purposes applied. He said that since every locality had zoning arranged in different ways, and only a few had their unique two-level development rights situation, that was not part of the state program. He said that the state enabled localities to limit development through these means, but did not specify exactly how, as localities varied significantly in their approaches.

Mr. Missel said that in other words, if they rewind back to 2010 or whenever these were established, and if he was a developer and a property owner who wanted to put his property into an AFD, at that time, the County was not filtering his request in terms of whether he had development rights. He said that as of 2016, the County began filtering requests to ensure that applicants had development rights, which is a policy that they are now required to follow.

Mr. Clark said that the policy was initially adopted by the Board as part of the rewrite of the County Code. He said that during this rewrite, the criteria for adding land to a district were also identified, which is the same set of criteria used for reviewing a district. He said that in addition to other factors, such as soils, development patterns, conservation needs, and others, the presence or absence of development rights was also considered. He said that another factor was added to the criteria, which was the second additional item. He said that this was incorporated into the Code during the revision process and the updating of this policy.

Mr. Missel said that if they were making motions and voting on these proposals, he wondered if they had any flexibility in their decision-making process.

Mr. Clark said that the Board had a choice when these revisions were presented. He said that the Board could choose to apply the policy or not, as it was their policy.

Mr. Missel said that if a piece of property had development rights, the Board could choose to keep them in the AFD.

Mr. Clark said that theoretically, it was possible. He said that he had not heard any discussion about implementing this approach. He said that yes, it was possible.

Mr. Missel asked what would happen if the Commission were to recommend that one of the properties in the AFD stay in, going against staff's recommendation to remove it.

Mr. Clark said that he would present this information to the Board, and they would evaluate it. He said that typically, they did not review these applications parcel by parcel. He said that instead, they grouped them based on their development rights and easements, rather than which was good or bad for other reasons.

Mr. Missel said that he was struggling with the idea that they had these options in front of them right now, but typically they had a well-defined plan with many variables. He said that in this case, he was uncertain about the variables to consider. He said that he was not sure what their role was in making a recommendation, or what factors they would use to make a subjective determination.

Mr. Barnes said that their role was prescribed by state code, and they would review this as a recommendation to be presented to the governing body.

Mr. Missel said that for example, if he were to review the Ivy Creek District, he did not know what he would be basing his decision to remove it or keep it in the AFD.

Mr. Herrick said that the County Code clearly outlined the criteria in Section 3-201(F). He said that specifically, subsection F outlined the standards that the Advisory Committee, Planning Commission, and Board of Supervisors shall apply when reviewing an application. He said that section 3-201 addressed creation of a district. He said that subsequent sections of the County Code then referred back, stating that when reviewing the renewal of a district, the same or substantially the same criteria must be applied as when the district was initially created. He said that one of the criteria, subsection (F)(7), which was introduced as of 2016, was new and affected the review process this time around. He said that to answer Mr. Missel's question, the Commission should apply the criteria listed in Section 3-201(F).

Mr. Clark said that if needed at some point, they could attempt to display those details on screen. He said that in brief, they encompassed the agricultural and forestal significance of the land, significant agricultural forestal lands that were not in active production, uses other than active farming and forestry, development patterns, comprehensive plan and zoning regulations, environmental benefits, development rights, and other factors.

Mr. Missel said that they were included in the staff report.

Mr. Herrick said that Section 3-204 was for review of a district, and it specifically mentioned that factors 2 through 7, including (F)(7), development rights, were to be considered upon review of a district.

Mr. Murray said that the only shame here was that the benefits of being an agricultural forestry district extended beyond just the tax break. He said that unfortunately, some properties that qualified under other land use categories, such as agriculture or forestry, but lacked development rights, could not remain in the district. He said that this meant they would not receive the additional benefits, including increased review on nearby development projects. He said that his understanding was that many residents in the Hardware District had joined the agricultural forestry district due to a proposed project in the area, and they had wanted to prevent it from happening. He said that as a result, they had signed up for the district. He said that it seemed that they could not have both.

