Original Proffers _____

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 April 22, 2026 and shall reflect the following major elements as shown and noted on the Concept Plan:
    a. The general 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 2.

c. No more than eleven (11) dwelling units on the portion of the Property designated as the 'North Building Zone,' no more than eleven (11) dwelling units on the portion of the Property designated as the 'South Building Zone,' and no more than eighteen (18) dwelling units in the aggregate on the Property.
d. The general location of the 'amenity area', which shall be provided in accordance with the guidelines contained in Chapter 18, Article II, Section 4.16.1 of the Albemarle County Zoning Code.
e. The general location of a new 10' public access easement and 8' wide paved public path 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 April 22, 2026, 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. Any and all future improvements made within the reserved area shall be made at the cost of the grantee.
    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. **RESERVATION FOR PERMANENT ACCESS EASEMENT**
    a. The "New 10' Public Access Easement" shall be dedicated to the County, at no cost to the County, prior to the issuance of any certificate of occupancy for any new structure on the Property.
    b. The Owner agrees to make path improvements, at Owner's sole expense, prior to dedication.
        i. The 8' wide paved public path shall be in accord with the minimum surface requirements for Albemarle County Design Standards Manual "Class A – type 2 low-maintenance multi-use, shared use path."

4. **AFFORDABLE HOUSING:** Twenty percent (20%) of units proposed in the Project, shall be designated as affordable housing, as defined herein (each an "Affordable Housing Unit"). Such requirement may be met through a variety of housing types, including, but not limited to, for-rent or for-sale housing units. The Owner reserves the right to construct and sell all or a portion of the 20% Affordable Housing Units within the project. The term "Owner" shall refer to such subsequent owner(s) and/or developer(s) as applicable.

a. FOR RENT AFFORDABLE HOUSING UNITS: For rent Affordable Housing Units within the Project shall be leased to households earning no greater than 60% of the applicable Area Median Income ("AMI"), as established by the U.S. Department of Housing and Urban Development, and adjusted for household size. Any for rent units designated as Affordable Housing 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 "For Rent Affordable Term").
b. FOR SALE AFFORDABLE HOUSING UNITS: For sale Affordable Housing Units within the Project shall be sold to households earning no greater than 80% of the applicable AMI, adjusted for household size. Any for sale units designated as Affordable Housing 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 "For Sale Affordable Term").
c. CONVEYANCE OF INTEREST: All deeds conveying any interest in any Affordable Housing Units during the For Rent Affordable Term and the For Sale Affordable Term shall contain language reciting that such unit is subject to the terms of this Section. At least thirty (30) days prior to the conveyance of any interest in a For Sale Affordable Housing Unit, if any, during the For Sale Affordable Term, the then-current Owner shall notify the Albemarle County Community Development Department ("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.
d. REPORTING RENTAL RATES AND INCOME LIMITS: During the For Rent Affordable Term, the Owner or its successor shall provide to the Community Development, if requested, not more than annually, any reports, copies of rental or lease agreements, or other data pertaining to rental rates as Community Development may reasonably require. During the For Sale Affordable Term, prior to the sale of any For Sale Affordable Housing Unit, if any, the Owner shall provide documentation to Community Development confirming the income of the prospective purchaser does not exceed the limit set herein.
e. 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 Unit requirement. Such subdivision plat(s) or site plan(s) shall not be required to identify the method by which the 20% Affordable Housing Unit requirement will be satisfied.

(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 _____2026 by Edward C Carrington, VII.

My Commission expires: _____ _____
Notary Public