Original Proffers __X___

Amendment _____

DRAFT PROFFER STATEMENT

ZMA Number and Name: 2025-00007 Windy Knoll

Parcel Numbers: 05600-00-00-096A0, 05600-00-00-096B1, 05600-00-00-096B2

Owner: Edward C Carrington, VII

Date of Proffer Signature:

TMP 05600-00-00-096A0 1.080 Acres to be rezoned from R-1 Residential to R-6 Residential
TMP 05600-00-00-096B1 1.033 Acres to be rezoned from R-1 Residential to R-6 Residential
TMP 05600-00-00-096B2 1.033 Acres to be rezoned from R-1 Residential to R-6 Residential
3.146 acres total to be rezoned from R-1 Residential to R-6 Residential

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Edward C Carrington, VII is the owner (the "Owner") of Albemarle County Tax Parcels TMP 05600-00-00-096A0, TMP 05600-00-00-096B1, and TMP 05600-00-00-096B2 (together, the "Property"). The Property is the subject of rezoning application ZMA No. 2025-00007, a project known as "Windy Knoll" (the "Project").

Pursuant to Section 33 of the Albemarle County Zoning Ordinance (Chapter 18 of the Albemarle County Code), the Owner hereby voluntarily proffers the conditions listed below, which shall be applied to the development of the Property if it is rezoned to the requested zoning district, R-6 Residential. These conditions are proffered as a part of the requested rezoning and the Owner specifically deems the following proffers reasonable and appropriate, as conclusively evidenced by the signature below.

1. **CONCEPT PLAN:** The Property shall be developed in general accord with the "Concept Plan" Sheet 4 of 6 of the Windy Knoll Concept Plan + Exhibits prepared by Shimp Engineering, dated May 7, 2025 and last revised November 25, 2025 and shall reflect the following Major Elements as shown and noted on the Concept Plan:
    a. The location of building envelopes and internal roads

b. The reservation of approximately 4,570 square feet of the Property for dedication to Albemarle County for the construction of Eastern Avenue in accordance with Proffered Condition 3.

2. **RESERVATION FOR PERMANENT SLOPE AND DRAINAGE EASEMENT:** For a period of ten (10) years from the date of approval of this rezoning, approximately 4,570 square feet of the Property as shown on Sheet 4 of 6 of the Windy Knoll Exhibits + Concept Plan, prepared by Shimp Engineering, dated May 7, 2025 and last revised November 25, 2025 shall be reserved for dedication to public use for the construction of Eastern Avenue.
   a. The "Reservation for Permanent Slope and Drainage Easement" shall be dedicated upon the demand of Albemarle County.
   b. Upon such request for dedication, the Owner agrees to dedicate the reserved area to the County at no cost to the County or the Virginia Department of Transportation. The Owner shall be responsible for all costs associated with the dedication including survey work and plat preparation.
   c. If no such request for dedication is made within the 10-year reservation period, the reservation shall expire and be of no further force or effect, and the Owner may use the area in a manner consistent with applicable zoning and regulations.

3. **AFFORDABLE HOUSING:**

Twenty percent (20%) of units built in the Project, shall be designated as affordable as defined herein (the "Affordable Housing Requirement"). The Affordable Housing Requirement may be met through a variety of housing types, including for-rent or for-sale housing units. The Owner reserves the right to construct and sell all or a portion of the 20% Affordable Dwelling Units within the project. The Owner shall convey the responsibility of initially constructing and selling the 20% Affordable Dwelling Units to any subsequent owner or developer of property within the Project and such subsequent owner(s) and/or developer(s) shall succeed in the duties of the Owner. The term "Owner" shall refer to such subsequent owner(s) and/or developer(s) as applicable.

   a. RATE - FOR-RENT AFFORDABLE HOUSING: The maximum rent to be charged for a For-rent Affordable Dwelling Unit, exclusive of tenant paid utilities, will be no greater than the maximum rent amounts established annually by the Albemarle County Office of Housing. Maximum rents for Affordable Dwelling Units are calculated by multiplying factors per unit size provided in Housing Albemarle, or subsequently adopted housing policy document for Albemarle County.
   b. RATE - FOR-SALE AFFORDABLE HOUSING: The maximum sales price for a For-Sale Affordable Dwelling Unit shall be equal to or less than 65% of the federal HOME Program's 1-Unit Purchase Price Limit for New Housing for Albemarle County.

c. INCOME LIMIT: Households qualifying for For-Rent Affordable Housing are limited to a gross household income limit of 80% of AMI adjusted for household size. Households qualifying for For-Sale Affordable Housing are limited to a gross household income limit of 80% of AMI adjusted for household size.