Mr. Clark said that while staff was recommending the removal of several parcels from some of these districts, in most cases, the majority of the district remained intact. He said that this was not true for all districts. He said that they were not discussing the elimination or decimation of the districts, as the impact varied significantly from one district to another.

Mr. Missel said that they could add to them as well.

Mr. Clark said that yes, and properties that met all the criteria could continue to join the districts in the future.

Mr. Van Vranken said that he would like to provide a brief overview of a couple of the districts, so they would see some of the process Mr. Clark had discussed. He said that the first district was the Ivy Creek District, located north of Charlottesville along Woodlands Road, immediately west of the south fork of the Rivanna Reservoir. He said that it contained 19 parcels for a total of 249 acres. He said that staff had noted the soils which were important for agriculture and important for forestry in the County’s comprehensive plan. He said that the review period was the only time when landowners were allowed to withdraw their parcel from a district by right.

Mr. Van Vranken said that the review period went from October through February to let them know if they wished to withdraw from the Ivy Creek District, and they had not yet received any withdrawal requests. He said that staff had identified 12 parcels without small lot development potential, and they were recommending that these 12 parcels be removed from the district. He said that this would leave the district with seven parcels and 126 acres. He said that the Ivy Creek District would be reviewed for another 10-year period.

Mr. Van Vranken said that next was the Hardware District, located southwest of Charlottesville along 29 South and up through Taylor's Gap Road. He said that they had 59 parcels and over

3,200 acres. He said that they had received one withdrawal request, which was for a seven-acre parcel. He said that staff had identified 22 parcels of 433 acres without small lot development potential, and they were recommending that these be removed. He said that this would leave the district with 37 parcels and just under 2,800 acres.

Mr. Van Vranken said that additionally, they had one parcel that had moved into open space since the last review, and they were recommending that it stay in the district for another five years, be notified of its potential removal, and then potentially remove it five years from now to avoid rollback taxes without warning. He said that the recommendation was very similar. He said that staff had recommended the renewal of the district, taking into account the noted withdrawal and removals for the past five-year period. He said that the AFD committee also recommended the same, but without the staff-recommended removals.

Mr. Van Vranken said that next was the Eastham District, located northeast of Charlottesville along Route 20 North, on either side of Stony Point Road. He said that this district comprised 22 parcels, totaling over 1,000 acres. He said that they had received no withdrawal requests and identified eight parcels, covering just over a hundred acres, that had no development potential. He said that this was the district's first review since the 2016 adoption of the new criteria.

Mr. Van Vranken said that as a result, three parcels in open space taxation were recommended to remain in the district, with notification of their potential removal in five years' time. He said that the recommendations were the same as the previous one, with those removals included, and the AFD committee also recommended the same, but without the staff-recommended removals.

Mr. Carrazana asked if Mr. Van Vranken could repeat his last sentence.

Mr. Van Vranken said that the AFD committee recommended a five-year renewal of the district, but with the condition that the eight parcels in question remained in the district.

Mr. Clark said that to clarify, he would like to provide more context regarding the parcels without small lot development rights. He said that according to County policy, there were eight parcels in question. He said that five of these parcels would be removed immediately because they did not qualify for open space taxation and would not face rollback taxes, allowing them to be removed. He said that the remaining three parcels would remain in place for a five-year short review period as open space, to give them time to address their tax qualification or take other necessary steps. He said that at the end of this five-year period, they would be eligible for review and potential removal.

Mr. Van Vranken said that a correction was needed regarding the acreage. He said that there were 11 parcels without development potential; eight parcels could be removed immediately, three were in open space and would have rollback taxes.

Mr. Van Vranken said that next was the Pasture Fence Mountain district, located in the northwest of the County, north of Crozet, and next to the National Park, consisted of six parcels covering over 1,200 acres. He said that there had been no withdrawal requests, and all six parcels retained some development potential. He said that both staff and the AFD Committee recommended that the district be renewed for a 10-year period.

Mr. Van Vranken said that the North Fork Moorman's River District, located north of the previous district and next to the National Park, also retained all development potential. He said that staff and the AFD Committee both recommended a 10-year renewal of this district.

Mr. Van Vranken said that next, the Free Union District, stretching from Free Union to Blackwell's Hollow and Shifflett's Mill Road, contained 35 parcels and over 1,500 acres. He said that no withdrawal requests had been received, but seven parcels with no development rights had been identified. He said that staff recommended removing these seven parcels for a 10-year period, while the AFD Committee recommended renewal without these removals.

Mr. Van Vranken said that next, they had the Carters Bridge District, spanning Route 20 South to Coles' Rolling Road, covering 73 parcels and over 6,000 acres. He said that two withdrawal requests had been received, and 21 parcels without development potential had been identified. He said that one parcel had moved into open space taxation, and staff recommended keeping it in the district for a five-year period. He said that the AFD Committee also recommended a five-year renewal, but without the 21 removals.

Mr. Van Vranken said that finally, the Jacobs Run District, located around Earlysville and to the north, comprised 20 parcels covering approximately 1,100 acres. He said that they had received two withdrawal requests so far, specifically those large parcels in the center, marked in green. He said that seven parcels had been identified as having no development potential. He said that staff again recommended renewing the district for a 10-year period, taking into account the removals. He said that the AFD Committee also recommended a 10-year renewal without the removals.

Mr. Carrazana asked when landowners would be notified of the removals.

Mr. Van Vranken said that all landowners had been notified of the recommended removals as outlined in the staff report. He said that if landowners were removed, they would be notified after the Board's hearing that they had been removed from the district. He said that for parcels that were not being removed, they may face rollback taxes and would receive a letter from the County Assessor's Office explaining the situation.

Mr. Carrazana asked if landowners could petition the Board for recourse.

Mr. Clark said that they had been notified of and were welcome to attend the public hearings, so landowners could attend the Board hearing and express concerns. He said the Board was able to take these concerns into account.

Mr. Missel opened the public hearing. He asked if any members of the public wished to speak on this item.

Mr. Van Roijen said he provided the Commission written comments explaining how the process worked. He said applicants could appeal decisions in civil court. He said that as a former member of the Agricultural-Forestal Committee for many years, and also a member of the Hardware District for over 35 years, he had seen the benefits of the AFDs in protecting the County's rural lands.

Mr. Van Roijen said that the agricultural districts provided an extra level of review and oversight for those areas, and state code provided land use for the districts. He said that the County's need for revenue was real, and that was what this was all about. He said he was concerned about

abuse in the land use system. He said that he was unsure without a review by the State Attorney General that the Dillon Rule permitted the County to remove and deny land use to parcels in those districts.

Mr. Van Roijen said he had heard from County staff, Board members, and the Planning Commission, "What are we getting for our money?" He said that first, those lands were taxed based on numbers on a yearly basis. He said the parcels were taxed based on their potential earnings, as taxing them on fair market value would likely cause farmers to sell their land. He said that the NRCS had stated that the soils on these lands, even in open space, were improving, and that was what they were doing. He said they were trying to improve and hold on to this land for future agricultural uses if they were not presently being farmed.

Mr. Van Roijen said that as he had mentioned before, he did not know what the future held for these lands. He said he never thought they would be used for grape cultivation. He said that he recommended that rather than stripping the agricultural districts of a large percentage of their areas, which would be approximately 14%, the district should be renewed as recommended by the Agricultural-Forestal Committee.

Mr. Van Roijen said that this would allow the Board and staff to provide benefits such as riparian buffers, reforestation, apiary development, and native bird habitats. He said that giving staff sufficient time to work out the issues was essential, unless it was a matter of using tax dollars. He said that if that was the case, he thought it was time to reconsider the districts. He said that people had joined the districts not for tax relief, but to protect the area.

Melanie Van Roijen said that as a resident of Albemarle County and Chair of the Agricultural and Forestal Districts Advisory Committee, she was here as a private citizen to address agenda items 5b through 5i, which involved the review of eight out of the County's 28 AFDs. She said that the discussions surrounding the AFDs program encompassed a broad range of complex issues and considerations, including land use regulations, the mechanics of the use value tax deferral program, the County's significant budget shortfall, public perceptions regarding conservation benefits, and misconceptions about perceived tax loopholes and tax inequities.