Prior to the issuance of a building permit for any new residential structure on the Property, the Owner may choose to submit an application for grant or loan funds under the Affordable Rental Housing Incentive Program. If the Owner's application for grant or loan funds under the Affordable Rental Housing Incentive Program (ARHIP) is approved, households qualifying for For-Rent Affordable Housing are limited to a gross household income limit of 60% of AMI adjusted for household size, and Households qualifying for For-Sale Affordable Housing are limited to a gross household income limit of 60% of AMI adjusted for household size.

d. TERM: For rent nits designated as Affordable Dwelling Units shall be designated as such for a minimum of 30 years from the date of issuance of certificate of occupancy for the unit (the "Affordable Term"). For sale units designated as Affordable Dwelling Units shall be designated as such for a minimum of 40 years from the date of issuance of certificate of occupancy for the unit (the "Affordable Term").

e. CONVEYANCE OF INTEREST: All deeds conveying any interest in the Affordable Dwelling Units during the Affordable Term shall contain language reciting that such unit is subject to the terms of this Section. In addition, all contracts pertaining to a conveyance of any Affordable Dwelling Unit, or any part thereof, during the Affordable Term shall contain a complete and full disclosure of the restrictions and controls established by this Section. At least thirty (30) days prior to the conveyance of any interest in any Affordable Dwelling Unit during the Affordable Term, the then-current Owner shall notify Community Development in writing of the conveyance and provide the name, address and telephone number of the potential grantee, and state that the requirements of this Section have been satisfied.

f. REPORTING RENTAL RATES AND INCOME LIMITS: During the Affordable Term, within thirty (30) days of each rental or lease term for each For-Rent Affordable Dwelling Unit, the Owner shall provide to Community Development a copy of the rental or lease agreement for each such unit rented that shows the rental rate for such unit and the term of the rental or lease agreement as well as the gross household income of the household occupying the For-Rent Affordable Dwelling Unit. In addition, during the Affordable Term, the Owner or its successor shall provide to the Community Development Department, if requested,

any reports, copies of rental or lease agreements, or other data pertaining to rental rates as Community Development may reasonably require. Prior to the sale of any For-Sale Affordable Dwelling Units, the Owner shall provide documentation to the Department of Community Development confirming the household income limit is not exceeded by the purchaser of any For-Sale Affordable Dwelling Unit during the Affordable Term.

g. TRACKING: Each subdivision plat and site plan containing residential units for land within the Project shall designate lots or units, as applicable, that will satisfy the 20% Affordable Housing Requirement. Such subdivision plat(s) or site plan(s) shall not be required to identify the method by which the 20% Affordable Housing Requirement will be satisfied. The aggregate number of such lots or units designated for affordable units within each subdivision plat or site plan shall constitute a minimum of twenty percent (20%) of the lots or units in such subdivision plat or site plan unless such subdivision plat or site plan does not contain any residential uses. The Owner, at the Owner's option, may accelerate the provision of affordable units ahead of the Affordable Housing Requirement and shall be entitled to receive credit on future subdivision plat(s) or site plan(s) for any such units provided beyond the Affordable Housing Requirement.

(Signature Page Immediately Follows)

WITNESS the following signature:

OWNER:

Owner of Tax Parcels 05600-00-00-096A0, 05600-00-00-096B1, 05600-00-00-096B2:

EDWARD C CARRINGTON VII

_____

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF_____, to wit:

The foregoing instrument was acknowledged before me this ____day of _____2025 by Edward C Carrington, VII.

My Commission expires: _____ _____
Notary Public