Ms. Van Roijen said that despite the complexity and the many factors at play, she would like to focus on a simple yet crucial point. She said that according to County code, in accordance with state law, specific procedures must be followed when reviewing AFDs. She said that County Code § 3204 required two key elements: a review within the district's codified review period and timely initiation of the review process. She said that the review of a district must be initiated at least 90 days before the expiration of that district's review period.

Ms. Van Roijen said that an examination of the review timelines for the eight districts under consideration revealed that these procedural requirements were not met. She said that the review of these eight districts was referred to the Agricultural-Forestal Committee on October 1, which was less than 90 days ago. She said that the review periods for seven of these districts had already lapsed, and the eighth expired tomorrow.

Ms. Van Roijen said that to illustrate this point, she will quote the relevant County Code sections establishing the review period and expiration date for each district on the agenda. She said that for example, County Code § 3221 stated that the Ivy Creek Agriculture and Forestal District was reviewed once every 10 years and will next be reviewed prior to December 4, 2023. She said that this was true for the rest of the agenda items.

Ms. Van Roijen said that County Code stipulated that if these procedural requirements were not met, the districts continued as originally constituted with the same conditions and review period previously established. She asked the Commission to carefully consider the relevant code sections and advise the Board accordingly. She said that in her opinion, this would be advising the Board consistently with the Agricultural-Forestal Committee's recommendation to renew these districts for the recommended time period, but not with the staff's recommended removals.

Ms. Van Roijen said she wanted to provide some factual corrections. She said that in terms of the composition of the Agricultural-Forestal Committee, there were supposed to be 10 members, but they currently had three vacancies. She said the 10 members included one Board member, the County Assessor, four citizens who owned properties in an AFD, and four citizens who did not own properties in an AFD.

Ms. Van Roijen said that she was the only community member with property in an AFD among the committee members. She said that County staff had sent out letters as of October 16 notifying landowners. She said that she did not receive that letter, so she had requested it after realizing the oversight in the committee meeting. She said that the mailer was a nine-page document. She said that one thing she was certain of, as the chair of the Agricultural-Forestal Committee, is she would have remembered a nine-page mailer about AFDs.

Ms. Van Roijen said that the second paragraph of the mailer said, "Please note that we will assume you wish to remain in the Hardware Agricultural Forestal District for the next 10 years, unless you request withdrawal before the Board of Supervisors takes action on February 5, 2025. You can request withdrawal by email or by mail to the addresses provided above."

Berend Van Roijen said that he was there to express his concerns regarding the Agricultural-Forestal program. He said that the Agricultural-Forestal program was voluntary, rural conservation, and the Agricultural-Forestal Advisory Committee played an important role in reviewing potentially harmful development of rural areas. He said that the rural areas were crucial in achieving the comprehensive plan's goals, including conservation, ecology, wildlife preservation, and natural beauty.

Mr. Van Roijen said that staff had repeatedly stated that land without unused development rights had no conservation value, conferring a private tax benefit with no corresponding public conservation benefit. He said that this was a baseless supposition, as staff also claimed they had no data on which parcels would be affected and had yet to present any data on the economic or ecological impact of removing these parcels. He said that he defended the value of rural land, particularly contiguous, low-density, limited development lots, for ecological and climate reasons. He said that preserving natural beauty was core to the character of the County and a top reason why people chose to live in and move to Albemarle County.

Mr. Van Roijen said that he would like to highlight that while they could not change the way open space was codified, there were provisions within County and state code that would allow for soil testing, watershed review, and other relevant factors to be considered when admitting and renewing parcels into the district. He said that there could be a middle ground that would allow parcels to remain in the district which were being removed because they had no development rights. He said that by eliminating the development right requirement and allowing parcels to enter the district, it would avoid the "bad actor" risk that drove the initial concerns.

Mr. Van Roijen said he also questioned the appropriateness and legality of efforts to dismantle the AFDs, given County Code's liberal interpretation, as stated in Chapter 3, and Virginia Code § 15.2-4312(c), which stated, "it shall be the policy of all agencies in the Commonwealth to encourage the maintenance of Agricultural-Forestal districts and all administrative regulations and procedures of such agencies shall be modified to this end."

Mr. Van Roijen said that he believed the County should maintain policies that were consistent with state and County Code, and which aligned with the comprehensive plan and the recently reintroduced Agricultural-Forestal Chapter. He said that changes to County policy should be based on facts and data and reflect the will of current residents and taxpayers. He said that he did not think the policy should be guided by staff perception or gut feeling, nor should it be influenced by the wishes of individuals who resided in other areas and counties, seeking to shape the direction of their County.

Mr. Van Roijen said that he hoped the Agricultural-Forestal Committee, Planning Commission, and the Board of Supervisors carefully considered the potentially harmful and irreversible impact of these changes. He said that he also hoped they seek legal opinions from the County Attorney or the State Attorney General before proceeding, as failure to abide by County Code and state code may expose the Committee and the County to legal action.

Mr. Missel closed the public hearing.

Mr. Missel said that the benefit to being in one of these districts for the property owner was land use taxation.

Mr. Clark said that is not how he would put it. He said that the benefit to landowners in these districts was not solely taxation. He said that in some cases, landowners may benefit from taxation. He said that many landowners were not utilizing their district membership to reduce their taxes, as they were either paying full rate taxes or qualifying for agricultural or forestry taxes through their production activities.

Mr. Missel asked if the only reason they were being removed was because of direction from the Board to remove parcels without development rights.

Mr. Clark said that the reason they were pursuing this policy, as directed by the Board, was that the parcels without small lot development rights were not regulated by the districts. He said that Mr. Murray had mentioned that they would be considered if there was an adjacent special use permit. He said that these parcels were subject to occupancy requirements that applied to AFD parcels, which meant short-term occupancies were not permitted. He said that the major effect of subdivision did not apply to them.

Mr. Carrazana asked if they did not have the subdivision rights and were not regulated, what options did they have that a parcel with subdivision rights did not.

Mr. Clark said that the code allowed for the same thing. He said that it was a matter of comparison between what they could do if they were not in the district and what they could do within the district, typically in terms of subdivision.

Mr. Carrazana said that the benefit to the County was that the land was being preserved in a certain way, which included soil improvements and other environmental benefits. He said that

regardless of whether the land had development rights or not, the County was still reaping the same environmental benefits from preserving those lands.

Mr. Clark said that that was largely true because the districts did not mandate land management activities. He said that they did not regulate specific uses. He said that they did not require vegetation cover or vegetation management. He said that they regulated land uses.

Mr. Carrazana said that he was trying to understand what regulation was lost if the parcels did not have development rights. He asked what was being regulated.

Mr. Clark said that the key difference lay in the parcel that was giving up some development potential and providing a benefit to the County in exchange for the agricultural land use pattern. He said that this parcel was essentially trading development rights for the open space tax rate. He said that in contrast, a parcel with no development rights, even if it was zoned for the district, did not provide the same benefit.

Mr. Clark said that it could still engage in small-scale farming or other activities, but it could not subdivide the land. He said that as a result, it received the open space tax benefit without giving up any development potential, whereas the parcel that was giving up development rights received the conservation-related tax rate in return for that restriction.

Mr. Carrazana said that in terms of conservation, there was still a benefit to the County.

Mr. Clark said that if there was development potential given up, then there was a clear benefit. He said that if there were no development rights, there were some small regulations, such as short-term occupancy and adjacent special use permits, which were under more scrutiny.

Mr. Bivins said that originally, the AFDs were created to group properties together for various purposes, such as agriculture, conservation, or open space. He said that the intention was to provide a collective voice for these properties, allowing the district to negotiate with the government or state. He said that the district increased the level of scrutiny, and it did not have to do with land use.

Mr. Bivins said that this was particularly relevant during the bypass era, when the County or state would need to consider the impact of a project on the district. He said that he wanted to clarify that the district's purpose was separate from individual property owners' decisions about how to use their land. He said that if a property owner did not have development rights, it was arguable why they would be part of the district, as alternative options, such as easements, may offer more benefits, including tax advantages and long-term protection. He said that he wanted to emphasize that removing a property from the district would not change the individual property owner's ability to use their land as they saw fit.

Mr. Missel said that they were losing the mass benefit. He said that if they removed parcels from the district, the district would lose mass.

Mr. Bivins said that it was a loss to the extent that there was any public value to that mass. He said that if he owned a piece of property with no development rights, he did not see how it benefited the public. He said that the district should provide a public good, and if there was no public good associated with this grouping, he would suggest a different evaluation of the value of that district.

Mr. Bivins said that when he reviewed the staff reports, he noticed that many of the people being pulled out of the district had no development plans. He said that he found it puzzling that they were still included in the district, as they could not develop their land anyway. He said that he wondered why they were being offered the benefits of the district. He said that he also wondered why the County was providing this benefit.

Mr. Moore asked if a property owner could apply for the use-value taxation category if the parcel was removed from an AFD.

Mr. Clark said yes, because they were almost entirely separate. He said that if they wished to apply for the agricultural category by performing the required agricultural activities, as specified by the Assessor's Office, they could certainly do that, regardless of whether they were located within the district.

Mr. Murray said that they could not apply for the open space category, because that required being in a district, unless they had an easement.

Mr. Clark said that the open space tax category had three qualifying options. He said that one was to be located in a district with sufficient acreage, requiring at least 20 acres of open space, excluding the home site. He said that alternatively, one could be under an open space use agreement, a contract between the County and a landowner, which restricted development and could lead to the open space tax rate.

Mr. Clark said that these agreements were quite restrictive and limited further development of the property. He said that parcels were not accepted if they lacked unused development rights. He said that the third option, although not commonly used, was a conservation easement, which was an option under state code, although it was not how easement parcels were taxed in the County.

Mr. Murray asked if the County had to offer the open space use agreement.

Mr. Herrick said that the County was not required to offer land use options, but the County had chosen to provide all three categories and also allowed open space use agreements.

Mr. Murray said that they were not allowed to put constraints on open space use agreements.

Mr. Herrick said that there was a state-mandated form for open space use agreements. He said that this was part of a state program, which also governed the criteria for qualification under various types of use value taxation. He said that these criteria were dictated by state law, and there was minimal, if any, allowance for local deviations.

Mr. Murray said that he was questioning the benefits of open space use agreements. He said that if the goal was to conserve a particular area, it should be protected through an easement rather than an agreement.

Mr. Clark said that easements were generally more effective overall and were permanent, whereas agreements were short-term but renewable. He said that they were quite restrictive and, as they no longer accepted them on parcels without subdivision potential, people were giving up something when they entered into these agreements.

Mr. Murray asked what additional restrictions were in the agreements.

Mr. Clark said that the agreements were incredibly restrictive. He said that they could not build any new structures unless they were directly related to the open space purpose of that particular agreement. He said that they could not add on to existing structures. He said that they could not remove most vegetation.

Mr. Missel asked if they could build on existing foundations.

Mr. Clark said he was not sure if they could build a second floor on an existing foundation.

Mr. Clark said that they had provided a slide with potential motions for each of the eight districts, along with a map. He said that they had also submitted a motion in line with the policy as they currently understood it, a motion in line with the committee's recommendation, and an alternative motion in case the Commission decided that renewal of a district was not appropriate.

Mr. Bivins moved that the Planning Commission recommend renewal of the Ivy Creek District for a 10-year period, with the staff-recommended removals. Mr. Clayborne seconded the motion, which passed (4-2). (Mr. Missel and Mr. Carrazana opposed; Ms. Firehock was absent.)

AFD2024-02 Hardware District Review

Mr. Murray moved that the Planning Commission recommend renewal of the Hardware District for a 5-year period, with the requested withdrawal and staff-recommended removals. Mr. Clayborne seconded the motion, which passed (4-2). (Mr. Missel and Mr. Carrazana opposed; Ms. Firehock was absent.)

AFD2024-03 Eastham District Review

Mr. Clayborne moved that the Planning Commission recommend renewal of the Eastham District for a 5-year period, with the staff-recommended removals. Mr. Murray seconded the motion, which passed (4-2). (Mr. Missel and Mr. Carrazana opposed; Ms. Firehock was absent.)

AFD2024-04 Pasture Fence Mountain District Review

Mr. Murray moved that the Planning Commission recommend renewal of the Pasture Fence Mountain District for a 10-year period. Mr. Clayborne seconded the motion, which passed unanimously (6-0). (Ms. Firehock was absent.)

AFD2024-05 North Fork Moorman’s River District Review

Mr. Carrazana moved that the Planning Commission recommend renewal of the North Fork Moorman’s River District for a 10-year period. Mr. Murray seconded the motion, which passed unanimously (6-0). (Ms. Firehock was absent.)

AFD2024-06 Free Union District Review

Mr. Murray moved that the Planning Commission recommend renewal of the Free Union District for a 10-year period, with the staff-recommended removals. Mr. Clayborne seconded the motion, which passed (4-2). (Mr. Missel and Mr. Carrazana opposed; Ms. Firehock was absent.)

AFD2024-07 Carter's Bridge District Review

Mr. Clayborne moved that the Planning Commission recommend renewal of the Carter's Bridge District for a 5-year period, with the requested withdrawals and staff-recommended removals. Mr. Murray seconded the motion, which passed (4-2). (Mr. Missel and Mr. Carrazana opposed; Ms. Firehock was absent.)

AFD2024-11 Jacobs Run District Review

Mr. Moore moved that the Planning Commission recommend renewal of the Jacobs Run District for a 10-year period, with the requested withdrawals and staff-recommended removals. Mr. Clayborne seconded the motion, which passed (4-2). (Mr. Missel and Mr. Carrazana opposed; Ms. Firehock was absent.)

Committee Reports

There were none.

Review of Board of Supervisors Meeting: December 11, 2024

Mr. Barnes said that the Board took action to move forward with membership in a regional transit authority.

AC44 Update

There was none.

Old Business

There was none.

New Business

Mr. Carrazana said he would like to bring up the conversation about traffic studies and the limitation they have. He said that he assumed that the County could find a way to amend this limitation. He said that the current limitation was based on 1,000 trips, so he was wondering what options they had to request traffic studies. He said that in the past, they had conducted traffic studies, and he assumed they could request them. He said that specifically, they could request traffic studies for areas that they knew had potential issues, even if they were not required due to the threshold. He said that he was wondering what leeway the County had to request these studies.

Mr. Barnes said that he believed the number was based on the 527 state regulations regarding traffic studies. He said that they can ask for additional traffic studies. He said that he would follow up on this.

Mr. Carrazana said that particularly when they were aware that multiple applications were likely to be submitted within a year, and this had happened before. He said that as a result, they never actually saw the full impact on the roads.

Mr. Barnes said that once they reached a certain number of trips generated, the study's value began to diminish. He said that to be effective, a study required a sample size of a sufficient number to be meaningful.

Mr. Carrazana said that they had done this type of analysis before, conducting traffic studies at UVA. He said that in this case, they would have multiple developments in the area, which could include a clinic on one side. He said that the clinic might be small, but when they aggregated the impact, it became significant on the road.

Mr. Carrazana said that as they planned for the future, they were looking at the cumulative impact on the road network. He said that their analysis showed that some roads were failing or becoming more challenging due to these developments. He said that he believed they needed to consider this issue more holistically, rather than just looking at individual developments.

Mr. Barnes said that the size of them was small, making it more challenging to determine their value. He said that he believed one of the reasons the Crozet master plan addressed this issue was by aggregating the parcels in the area, which provided a benefit. He said that typically, zoning applications in concentrated areas did not occur in short periods of time, unlike the UVA master planning process, which involved multiple parcels.

Mr. Carrazana said that in Crozet, for example, they had already had multiple applications that were in the process of being submitted, so if they were asking them to conduct a traffic study, they already had that information. He said that as the applications came in, they would be able to aggregate the data and determine the actual impact on that road. He said that there was a benefit.

Items for follow-up

There were none.

Adjournment

At 10:55 p.m., the Commission adjourned to January 14, 2025, 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
Date:
Initials: